

Policy Brief on:

Protecting the Rights of Domestic Workers in Bangladesh

BACKGROUND

The issue of gender-based violence (GBV) against domestic workers in Bangladesh is a growing concern, with 10.5 million domestic workers in the country, 80% of whom are women.¹ These workers are employed in low-quality, precarious jobs in the informal economy, making them particularly vulnerable to exploitation, abuse, and violence.²

This policy brief provides recommendations for improving the legal framework and protections for domestic workers in Bangladesh. The policy brief emphasizes the importance of a strengthened legal framework to support and protect domestic workers, including provisions for compensation for survivors of GBV and better protection from abuse and exploitation.

The brief also calls for the government to enforce existing laws and to consider implementing new legislation to address the issue of GBV against domestic workers. Additionally, the brief emphasizes the need for the government to involve the voices and experiences of domestic workers in policy development, in order to create a more effective solution to the problem.

The ultimate goal of this policy brief is to contribute to creating a safer and more secure environment for domestic workers in Bangladesh. By highlighting the need for a strengthened legal framework and calling for the involvement of domestic workers in policy development, this policy brief aims to bring attention to the issue of GBV against domestic workers and to provide a pathway towards a solution.

THE OBJECTIVES OF THIS POLICY BRIEF ARE:

- To contribute to creating a safer and more secure environment for domestic workers in Bangladesh
- To address the issue of GBV against domestic workers in Bangladesh
- To provide recommendations for improving the legal framework and protections for domestic workers
- To highlight the need for a strengthened legal framework to support and protect domestic workers
- To call for the enforcement of existing laws and the consideration of new legislation
- To involve the voices and experiences of domestic workers in policy development.

¹ Human Rights Watch. (2019). Bangladesh: Domestic workers face abuse, exploitation. Retrieved from <https://www.hrw.org/news/2019/06/17/bangladesh-domestic-workers-face-abuse-exploitation>

² Zaman, M. (2020). Domestic workers in Bangladesh: A profile of a vulnerable workforce. *International Labour Review*, 159(4), 727-747. doi: 10.1111/ilr.12336



RESEARCH METHODOLOGY

The study titled “Decent work and Intersections with VAW/GVB: A Study on Domestic workers in Bangladesh” Conducted under BILS-Securing Rights Project followed the Concurrent Triangulation Design to simultaneously collect and analyze both quantitative and qualitative data. The approach consisted of three phases, which included developing conceptual frameworks, conducting secondary data analysis and gathering primary data, and engaging with stakeholders through presentations and workshops.

Primary data was collected from domestic workers (both live-in and live-out) and employers through various methods such as focus group discussions, key informant interviews, case studies, and meetings. Qualitative data was collected from a wide range of stakeholders including government organizations, civil society organizations, media, advocates, lawyers, and international organizations. The cross-sectional (retrospective in nature) method was applied in the study.

The study area was selected from four districts in Bangladesh including Dhaka, Chattogram (previously Chittagong), Sylhet, and Jashore, with a focus on domestic workers. Data was collected using cluster, simple random, and stratified random sampling techniques to represent the target population with study coverage. The sample size was determined at a 95% confidence level. The total sample size included 465 domestic workers (live-out domestic workers³ 370 and live-in domestic workers 95) and 150 employers.

RESEARCH FINDINGS

RIGHTS OF DOMESTIC WORKERS IN SOUTH ASIA, ASIA AND THE PACIFIC REGION

- Over 70% of domestic workers in the Asia and Pacific region work hours that are not regulated by law and three out of every five are not covered by labor laws.⁴
- The patriarchal and hierarchical institutions that undervalue women's labor and view houses as private areas that shouldn't be controlled as places of employment are the main causes of obstacles to strengthening their rights.⁵
- In this region, only the Philippines has ratified the Domestic Workers Convention of the International Labor Organization (ILO), despite the fact that 52% of domestic workers

³ “Live-in domestic workers are those who live and work in the same household as their employer. They are typically provided with a private room or living quarters within the employer's home. Live-out domestic workers, on the other hand, do not live in the household of their employer. Instead, they commute to the employer's home to perform their work and return to their own residence after completing their work duties. Typically live-out domestic workers work in several households.” - Live-in and live-out domestic workers. (2015, December 3).

⁴ https://www.ilo.org/global/topics/wages/minimum-wages/domestic-workers/WCMS_438290/lang--en/index.htm

ILO. (2019). Decent work for domestic workers in the Asia-Pacific region. Retrieved from

⁵ https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_690694.pdf

Konrad, A., & Punzalan, R. (2014). Domestic workers and social protection: A review of international standards and national laws. *International Labour Review*, 153(4), 733-758. doi: 10.1111/ilr.12114



worldwide are in Asia and the Pacific.⁶ Only Fiji has ratified the Convention against Violence and Harassment of the ILO.⁷

- The mechanism of hiring the domestic workers either as live-in or live-out is mostly through personal contacts, unlike the trend of hiring through recruitment agencies in some South Asian countries.⁸
- None of the South Asian countries have ratified the ILO Convention 189, and there is a lack of availability of authentic and updated data or information on domestic workers that also reflects the attitude of non-recognition of this workforce by state agencies.⁹

GROUND REALITY REGARDING RIGHTS OF DOMESTIC WORKERS IN BANGLADESH

a. Awareness and Knowledge level of the domestic workers and employers on different laws, policies, and acts

- The knowledge level of the domestic workers on different laws, policies, and acts is limited, with 96% of surveyed domestic workers having no knowledge of labor law and 99% having no knowledge of the Domestic Workers Protection and Welfare Policy, 2015.
- The knowledge level of the employers on different laws and policies is also limited, with 66% having no knowledge of the Domestic Workers Protection and Welfare Policy, 2015 and 62.67% having no knowledge of the Domestic Violence (Prevention and Protection) Act, 2010.
- Among employers, 65.33% think that they have awareness on decent and dignified work of domestic workers, while 34.67% responded not having any awareness.

b. Working Conditions

- The study found that 72% of live-in domestic workers have no separate room for sleeping and 31.5% of them face a lack of privacy and security due to shared toilet and washroom facilities.
- 75% of live-out domestic workers live in slums, with 75% of them living in one room and 65% sharing the room with others.

c. Wages and agreement between employers and Domestic Workers

- The average monthly income of domestic workers was 5,311 BDT, with live-in workers earning slightly more than live-out workers. Despite this, 96% of domestic workers felt that their wages were not sufficient to meet their basic needs, and they expected a wage of 18,000 to 20,000 BDT.

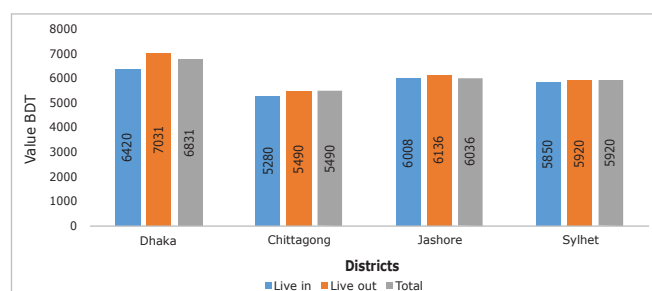


Figure 1: District wise monthly salary of the domestic workers

⁶ ILO. (2019). Convention against Violence and Harassment in the World of Work, 2019 (No. 205). Retrieved from <https://www.ilo.org/dyn/normlex/en/f?>

⁷ ILO. (2019). Domestic Workers Convention, 2011 (No. 189). Retrieved from <https://www.ilo.org/dyn/normlex/en/f?>

⁸ ILO. (2020). Domestic workers across the world: Global and regional statistics and the extent of legal protection. Geneva: International Labour Office.

⁹ Kanbur, R., & Situngkir, H. (2015). Domestic workers in South Asia: Challenges and prospects. Journal of International Affairs, 68(2), 65-78. Retrieved from <https://jia.sipa.columbia.edu/domestic-workers-south-asia-challenges-and-prospects>

- All domestic workers surveyed reported they did not have formal agreements or appointment letters from their employers, only a verbal agreement and only a few of them receive any form of social security benefits such as termination benefits, provident fund, gratuity, pension, accident compensation, and medical support. In addition, 26% of domestic workers reported wage deductions due to absence or delays

d. Working Hours and leaves

- The majority of domestic workers do not receive any day-off, and one-third of them work more than 12 hours a day.
- Live-in domestic workers work 10 to 14 hours a day, while live-out domestic workers have more flexibility depending on their work agreement. 46% of domestic workers have access to breaks during work.

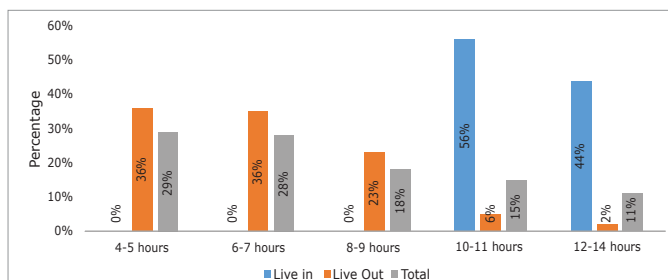


Figure 2: Daily working hours of domestic workers

- Domestic workers in Bangladesh do not have access to weekly or festival leave. 87% of live-out domestic workers did not receive any weekly leave, with only a small percentage receiving other types of leave such as maternity leave.

e. Health and Nutrition

- 54% of live-in domestic workers and 51% live-out workers suffered asthma, 16% skin diseases, 22% fever, 6% urine infection etc. Most domestic workers seek treatment from informal health places like pharmacies, rather than formal health institutions.
- Among those surveyed, 23% of domestic workers were hospitalized in the last year, with yearly treatment cost of BDT 25,999.

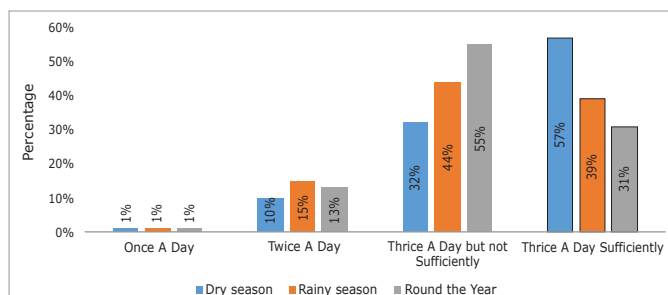


Figure 3: Situation of family food intake

f. Domestic Worker Concerns within the GVB Context

- About 67% of surveyed live-in domestic workers experienced mental abuse, 61% verbal abuse, 21% physical abuse and 4% sexual abuse. And, 66% of live-out domestic workers experienced violence at their workplace like mental, verbal, physical, sexual etc.
- In terms of sharing their experience of violence with others, 95% of domestic workers reported they didn't share with anybody while only 2% of domestic workers shared with family, 2% of domestic workers neighbor and 1% of domestic workers shared with friend.

g. Perception of Domestic Violence as a Common Incident

- The study found that domestic violence is perceived as a common and regular occurrence by the respondents. They do not seek legal or preventive measures against it.
- Domestic workers believe that loud and aggressive verbal expression or even physical acts by the employers towards domestic workers are common, especially when it is a result of damage to household materials or being late to work for several days.
- The live-out domestic workers reported more instances of verbal and physical abuse compared to sexual abuse.

h. Access to Safeguarding Mechanisms

- The major challenges faced by domestic workers in accessing safeguarding mechanisms include a lack of interest in filing cases against the offenders and fear of revealing the identity of the offenders. The respondents also stated that limited awareness of the hotline number 109 is another big challenge.
- Due to the arrangement of shared toilet and bathing facilities, 17% of women domestic workers surveyed felt fear of losing their security, dignity and privacy (21% of live-out domestic workers and 2% of live-in domestic workers).
- The results showed that 26% of women domestic workers (20% live-in and 28% live-out) reported feeling uncomfortable about their privacy, security, and dignity in their accommodation units.

i. Skills Development and Social Security

- 99% of domestic workers did not receive any skills development training, including occupational skills (including occupational risk and hazard-related equipment) and soft skills training.
- 85% of employers believe that life skill training contributes to enhancing the rights of domestic workers.
- 4% of domestic workers reported being members of worker associations, which gave them more bargaining power.

j. GBV and the COVID 19 Reflection from Domestic Workers

- 4% of domestic workers tested positive for COVID-19, with half of live-out domestic workers reporting late wages upon return to work.
- 26% of infected domestic workers experienced verbal abuse from their employers due to their COVID-19 status.
- 47% of domestic workers lost their job as a result of the COVID pandemic, and half of infected domestic workers reported abuse from their husbands/family members for loss of income.

OVERVIEW OF LEGAL FRAMEWORKS FOR THE PROTECTION OF DOMESTIC WORKERS IN BANGLADESH

Policies and Regulations

Briefs

Crime Victims Compensation Act 2007

This act aims to provide support to survivors of crime, including gender-based violence (GBV). The act has yet to be fully enacted and needs to be expedited by the government. The government should also review the act regularly to ensure that it continues to meet the evolving needs of survivors and that compensation offered is sufficient.

Domestic Workers Protection and Welfare Policy 2015

This policy provides protections for domestic workers from abuse and exploitation. The government should enforce this policy and provide training and resources to law enforcement officials to effectively respond to cases of GBV. The policy should also be reviewed to ensure that it continues to meet the needs of domestic workers.

Policies and Regulations

Briefs

The Bangladesh Labour Act 2006

This act governs the employment of workers in Bangladesh and provides basic rights and protections to workers, including the right to safe and healthy working conditions, fair wages, and protection from exploitation.

The Bangladesh Women and Children Repression Prevention Act 2000

This act provides for the punishment of various forms of violence against women and children, including domestic workers.

The Bangladesh National Women Development Policy 2011

This policy aims to promote the empowerment of women and to ensure their protection from violence and exploitation, including domestic workers.

The Domestic Servants' Registration Ordinance of 1961

This ordinance sets the basic terms and conditions of employment for domestic workers, including working hours, leave entitlements, and minimum wage requirements. The ordinance also establishes the responsibilities of employers, and provides a framework for resolving disputes between workers and employers.

The Bangladesh Penal Code 1860

This code sets out the punishments for a wide range of crimes, including those related to violence and abuse. The code provides a basis for prosecuting perpetrators of violence against domestic workers, and can be used in combination with other laws to provide a more comprehensive legal framework for protecting domestic workers from abuse.

The Bangladesh Constitution 1972

The Constitution of Bangladesh contains several provisions that are relevant to the protection of domestic workers, including provisions on equality, non-discrimination, and the right to work. The Constitution provides a foundation for protecting the rights of all workers in Bangladesh, including those working in the domestic sector.



POLICY RECOMMENDATIONS

REQUIRED ACTIONS TO ENSURE BASIC LABOR RIGHTS FOR DOMESTIC WORKERS IN BANGLADESH

Setting minimum wage for domestic workers

Adequate actions to set a minimum wage for domestic workers to a level that covers basic needs, such as food, housing, and transportation. This will help to ensure that domestic workers are paid fairly for their work, and that they are able to support themselves and their families.

Enhance worker training and education

Domestic workers should have access to training and education programs that help them develop their skills and improve their job prospects. This could include courses on basic household tasks, language training, life skills such as negotiation skills and financial literacy.

Improve working conditions

Actions need to be taken to ensure safe and healthy working conditions for domestic workers, including access to proper sanitation, adequate rest breaks, and appropriate living quarters. Government should enforce policies and adequate steps so that employers has to provide their domestic workers with appropriate working condition including adequate supplies and equipment to perform their tasks effectively.

Increase awareness about the compensation process and rights of survivors of gender-based violence and domestic Workers

In Bangladesh, many victims of GBV are unaware of the compensation process and their rights. The government should launch nationwide awareness campaigns to educate survivors about the compensation process and their rights to compensation. This could include public education campaigns, media outreach, and community events that highlight the contributions of domestic workers and the need for their fair treatment.

Establish a dedicated compensation fund for survivors of gender-based violence

A dedicated fund for compensating survivors of GBV should be established to ensure that survivors receive timely and adequate compensation without having to navigate a complex system.

Provide support for survivors of GBV

In addition to compensation, survivors of GBV in Bangladesh need access to comprehensive support services, including legal support, medical care, and counseling. The government should ensure that these services are available, accessible, and affordable for all survivors.

Increase collaboration and coordination between government agencies, NGOs, and other stakeholders

The government should establish effective mechanisms for collaboration and coordination between government agencies, NGOs, and other stakeholders to ensure that compensation programs are implemented effectively and efficiently.

STRENGTHEN THE LEGAL FRAMEWORK

- Laws protecting the rights of domestic workers should be strengthened to ensure that they are able to work in safe and healthy conditions and health care. This would provide a more stable and secure standard of living for domestic workers, improving their overall well-being.
- The current process for compensating survivors of GBV is not only lengthy, but also complex and often ineffective. In order to tackle this issue, the government needs to prioritize the process of enacting the Crime Victims Compensation Act 2007, which aims to provide support to survivors of crime, including GBV. And, it should be reviewed regularly to ensure that it meets the evolving needs of survivors of GBV. However, the act has yet to be fully enacted, and until it is, survivors of GBV will continue to face significant barriers in accessing the support they need.
- Furthermore, the government should also consider implementing new legislation specifically tailored to the needs of domestic workers, in order to better protect them from abuse and exploitation. This could include provisions related to working hours, minimum wage, and access to social protections such as health insurance and pensions.
- The government can enforce existing laws (such as the Domestic Workers Protection and Welfare Policy 2015, The Bangladesh Labour Act 2006, The Bangladesh Women and Children Repression Prevention Act 2000, The Bangladesh National Women Development Policy 2011, and The Bangladesh Employment of Domestic Workers Ordinance 2013) for the protection of domestic workers by establishing enforcement mechanisms (such as specialized labor inspectors, activating hotlines for reporting abuses, and complaint mechanisms), regularly monitoring and evaluating the implementation of labor laws and regulations, imposing strict penalties and fines on violating employers, launching public education campaigns to raise awareness, and collaborating with non-governmental organizations, trade unions, and other stakeholders to improve working conditions and protect the rights of domestic workers.

WAY FORWARD

- Implementing the existing laws that protect domestic workers, such as the Domestic Workers Protection and Welfare Policy 2015, and providing resources and training to law enforcement officials to effectively respond to cases of GBV.
- Enacting the Crime Victims Compensation Act 2007, which aims to provide support to survivors of crime, including GBV, and regularly reviewing the act to ensure that it continues to meet the evolving needs of survivors.
- Providing training to legal professionals, law enforcement, and healthcare providers to handle cases of GBV effectively and with sensitivity.
- Considering the implementation of new legislation specifically tailored to the needs of domestic workers, which could include provisions related to working hours, minimum wage, and access to social protections such as health insurance and pensions.
- Taking a comprehensive and evidence-based approach that takes into account the unique needs and perspectives of domestic workers.
- Monitoring and evaluating the impact of these steps to ensure that they are effectively addressing the issue of GBV against domestic workers in Bangladesh.
- Ensuring that the recommendations are informed by the voices and experiences of domestic workers themselves, as well as relevant academic research and best practices from other countries.
- The government should launch nationwide awareness campaigns, including public education campaigns, media outreach, and community events, to educate survivors about the compensation process and their rights to compensation and highlight the contributions of domestic workers and the need for their fair treatment.

This Policy Brief is prepared based on a study titled “Decent Work and Intersections with VAW/GBV: A Study on Domestic Workers in Bangladesh”, conducted by Dnet for BILS Securing Rights Project.

