

# Achieving Decent Work for Domestic Workers in Jamaica:

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October 2023



Progress and Prospects Seven Years After  
the Ratification of the Domestic Workers  
Convention, 2011 (No. 189)

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## LIST OF ACRONYMS

C189	International Labour Organization Convention No. 189, the Domestic Workers Convention, 2011
CARICOM	Caribbean Community
GOJ	Government of Jamaica
IDWF	International Domestic Workers Federation
ILO	International Labour Organization
JEF	Jamaica Employers' Federation
JHWA	Jamaica Household Workers' Association
JHWU	Jamaica Household Workers' Union
LMIS	Labour Market Information Service
MLSS	Ministry of Labour and Social Security
NHT	National Housing Trust
NIA	National Insurance Act
NIS	National Insurance Scheme
OSH	Occupational Safety and Health
PCEB	Pay and Conditions of Employment Branch of the Ministry of Labour and Social Security
SDG	United Nations Sustainable Development Goal
TFAP	Transition to Formality Action Plan

Cover photograph: The sculpture *Negro Aroused*, by Edna Manley on Kingston Waterfront.

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## ACKNOWLEDGMENTS

This report was authored by Dr. Simon Black, Associate Professor of Labour Studies at Brock University in Ontario, Canada, in collaboration with Dr. Lauren Marsh, Acting Head of the Hugh Shearer Labour Studies Institute (HLSLI) at the University of the West Indies Global Campus.

Principle thanks to the domestic workers who generously gave their time to participate in the study. Thanks also to the representatives of government and civil society who gave their time for stakeholder interviews. Sincere thanks to Mr. Donald (Danny) Roberts, former Head of the HLSLI, who contributed to the research design and initiated the project during his tenure at the Institute. Thank you to Ms. Coleen Morris for contributing the quantitative data analysis and the section on survey methodology. Thanks to Ms. Judith Wedderburn for providing valuable feedback on the research design and kindly facilitating two focus groups with domestic workers. And special gratitude to Ms. Shirley Pryce, Secretary General of the Jamaica Household Workers' Union (JHWU), and Ms. Gillian Corrodus, Divisional Director of Industrial Relations and Allied Services (Ministry of Labour and Social Security), whose cooperation made the study possible.

Gratitude is also extended to the following individuals who made contributions to the project at various stages:

Ms. Sainia Bennett-Davis, Senior Administrative Assistant, HLSLI  
 Dr. Jonah Butovsky, Associate Professor of Sociology, Brock University  
 Ms. Elaine Coburn, President, JHWU  
 Ms. Natalie Cockburn, JHWU  
 Mr. Richard Wallen, Technical Assistant, HLSLI  
 Ms. Elizabeth Wasyłowich, Administrative Assistant, Brock University  
 Ms. Natasha Wilson, JHWU

Finally, thank you to Mr. Sean Cain of Better World Communications for layout and graphic design of the report.

The study was funded and supported by the Council for Research in the Social Sciences and the Social Justice Research Institute at Brock University.



The publication of this report was supported by the Canada-Caribbean Institute at Brock University, the Canadian Committee on Labour History, the Canadian Association for Work and Labour Studies, and the Hugh Shearer Labour Studies Institute at the University of the West Indies Global Campus.



This study would not have been possible without the cooperation of the Jamaica Household Workers' Union. Thank you.



*The views and opinions expressed in this report do not necessarily represent those of the above institutions. The lead author is solely responsible for the content of the report, including any errors or omissions.*

## EXECUTIVE SUMMARY

In thousands of households across Jamaica, domestic workers do the work of cooking, cleaning, gardening, and caring for children, the elderly, and persons with disabilities.<sup>1</sup> This work is essential to the functioning of the Jamaican economy and to the well-being of many Jamaican households, including their most vulnerable members. And yet domestic workers in Jamaica experience decent work deficits, such as low pay, poor working conditions, and informal work arrangements.

This report presents the findings of a study of domestic work in Jamaica. The background for the study was the Government of Jamaica's ratification of International Labour Organization Convention (ILO) No. 189, the Domestic Workers Convention, in 2016. The Convention is the first international legal instrument entirely devoted to domestic work and contains a minimum set of labour standards to promote decent work for domestic workers. Jamaica became the sixteenth ILO Member State to ratify the Domestic Workers Convention (hereafter C189) and the second member of the Caribbean Community (CARICOM) to do so, following Guyana in 2013. As of September 2023, only 36 of the ILO's 187 member states have ratified C189, putting Jamaica in a small club of countries that have set out to make decent work a reality for domestic workers. Since 2016, the Government of Jamaica has been in the process of bringing national laws and policies into harmony with the Convention.

Estimates put the number of domestic workers in Jamaica at anywhere between 56,000 and 100,000 persons, an estimated 80 percent of whom are women (ILO 2018, 2021). Making decent work a reality for domestic workers requires the legal recognition of domestic workers in labour and social security laws—affording adequate levels of protection that are, at a minimum, no less favourable than those enjoyed by other workers—and the effective implementation of those laws (ILO 2021, 242). While gaps remain in the wake of the Government of Jamaica's ratification of C189, domestic workers enjoy a relatively high degree of legal coverage, meaning their inclusion under key labour and social security laws. However, questions remain about the degree to which domestic workers in Jamaica can effectively access their

rights and protections in reality; that is the degree to which they enjoy effective coverage.<sup>2</sup> Seven years on from Jamaica's ratification of C189, this report takes stock of the progress made toward achieving decent work for domestic workers.

Governments, employers, and domestic worker organizations all have a role to play in advancing decent work in the domestic work sector (see ILO 2021). Governments have a responsibility to extend legal coverage to domestic workers, implement laws and policies, and enforce labour standards. Employers have an obligation to comply with labour and social security laws and treat employees with dignity and respect. Organizations of domestic workers can act as vehicles for collective representation and worker voice and are key to efforts to promote awareness of labour rights and social protection.

With the aim of developing recommendations that may act as a guide to action for achieving decent work for domestic workers in Jamaica, this study set out to answer three questions: In the wake of Jamaica's ratification of C189, what progress has been made toward developing a regime of regulatory enforcement and compliance in the country's domestic work sector? To what degree do domestic workers in Jamaica enjoy effective coverage? And finally, what is the status, role, and function of domestic worker organizations in Jamaica? Given the lack of empirical knowledge about the domestic work sector in Jamaica (see Dunn 2011), the study also sought to fill information gaps on the situation of domestic workers by collecting socio-demographic data and data on domestic worker wages and working conditions, awareness of rights and protections, and domestic workers' experiences of their work and views on the role of government.

## METHODOLOGY

The study employed a mixed methodology using both quantitative and qualitative data collection tools. To collect the quantitative data, a survey of 212 domestic workers (n=212) in the Kingston and St. Andrew area was completed. The quantitative data is supported by qualitative data by way of two focus groups with 30 domestic workers. Focus group interviews were also con-

<sup>1</sup> While the terms “household work” and “household worker” are preferred in Jamaica, this report uses “domestic work” and “domestic worker” in line with the International Labour Organization's usage of these terms. See ILO (2021).

<sup>2</sup> For the distinction between legal and effective coverage, see ILO (2021).

ducted with representatives of the Ministry of Labour and Social Security (MLSS) and the executive of the Jamaica Household Workers' Union (JHWU). In addition, in-depth interviews were conducted with a representative of the MLSS and with representatives of the JHWU. Finally, secondary data from studies, reports, and statistics from the Government of Jamaica, the ILO, and the Jamaica Household Workers' Union, was collected and analyzed.

## MAIN RESEARCH FINDINGS

- ◆ While Jamaica has made progress in extending legal coverage to domestic workers, the lack of effective implementation and compliance with labour and social security laws remains a major source of informality in the sector and a barrier to decent work for domestic workers. An estimated 93 per cent of domestic workers in Jamaica are in informal employment (MLSS 2021) and 83 per cent of domestic workers surveyed for this study do not possess a written employment contract.
- ◆ The Ministry of Labour and Social Security is aware of decent work deficits in the domestic work sector, is sensitive to the challenges facing domestic workers, and is committed to social dialogue with domestic worker organizations. However, the Ministry currently lacks the institutional capacity to adequately promote, implement and enforce compliance in the domestic work sector. Unless and until the Government devotes further resources to building this institutional capacity, decent work will remain elusive for domestic workers.
- ◆ Seven years on from the Government's ratification of C189, far too many domestic workers in Jamaica lack awareness of their labour and social protections. Nearly 84 per cent of non-union domestic workers surveyed for this study have not heard of C189 and 80 per cent reported being unaware of any laws that protect domestic workers in Jamaica. This is troubling as workers' awareness of rights is key to the realization of rights and to effective coverage.
- ◆ Domestic workers' membership in a domestic workers' union is positively related to several indicators of effective coverage and formalization of employment. Domestic workers who are members of the Jamaica Household Workers' Union are more likely than non-union domestic workers to contribute to the National Insurance Scheme, twice as likely than their non-union counterparts to possess a written employment contract, and far more likely than non-union domestic workers to be aware of their labour and social security protections. Additionally, the study found strong support for unionization among non-union domestic workers: 61 per cent of non-union domestic workers surveyed believe they would benefit from being a member of the JHWU. The findings suggest that strengthening collective representation in the domestic work sector is one route to greater formalization and effective coverage.





- ◆ Domestic workers play a vital role in Jamaica's care economy, providing both direct and indirect care services. Approximately 22 per cent of women working in the sector are employed primarily to provide direct care i.e., the face-to-face personal care activities for children, the elderly, or other family members (WIEGO 2022), and almost all women employed in the sector provide some form of indirect care to households, such as cleaning, cleaning or washing clothes. Domestic workers' low wages subsidize the cost of care that sustains families and fills in for a lack of social services and adequate care leave policy. Yet domestic workers lack access to the training and skills development necessary to improve the quality of care that they provide to Jamaican households. In addition, domestic workers need greater access to care leave and services to meet the care needs of their own families and achieve better work-life balance.
- ◆ Domestic workers generally believe that the Government does not adequately enforce their labour rights and many are frustrated with the slow pace in which Jamaica is moving toward making decent work a reality for domestic workers. Nearly 90 per cent of survey respondents believe the Government

does not adequately inform domestic workers of their labour rights; 82 per cent would like to see the Government do a better job of enforcing laws that protect domestic workers' rights. In focus groups with domestic workers, researchers heard a common refrain that recalled the chorus of a popular dancehall hit of the 1990s: domestic workers want to see "action" from Government, "not a bagga mouth."

## RECOMMENDATIONS

To fulfill the promise of C189, domestic workers must enjoy decent work, both in law and in practice (ILO, 2021, 2023). While seventeen detailed and area-specific recommendations are found in Part 4 of the report, the following overarching recommendations should be considered areas for action by the Government of Jamaica:

- ◆ Build the capacity of the Ministry of Labour and Social Security to promote, monitor and enforce compliance in the domestic work sector, including through the creation of a specialized domestic work section; introducing pro-active neighbour-

hood-based inspections; public awareness campaigns and improved dissemination of information to employers and workers; and co-enforcement measures in cooperation with the JHWU.

- ◆ Promote compliance with social security laws and policies by removing administrative barriers, simplifying National Insurance Scheme registration and contribution procedures, and facilitating access to benefits, including through the use of digital technology.
- ◆ Invest in skills training and professionalization for domestic workers through the establishment of a domestic worker training institute to be funded by the Government and operated by the JHWU. Skills training and professionalization for domestic workers can promote formalization, particularly when training institutes simultaneously act as a point of hire for household employers (see ILO 2021, 246). As such, the JHWU domestic worker training institute should also act as a hiring hall.
- ◆ In the spirit of tripartism and social dialogue, the Government should work with the Jamaica Employers' Federation and JHWU to establish the legal

and institutional framework and conditions necessary for national-level collective bargaining in the domestic work sector.

- ◆ Take meaningful action to eliminate gender-based violence and workplace harassment and ensure domestic workers' have access to justice via the courts and the Sexual Harassment Tribunal. The Government should also ratify ILO Convention No. 190, the Violence and Harassment Convention.

Achieving decent work for domestic workers is fundamental to social justice, to gender equality and to fulfilling Jamaica's commitments under the national development plan, Vision 2030 Jamaica. While decent work deficits in the domestic work sector remain, relative to its CARICOM neighbours, the Government of Jamaica is making slow, but steady progress toward making decent work a reality for domestic workers. Furthermore, the JHWU is establishing regional best practices in domestic worker organizing and collective representation. As such, Jamaica is emerging as a regional leader in advancing decent work for domestic workers. It is a leadership role that both the Government and Jamaican civil society should fully embrace.





## INTRODUCTION

### 1.1 INTRODUCING THE STUDY

**October 11, 2023, marks the seventh anniversary of the Government of Jamaica's ratification of International Labour Organization (ILO) Convention No. 189, the Domestic Workers Convention.**<sup>3</sup> The Convention, adopted in June 2011 by the International Labour Conference, is the first international legal instrument entirely devoted to domestic work and the first to recognize domestic work as equivalent to all other kinds of work.<sup>4</sup> The Convention contains a minimum set of labour standards to promote decent work for domestic workers. The Convention (hereafter C189) and its accompanying Recommendation (No. 201), "are founded on the fundamental premise that domestic workers are neither 'servants', nor 'members of the family' nor second-class workers."<sup>5</sup>

**Globally, there are almost 76 million domestic workers, and an estimated 76 per cent of them are women. The overwhelming majority (82 per cent) of the world's domestic workers are in developing and emerging countries (ILO 2021).** Compared to most other wage workers, domestic workers tend to have lower wages, fewer benefits, and less legal or social protections. Very few domestic workers have employment contracts and around 80 per cent of domestic workers are informal (ILO 2021, 189). As domestic workers are employed in private homes, they tend to be invisible as workers and isolated from others in the sector. This isolation makes domestic workers particularly vulnerable to abuse, violence, and harassment (see IDWF 2019) and is a barrier to domes-

3 The Domestic Workers Convention, 2011 (No. 189) entered into force for Jamaica on 11 October 2017.

4 The International Labour Conference also adopted a Recommendation on Decent Work for Domestic Workers, Recommendation No. 201 (or R201). Recommendations are a set of guidelines to help countries shape their labour laws, but unlike conventions, they do not need to be ratified and are not binding on member states. R201 guides member states on how to align their labour laws and policies with C189.

5 [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---pro-trav/---travail/documents/publication/wcms\\_168266.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---pro-trav/---travail/documents/publication/wcms_168266.pdf)

tic worker organizing and collective representation (see ILO 2015b). The COVID-19 pandemic highlighted the essential nature of domestic work, but it also further exposed gaps in protection for domestic workers (ILO 2021). Unfortunately, domestic workers around the world continue to face stereotypes, discrimination, and a lack of recognition of the social value of their work and its contribution to the economy.

**Jamaica became only the sixteenth ILO Member State to ratify C189 and the second member of the CARICOM to do so, following Guyana in 2013.**<sup>6</sup> As of September 2023, twelve years on from the International Labour Conference's adoption of the landmark convention, just thirty-six of the ILO's 187 Member States have ratified C189. This puts Jamaica in a small club of countries that have committed to raise labour standards to those set out in the Convention.

Domestic workers and their organizations were central to civil society efforts to encourage the adoption of C189 at the ILO and they have since mobilized to

support the ratification of the Convention in their respective countries (see ITUC, IDWF and ILO 2013). **In Jamaica, the Jamaica Household Workers' Union (JHWU) and its civil society partners played an integral role in the Government's ratification of C189.**

Estimates put the number of domestic workers in Jamaica at anywhere between 56,000 and 100,000 persons, 80 per cent of whom are women (see ILO 2018, 2021). An estimated 93 per cent of domestic workers in Jamaica are in informal employment (MLSS 2021). Domestic workers play a largely unacknowledged but vital role in Jamaica's care economy, providing direct and indirect care services to households. Domestic workers' low wages subsidize the cost of care that sustains families, supports the Jamaican economy, and fills in for a lack of social services and adequate care leave policy.

**The ratification of C189 was an important step on the road toward making decent work a reality for these workers.** Since 2016, the Government of Jamaica (GOJ) has been working to review and amend existing legisla-

6 C189 has since been ratified by two more CARICOM Member States: Grenada and Antigua and Barbuda

"While great progress has been made, domestic workers in Jamaica continue to experience decent work deficits."

tion to ensure alignment with C189 and to ensure that domestic workers enjoy labour and social protections equivalent to those enjoyed by other workers. Building on the ratification of C189, the Ministry of Labour and Social Security (MLSS) has partnered with the ILO Decent Work Team for the Caribbean, and collaborated with the JHWU, on the Transition to Formality Action Plan (TFAP). Launched in November 2021, the TFAP is designed to reduce the incidence of informality in employment arrangements for workers in Jamaica, beginning with domestic workers and fisher folks (see MLSS 2021). In 2021, Jamaica was recognized by the Commonwealth Human Rights Initiative (CHRI) as a Good Practice Example for its efforts to formalize domestic workers (see CHRI 2021). Through their organizing and advocacy, the JHWU has helped drive the revision of laws and policies to bring Jamaica into line with C189 and has promoted compliance and formalization, a role recognized by the Government of Jamaica.<sup>7</sup>

**While great progress has been made, domestic workers in Jamaica continue to experience decent work deficits.** Achieving Decent Work for Domestic Workers in Jamaica takes stock of the progress and prospects for decent work for domestic workers seven years following Jamaica's ratification of C189. The current report is not the first to do so. In 2021, the GOJ sent its first report to the ILO detailing the measures it has taken to give effect to the provisions of C189. The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR)<sup>8</sup> has since responded to the Government, identifying several gaps in legal coverage that must be closed to give full effect to the provisions of C189.<sup>9</sup> The goal of the current study was not to duplicate the work of the CEACR. The primary research objectives of Achieving Decent Work for Domestic Workers in Jamaica were to:

- ◆ Collect sociodemographic and socio-economic data to provide an updated profile of domestic work in Jamaica, and to gauge domestic workers' awareness of labour rights and social security protections and learn more about their experiences of their

<sup>7</sup> See <https://www.mlss.gov.jm/news/jamaica-recognized-for-efforts-to-formalize-domestic-workers/>

<sup>8</sup> The CEACR is an independent body within the ILO supervisory team that is responsible for conducting impartial and technical examination of the compliance of Member States with provisions of ratified Conventions and Protocols.

<sup>9</sup> See [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEX-PUB:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4288512,103236:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEX-PUB:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4288512,103236:NO)

work and views on the role of government.

- ◆ Determine the degree to which domestic workers in Jamaica enjoy not only legal coverage (meaning their inclusion under key labour and social security laws) but effective coverage (meaning that they can effectively access to their rights and protections in reality).
- ◆ Examine the status, role and function of domestic worker organizations in collective representation, worker voice and social dialogue, and determine if there is a relationship between domestic workers' union status (i.e., member of a trade union or not) and indicators of effective coverage and formalization of employment.
- ◆ Finally, develop recommendations that may act as a guide to action for achieving decent work for domestic workers in Jamaica.

## 1.2 METHODOLOGY

To realize these objectives, the study employed a mixed methodology using both quantitative and qualitative data collection tools. To collect the quantitative data, a survey was administered to a non-random sample of domestic workers (n=212) in the Kingston and St. Andrew area.<sup>10</sup> To investigate differences between unionized and non-union domestic workers, the sample was split into two subpopulations: members of the JHWU (n=96) and non-members (n=115). The quantitative data is supported by qualitative data by way of two focus groups with 30 domestic workers who work primarily in Kingston and St. Andrew. Focus group interviews were also conducted with representatives of the Ministry of Labour and Social Security and the executive of the Jamaica Household Workers' Union. In addition, in-depth follow-up interviews were conducted, one with a representative of the MLSS and one with representatives of the JHWU. Secondary data from studies, reports, and statistics from the Government of Jamaica and the ILO was also collected and analyzed. Secondary data from JHWU documents and other union materials was also collected and analyzed. Lastly, for context, coverage of domestic workers' issues in Jamaica's major daily newspapers was reviewed.<sup>11</sup>

<sup>10</sup> The most recent survey of domestic workers in Jamaica, Dunn (2011), used a non-random sample size of 77 domestic workers.

<sup>11</sup> To the best of our knowledge, our study is the first independent study of domestic work in Jamaica since the 2011 publication of Situational Analysis of Household Workers in Jamaica: Report on a Pilot Study to Promote the Decent Work Agenda by Dr. Leith Dunn.

### 1.3 SUMMARY OF KEY FINDINGS

**The study found that domestic workers in Jamaica experience an “enforcement gap”, that is a difference between the bundle of rights and protections established in law and those that are actually respected by employers in the workplace.** Expanding effective coverage by promoting and enforcing employer compliance is necessary to ensuring that domestic workers’ rights on paper become rights in practice and everyday conditions of dignity and respect. While Jamaica has made progress in extending legal coverage to domestic workers, the lack of effective implementation and compliance with labour and social security laws remains a major source of informality in the domestic work sector and a barrier to decent work for domestic workers.

While measuring employer attitudes and behaviour were outside the scope of the current study, employer perceptions that domestic work is not real work, information deficits, and administrative barriers (such as complicated registration and contribution procedures for social security), may be contributing factors to high levels of informality in Jamaica’s domestic work sector, as they have been found to elsewhere in Latin America and Caribbean (see IACW 2022).

**In the Ministry of Labour and Social Security, the study found a civil service sensitive and responsive to the needs of domestic workers, committed to the principles and objectives of C189 and the GOJ’s Transition to Formality Action Plan and to social dialogue with domestic worker organizations and other key stakeholders in the domestic work sector. However, the Ministry currently lacks the institutional capacity to adequately promote, implement and enforce compliance in the domestic work sector.**

**Domestic workers play a vital role in Jamaica’s care economy, providing direct and indirect care services.** Approximately 22 per cent of women working in the sector are employed primarily to provide direct care i.e., the face-to-face personal care activities for children, the elderly, or other family members (WIEGO 2022) and almost all women working as domestic workers provide some form of indirect care, such as cleaning, cleaning or washing clothes. Yet domestic workers lack access to the training and skills development necessary to improve the quality of care that they provide to Jamaican households.

**While meeting the care needs of their employers, do-**

**mestic workers lack access to the care leave and services necessary to meet the care needs of their own families.** Nearly 83 per cent of domestic workers surveyed reported providing direct care for at least one member of their own household. 46 per cent of respondents reported being engaged in unpaid care work in their own households for one to two hours per day, while almost 41 per cent for more than two hours per day. In focus groups, several domestic workers said they had difficulty finding adequate care services for elderly members of their households or for those living with disabilities and were reticent to exercise their right to care leave for fear of employer retaliation.

**Seven years on from the Government’s ratification of C189, far too many domestic workers in Jamaica lack awareness of their labour and social protections.**

Nearly 84 per cent of non-union domestic workers surveyed for this study have not heard of C189 and 80 per cent reported being unaware of any laws that protect domestic workers in Jamaica. This is troubling as workers’ awareness of rights is key to the realization of rights and to effective coverage more generally.

**The study also found that domestic workers’ membership in a domestic workers’ union is positively related to greater awareness of rights and several indicators of effective coverage and formalization.**

Domestic workers who are members of the JHWU are more likely than non-union domestic workers to contribute to NIS, twice as likely than their non-union counterparts to possess a written employment contract, and far more likely than non-union domestic workers to be aware of their labour and social security protections. Additionally, 61 per cent of non-union domestic workers surveyed believe they would benefit from being a member of the JHWU. These findings suggest that collective representation (i.e., unionization), and strengthening workers’ organizations and voice, is a route to greater formalization of domestic work and to effective coverage.

**Domestic workers are generally frustrated with the slow pace in which the Government is moving toward making decent work a reality for domestic workers.**

Nearly 90 per cent of survey respondents believe the GOJ does not adequately inform domestic workers of their labour rights; 82 per cent would like to see the Government do a better job of enforcing laws that protect domestic workers’ rights. In focus groups with domestic workers, researchers heard a common refrain that recalled the chorus of a popular dancehall hit of the 1990s: Domestic workers want to see “action” from

Government, “not a bagga mouth.”

#### 1.4 DECENT WORK FOR DOMESTIC WORKERS AND VISION 2030 JAMAICA

Achieving decent work for domestic workers is not only a matter of social justice but will contribute to fulfilling the Government of Jamaica’s national policy commitments under the country’s first long-term strategic development plan, Vision 2030 Jamaica, which integrates the United Nations Sustainable Development Goals (SDGs).

Formalization is a means of, and a necessary condition for, achieving decent working and living conditions for Jamaica’s domestic workers. The proportion of informal employment in total employment is one of the indicators of achievement of SDG No. 8 on promoting sustained, inclusive, and sustainable economic growth, and full and productive employment and decent work for all. The GOJ has committed to “ensuring productive employment and decent work are at the centre of the country’s economic and social policies” (Hunter 2022) and has recognized the need for greater formalization of domestic work and the expansion of social security coverage for domestic workers (see Planning Institute of Jamaica 2022, 55).

Domestic work is a female-dominated sector characterized by multiple dimensions of labour market insecurity, including low wages. The gender wage gap in Jamaica is a significant barrier to women’s empowerment, perpetuating inequality and exacerbating female poverty (CAPRI 2023; see also ILO Caribbean Office 2018). Poverty and economic insecurity increase women’s vulnerability to gender-based violence and harassment on the job, in the family unit, and in society more broadly. Valuing and recognizing paid domestic work are steps toward valuing and recognizing the unpaid care and domestic work that women in Jamaica continue to bear a disproportionate burden of (see CAPRI 2022). Domestic workers already make a vital contribution to reducing gender equality by enabling their female employers to participate in the paid labour market (ILO 2021, 19). Raising the wages of Jamaica’s domestic workers, ensuring their access to social protections and to justice, is thus vital to achieving SDG No. 5 on gender

equality and empowering women and girls.

Domestic work is care work and domestic workers are pivotal to Jamaica’s care economy. The demand for domestic workers is expected to grow in light of demographic changes, increasing long-term care needs, and as more women enter the paid workforce. There is a direct relationship between care quality and the conditions of care workers. Ensuring that domestic workers have access to decent work, including adequate compensation and opportunities for training and skills development, is key to strengthening Jamaica’s care economy and improving the quality of care for some of the country’s most vulnerable citizens. It is also important to ensuring that domestic workers can meet their own care needs and achieve better work-life balance.

“Despite remaining decent work deficits in the sector, Jamaica is emerging as a regional leader in advancing decent work for domestic workers.”

Finally, climate change intensifies the work involved in caring for people, including domestic work (MacGregor et al. 2022). Worldwide, domestic workers “directly shoulder care work brought on by more frequent and severe climate disasters, including managing heat stress on homes and people” (WEIGO 2022). Furthermore, the domestic work sector, like teaching and nursing, is a low-carbon sector, making it potentially a source of good, green jobs. Achieving decent work for domestic workers should be included in stakeholder discussions around Jamaica’s Climate Change Policy Framework and SDG No. 13 on taking urgent action to combat climate change and its impacts.

#### 1.5 THE WAY FORWARD

The Government of Jamaica is making slow, but steady progress toward making decent work a reality for domestic workers. And the JHWU is establishing regional best practices in domestic worker organizing and collective representation. **Despite remaining decent work deficits in the sector, Jamaica is emerging as a regional leader in advancing decent work for domestic workers. It is a leadership role that both the Government and Jamaican civil society should fully embrace.**

## 2. DOMESTIC WORK IN JAMAICA: AN OVERVIEW

The Domestic Workers Convention (C189) defines domestic work as “work performed in or for a household or households, within an employment relationship and on an occupational basis” (ILO 2021).<sup>12</sup> While domestic workers may undertake a variety of tasks in their work from cleaning and cooking to caring for children, the elderly and persons with a disability to tending gardens or driving household members, “the defining characteristic of domestic work is the workplace – that is, the household” (ILO 2021, xvii).

### 2.1 STATISTICAL OVERVIEW

Based on the 2016 Labour Force Survey conducted by the Statistical Institute of Jamaica, the ILO (2021) estimates the total number of domestic workers in Jamaica to be 56,433. Other estimates put the number of domestic workers in Jamaica at anywhere between 56,800 and 100,000 (ILO 2018).<sup>13</sup> Globally, domestic work is a female-dominated sector and Jamaica is no exception: an estimated 80 per cent of domestic workers in Jamaica are women, while 20 per cent are men (ILO 2021, 271). For comparison, an estimated 91 per cent of domestic workers in the broader Latin America and Caribbean region are women (ILO 2021, 242).

Domestic work represents 4.9 per cent of total employment in Jamaica and domestic workers are 8.1 per cent of total employees. However, domestic work is 8.9 per cent of total female employment, compared to 1.8 of total male employment and 13 per cent of female employees (compared to 3.3% of male employees) in Jamaica are employed as domestic workers, or just over 1 in 10 women in the paid workforce (ILO 2021, 271).

The vast majority of domestic workers in Jamaica, 90 per cent, live in their own homes (live-out workers), while 10 per cent live in the homes of their employers, or are live-in workers (ILO 2021, 284). Globally, domestic workers generally work some of the longest and most unpredictable hours and those who are live-in workers

are particularly vulnerable to long hours of work. Jamaica proves to be no exception in this regard: an estimated 64 per cent of female live-in domestic workers work more than 48 hours per week, compared to 15 per cent of live-out female domestic workers (WIEGO 2022). Among male domestic workers, 39 per cent of live-in workers work more than 48 hours per week, compared to 12 per cent of live-out (ibid.).

In Jamaica, there is clear segregation between women and men in their most typical occupations in domestic work. Women are primarily employed as cleaners, helpers and direct caregivers, whereas the vast majority of male domestic workers are employed as cooks, security guards, or gardeners (ILO 2021, 16). While 76 per cent of women working as domestic workers in Jamaica are employed primarily as cleaners and helpers, 22 per cent are employed primarily to provide direct care i.e., the face-to-face personal care activities for children, the elderly, or other family members. In contrast, 85 per cent of male domestic workers are employed as security guards, gardeners, or in building maintenance (WIEGO 2022).

Dunn (2011) and Blackett (2019) remind us that the inequities and decent work deficits experienced by domestic workers today should be understood in historical context. As the chief legal architect of C189 has put it: “the common sense way in which the domestic work relationship is understood and regulated is part of a global legacy of subordination and servitude that operates in particular places and in particular ways on women’s bodies” (Blackett 2019, 11). The majority of domestic workers in Jamaica are working-class women of African descent (Babb 2017). While beyond the scope of this study, the history of domestic work in Jamaica has been documented extensively elsewhere (see Anderson 1991; Clarke 2002; Higman 1983; Johnson 1996) and it is important to note that the inequities and decent work deficits experienced by domestic workers today cannot be understood as apart from this history, including the legacies of slavery and colonialism, and longstanding inequalities along the lines of race, gender, and class in Jamaican society.

### 2.2 LABOUR INTERMEDIARIES

In other regions of the world, labour intermediaries—such as agencies, digital platforms, and cooperatives—play a growing role in the recruitment, placement, and employment of domestic workers (see Fudge and Hobden 2018). However, 97 per cent of domestic workers

<sup>12</sup> For the purposes of C189, a person who performs domestic work only occasionally or sporadically and not on an occupation basis is not a domestic worker.

<sup>13</sup> As Dunn (2011, 7) has argued, the different estimates confirm the need for a large national study to clarify the number, socio-economic profile, demographics, and working conditions of domestic workers in Jamaica.

in Jamaica are directly employed by households, while only 3 per cent are hired indirectly by or through service providers (WIEGO 2022).

Labour intermediaries have the potential to improve labour market outcomes for domestic workers and formalize domestic work; however, they can also “lead to a deterioration in working conditions and informal employment” (Fudge and Hobden 2018, 2). Given their rapid growth elsewhere (see ILO 2021, 47), digital platforms may come to play a greater role in Jamaica’s domestic work sector in the near future. Policymakers and domestic worker organizations should be aware of both the benefits and pitfalls of digital domestic work platforms and the need for sector-specific legislation to regulate digital intermediaries.<sup>14</sup> This does not discount the need for greater scrutiny of other labour intermediaries, namely employment agencies, to ensure that they are registered and that domestic workers are not subject to exploitative fees and other practices that run contrary to the goal of advancing decent work in the sector (see Babb 2017, 65).

### 2.3 INFORMALITY IN DOMESTIC WORK

High levels of informality are a longstanding issue in Jamaica. Prior to the COVID-19 pandemic, the informal economy in Jamaica was estimated at 34.2-42.6 per cent of its Gross Domestic Product and informal employment accounted for approximately 50 per cent of total non-agricultural employment (ILO 2020; see also MLSS 2023). The ILO (2021) uses informality as the main indicator of effective access to rights and protection for domestic workers and identifies three sources of informality: exclusion from labour and social security laws; lack of implementation or compliance with labour and social security laws; and insufficient or inadequate levels of legal protection.

In the wake of the ratification of C189, domestic workers in Jamaica enjoy a relatively high degree of legal coverage, as they are generally included under labour and social security laws, although in part by subordinate regulations or specific labour laws (see ILO 2021, 286). However, while gaps in legal coverage remain, the high prevalence of informal arrangements in the domestic work sector (see MLSS 2021) suggests that Jamaica lags in implementation and compliance. Ensuring effective

<sup>14</sup> Indirect recruitment of domestic workers does not exceed 20 percent in any country in Latin America and the Caribbean (ILO 2021). On platform work and digital intermediaries in the domestic work sector, see Sibiya and du Toit (2022) and Pereyra et al. (2022).

compliance with laws and regulations can be achieved through the application of various strategies, including the simplification of procedures for registration and making contributions to social security; policies that reduce the costs of formal employment; raising the awareness of both workers and employers of their rights and obligations; and increasing the costs of non-compliance through punitive measures (ILO 2021, Chapter 9). Since the ratification of C189, Jamaica has made some progress in all these areas, but clearly more needs to be done.

Most domestic workers in Jamaica do not have formal contracts, nor are they registered with a union or the National Insurance Scheme (NIS), the compulsory contributory funded social security scheme covering all employed persons in Jamaica (ILO 2018). According to the MLSS (2021), an estimated 93.2 per cent of domestic workers, compared to 33.8 per cent of other employees, are in informal employment and domestic workers represent 7.7 per cent of total informal employment in the country. The National Insurance Scheme estimates that only 3 percent of domestic workers regularly contribute to the scheme (MLSS 2021).

Globally, informal domestic workers were the least likely to have access to income support or other emergency measures adopted to address the COVID-19 pandemic. In Jamaica, approximately 45,000 female domestic workers who are unregistered or in informal work were excluded from the Government’s emergency economic relief programmes.<sup>15</sup>

Practices such as written contracts and using pay slips and other forms of record-keeping can help enforce compliance (ILO 2021, 210). However, approximately 83 per cent of domestic workers surveyed for this study did not possess a written employment contract and almost 90 percent said their employer does not provide them with a written work schedule, time sheets, and pay slips.

To its credit, the GOJ is taking action to advance formalization in the domestic work sector. The Government, through the Ministry of Labour and Social Security, has partnered with the ILO Decent Work Team for the Caribbean on a Transition to Formality Action Plan (TFAP) for Household Workers and Fisherfolks (see MLSS 2021). Launched in November 2021, the TFAP is designed to reduce the incidence of informality in employment arrangements for Jamaican workers begin-

<sup>15</sup> See [https://www.ilo.org/caribbean/projects/WCMS\\_771070/lang--en/index.htm](https://www.ilo.org/caribbean/projects/WCMS_771070/lang--en/index.htm)

ning with these target groups. The development of the TFAP was the result of a multi-stakeholder consultative process that included the JHWU (MLSS 2021, 10), demonstrating the Government's commitment to social dialogue with key stakeholders in the sector, including workers and their organizations.

The TFAP has three primary policy objectives related to domestic work: increase social protection among domestic workers; increase compliance with labour laws for the benefit of domestic workers; and foster greater economic resilience among domestic workers (MLSS 2021, 21). To achieve these objectives, the plan relies on ten key strategies, which include: raising awareness among domestic workers about the benefits of social security protection and how benefits may be accessed; strengthening labour legislation and its enforcement; simplifying the ways in which domestic workers can make social security payments; improving capacity among staff in the MLSS for inspection; revising and/or introducing mechanisms and standards for the recognition of domestic work as an occupation; and strengthening social dialogue on issues related to domestic work (MLSS 2021, 21-22). The goal is to reduce the incidence of informal employment among domestic workers by 10 per cent by 2024 (MLSS 2021, 22). While this goal is laudable, the conditions of domestic workers in Jamaica demands a more ambitious approach.

Working with key stakeholders, the TFAP identified several key barriers to the transition to formality for domestic workers, including that workers and their employers have limited awareness of the benefits of formalization; limited knowledge of NIS benefits; and limited awareness of modalities of contribution to the NIS and the National Housing Trust (MLSS 2021, 28). Stakeholders also identified the general public's perception that domestic workers are not fully fledged workers with rights and obligations as a barrier to compliance and formalization (MLSS 2021, 28). Domestic workers surveyed for the current study also identified these barriers; for instance, nearly 88 per cent of respondents believe that the GOJ should support public education to improve public attitudes toward domestic workers; and 82 per cent would like to see the Government increase social protection for domestic workers (see Part 3).

As part of the TFAP, the MLSS and JHWU have collaborated to enable domestic workers to attend meetings, discuss their rights and express concerns with MLSS officials. In addition, the Ministry has partnered with media outlets to disseminate information about domes-

tic workers' rights and produced brochures and flyers outlining the rights and obligations of workers and employers (MLSS 2023). Such awareness-raising initiatives are an important piece in the bigger compliance and formalization puzzle. However, the survey findings suggest that while such initiatives are welcome, more is needed, and especially initiatives to reach non-union domestic workers. For example, among non-union domestic workers surveyed for this study, 80 per cent said they were unaware of any laws that protect domestic workers in Jamaica.

Finally, the TFAP identifies mechanisms of training, skills development, and formal certification as a vehicle for increasing domestic workers' bargaining power and potentially an incentive to register and contribute to social security (MLSS 2021, 28). This emphasis dovetails with the JHWU's plans to establish a domestic worker training institute that stands to raise the profile of domestic work and increase domestic workers' bargaining power through upskilling and education (see 2.4).

According to the MLSS (see 2023), the TFAP has "resulted in effectively addressing complaints from domestic workers." Among other measures, the labour inspectorate has been provided with ten tablet computers to log complaints and maintain real time updating, sharing, and tracking of cases (ibid.). However, one of the challenges that labour inspectorates face in detecting cases of non-compliance is the low number of complaints brought by domestic workers (ILO 2015). While the digitization of complaint records and administration is a welcome development, more must be done to facilitate domestic workers' access to the complaint process in addition to developing pro-active strategies to detect non-compliance with labour standards and social security laws in the sector (see Section 2.6).

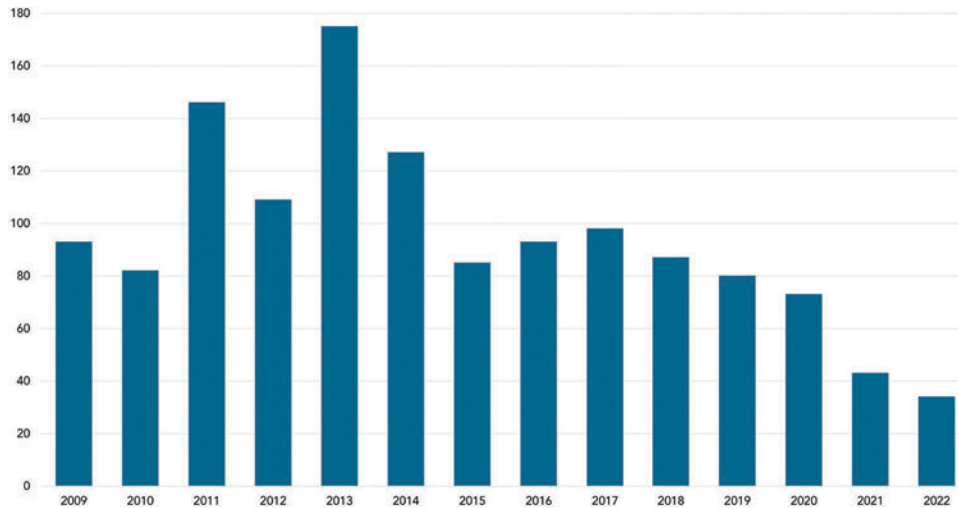
## 2.4 LABOUR STANDARDS ENFORCEMENT

In Jamaica, the number of complaints made by domestic workers to the MLSS has been on the decline since 2014. Compared to a thirteen-year high of 175 in 2013, in 2022 the Ministry received only 34 complaints from domestic workers (see Chart 1). According to the MLSS, domestic worker complaints are most often related to vacation leave, notice pay, sick leave, and redundancy payment.<sup>16</sup>

### Reported breaches of the National Minimum Wage Act

<sup>16</sup> Correspondence with the Ministry of Labour and Social Security.

Chart 1: MLSS Domestic Worker Complaints Per Year (2013-2022)



**Source:** Ministry of Labour and Social Security

\* Prior to 2009, MLSS did not disaggregate complaint data by sector

\*\* Data is for the parishes of Kingston, St. Andrew, St. Thomas and St. Catherine only

in the domestic work sector have also been on the decline (see Chart 2). Compared to 338 reported breaches of the Act in 2016, in 2021 the MLSS received only 65 complaints from domestic workers alleging employer breaches of the Act.

These trends may indicate rising levels of compliance in the sector, perhaps owing to greater public awareness of domestic workers' rights in the context of Jamaica's ratification of C189 and the civil society campaign that preceded it. However, for several reasons, it is important to caution against reading low and declining numbers of complaints as evidence of high and increasing levels of employer compliance in Jamaica's domestic work sector.

First, the ILO identifies several factors that contribute to low levels of complaints by domestic workers, including fear of employer reprisal; lack of collective representation; worker mistrust of public authorities; and workers' lack of formal education and low levels of awareness of rights (ILO 2015a). Past studies have found that CARICOM labour inspectorates receive very few complaints from domestic workers (see Babb 2017), a pattern found across the broader Latin America and Caribbean (see IACW 2022). Senior labour officers in CARICOM Member States have attributed low levels of complaints to fear of employer reprisal (Babb 2017, 21). And sectors prone to a high degree of informal work arrangements, such as domestic work, are also generally associated with low levels of complaints (Weil and Pyles 2005).

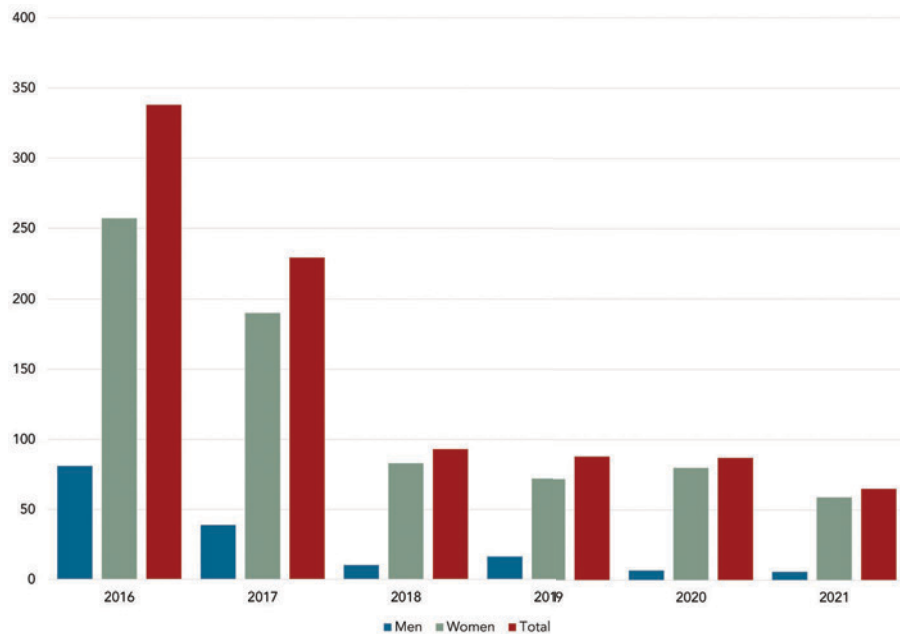
Second, rather than signaling high levels of compliance, low levels of complaints may signal the ineffectiveness of reactive, complaint-driven enforcement in the sector. This approach to enforcement relies on workers to contact the labour inspectorate to report a violation. This highly individualized process puts the onus on an individual worker, who lacks meaningful bargaining power and voice, to move a complaint forward (Arad-Neeman 2021).

Third, complaint-driven enforcement operates on the flawed assumption that there is a strong positive correlation between complaint rates and violation rates, leading labour inspectorates to conclude that "quiet industries are compliant industries" (see Arad-Neeman 2021; Fine 2017; Vosko et al. 2020). When labour inspectorates allocate resources based on when and where workers make complaints, then sectors with high levels of employer non-compliance, but low levels of complaints, are neglected. As such, the low number of complaints brought forward by domestic workers, makes it difficult for labour inspectorates to detect cases of non-compliance (ILO 2021, 210). For these reasons, the ILO has argued that complaint-driven intervention models cannot adequately respond to the needs of domestic workers (ILO 2015a).

Finally, the current study's survey of domestic workers in Jamaica (see Part 3) found that almost three-quarters of respondents (73.6 per cent) think a lack of enforce-



Chart 2: Breaches of National Minimum Wage Act (Domestic Workers) Reported by Sex, 2016-2020



Source: Ministry of Labour Statistical Bulletin 2017-2021

ment of their rights is a main concern facing domestic workers in Jamaica; 81.6 per cent would like to see the Government do a better job enforcing laws that protect domestic workers' rights. In addition, 75 per cent of respondents said they would like to see the Government improve access to the MLSS complaints process.

The widespread use of informal arrangements in the domestic work sector also poses a serious barrier to enforcement and compliance. Labour Officers at the MLSS said that the absence of a written employment contract is the primary barrier to advancing domestic worker complaints, to determining whether formal intervention is required to address an alleged breach of the pay and conditions of employment, and to providing timely case management.

## 2.5 COLLECTIVE REPRESENTATION, VOICE, AND SOCIAL DIALOGUE

Domestic workers in Jamaica have vehicles for collective representation, worker voice and social dialogue. Domestic workers have the right to organize or join trade unions and following a series of training sessions sponsored by the Bureau of Women's Affairs, the Jamaica Household Workers' Association was formed in 1991. The JHWA became an officially registered trade union in 2013 and was renamed the Jamaica Household

Workers' Union (JHWU).

The JHWU is the sole trade union representative of domestic workers in Jamaica. It is the largest domestic worker organization in the CARICOM and one of the largest in the broader Caribbean and Latin America. The union is a founding member of the Caribbean Domestic Workers' Network (CDWN) and the International Domestic Workers Federation (IDWF), the first membership-based global organization of domestic workers. The JHWU maintains strong ties with international partners, including UN Women, the ILO, and other civil society organizations (CHRI 2021).<sup>17</sup>

The aims of the JWHU are to ensure fair and just working conditions and wages for domestic workers; protect the rights of women who provide domestic services; provide skills training in household management and other areas; and empower its members in achieving their personal and on-the-job goals (JHWU 2022). The motto of the union is, "Respect, Equality, Dignity" (JHWU 2022).

<sup>17</sup> The CDWN was launched in 2011 with the assistance of the ILO and UN Women and includes domestic worker organizations from Jamaica, Antigua and Barbuda, Trinidad and Tobago, Guyana, Grenada, Barbados, St. Kitts and Nevis and St. Lucia. The IDWF was formed in 2013



Given the low wages of domestic workers globally, few domestic workers organizations are entirely reliant on membership dues for funding and financial stability (Fish 2017). The JHWU is no exception in this regard: while the union is funded partially through membership dues, which are collected regularly at membership meetings, the JHWU also relies on external funding from charitable foundations and on resources from government partners.

The JHWU experienced growth in the context of the drive for ratification of C189 in Jamaica. In 2011, the union (then the JHWA) had a membership of 1,600 domestic workers (Dunn 2011). Today, the JHWU counts 7,280 members across 13 chapters island wide, marking a 355 per cent increase in membership since 2011. The growth of the union is all the more remarkable when considering the challenges in organizing domestic workers, from high turnover in employment to time poverty owing to long hours of work to the difficulties of reaching domestic workers at the workplace to organize

them (see ILO 2023, 30). The union overcomes these challenges by engaging in a range of organizing and recruitment activities, including distributing information pamphlets at ATM machines and bus stops where domestic workers congregate; dropping union brochures at houses in neighbourhoods with a high density of domestic worker employers; and training members to engage in one-on-one organizing conversations and member-to-member outreach. The union also recruits members through training and skills and “know-your-rights” workshops, which are open to non-union domestic workers.

In addition to these activities, the JHWU’s strong media presence are likely factors in its ability to build and retain membership. Between the adoption of C189 at the ILO in 2011 and Jamaica’s ratification of the Convention in 2016, the JHWU and its former President, Shirley Pryce, were frequently featured in the country’s major daily newspapers and online media outlets. The JHWU’s ratification campaign included protests, marches, letters

to parliamentarians, petitions, and workshops (CHRI 2021). The union has maintained a strong media presence in the wake of ratification, combatting public perceptions that domestic work is not “real work” and contributing to greater visibility of domestic workers’ issues. In 2017, Ms. Pryce received the CARICOM Triennial Award for Women in recognition of her contributions to advancing domestic workers’ rights in the region; an achievement that was widely covered in the Jamaican media and acknowledged by the Prime Minister (see Wilson 2017).

### JHWU AND PARTICIPATORY ENFORCEMENT

The JHWU plays a vital role in labour standards enforcement and promoting compliance in the domestic work sector. While enforcement is generally conceptualized as the responsibility of government agencies, in practice both government and non-government actors may participate in ensuring compliance with labour standards (Vosko et al. 2020). Through advocacy, legal support, labour rights education and awareness-raising, and helping in navigating the complaints process, domestic worker organizations can monitor and promote compliance in the sector; an approach some have called “participatory enforcement” (see Vosko et al. 2020).

The JHWU engages in participatory enforcement in several ways. Since 2022, the union has maintained a log of domestic worker complaints and grievances, which lists the nature of the complaint and the advice given or action taken. The union refers unresolved complaints and grievances to the MLSS. This work is an extension of the union’s member assistance activities, including a telephone helpline that provides domestic workers with information on their rights and offers advice on labour standards violations, as well as assisting domestic workers in crisis (Dunn 2011, 22).

Beyond grievance handling, the JHWU engages

in a range of popular education and leadership training activities designed to ensure that members are aware of their rights and are confident in advocating for themselves vis-à-vis both employers and the state. Such activities include “know-your-rights” seminars and the publication and distribution of a “know-your-rights and obligations” manual for domestic workers and employers.<sup>18</sup> The manual, which is freely available on the union’s website, details domestic workers’ rights under C189 and Jamaican law and includes information on grievance procedures, instructions for contributing to the National Insurance Scheme and National Housing Trust, and also several tools and templates for workers and employers, including sample employment contracts (see JHWU 2022). As such, the manual is designed to address information deficits of both parties of the employment relationship and promote formalization.

### SOCIAL DIALOGUE

Social dialogue is an important vehicle for addressing decent work deficits for domestic workers (ILO 2021, xxv). The JHWU enjoys social dialogue with the GOJ and MLSS, the Jamaica Employers’ Federation and Jamaican Confederation of Trade Unions. The union has received institutional support and technical assistance from the Bureau of Women’s Affairs (now the Bureau of Gender Affairs) (see Dunn 2011). The union has partnered with

JHWU President Shirley Pryce receives CARICOM Triennial Award for Women



the MLSS on several initiatives, including campaigns to spread awareness of rights and social protections and promote domestic workers' registration with NIS and has signed a memorandum of understanding with the Ministry to promote the use of Jamaica's Labour Market Information System among union members.

Importantly, these partnerships do not appear to have comprised the political independence of the union: In the post-ratification context, the JHWU has continued to advocate for new legislation—and amendments to existing legislation—to ensure Jamaica's laws and policies are aligned with the Convention. The union has been particularly active in the push for Jamaica to ratify ILO Convention No. 190, the Violence and Harassment Convention.

## TRAINING AND PROFESSIONALIZATION

The union has also partnered with the Government to obtain space and funding for the establishment of a domestic worker training institute, as the union's current partnership with the Human Employment and Resource Training Institute/National Training Agency (HEART) does not meet the needs of domestic workers. Training institutes can be important vehicles for formalization and decent work, especially when backed by a trade union or public institution; when they provide quality training that meets the needs of households; and act as a point of hire for households and ensure compliance with labour standards through written contracts (ILO 2015a). In this way, the proposed JHWU domestic worker institute could function to encourage professionalization in the sector, promote formalization, and be a vehicle for the participatory enforcement of labour standards and the monitoring of compliance.

## COLLECTIVE BARGAINING

While domestic work poses distinct challenges to collective bargaining, through tripartite negotiations and social dialogue several jurisdictions have developed collective bargaining regimes in their domestic work sectors, proving that the challenges are not insurmount-

able (see ILO 2021, 227-228; 2015b).<sup>19</sup> The existence of organizations of employers of domestic workers is a prerequisite for collective bargaining. Employer organizations can also contribute to the achievement of decent work by aiding households in managing the employment relationship (ILO 2021, 225). Employer organizations may also facilitate joint advocacy for increased public investment in domestic work, as a means of linking the interests of employers and workers (ibid.). However, despite preliminary discussions between the JHWU, the MLSS, and the Jamaica Employers' Federation, no such employer organization currently exists in Jamaica. As a prerequisite for collective bargaining, the absence of an employers' representative is a barrier to the full exercise of domestic workers' rights and to achieving decent work in the sector.

## WORKER VOICE

In speaking with rank-and-file members of the JHWU, it became clear that the union plays a vital role in the empowerment of some of the most vulnerable and marginalized workers in the Jamaican economy. Domestic workers reported growing in “confidence” and “self-respect” since becoming members of the JHWU and “have learned to be more outspoken”. Domestic workers recognize the union as a vehicle to learn about their rights and advance their collective interests as workers. Unionization breaks the isolation that domestic workers experience in their work. The increased visibility of the JHWU may contribute to the high levels of interest in unionization among non-union domestic workers: 61 per cent of the non-union domestic workers surveyed for the current study believe that they would benefit from being a member of the JHWU.

“You know what, if one Monday morning all domestic workers just don't turn up at work, Jamaica mash up. They (the government) would do better then.”

Through collective representation, domestic workers are not only gaining a sense of their own political power, but also their economic power: as one focus group participant put it, “You know what, if one Monday morning all domestic workers just don't turn up at work, Jamaica mash up. They (the government) would do better then. Nurses strike, police strike, teachers strike—everybody

<sup>19</sup> See [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_432886.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_432886.pdf)

strike and if we as domestic workers strike, the government would listen.”

## 2.6 IMPACT OF THE COVID-19 PANDEMIC

The COVID-19 pandemic exacerbated the vulnerabilities of domestic workers in the labour market, especially workers in informal employment. For many domestic workers, staying home from work, either at the request of their employer or in response to public health measures, meant losing their job without access to social security or emergency economic relief programs (ILO 2021). Globally, more domestic workers than other employees lost jobs or saw a dramatic reduction in their working hours, and correspondingly lower wages, during the COVID-19 pandemic (ILO 2021). In Latin America and the Caribbean, compared to the last quarter of 2019, the number of domestic workers in the second quarter of 2020 decreased by around 50 per cent (ILO 2021, 232).

The survey of domestic workers produced for this study found that 30 per cent of respondents experienced dismissal during the pandemic, while 45 per cent had their work hours reduced and 33 per cent saw their wages reduced (see Part 3). Only 53.8 per cent of respondents reported receiving government assistance during the pandemic. According to the ILO (2020), approximately 45,000 female domestic workers who are unregistered or in informal work were excluded from the GOJ's emergency economic relief programmes. For domestic workers who continued to work in the sector, the JHWU reported an increase in the number of workers experiencing sexual harassment on the job (Sumner 2022).

To its great credit, the JHWU kept up its advocacy and organizing activities during the pandemic. The union launched a fund to raise money to assist unemployed domestic workers, although the public response to the fundraising appeal was underwhelming, suggesting that private charity is no substitute for adequate social protections. The union did however successfully access funding from the charitable sector to help domestic workers transition into different occupations and explore alternative means of earning a livelihood (Jamaica Observer 2022). The union also provided domestic workers with face masks that acted to both protect members from the virus and encourage their employers to contribute to social security and played a role in the distribution of COVID-19 relief packages to domestic workers.

Overall, the COVID-19 pandemic further exposed gaps in protection for domestic workers in Jamaica and should provide policymakers with renewed urgency to address these gaps and extend effective coverage to this “essential” workforce.

## 2.7 DOMESTIC WORKERS AND THE CARE ECONOMY

Domestic workers often undertake direct care work, either exclusively or as part of a broader range of household tasks, and it is thus important to understand their role and place in the care economy.<sup>20</sup> Jamaica is one of the few countries in which a relatively large percentage of women working as domestic workers (22 per cent) are engaged in direct care (WIEGO 2022). Nearly 20 per cent of domestic workers sampled for this study reported “care for children” as among their main duties and approximately 8 per cent said “care for a sick person, elderly person and person with disabilities” was a main duty. In terms of indirect care, 93.4 per cent indicated that cleaning was among their main duties, 84.5 per cent replied that washing and ironing were main duties, and 60.6 per cent included cooking as among their main duties (see Part 3).

Globally, the demand for domestic workers is expected to grow in light of demographic changes, population ageing and increasing long-term care needs (ILO 2021) and Jamaica is no exception: with a rapidly ageing population, a high prevalence of non-communicable diseases, and a significant segment of the population living with disabilities, domestic workers make up a significant portion of Jamaica's care workforce (Govia et al. 2021). In the absence of formal and community-based long-term care (LTC) services, domestic workers are “crucial to the provision of informal care in Jamaica” (Govia et al. 2021, 7). With Jamaicans 60 years and older projected to constitute 18 per cent of the population by 2050 and with the largest growth being among Jamaicans 89 years and older, the demand for care services, and with it the demand for domestic workers, will only continue to grow.<sup>21</sup>

The other trend driving demand for domestic workers

20 The care economy is made up of all forms of care work, both unpaid and paid, delivered formally and informally, by and through the household, community, state, private sector, civil society and others. See ILO (2018).

21 Data from private employment agencies in Jamaica confirms that there is already high demand for domestic workers, both locally and for domestic workers internationally (MLSS 2018, 2).

is rising female labour force participation. Women in Jamaica continue to perform a disproportionate share of unpaid domestic and care work in the home, limiting their opportunities for employment, education, political and social engagement, and leisure (CAPRI 2022). When coupled with lower-wage prospects, unpaid care responsibilities act as a significant barrier to women's participation in the paid workforce (PIOJ 2022). Despite the persistence of these barriers, Jamaica's female labour force participation rate has been trending slightly upwards since 2010. As of July 2022, the female labour force rate was nearing 60 per cent (SIJ 2023). However, ILO modelled estimates put this figure at 63 per cent, an 11 per cent increase from 2010.<sup>22</sup> While Jamaica's female labour force participate rate remains concerningly low, the movement of women from middle-class and upper-class households into the paid workforce, including women with young children, will continue to drive demand for domestic workers.

In the absence of formal care services and adequate care policy (such as universalizing quality long-term care services and extending coverage of parental, long-term and emergency care leaves), families who can afford to employ domestic workers will continue to rely on their services to care for their homes, children, and ageing parents. However, domestic workers in Jamaica have limited access to training on age- or illness-specific challenges, such as Alzheimer's and dementia care, or in early childhood care and education (Govia et al. 2021).

<sup>22</sup> See <https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS?locations=JM>

The conditions of care work are the conditions of care: security in employment, good wages, and training and skills development for care workers are increasingly recognized as predictors of good quality care (Black 2020). As such, achieving decent work for domestic workers is an important step to ensuring quality care for those who rely on domestic workers to provide it.

Decent work for domestic workers also means ensuring that domestic workers have access to the means to meet the care needs of their own households. Nearly 83 per cent of domestic workers surveyed for this study reported that they provide unpaid care for at least one person in their own household on a regular basis. Of that group, 72 per cent provide unpaid care for two or more persons. Of domestic workers who provide unpaid care for members of their own household, 46 per cent reported being engaged in this work for one to two hours per day, while 40.8 per cent of respondents did this work for more than two hours per day (see Part 3). These findings bring to light the pressing need for greater work-life balance for domestic workers, including access to care leave and services, such as childcare and care for the disabled or elderly members of the household. As Jamaicans' need for care grows, domestic workers are filling in for a lack of social services and adequate care leave policy. Yet domestic workers cannot be a solution to a broader care crisis without the Government addressing that crisis as it is manifest in domestic workers' own lives and households.



### 3. SURVEY FINDINGS

This section of the report presents a summary of the findings from a survey of domestic workers in Jamaica. The survey employed a non-random sample of 212 domestic workers (n=212), 80.8 per cent of whom are employed in Kingston and St. Andrew, 6.6 per cent in the parish of St. Catherine, and the remainder in other parishes (see Appendix B: Survey Methodology). To investigate differences between unionized and non-union domestic workers, the sample was divided into two subpopulations: 45.5 per cent of respondents were current members of the JHWU, while 54.5 per cent are not members of the union. The vast majority of respondents, 82 per cent, were live-out domestic workers, while 18 per cent lived in the homes of their employers (i.e., live-in workers).

In addition to the survey, two focus group discussions were carried out with 30 unionized domestic workers who are employed in Kingston and St. Andrew. All focus group participants were members of the JHWU. The primary aim of the focus groups was to gain greater insight into the survey data and a more in-depth understanding of the issues facing domestic workers. To bring domestic workers' voices to the presentation of the quantitative data, quotations from focus group participants accompany some of the survey findings.

#### 3.1 SOCIO-DEMOGRAPHIC

**Gender:** 92.2 per cent of survey respondents identified as female and 1.4 per cent as male (5.5 per cent did not provide a response).

**Age:** 5.6 per cent of survey respondents were between the ages of 18 and 25, 24.8 per cent between 26 and 40, 61.2 per cent between 41 and 60, and 8.4 per cent were 61 and older.

**Education:** 51.9 per cent of respondents have completed secondary education. For 5.7 per cent of respondents, primary education is the highest level of education completed. 39.2 per cent of respondents reported completing technical or vocational studies.

#### 3.2 WORK-LIFE BALANCE

**Care Responsibilities:** 82.5 per cent of respondents provide care for at least one person in their own household. Of that group, 28.5 per cent care for one person in their

household and 71.5 per cent provide care for two or more persons.

**Hours of Unpaid Care Work:** 46 per cent of respondents reported being engaged in unpaid domestic and care work in their own households for one to two hours per day. Nearly 41 per cent reported being engaged for more than two hours per day.

#### 3.3 WORK TASKS, WAGES, AND WORKING CONDITIONS

**Work Tasks:** 94 per cent of respondents said cleaning was among their main duties at work. 84.5 per cent said washing and ironing, 60.6 per cent said cooking, and 3.3 per cent said shopping for groceries. In terms of direct care tasks, 17.8 per cent of survey respondents said caring for children was among their main duties and 7.8 per cent cared for a sick person, elderly person or person living with disabilities.

**Wages:** 16 per cent of survey respondents earned less than of \$9,000 JMD per 40-hour work week (the pre-June 2023 National Minimum Wage). 27 per cent reported weekly earnings of \$10,000 to \$15,000. 37.9 per cent reported earning \$16,000 to \$20,000 per week, 10.4 per cent earn \$21,000 to \$25,000 per week, while 8.5 per cent reported weekly earnings of \$26,000 or more.

*"You have some employers who do not give you what the government says you're to get. Others give you more than the minimum wage."*

**~ Domestic Worker**

**Working hours:** 43.2 per cent of domestic workers surveyed work 36 to 40 hours per week, 28.6 per cent work 41 hours or more, while 28.2 per cent reported working 35 hours or less per week.

**Overtime:** 60.8 per cent of survey respondents reported working overtime. Of those domestic workers who reported working overtime, a majority (57.4 per cent) do not receive overtime pay.

### 3.4 SOCIAL SECURITY

NIS: 52.4 per cent of respondents said they contribute to NIS, whereas 74.6 per cent said their employer does not contribute their portion of NIS.

“They have the laws on the books, but these laws mean different things in reality. I have worked a few years with one employer, and they did not pay dime in NIS. The government needs to put stiffer penalties on these employers.”

~ Domestic Worker

NHT: Only 34.8 per cent of respondents said they pay National Housing Trust, whereas 84.4 per cent said their employer does not contribute their portion of NHT.

Paid Leave: Almost 63 per cent of respondents reported

that they did not receive any paid leave; 37 per cent reported receiving paid leave.

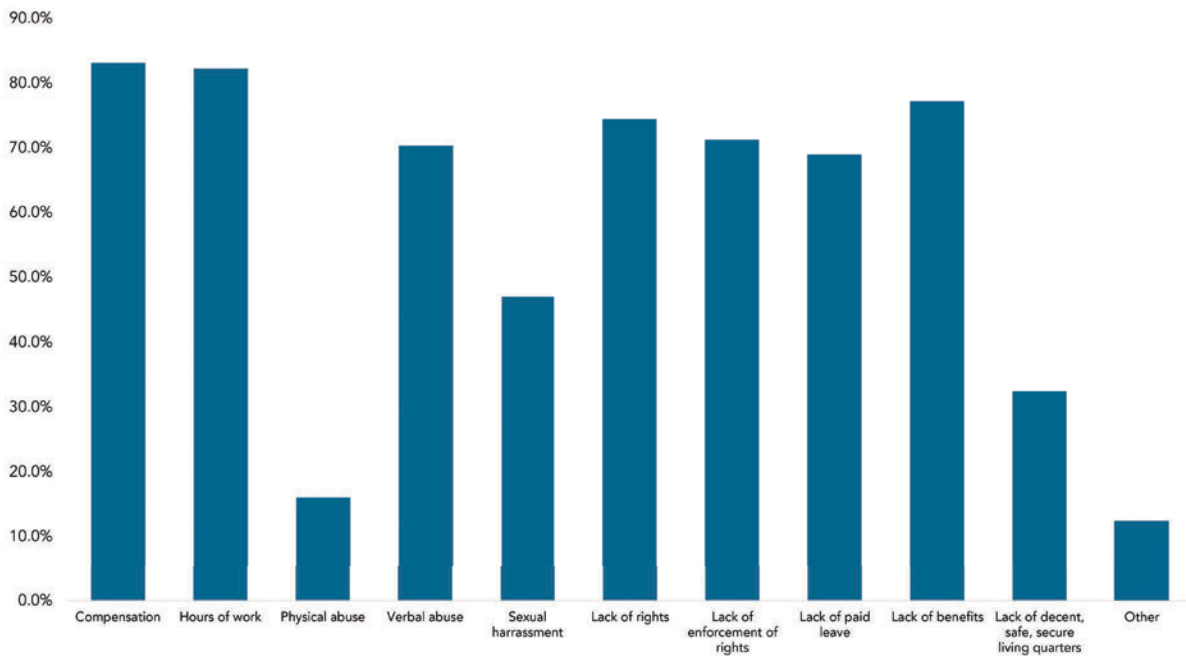
### 3.5 EMPLOYMENT RECORDS

Written Employment Records: 83.4 per cent of respondents reported that they do not possess a written employment contract that outlines the terms of conditions of their work for their current employer. Only 10.8 per cent of all respondents reported that their employer provides them with a written work schedule, time sheets and pay slips.

### 3.6 PERSPECTIVES ON DOMESTIC WORK, EMPLOYERS AND THE ROLE OF GOVERNMENT

Issues facing domestic workers: Participants were asked, “What are the main issues facing domestic workers in Jamaica”? A high percentage of respondents identified issues related to compensation, benefits, and hours of work: 83.1 per cent of respondents identified compensation as a main issue, 77.2 per cent a lack of benefits, while 82.2 per cent identified hours of work. Issues pertaining to rights and social protections were also of concern to respondents: 74.4 per cent identified lack of rights as a main issue, 71.4 per cent identified lack of enforcement of rights, and nearly 70 per cent identified lack of paid leave. 70.3 per cent of respondents cited verbal abuse as a main issue, while just under half of respondents (47 per cent) said sexual harassment was a main issue facing

Chart 3: Main Issues Facing Domestic Workers in Jamaica





domestic workers in Jamaica.

**The role of government:** Survey participants were asked “What would you like to see the Government of Jamaica do to improve the conditions of domestic workers?” 91 per cent of all respondents replied, “Increase the minimum wage”. Almost 88 per cent of respondents would

“When we work, we don’t get any pay slips from our employer. So, if anything wrong, when we go to the Ministry of Labour, we don’t have anything to show that we are getting x, y or z from the employer.”

~ **Domestic Worker**

like to see the Government support public education to improve public attitudes toward domestic workers. 82.1 per cent would like to see the Government increase social protection for domestic workers, while nearly 82 per cent want the Government to better enforce laws to protect their rights. **Three-quarters of all respondents would like to see the Government improve access to the MLSS’s complaints process.**

**Opinion on employers:** Domestic workers surveyed generally hold a positive opinion of their employers. Almost 75 per cent reported feeling valued and respected by their employers. Close to 80 per cent rated their present employer as either “Good” or “Very Good”.

### 3.7 COLLECTIVE REPRESENTATION

**Union status:** 45.5 per cent of domestic workers surveyed were currently members of the JHWU, while 54.5 per cent were not members of the union.

**Perspectives on domestic worker organizations:** 61 per cent of the non-union domestic workers surveyed believe that they would benefit from being a member of the JHWU. The finding suggests that many non-unionized domestic workers see benefits to unionization and may desire to be join the JHWU.

### 3.8 AWARENESS OF RIGHTS

The majority of domestic workers surveyed (54.2 per cent) reported that they were not aware of any laws that protect domestic workers in Jamaica, while 45.8 per cent indicated that they were aware of such laws. A similar majority (55 per cent) reported that they have not heard of C189 and 58.2 per cent were unaware that Jamaica had ratified the Convention. **Almost 90 per cent of domestic workers surveyed said the Government of Jamaica was not adequately informing domestic workers of their labour rights.**

### 3.9 UNION STATUS AND EFFECTIVE COVERAGE

Previous studies of domestic work in Jamaica have found that domestic workers generally have low rates of awareness of their rights and that few contribute to the National Insurance Scheme (see Clarke 2002; Dunn 2011). Awareness of legal rights is an important precondition for the exercise of those rights. One of the objectives of the current study was to determine if there is a relationship between domestic workers’ union status (i.e., member of a trade union or not) and indicators of effective coverage and formalization of employment. The study found that being a member of the JHWU is positively related to several indicators of effective cover-

“Sometimes when you go to the Ministry of Labor for your rights, you have to go over and over. And sometimes it takes two, three years. Sometimes the workers just give up.”

~ **Domestic Worker**

“I feel that they should enforce the law so that we workers that work in people’s homes who supposed to get the rights too, just like the office workers, the government workers or any other workers. Domestic workers is workers too.”

~ **Domestic Worker**

age and formalization of employment.

First, compared to non-union domestic workers, domestic workers who are members of the JHWU demonstrated a strong awareness of C189 and laws that protect domestic workers more generally: 78.7 per cent of the JHWU members surveyed reported being aware of C189, compared to only 16.5 per cent of non-union domestic workers, and 74 per cent of JHWU members reported being aware that Jamaica has ratified C189, compared to only 14.8 per cent of non-union domestic workers. Furthermore, 80 per cent of the non-union domestic workers indicated that they were unaware of any laws that protect domestic workers. In contrast, almost 77 per cent of JHWU members surveyed were aware of such laws.

**These findings suggest that the JHWU is an effective vehicle for raising its members awareness of their labour rights.** The findings also suggest that independent of collaborations with the JHWU, the Government's awareness-raising campaigns have failed to have a profound impact on non-union domestic workers' awareness of their rights. Seven years after Jamaica's ratification of C189, 83.5 per

cent of non-union domestic workers surveyed reported that they have not heard of the Convention and 80 per cent reported being unaware of any laws that protect domestic workers.

The study also found the domestic workers who are members of the JHWU are twice as likely than non-union domestic workers to have a written employment contract and far more likely to contribute to NIS than their non-union counterparts. 22.1 per cent of JHWU members surveyed possess a written employment contract, compared to 11.4 per cent of non-union respondents. As for mandatory contributions to NIS, 64.6 per cent of JHWU members surveyed indicated that they make contributions to the scheme, while only 43 per cent of non-union respondents reported making contributions.

"The study found that being a member of the JHWU is positively related to several indicators of effective coverage and formalization of employment."

**Given that 61 per cent of the non-union respondents believe that they would benefit from being a member of the JHWU, the findings suggest that there is high demand for unionization among non-union domestic workers and with it, greater potential for awareness of rights and social protections and stronger likelihood of formalization.**



## 4. RECOMMENDATIONS AND RATIONALE

The findings of this study have led to the conclusion that many domestic workers in Jamaica do not have access to decent work and while progress has been made in extending legal coverage to domestic workers, significant action must be taken to extend effective coverage.<sup>23</sup> The findings guide the recommendations which follow and are loosely grouped into the following categories:

- ◆ Production of knowledge about domestic work
- ◆ Enforcement
- ◆ Social security
- ◆ Training, professionalization, and vocational development
- ◆ Minimum wage
- ◆ Dissemination and awareness-raising campaigns
- ◆ Strengthening workers' organizations, voice, and collective representation
- ◆ Action on gender-based violence and harassment

### 4.1 PRODUCTION OF KNOWLEDGE

- ▶ *Conduct a national study of domestic work and improve data collection and analysis*

Effective regulation of domestic work is premised, in part, on knowledge and understanding of the domestic work sector and the conditions of domestic workers, including through improved data collection and analysis and strong data bases (ILO 2021; UN Women/ITUC 2013). However, far too little is known about the domestic work sector in Jamaica. Dunn's 2011 pilot study of domestic work in Jamaica was to be a first step to guide the development of a larger national study of domestic work in Jamaica (Dunn 2011, 14).

**We therefore recommend the GOJ undertake a national study of the domestic work sector. In addition to collecting data on domestic workers, the study should collect data on employers, including on employer attitudes and behaviours. We further recommend that the Ministry of Labour and Social Security continue in its efforts improve data collection and**

<sup>23</sup> In making recommendations, the current report has attempted to avoid duplication with the ILO Committee of Experts on the Application of Conventions and Recommendations response to the Government of Jamaica's first report on C189 (ILO 2023) and with the key action items in the Ministry of Labour and Social Security's Transition to Formality Action Plan for Household Workers and Fisher Folks (see MLSS 2021).

analysis of the domestic work sector.

### 4.2 INSPECTIONS AND ENFORCEMENT

- ▶ *Specialized domestic work section in the Ministry of Labour and Social Security*

The Pay and Conditions of Employment Branch (PCEB) is an arm of the Industrial Relations Department of the MLSS. The PCEB's core function is to ensure compliance with the minimum standards set out in the labour laws of Jamaica for non-unionized workers (MLSS 2023). Currently, the PCEB has twenty-four labour inspectors on their roster.<sup>24</sup> While the number of inspectors needed by an inspectorate can be determined by a variety of criteria specific to national context (ILO 2015a), the current level of staffing in the PCEB is inadequate to the task of strategic and proactive enforcement in the domestic work sector.

Achieving full compliance with labour standards is not only key to achieving decent work for domestic workers, but would contribute to building a fairer, more prosperous Jamaica. For instance, full compliance with the National Minimum Wage Act among domestic workers would contribute to reducing overall wage inequality, reduce relative poverty among domestic workers' households and contribute to reducing relative poverty overall.

**Following the promising example of Uruguay,<sup>25</sup> we therefore recommend that the GOJ create a specialized domestic work section in the MLSS that is expressly devoted to monitoring provisions on domestic work and promoting compliance with labour standards and social security laws in the sector. Given the special characteristics of the sector, labour officers should receive sector-specific training.**

- ▶ *Pro-active neighbourhood-based inspections*

The reliance on complaint-driven enforcement leaves domestic workers vulnerable to labour standards violations (see 2.6). However, the dispersion of domestic workers across thousands of worksites is a barrier to proactive labour standards enforcement (ILO 2015).

Given the geographic concentration of households em-

<sup>24</sup> MLSS correspondence with authors.

<sup>25</sup> See [http://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms\\_371217.pdf](http://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms_371217.pdf)

ploying domestic workers, especially in urban areas, **we recommend that the PCEB engage in neighbourhood-based inspection blitzes in which Labour Officers visit households to inform both contractual parties (i.e., employers and domestic workers) of their legal obligations and rights. Given that deterrence is one key to ensuring compliance in the domestic work sector, we further recommend that the MLSS publicize the results of inspection blitzes via the Jamaica Information Services and the Ministry’s social media accounts, while guarding both employer and employee anonymity.**

To ensure effective protection, it is necessary to offer protection and safe complaint mechanisms within labour and OSH and equality laws (ILO 2021, 184). **We therefore recommend that when a complaint warrants further investigation and on-site inspection, labour and OSH inspectors conduct visits to several houses in the area in order to guard the complainant’s anonymity. We further recommend that the GOJ clearly establish the conditions under which labour inspectors may be granted access to household premises as the workplace of domestic workers.**

► *Mandate written employment records*

Written employment contracts help advance formalization and act as a record for labour inspectorates in the instance of a complaint being lodged (ILO 2015a). The lack of record-keeping also limits the capacity of law enforcement officials to respond to complaints and resolve disputes (ILO 2021, 2010).

**We therefore recommend that the GOJ pass legislation that mandates the issuing of written employment contracts, timesheets, and pay slips. In recognition of the limited administrative capacity of employers in the domestic work sector, we further recommend that the MLSS provide model employment contracts and templates for timesheets and pay slips on the Ministry’s website and via a mobile application.**

► *Use behavioural insights to promote compliance*

Traditional approaches to formalization, such as law enforcement and deterrence, are not always sufficient, and evidence suggests that reinforcing positive behaviour and rewarding compliance can contribute to establishing social norms around formalization (ILO 2021, 211). **We therefore recommend that the MLSS consult with the ILO Caribbean Office to explore the use of be-**

**havioural insights to promote compliance.**

► *Develop a rights-and-responsibilities website/mobile application*

Seven years following the ratification of C189, information deficits around domestic worker and employer rights and obligations persist. Providing information on legal rights and obligations in an accessible format helps promote compliance (ILO 2021, 169).

**We therefore recommended that the MLSS develop an easy-to-navigate and mobile accessible website that clearly outlines the rights and responsibilities of both parties to the employment relationship.**

► *Build capacity for co-enforcement*

In sectors characterized by high rates of violations, low-wages and worker vulnerability, governments and civil society organizations should engage in sustained partnerships to conduct worker outreach and education, identify and report labour standards violations, and play a role in the investigation process—an approach called “co-enforcement” (Fine 2017). Co-enforcement recognizes that worker-based organizations have cultural competence with the worker population, intimate knowledge of issues and problems facing workers in the sector, and relationships of trust with workers. Furthermore, research suggests that information- and resource-sharing between inspectorates and domestic worker organizations could reduce the regulatory burden on inspectorates while allowing inspectorates to efficiently identify violations (Arad-Neeman 2021, 490). The ILO recognizes the specific characteristics of domestic work require labour inspectorates to work with civil society organizations, such as domestic worker unions (ILO 2015, 38) and several jurisdictions, including Uruguay and the State of California, are experimenting with models of co-enforcement in the sector.<sup>26</sup>

The JHWU and the MLSS currently collaborate in several areas, including on awareness-raising initiatives, the TFAP, and to promote domestic workers’ use of the LMIS. Union and Ministry officials both describe the relationship between the JHWU and the MLSS as “productive” and “one based on trust and mutual respect”.

<sup>26</sup> For example, the State of California has enacted legislation that includes funding for domestic worker organizations to conduct outreach and education efforts to strengthen enforcement and the National Domestic Workers’ Bill of Rights pending in the US Congress includes similar provisions (Arad-Neeman 2021).

**We therefore recommend that the MLSS and JHWU explore formal arrangements for the co-enforcement of labour standards and social security laws in the domestic work sector. We further recommend that the terms and conditions of any such partnership, including funding and the division of tasks and responsibilities, be formalized in an MoU between the two parties.**

#### 4.3 SOCIAL SECURITY

- ▶ *Remove barriers to the National Insurance Scheme*

The ILO has encouraged Member States to simplify procedures for registering and making contributions to social security, including through digital technologies (ILO 2021, xxiv). The process by domestic workers must make contributions to Jamaica's National Insurance Scheme is antiquated and poses several barriers to registration and making mandatory contributions.

**We therefore recommend that the GOJ remove barriers to domestic workers' access to the NIS, including but not limited to, developing an online digital portal that would facilitate employer and employee contributions to the scheme, and, in consultation with the JHWU and Jamaica Post, develop and introduce a "special window" for domestic workers' in-person contributions.**

- ▶ *Equal maternity leave for domestic workers*

The National Insurance Act provides a Maternity Allowance, payable for a maximum period of eight weeks, to domestic workers who are registered with the NIS and conditional on 26 contributions during the last 52 weeks by the worker, prior to becoming pregnant, as well as the submission of a medical certificate.<sup>27</sup> However, under the Maternity Leave Law other female employees are entitled to eight weeks of maternity leave paid at their regular salary rate (and four weeks unpaid leave); domestic workers are only entitled to an allowance under the NIS that is equal to the National Minimum Wage.

**We therefore recommend that the GOJ take measures to ensure that domestic workers enjoy maternity leave benefits that are not less favourable than those applicable to other workers generally.**

<sup>27</sup> <https://laws.moj.gov.jm/library/statute/the-national-insurance-act>

- ▶ *Equal access to any future unemployment insurance scheme*

The GOJ recognizes the need for the provision of Unemployment Insurance to complete the country's social protection floor.<sup>28</sup> The Government recently partnered with the ILO to execute a feasibility study for unemployment insurance in Jamaica (PIOJ 2022).

**In keeping with Jamaica's obligations under C189, we therefore recommend that any proposed unemployment insurance legislation ensures that domestic workers enjoy conditions that are no less favourable than those applicable to other workers generally.**

#### 4.4 TRAINING, PROFESSIONALIZATION, AND VOCATIONAL DEVELOPMENT

- ▶ *Develop and fund a domestic worker training institute*

Skills training and professionalization for domestic workers can promote formalization, particularly when training institutes simultaneously act as a point of hire for household employers, at which point they can enforce the signing of a contract in line with labour laws (see ILO 2021, 214).

**We therefore recommend that the GOJ fully fund the creation of a domestic worker training institute to be operated by the JHWU with the MLSS bearing operational costs.**

- ▶ *Fund and promote Jamaica Household Workers' Union hiring hall*

**We further recommend that said institute simultaneously act as a trade union hiring hall for domestic workers, ensuring a supply of skilled, professional, and unionized domestic workers for prospective employers. Funding for the hiring hall should be provided by the GOJ with the JHWU bearing full operational responsibilities. The MLSS should promote the use of the hiring hall among employers and domestic workers.**

#### 4.5 NATIONAL MINIMUM WAGE

- ▶ *Legislate a minimum wage that is a living wage*

<sup>28</sup> <https://jis.gov.jm/media/2023/04/Karl-Samuda-Sectoral-Debate-25.04.23-FULL.pdf>

The increase in the National Minimum Wage from \$9,000 to \$13,000 (as of June 1, 2023) was a welcome development for domestic workers, the vast majority of whom are women. As the Government has stated, this increase “is a step and building block toward achieving a livable wage.” The National Minimum Wage must be a living or liveable wage that allows minimum wage earners to work and live with dignity.

**We therefore recommend that the GOJ calculate and introduce a National Minimum Wage that is a living wage for Jamaica using a methodological framework that is consistent with the economic reality of the country.<sup>29</sup> We further recommend that the National Minimum Wage be indexed to inflation.**

- ▶ *Make overdue amendments to the National Minimum Wage Act*

The GOJ has announced its intention to amend the Minimum Wage Act and make amendments to the National Minimum Wage Order and Employment Agencies Regulations to ensure that Jamaica is compliant with C189 (see PIOJ 2022).

As it has been seven years since Jamaica’s ratification of C189, and six years since the Convention entered into force, we recommend that necessary amendments to the Minimum Wage Act, National Minimum Wage Order, and the Employment Agencies Regulations are made a top priority of the GOJ and completed by the end of 2024 legislative calendar.

#### 4.6 DISSEMINATION AND AWARENESS-RAISING CAMPAIGNS

- ▶ *Ramp up awareness-raising via social and traditional media*

The promotion of awareness of employee rights and employer obligations, through inspectorates and public campaigns, helps to promote employer compliance in the domestic work sector (ILO 2021). In 2014, the MLSS launched a media campaign aimed at engendering widespread support for the rights of domestic workers in Jamaica. However, Jamaica is far from achieving full compliance with labour and social security laws and policies in the domestic work sector.

**We therefore recommend that the MLSS ramp up**

<sup>29</sup> For discussions of such a methodological framework, see Marsh, O’Connor, and Roberts (2017).

**awareness-raising campaigns via social and traditional media.**

#### 4.7 STRENGTHENING COLLECTIVE REPRESENTATION, SOCIAL DIALOGUE AND WORKER VOICE

- ▶ *Create conditions for collective bargaining in domestic work sector*

Collective bargaining agreements often result in more adapted wages, better working conditions and benefits for domestic workers, while also establishing employment practices that advance formalization (ILO 2021, 228). Strong traditions of tripartism and social dialogue make Jamaica particularly suitable to innovative approaches to collective bargaining in non-traditional sectors. Furthermore, several jurisdictions have developed collective bargaining regimes in their domestic work sectors, which could act as models for Jamaica (ILO 2015b).

**We therefore recommend that in the spirit of tripartism and social dialogue, the MLSS, the Jamaica Employers’ Federation, and the JHWU work expeditiously to create the legal and institutional framework and conditions necessary for national-level collective bargaining in the domestic work sector.**

#### 4.8 ACTION ON GENDER-BASED VIOLENCE AND WORKPLACE HARASSMENT

- ▶ *Reform Sexual Harassment Tribunal to ensure access to justice*

The Sexual Harassment (Protection and Prevention) Act (2021) includes domestic workers in its definition of a “worker.”<sup>30</sup> However, access to protection and justice for domestic workers remains a concern (see Duncan-Price 2023).

**We therefore recommend that the GOJ work with the JHWU to ensure that the Sexual Harassment Tribunal is structured to receive, hear, and address sexual harassment complaints from domestic workers in a timely and accessible manner and that strong measures are in place to protect complainants from employer reprisals.**

<sup>30</sup> <https://japarliament.gov.jm/attachments/article/339/The-Sexual-Harrasment--Prevention-and-Protection--Act--2021.pdf>

- ▶ *Training in identifying risks of violence and harassment*

**We recommend that MLSS officials with capacity for inspection and the investigation of complaints receive mandatory training in identifying risks of violence and harassment.**

- ▶ *Denormalizing violence and harassment*

As the ILO has stated, “It is important to denormalize violence and harassment by identifying and naming its various manifestations and raising public awareness that such behaviour is both socially and legally unacceptable” (2021, 246).

**We therefore recommend that the GOJ and MLSS make efforts to denormalize violence and harassment**

**through public awareness campaigns, the publication of informational materials and the dissemination of information through a violence and harassment hotline.**

- ▶ *Ratify ILO Convention No. 190*

Despite stated commitments to gender equality and the elimination of all forms of violence against women and girls, the GOJ has yet to ratify ILO Convention No. 190, the Violence and Harassment Convention.

**We therefore further recommend that the Government ratify ILO Convention No. 190, the Violence and Harassment Convention, without delay and work expeditiously to ensure that national laws and policies align with the Convention.**



## 5. CONCLUSION: TOWARD DECENT WORK FOR DOMESTIC WORKERS IN JAMAICA

As ILO Director-General, Gilbert F. Hounoubo, has stated, “There is no social justice without decent work for those who are at the foundation of a caring society.”<sup>31</sup> In thousands of households across Jamaica, domestic workers work behind closed doors to ensure the safety, health, and well-being of those who employ their services. They cook, clean, wash and iron, tend to gardens and pets, and care for some of the most vulnerable members of the household. For far too long, domestic workers have toiled in the shadows. The Jamaica Household Workers’ Union and its civil society allies have increased the visibility of this essential work and the workers, overwhelmingly women, who do it.

The Government of Jamaica has also done its part. In ratifying C189 and moving to bring national laws and policies into harmony with the Convention, Jamaica has emerged as a leader in advancing decent work for domestic workers in the CARICOM. Through initiatives like the Transition to Formality Action Plan, the MLSS has demonstrated a commitment to advancing formalization in the domestic work sector and making decent work a reality for domestic workers.

Jamaica has begun to travel down the road to achieving decent work for domestic workers. Yet for domestic workers, the pace is far too slow. Subject to low wages and poor working conditions, Jamaica’s domestic workers have waited seven years for the Government to fulfill its commitment to decent work under the landmark ILO Convention No. 189, the Domestic Workers Convention. While Jamaica is further ahead than many of its CARICOM neighbours, this is little solace to a domestic worker whose employer refuses to pay the National Minimum Wage or make mandatory contributions to the National Insurance Scheme or respect that worker’s right to paid leave. For this worker, seven years is a long time. If we consider that domestic work in Jamaica is rooted in the legacies of slavery and colonialism, and reflects long-standing racial, gender, and class inequalities in Jamaican society, the wait for decent work, social justice, and conditions of dignity and respect for domestic workers has been far longer. As domestic workers themselves have put it: “Now is the time for action and not a bagga mouth.”

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<sup>31</sup> [https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/ilo-director-general/statements-and-speeches/WCMS\\_884689/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/ilo-director-general/statements-and-speeches/WCMS_884689/lang--en/index.htm)



## APPENDIX A. THE ROAD TO DECENT WORK FOR DOMESTIC WORKERS IN JAMAICA: KEY DATES

**1948:** The International Labour Conference recognizes the need for a special international instrument for domestic workers.

**1965:** The ILO passes a resolution on the conditions of employment of domestic workers recognizing the need to establish minimum living standards compatible with the self-respect and human dignity which are essential to social justice.

**1973:** The Government of Jamaica passes the Holiday with Pay Law, entitling domestic workers to at least two weeks of paid vacation per year.

**1974:** The Government of Jamaica passes the National Minimum Wage Amendment Order, which includes domestic workers as a category of minimum wage earners.

**1975:** The Government of Jamaica establishes the Bureau of Women's Affairs.

**1991:** The Jamaica Household Workers' Association (JHWA) is formed with the support of the Bureau of Women's Affairs.

**1997:** The ILO Caribbean Office, in collaboration with the Bureau of Women's Affairs of Jamaica and the JHWA, holds a Regional Strategy Workshop for Domestic Workers with the objective to improve the status, terms and conditions of work of domestic workers in the Caribbean.

**1998:** The ILO Caribbean Office launches the Regional Strategy to Improve the Status, Terms and Conditions of Work of Domestic Workers in the Caribbean, which considers domestic workers' legal status and protections, wages, terms and conditions of work, training, placement services and general welfare.

**2007:** The first international conference of domestic workers and domestic worker organizations is held in Amsterdam. The conference initiates the networking process that leads to C189 and the formation of International Domestic Workers Federation (IDWF), of which the JHWA is a founding member.

**2011:** In June, the ILO adopts the Decent Work for Do-

mestic Workers Convention (No. 189) at the 100th International Labour Conference in Geneva.

- On October 7, the World Day for Decent Work, Jamaica's Minister of Labour and Social Security gives a public commitment that the Government will ratify C189.

- In November, the Caribbean Domestic Workers' Network (CDWN) is launched.

- Situational Analysis of Household Workers in Jamaica: Report on a Pilot Study to Promote the Decent Work Agenda by Dr. Leith L. Dunn is published. The report, the first in-depth study of domestic work in Jamaica, is prepared for the ILO and the JHWA.

**2012:** Uruguay becomes the first country in Latin America and the Caribbean to ratify C189.

**2013:** The JHWA registers as an official trade union and becomes the Jamaica Household Workers' Union (JHWU).

- Guyana becomes the first CARICOM member state to ratify C189.

**2014:** MLSS launches a media campaign aimed at engendering widespread support for the rights of domestic workers in Jamaica. The campaign comes as the JHWU calls for the GOJ to ratify C189.

- The Household Worker of the Year Awards is launched by the JHWU in collaboration with GraceKennedy Group.

- JHWU President Shirley Pryce is awarded the Order of Distinction by the Governor General of Jamaica for her dedication to the union and the Caribbean Domestic Workers' Network.

**2016:** The Government of Jamaica ratifies C189.

**2017:** C189 enters into force in Jamaica.

- Shirley Pryce, President of the JHWU, is named CARICOM Woman of the Year.

**2019:** The ILO adopts the Violence and Harassment Convention, 2019 (No. 190). The JHWU demands that the GOJ ratify the Convention.

**2020:** MLSS signs a Memorandum of Understanding

with the JHWU to promote members' use of the Labour Market Information System database and related services.

- The ILO Caribbean Office announces a new 15-month Jamaica Formalization Project, which includes domestic workers as target group.

**2021:** The Government of Jamaica approves submission of its first report on C189 to the ILO.

- Jamaica is recognized for efforts to formalize domestic workers by the Commonwealth Human Rights Initiative (CHRI). Jamaica is included as a "Good Practice Example" in CHRI's Domestic Work is Work report.

**2022:** Effective April 1, Jamaica's National Minimum Wage increases from \$7,000 to \$9,000 for a 40-hour work week.

- In June, the JHWU launches A Manual for Household Workers and Employers in Jamaica: Know Your Rights and Obligations.

- In October, the JHWU hosts the inaugural Caribbean Conference of Domestic Workers.

**2023:** Effective June 1, Jamaica's National Minimum Wage increases from \$9,000 to \$13,000 for a 40-hour work week.

- The Government of Jamaica's Sexual Harassment (Protection and Prevention) Act (2021) takes effect on July 3. The law protects domestic workers by recognizing the homes in which they work as a workplace.



## APPENDIX B: METHODOLOGY

The survey data was collected using a non-random sample of 212 domestic workers in the Kingston and St. Andrew area. The survey was administered by telephone and the data collected between September and December of 2022.

The sample for the study was identified through the Jamaica Household Workers' Union (JWHU). Random sampling was used to select unionized domestic workers (JHWU members) and non-union domestic workers from a contact list of one-thousand domestic workers provided by the JHWU. The contact list includes non-union domestic workers whose contact information has been obtained by the JHWU through various union activities (e.g., a worker's attendance at a training workshop held at the union office).

The instrument for the study consisted mainly of closed ended questions that either had nominal or Likert scales.

Survey data was manually entered into the SPSS software which was used to run the statistical analyses. The study used percentages to examine the results obtained from these analyses. The significance level for inference tests was set at 0.05. Results were reported with respect to each hypothesis and research question.

The study employed binary logistic regression which allowed the researchers to examine the impact of one or more predictor variable on the outcome. This tool enabled the researchers to predict the likelihood of a binary outcome as a function of the values of the predictors. An advantage obtained by using binary logistic regression is that it not only provides a measure of how appropriate a predictor is (coefficient size), but also its direction of association (positive or negative).

Cross tabulations and chi square tests were used to assess the frequency distribution of variables to determine whether there was a significant relationship between multiple variables. This tool allowed the researcher to assess whether there were any differences between what was measured (observed) against what was anticipated (expected), and if there is a difference, is it due to a relationship between the variables that are being studied. An advantage obtained by using the Chi square test is that it aids in better understanding and interpreting the relationship between two categorical variables.

**Limitations of the Study:** As not all domestic workers in Jamaica had an equal and known chance of being included in the survey, the study has limitations. The non-random method of selecting the sample means that the data may not be representative of all domestic workers in Jamaica.

**Limits of Scope:** The survey did not include questions pertaining to human trafficking, migration, or child labour. For discussion of the intersection of these issues and domestic work in Jamaica, see Dunn (2011), Babb (2017), and the Ministry of Labour and Social Security (2021).

**Informed Consent:** For focus groups and in-depth interviews, informed consent forms were prepared and the contents were explained at the beginning of each data collection session. The forms explained the objectives of the study, indicated that participation was voluntary and anonymous. Participants were also assured that the information shared would be treated confidentially. Participants were then asked to sign the forms to confirm their willingness to participate in the research. For the survey, a telephone script containing all the main elements of informed consent was used. Participants were asked to provide verbal consent to participate in the survey.

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**NOTES**

