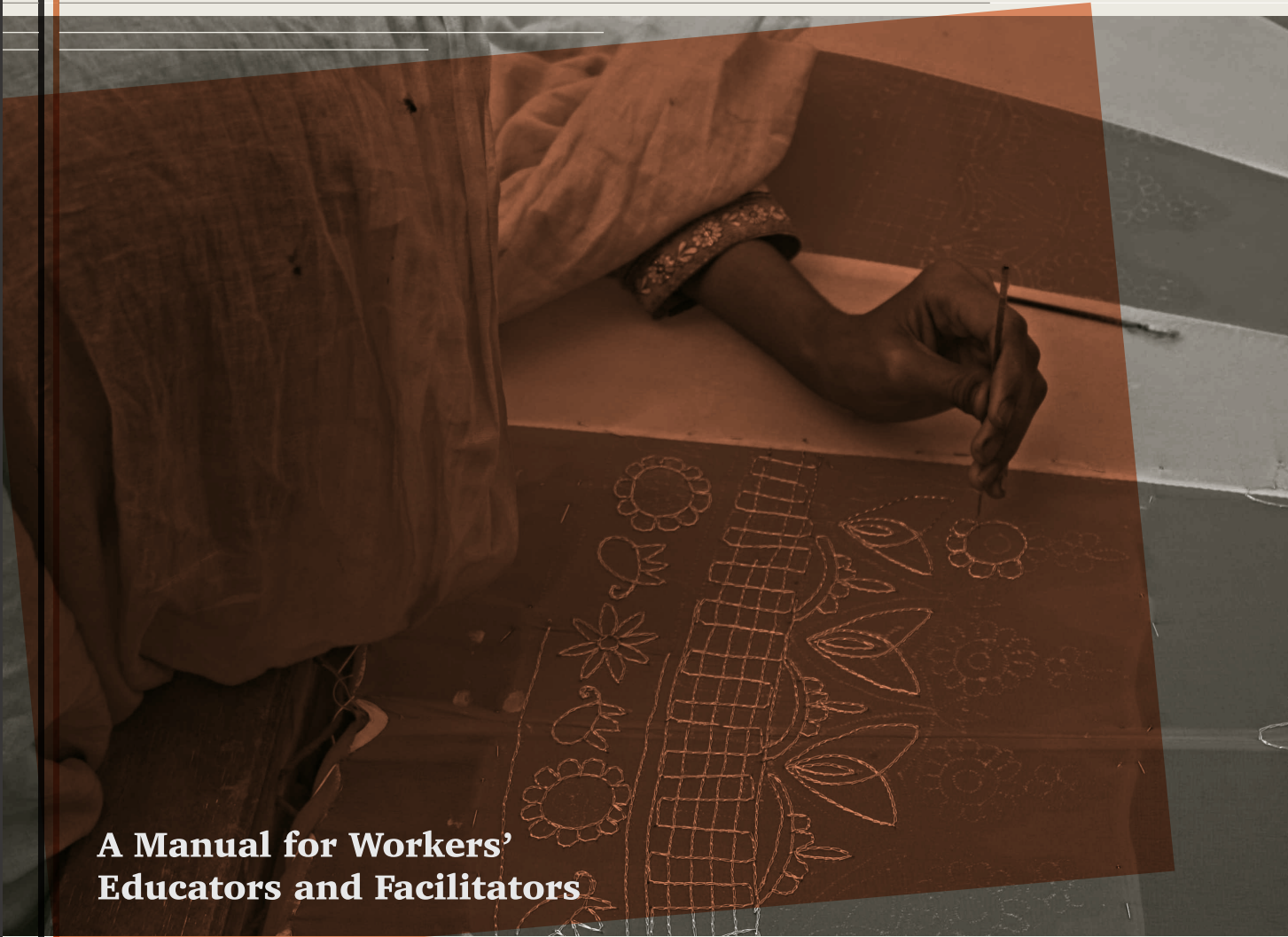


promoting the

ILO HOME WORK CONVENTION

and

THE RIGHTS OF HOME WORKERS

A photograph showing a close-up of a person's hand stitching a patterned border on a piece of fabric. The hand is holding a needle and thread, creating a series of small, repeating floral or geometric motifs. The fabric is light-colored, and the stitching is in a contrasting thread. The background is slightly blurred, showing more of the fabric and the person's arm.

**A Manual for Workers'
Educators and Facilitators**

Produced by the **Global Labour Institute**
for **HomeNet South Asia**

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**Women in Informal Employment:
Globalizing and Organizing
(WIEGO)**

Much has been drawn from materials, ideas and photographs from:

- **International Labour Organization (ILO)**
- **Homeworkers Worldwide (HWW)**
- **Committee for Asian Women (CAW)**
- **Development Institute for Training, Support and Education for Labour (DITSELA), South Africa**
- **International Federation of Workers' Education Associations (IFWEA)**

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About GLI



The **GLOBAL LABOUR INSTITUTE** is a labour service organization established in 1997 in Geneva, Switzerland. Its purpose is to support the efforts of the labour movement to deal with the globalization of the world economy and its social and political consequences and, to this end, to strengthen links and networks between trade unions and other civil society organizations with similar or converging interests, particularly in the defence of human and democratic rights and social justice in all its aspects. It is chaired by Dan Gallin, former general secretary of the **IUF** (the international federation of food, agriculture, hotel and catering and tobacco workers' unions).

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About HomeNet South Asia



HomeNet South Asia is a regional network of national (country) networks of home-based workers' organizations. It currently brings together HomeNets in India, Sri Lanka, Pakistan, Nepal and Bangladesh, plus other national networks in the region, which provide information and services to home-based workers in countries across the region.

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www.inclusivecities.org

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"It is difficult to conceive of a meaningful strategy to fight poverty without substantially improving the living and working conditions of homeworkers. Homework is where the poor are, millions of them. Those who want to "make poverty history" would be well advised to use as a point of leverage those standards, like the Home Work Convention, which are specifically designed to address the problems of the poor, and particularly of poor women, who make up the vast majority of homeworkers."

Dan Gallin, Global Labour Institute

Introduction

Home-based work is a substantial and rapidly growing part of the world economy. But it is characterized by unregulated, often inhuman, working conditions.

The growth in homeworking is part of today's economic globalization, where more and more of the world's workers are employed on a casual basis. Companies seek out workers to make their products at lower cost, by side-stepping their responsibilities as an employer. They do their best to avoid paying for their workers' social security such as maternity leave or pensions, for paid holidays, for health and safety standards, for training, and so on. Employing homeworkers, directly or through contractors and agents, is one way they do this. But it is very exploitative, leaving the workers in poverty.

To help combat this exploitation, in 1996 the International Labour Organization (ILO) – which is part of the United Nations – adopted a new Convention for the rights of homeworkers. It is called the ILO Convention on Home Work No.177 (or C177).

C177 is an attempt to make sure that homeworkers across the world are treated equally with other workers, and have the same rights to:

- Set up, join and take part in workers' organizations of their own choosing
- Protection against discrimination in employment and occupation
- Occupational safety and health protection
- Pay
- Statutory social security protection
- Maternity protection
- Access to training
- Minimum working age

Sadly, very few governments of the world have so far adopted C177 into their country's laws – a process known as 'ratification'. Up to mid-2010 when this manual was written, only seven countries had done so. They are: **Albania, Argentina, Bosnia and Herzegovina, Bulgaria, Finland, Ireland, and the Netherlands.**

Putting pressure on each government to ratify C177 is a key way to support homeworkers to win their rights and a better standard of living – to move

them and their families out of poverty. So this manual has been produced at the request of the South Asian network of home-based workers' organizations, called HomeNet South Asia, to encourage more homeworkers and their organizations and supporters across the world to mobilize to get C177 into their own country's national laws.

After the national laws have been improved, there will still be the need to be vigilant and active to make sure they are properly implemented. However, organizing for this first step of 'ratification' can be used as a way also to bring homeworkers' together, to raise awareness and strengthen their organizations, and to build alliances with other supporters in the trade union movement, women's organizations, community-based associations, and so on, to ensure that homeworkers' rights are respected for the long-term.

MODULE FOUR

"Strategies for the future"

- Envisioning the future
- Strategies and approaches needed
- The future of training on organising in the informal economy
- Evaluation exercises

READINGS

Strategies for trade unions

A note for educators using this manual

This manual has been designed to:

- provoke and encourage discussion about homeworkers and their rights as workers
- raise awareness about the international ILO Home Work Convention and its significance for homeworkers in each country
- encourage homeworkers and their supporters to get the ILO Home Work Convention put into national law in their own country
- Foster stronger organization of homeworkers so that they can continue fighting for their rights.

The manual is primarily for trade unionists and social movement activists with an interest in raising awareness of homeworking and supporting homeworkers' rights.

It can and should of course also be used as a means of raising awareness

among homeworkers themselves - especially about how their rights as workers are recognized at an international level, and how this can be used to win them more respect in their own communities and country.

The manual is particularly for those with responsibility for education programmes or facilitating workshops and discussions. It is assumed that the reader has some experience in workers' education, although not necessarily any formal training.

If you are interested in developing more general workers' education or facilitation skills, or other education materials concerning workers in the informal economy, please see **More Contacts and Resources** in Appendix 4.

How to use this manual

The contents of this manual can be used as a 'course', working through the four sections. Or you can pick and choose different topics, depending on what is appropriate in your own context, the time available, and the nature of your target group.

We actively encourage facilitators and educators to change or edit the material to suit your needs and local circumstances.

The manual is organized around four key topics or sections. Each one contains:

Information briefing: This can be used by facilitators to inform themselves and also as hand-outs for the participants where relevant.

Activities: these aims to stimulate discussion by participants on particular themes, and to help them develop action plans. The activities involve small group work, and assume that you are working with a group of 12-20 people. If you are working with a smaller or larger group, you may want to adapt the activities accordingly. The activity sheets, which include questions to guide their discussion, are designed to be reproduced and distributed to participants to use.

Notes for facilitators: These are guidance for you to use when planning the session. They include suggestions for further resources that you may find

helpful. Timings for each session have not been given, as this will depend on the nature of the participants / learning process in each situation.

Remember to record the results of each discussion. These notes will be useful when developing an Action Plan in the final Activity.

If you would find it useful to have these materials in Word format, so that you can adapt the materials to your own requirements, we are happy to send you the files by email. Contact homenetsouthasia@gmail.com.

At the end of the manual, Appendix 4 on **More Contacts and Resources** provides contact details for organizations and networks active in promoting homeworkers' rights, organization and livelihoods, as well as further education materials that you might find useful.

Local ILO representatives

The International Labour Organization has a network of regional, sub-regional and country offices across the world. Each one should have someone there responsible for liaising with workers' organizations in that area, including some working directly for the ILO's Workers' Activities branch (ACTRAV).

It is important that you make contact with the ACTRAV representative in the nearest office, as they may be able to provide valuable advice and technical support. They might also be prepared to provide an input into your training programme.

Contact details are available on the ILO's web site: www.ilo.org/actrav

1. About homeworkers

Home-based work is growing across the world. Perhaps as many as 100 million people work in their own homes, in countries both rich and poor.

The vast majority of homeworkers are women, carrying out the double burden of doing both paid work and unpaid care-giving work in their homes.

The different types of home-based workers

People work within their own homes under various types of employment relationship. There are:

- Home workers who are working on contract for others – also known as ‘dependent’ workers or ‘industrial outworkers’: they carry out paid work for companies or intermediaries/contractors/agents, typically on a piece-rate basis.
- Self-employed home-based workers – also known as ‘own-account’ workers: they work for themselves, producing goods and services in their own homes which they then sell to others, for example in the local market.
- Direct employees of a company: they may be working from home but they have an employment contract with an employer.

Why is it important to know the difference?

Knowing how to distinguish between different types of home-based workers is vital to build a successful campaign for more countries of the world to adopt (or ‘ratify’) the ILO Convention on Home Work C177.

This is because this ILO Convention applies only to those who are homeworkers, who are working on contract for others.

If activists and organizations are not clear on this, it could seriously undermine the campaign for ratification.

Home-based Workers / Domestic Workers

There is often confusion between home-based workers and domestic workers.

The crucial distinction is that **home-based workers work in their own homes**, whereas **domestic workers work in other people’s homes**.

In many sectors

Home-based work exists in a wide range of sectors. There are workers doing services such as shoe repair or looking after other people's children in their own homes. Many work on handicraft production. Others are carrying out manufacturing or assembly work — especially of textiles, garments, jewellery, electronics, and many other types of consumer goods. Some are doing clerical services such as data processing and invoicing.

With the rise of complex global supply chains over the past half-century, home-based work has grown massively. The growth of homework in manufacturing especially can be linked to the logic of global competition that pushed the bulk of manufacturing first from developed to developing countries, and then out from factories into workers' homes, as employers cut costs by passing off responsibility for rent, electricity, equipment, and other production costs onto the workers.

More women than men

Women are more likely than men to work mainly at home.

In some communities, women are working in their own homes because this makes it easier to fit income-earning activities around childcare, cooking and other household duties.

In others, women work at home because the general view is that they should not leave the house to go out to work.

Women are much more likely to be homeworkers who are working for others, rather than self-employed people who are producing goods or services for themselves to sell.

And among homeworkers, women are far more likely than men to be engaged in low-paid work (see more on page []).

For more information

'We are workers too! Organizing home-based workers in the global economy', by Celia Mather, WIEGO, 2010:

www.wiego.org/publications/we_are_workers_too_mather.php

How many home-based workers are there?

Because it takes place behind the closed doors of individual private homes, home-based work is one of the most invisible types of employment. So it is very difficult to count. Few countries actually collect statistics on home-based work.

The available estimates suggest that, in most developing countries, more than 10% of the non-agricultural workforce is home-based. In the garment and textile sectors, it is as high as 25-60% of the workforce.

Home-based work appears to be less common in developed regions. One study of European countries showed only about 5% of the total workforce spending most of their working hours at home.

Of the world's estimated 100 million home-based workers, more than half are found in South Asia, and 80% of these are women.

Home-Based Workers in Fourteen Developing Countries

Country	Number of home-based workers	% of non-agricultural workforce	Women as % of total
Homeworkers Only			
Chile (1997)	79,740	2	82
Philippines (1993-5)	2,025,017	14	79
Thailand (1999)	311,790	2	80
Self-Employed only			
Brazil (1995)	2,700,000	5	79
Costa Rica (1997)	48,565	5	45
Morocco (1982)	128,237	4	79
Peru (1993)	128,700	5	35
Both Categories			
Benin (2002)	595,544	66	74
Guatemala (2000)	721,506	26	77
India (1999-2000)	23,496,800	17	44
Kenya (1999)	777,100	15	35
Mexico (1995)	5,358,331	17	43
Tunisia (1997)	211,336	11	38
Venezuela (1997)	1,385,241	18	63

From: 'Women and Men in the Informal Economy: A Statistical Picture', ILO, 2002, page 47.

Home workers conditions of work

Very poorly paid

Women homeworkers in manual jobs are among the lowest paid workers in the world. But even highly-skilled workers, such as embroiderers, can be paid far too little for their work. Women's skills are often not as highly regarded as men's skills, and employers exploit this situation.

Almost everywhere, in all types of economies, home-based workers get much lower pay than other workers. They often even get less than the legal minimum wage — even in developed countries — and no matter how skilled they are.

- The SEWA Academy in **India** found that 85% of home-based workers in 14 trades were earning 50% below the official poverty rate. (SEWA is the Self-Employed Women's Association.)
- The Self-Employed Women's Union (SEWU) in **South Africa** found that 65% of women home-based workers were earning less than the minimum wage each week.
- In **Australia**, the Textile Clothing and Footwear Union found that 'outworkers' (as they are known there) who typically work 12-18 hours per day, 7 days a week, only earn about one-third of the standard rate of pay.

Typically paid on a piece-rate basis, homeworkers usually receive far less than 10% of the final sale price of what they produce. It is often closer to 1%.

Low pay is largely because women homeworkers are not seen and valued as 'workers'. They are often thought of as just earning some extra 'pocket money', even though what they earn may be essential to the livelihood of their family.

As well as earning little for their work, homeworkers have to pay out for many of the costs of production, such as electricity and equipment.

Little access to social security benefits

Most developing countries have only poor social security systems. Yet most formal sector workers do have some protection under specific laws. By contrast, homeworkers rarely have access to social security benefits of any kind, whether health care, child care, maternity support, or old age pensions.

Or, even if homeworkers are covered in theory, many have little knowledge of, or access to, these services.

Even in developed countries, homeworkers tend to be excluded from benefits and social protection. This is because they are often officially classified as 'self-employed' rather than 'employed'. Or what they earn disqualifies them from welfare benefits. Or they find it difficult to seek help because of language, education or legal barriers.

Working at the end of complex supply chains

Homeworkers are often working at the bottom of very complex supply chains. Big companies subcontract work out to suppliers, rather than do it themselves. These suppliers then often subcontract the work out further. And there can be several levels of subcontractors before the work actually reaches the homeworkers.

Each of the subcontractors, or agents, or 'middle-men', take their cut and reduce the amount of money from the top of the chain that actually reaches the homeworkers.

The arrangements are often informal. The work may be taken out of the factory by supervisors or factory workers, perhaps on to small workshops in their community, and then on to homeworkers.

There can be so many different intermediaries, all with different contracts between them, that it becomes difficult for homeworkers and their supporters to find out who is – or should be – the employer, responsible for the homeworkers' pay and conditions.

Often, home-based workers simply appear to be yet more independent contractors in the chain. However, in reality they are in an employer-employee relationship, although it is camouflaged by the complex arrangement of agents, traders, and subcontractors handling the work. In this way their employment becomes unregulated, leaving the homeworkers very vulnerable.

Irregular, insecure work

Some people think that homeworking benefits everyone involved because of its 'flexibility'. On the surface, it looks as if homeworkers can choose when and how they work, fitting it around their other commitments, such as looking after their families. Meanwhile, employers benefit from a workforce who can be given work when there is work to do, and laid off when there is not.

However, too often this flexibility is all one-way. When there is a sudden demand employers can rely on homeworkers to work long hours at short

notice. But they don't have to pay their homeworkers when there is no work to do.

For homeworkers, this means that the work is irregular. There are periods of no - or very little - income, and then frantic, long hours when an order must be done in a rush.

Homeworkers have very little income security. Work orders can be suddenly cancelled, finished goods rejected by contractors, or payment delayed for months on end. The companies that employ them can shift their production to other communities, or regions, or even countries.

When industrial outwork is not available, many homeworkers have to do other forms of home-based work to supplement their income. This is often own-account work – for example, preparing food for sale in the local market.

Difficult living conditions

Because the majority of homeworkers are poor, in both developed and developing countries, work and family life must usually co-exist in very cramped quarters.

"Once we got into their neighbourhoods, we could always locate the workers - their houses are so small they have to pull their machines out onto the footpath."

SEWA Organizer, Ahmedabad, India.

As well as lacking space, many of these homes lack adequate light or other facilities. In many situations they are vulnerable to fire, theft, and both natural and civil disasters.

Working in the home also brings health and safety problems into the home, affecting both workers and their families. There are many recorded problems of dangerous chemicals and processes, harmful dust, etc.

As many of women homeworkers do not own their homes, they are vulnerable to being put "out on the street" at the demand of their husbands, in-laws, landlords, or local governments.

Vulnerable to harassment

Women homeworkers, being isolated in their own homes, are vulnerable to harassment and discrimination. This may come from their husbands and other family members sharing the same home. But they are also exposed to the demands of middle-men and employers' agents. Even supportive family members, also poor themselves, may not have enough power to confront abusive middle-men and agents.

Isolated, and therefore poorly organized

Working in their own homes, most homeworkers are isolated. They have much less opportunity to build links with their co-workers than those who work in factories or offices. Despite the exploitation and discrimination they face, homeworkers find it harder than those other workers to find out about their rights or to access support – especially by joining a trade union or other workers' organization.

Homeworkers are also mostly 'invisible' to society at large, because their work is done behind closed doors. They are working 'informally' and so are not recognized in official labour surveys or statistics. This means governments, as well as suppliers and retailers, are often ignorant of the issues affecting homeworkers, and many fail to take the steps necessary to protect them.

It also means the value of homeworkers work is not properly appreciated – their contribution to the economy is undervalued. Family members, or even homeworkers themselves, may dismiss what they do as not 'real work', despite the skill, time and effort it actually involves.

Isolated and often entangled within complex chains of contractors and subcontractors, home-based workers face significant challenges in organizing themselves collectively.

Despite this, home-based workers' organizations in several countries have achieved important victories, including coverage by minimum wage laws and access to social security and health care programs.

For more information

- 'We are workers too! Organizing home-based workers in the global economy', by Celia Mather, WIEGO, 2010:
www.wiego.org/publications/we_are_workers_too_mather.php
- 'Informal Workers in Focus: Home-Based Workers', WIEGO, 2008:
www.wiego.org/publications/FactSheets/WIEGO_HomeBased_Workers.pdf
- 'Out of the Shadows: Homebased workers organize for international recognition', by Renana Jhabvala and Jane Tate, SEEDS, No. 18, 1996:
www.wiego.org/publications/Jhabvala%20Tate%20Out%20of%20the%20Shadows.pdf
- 'Women and Men in the Informal Economy – A statistical picture', ILO, 2002:
wiego.org/publications/women%20and%20men%20in%20the%20informal%20economy.pdf
- 'Garment Industry Supply Chains – A resource for worker education and solidarity', by Celia Mather, Women Working Worldwide, 2004:
www.women-ww.org/pdfs/www_education_pack.pdf

Activity 1

Who is a Homeworker?

Facilitator's Notes

For organizing and campaigning purposes, it is important to be able to distinguish between **the different types of home-based workers** (see page [1]).

So this Activity aims to help activists know how to identify the different types of home-based worker.

Using the handout 'Who is a Homeworker: Workers' Stories', ask the participants, working in small groups, to read them out one-by-one and discuss the questions suggested.

After the small groups have finished their discussion, reconvene the group as a whole.

Give every participant a copy of the table on 'How to differentiate between Self-Employed, Homeworkers and Employees' (see page [1]), or display it on an overhead projector.

Ask each group to report back on their discussions, perhaps taking each worker's story in turn.

Using the table, ask the groups to decide whether the workers under discussion are self-employed, homeworkers, or employees – or perhaps a category that falls in between.

Page [1] provides the reasoning behind deciding which of these workers are in which category.

Remind the participants of the reason why it is important to know these different identities – for organizing and campaigning purposes, especially relating to the international ILO Convention that sets out homeworkers' rights (see Section 2).

Remember to record the discussions to use later in developing an Action Plan.

Activity 1

Who is a Homeworker?

Handout

Aims

To help us to:

- understand who are homeworkers
- consider the different forms of home-based work.

Introduction

Traditionally, all workers were regarded as simply either paid employees or self-employed. But employment relationships are more complicated than that, and many workers do not fit into these simple categories. Rather they fall into a grey zone between employees and self-employed. These include homeworkers.

Task

Working in small groups, use the stories on the sheet 'Who is a Homeworker: Workers' Stories'. Read them out and discuss whether or not each one is a 'homeworker', using the following questions:

1. **What sort of contract does he or she have?**
 - a. Sales contract
 - b. Employment contract
2. **Who is the contract with?**
 - a. Him/herself
 - b. An employer
 - c. An intermediary (e.g. agency, sub-contractor)
3. **How does he or she earn money?**
 - a. By selling goods or services
 - b. For work – paid for time
 - c. For work – paid on piece rate
4. **Who provides the means of production (tools, equipment etc)?**
 - a. He/she provides their own
 - b. Provided by the employer
5. **Who provides the workplace?**
 - a. He/she provides their own
 - b. Provided by the employer
6. **Who supervizes them?**
 - a. Self-supervising
 - b. Indirect supervision (e.g. by a sub-contractor)
 - c. An employer

Please elect someone to report back to the plenary.

Activity 1

Who is a Homeworker? - Workers' Stories

Handout

Julie lives in England. She saw a card in a local shop saying "Hand-Knitters Wanted" and she answered the advertisement. A woman came to her house and gave her patterns and wool. This agent regularly gives out work to 20-30 women in the area. The sweaters and jackets they knit are then sold by a large mail-order company. Soon Julie was working as long as 30 hours per week, but one day the agent said her garments were the wrong size and refused to pay her. Julie was sure this was just a ruse, as her work had always been right before, but there was little she could do about it: she had no written contract and there was no-one she could complain to.

Lilay weaves sawali or palm leaves for a subcontractor in her village in the Philippines. She buys palm leaves and bamboo from a local farmer. The bamboo is cut into long strips with sharp knives and Lilay then weaves them into rectangular mats according to specifications provided by the subcontractor. But sometimes the subcontractor refuses to pay her, saying the mats are not of the required quality (but taking them anyway). Then Lilay loses not only her earnings from the weaving, but also her investment in the raw materials. But there is nothing she can do about it - she needs the work.

Sophie Lamani lives in a shack in one of the townships surrounding the city of Durban, South Africa, with her two grandchildren. Every day she begins sewing as soon as her grandchildren leave for school and she has cleaned the house. She makes clothes, and every weekend she puts up a stand to sell them at the local bus terminal. Once a year, she travels to the Transkei (her rural homeland) to sell her wares there. Ms. Lamani does not have a problem selling what she produces; her problem is that she does not always have enough money to buy fabric.

Joy lives in a mining town in northern Zambia. Her husband was a copper miner but he was made redundant a few years ago when the mine was shut down. So Joy was forced to seek work to maintain the family. Her friend Charity had started her own business in the back yard of her house, raising chickens. She asked Joy if she would help her by looking after the chickens, while Charity sold the chickens from a stall in the local market. Joy agreed, and she goes to Joy's house every day, while Charity was in the market. Each evening, when Charity returns home, she pays Joy a proportion of her earnings in return for looking after the chickens.

Activity 1

Who is a Homeworker? - Workers' Stories

Vivek works for an IT agency in India, specializing in designing and maintaining web sites for customers in Europe and North America. Working hours can be very unpredictable, depending on the number of contracts at any given time, and because of time-zone differences, he frequently has to work late. He shares a desk in a large open-plan office rented by his employer, but frequently he has to work from home, with a lap-top provided by the agency. This happens especially when a client's deadline demands work late at night, or there is insufficient space in the office.

Some of these stories are adapted from 'Out of the Shadows: Home-based Workers Organize for International Recognition', by Renana Jhabvala and Jane Tate, 1996:

Who is a Homeworker?

How to differentiate between Self-Employed, Homeworkers, and Employees

Characteristics	Self-Employed	Homeworkers	Employees
Contract	Sales contract	Employment contract	Employment contract
Contract with	Self	Employer/ intermediary	Employer
Earnings	From sale of goods / services	For work done (typically on piece rate)	For work done (on time or piece rate)
Means of production	Provided by self	Provided by self	Provided by employer
Workplace	Provided by self	Provided by self	Provided by employer
Supervision	Autonomous	Indirect or no supervision	Direct supervision
From: 'Women and Men in the Informal Economy: A Statistical Picture', ILO, 2002			



How do we categorize the workers featured in the stories?

Julie...

Has an employment contract, even though there is nothing in writing.

Her contract is with the agent (the intermediary).

She is paid for work (piece-rate).

She provides her own means of production (her needles, light, etc.).

She provides her own workplace.

She is under indirect supervision (by the agent).

Therefore Julie is a homeworker.

Lilay...

Has an employment contract, although probably not in writing.

Her contract is with the sub-contractor in her village.

She is paid for work (piece-rate).

She provides her own means of production (assuming the knives are hers).

She provides her own workplace.

She is under indirect supervision (by the sub-contractor).

Therefore Lilay is a homeworker.

Sophie...

Has a sales contract (with the people she sells her clothes to).

The contract is with herself, as the maker of the clothes.

She earns her money from sales.

She provides her own means of production (a sewing machine).

She provides her own workplace.

She supervises herself (she is autonomous).

Therefore Sophie is self-employed home-based worker.

Joy...

Has an employment contract (though not in writing).

Her contract is with an employer (her friend Charity).

She earns her money from wages (a proportion of Charity's earnings).

The means of production are provided by her employer (chicken feed, etc.).

Her workplace is provided by her employer (Charity's home).

She is directly supervised – by Charity.

Therefore Joy is an employee, not home-based.

Vivek...

Has an employment contract.

His contract is with an employer (the agency).

He earns his money from wages from the agency.

The means of production (the lap-top) is provided by his employer.

His main workplace is provided by the employer, although he sometimes works from home.

He is directly supervised.

Therefore Vivek is an employee, though he sometimes works at home.

Activity 2

What are the key issues that homeworkers face?

Handout

Aims:

To help us to:

- gain a first-hand understanding of the main challenges and problems faced by homeworkers.

Task 1

The facilitator has organized for you, working in small groups, to go and meet a group of homeworkers, and to 'interview' them using the questions below. The facilitator has arranged this with them, and they are expecting you.

Make sure you introduce yourselves properly, and explain why you are interested in asking the questions.

- How did you come to do this work?
- Can you describe a typical day?
- If you have to buy your own supplies, where or who do you get them from?
- Do you work on your own, or do others work with you?
- How much do you earn in a month?
- What are the major problems you face at work?
- What have you done to try to remedy these problems?
- Have you attempted to co-operate with other workers to try and remedy these problems?

If you have access to a digital camera, take photographs of the workers and their places of work. Always get permission from the workers before taking photographs.

Please take careful notes of the answers. If any questions seem inappropriate, quickly move on to the next. If some questions spark particularly interesting responses, don't be afraid to explore further.

Activity 2

What are the key issues that homeworkers face?

Task 2

Back at the venue, continue working in the same small groups.

Elect someone to report back to plenary.

Refer to your notes, and discuss the results of your interviews. Include any photographs you took in your presentation.

When preparing your presentations, refer to the questions outlined in Task 1, but also consider the following:

- Who might be the most important 'bargaining counterparts'?

'Bargaining counterparts' means those organizations and individuals with whom the homeworkers would have to negotiate if they are to improve their livelihoods, working conditions and respect for their rights.

- What might be these workers' key demands in such negotiations? And what are the issues which might help lead to, or strengthen, collective action?



Activity 3

What are the key issues that homeworkers face?

Handout

Aims:

To help us to:

- understand the main challenges and problems faced by homeworkers

Task:

Working in small groups, consider the stories of workers on the handouts A, B and C provided, using the questions below.

- What do you think are the key issues facing homeworkers?
- What do you think are their key demands to governments?
- What do you think are their key demands to employers?
- What do you think are their key demands to other workers?

Please elect someone to report back in plenary.

Handout A

'Kilim' Workers, Eastern Turkey

"We mostly make 'kilim' (flat-woven carpets and rugs), but sometimes carpet bags, belts and bracelets, all from kilim materials, and occasionally crochet or knitting of socks and shawls.

Most of our work weaving kilim is done for orders. There is also a workshop where women go to work. It is a big workshop with over 100 women working there. We can finish one kilim in three months. We get paid 100 lire (about US\$ 65) for three months work. We should be insured and get paid minimum wages. The kilim are mainly for export. In the village, we do all the processes – preparing the wool, spinning and dyeing, as well as the weaving.

We have the skills to make many things, but we cannot sell them. Our people are hungry for ideas. Many of us are forced to leave the villages and migrate to the cities. In the villages we have animals and can live. But when we go to the cities, we don't know how to survive, and get very depressed."

Garment Worker, Mustafabad, India

"I'm 50 years old and have had a very tough life. My husband is very poor, making only 400 rupees (US\$ 9) per month. I manage as best she can. I wake up before dawn and make food that he sells later in the day in the bazaar. After breakfast, I start sewing. I started by sewing clothes for dolls at 5 rupees (10¢) per dozen. To meet household expenses, I started embroidery and making bridal clothes. In one week I make one shirt and earn 350 rupees (US\$ 7.50).

I have four daughters and one son, and I've taught all my daughters to embroider and sew. They also help with household chores. We all work late into the night making lace encrusted with gems. We earn 25 rupees (50¢) for encrusting 1440 gems.

All my daughters have been to primary school. After completing primary school, I taught them sewing and embroidery so they could earn a living independently. At one point my husband fell seriously ill and I had to sell the house to cover the cost of his treatment, before saving enough to construct another house.

My youngest daughter is studying in class 7 at an English Medium school. My other daughters have resolved that they will educate their youngest sister so she never has to make lace, sew or do embroidery because this work ruins ones health."

Activity 3

What are the key issues that homeworkers face? -Workers' Stories

Handout B

Shoemakers, Lahore, Pakistan

"We prefer the wedding season, though the work is hard and we suffer from backache and pains in our shoulders from sitting in an uncomfortable position for hours. Our daughters suffer too, but the work helps to save money for their dowries. Despite working hard, we don't earn enough money to meet household expenses. We want to do something else in the future. We want to learn to read."

Garment Worker, Australia

"I came to Australia from China twelve years ago, and I have two children. First, I worked in a sweatshop and after I had my second child I started working from home.

At home, the boss just gives me work for part of the garment, so I don't make whole garments. Because of this I am not always busy as I have to wait for someone else to finish the rest of the garment. I only work about six hours a day. The boss gave me the machine to use, so I am not able to get other work from other contractors to increase my income. Even though the boss gave me the machine I have to pay for any repairs if it is broken.

I am very fast at sewing, but my rate of pay is still very low as the piece rate is low. I usually can get about A\$ 6 (US\$ 5.5) an hour. When I first started working at home I was actually getting A\$ 8-9 an hour because I was fast. The boss was surprised that I was so fast. So he reduced the rate he paid me for future orders of the same style.

Because my husband's income is very low, it is not enough for our family to survive. So I must keep this job. Sometimes the sewing work gets busy with large, urgent orders, and then I don't have time to look after my children properly. There is also a lot of dust in the house from the material, so my children and I often get sick from this.

All these things make me really upset and I want to give up sewing, but I don't have any choice about getting another job. Even if I can only make A\$ 100 - 200 in a week, that is very important income for my family. In addition to these low rates of pay, I do not receive any superannuation, holiday pay, sick pay, overtime pay and I am not covered for workers compensation."

Handout C**Pottery worker, Kasur, Pakistan**

"I'm 50 years old and my husband is 63 years. We both make clay cooking pots. We have five daughters and one son. Our son does not like pottery, and he now has a job as a clerk in the army. Our daughters would rather sew and do embroidery to help us meet household expenses. I've been making cooking pots since I was ten years old. First I made pots at my parents' house. Now I work at my husband's house. We get 1.50 rupees (2¢) per cooking vessel. If we make 100 cooking pots in one day, we earn 150 rupees (US\$ 2)

We start our day at dawn after Fajr Prayers. My husband goes to the kiln and starts making pots while I finish household chores, after which I join him. I'm tired of making clay pots but I do not know any other work. So I feel compelled to continue. Not only does it require a lot of work but the pay is very low. During the monsoon and winter season, we spend the whole night worrying about the rain. If it starts to rain at night, we all have to run to the kiln and gather the clay vessels which would otherwise dissolve in the rain.

I've had no education. With much difficulty, I managed to save enough to build a house. I sold my jewellery, spent very little money on food, took a loan, and saved by other means. Now I have to pay off the loan. So no matter how hot or cold it is outside, I have to work to repay it."

Garment Worker, India

"I mostly do thread-trimming. Piece-rates are set at a level which makes it impossible for me to earn anything like the minimum wage. So other members of the family, especially the girls, get drawn in. I have to buy the thread-cutter for trimming, and thread if I am button-holing, and this eats into my pay. I have to carry the heavy bundle of clothing home from the factory, and back again and up several flights of stairs when the work is finished, and this time is not compensated.

If I arrive late at the factory or there are few orders, I might get nothing. But when there is an urgent order to be completed, the employer expects us to put aside everything else. He doesn't consider our problems. If we can't complete an urgent order, he yells at us or threatens not to give us orders in the future. We have to tolerate his behaviour. I do not get any paid leave or holidays, and I often have to work extra on festival days when I'd rather to relax at home with my family.

On top of everything, the supervisors and men workers at the factory often make 'dirty' remarks, making us feel treated with disrespect. There should not be discrimination between factory workers and homeworkers. We are workers and there should be equal respect for our labour".

2. About the ILO Convention on Home Work

In 1996, the International Labour Organization (ILO) adopted Convention No.177 on Home Work. In doing so, it called on all countries of the world to develop policies to improve the conditions of their citizens who are homeworkers.

It was a very important step towards getting the contribution and rights of homeworkers recognized across the world. However, too little progress has been made since then.

What is the ILO?

The International Labour Organization (ILO) is a special agency of the United Nations responsible for employment standards across the world. It is the world's only tripartite organization – that is to say, workers' and employers' organizations from all member countries are involved in it, on an equal basis, along with governments.

In 2010, the ILO had 183 member countries.

The ILO headquarters are in Geneva, Switzerland, and it has offices in countries and regions throughout the world.

The ILO was founded as long ago as 1919, under the Treaty of Versailles after the First World War. This was largely in response to widespread alarm at the emergence of 'Bolshevism', revolutionary activism by workers, and the urgent need to address the extreme exploitation that was turning these workers into revolutionaries. It was also needed to try to stop countries trying to get a competitive advantage over one another by undercutting social standards.

Even before the ILO was set up, efforts had been underway, particularly by trade unions, to reach international agreements on labour protection. Unions were demanding such things as an eight-hour working day, protective measures for young people and women, the right to freedom of association for trade unions, and comprehensive social insurance. These demands were reflected in the first international standards, called ILO Conventions, adopted in 1919.

Even then, trade unions were campaigning for regularized working conditions for homeworkers, but it was not until 1996 that the ILO Home Work Convention (C177) was adopted.

The aims of the ILO

**"All human beings,
irrespective of race, creed or sex,
have the right to pursue
both their material well-being
and their spiritual development
in conditions of freedom and dignity,
of economic security and equal opportunity".**

This statement comes from the Declaration of Philadelphia that was adopted by the ILO in 1944, just as the Second World War was coming to an end. It was the first time that an international organization promoted the idea that there is a link between human rights and development. The aim of the Declaration was to get human rights and social justice to become the basic principles underpinning the new international post-war order. (See Appendix 1 for the full text of the Declaration.)

When, two years later, the Declaration was incorporated into the ILO Constitution, its ideas were turned even more into obligations for all governments that are members of the ILO.

Still today, the Declaration contains the key principles on which the work of the ILO is based:

- labour is not a commodity
- freedoms of expression and association are essential to progress
- poverty is a threat to humanity and equality of opportunity.



Signing the ILO 'Declaration of Philadelphia' at the White House in Washington, USA, May 1944.

What does the ILO do?

"The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity."

Juan Somavia, ILO Director-General

The ILO's main task is to promote what it calls 'decent work', so as to help improve the livelihoods of working people everywhere. It is a key body in the fight against poverty and for social justice across the world.

The most important way in which it does this is to design, adopt, and then monitor international labour and social standards. These standards adopted at international level then form the basis for national legal standards in each country. It is a major support for anyone interested in promoting the rights of workers, whoever and wherever they are.

The most important of these international standards are **ILO Conventions**. They are legally binding international treaties that may be ratified (i.e. turned into national law) by member states.

Some Conventions are considered to be so important, however, that they have been given special status as **Fundamental Principles and Rights at Work**. Being 'fundamental' means that these rights apply to all workers, everywhere, irrespective of whether their government agrees or not. They are:

- The right of all workers to form and join organizations of their own choosing, called 'freedom of association'
- The right for workers to bargain collectively with their employers
- Freedom from forced labour
- Abolition of child labour
- Freedom from discrimination in employment, training and working conditions
- Equal pay for women and men for work of equal value.

The ILO also adopts **Recommendations**. These are not binding on governments, but give advice on policies and actions that governments can take to help bring workers out of poverty and achieve social justice.

Conventions and Recommendations are negotiated by the three parties – governments, employers and workers – meeting in June each year at the annual **International Labour Conference (ILC)** held in Geneva. There, governments hold 50% of the votes, employers 25%, and trade unions 25%. A two-thirds majority is required for a Convention to be adopted at the ILC.

Internationally accountable



The International Labour Conference in session in Geneva.

Every Convention adopted by the ILC should then be 'ratified' by the national parliament in each country. States keep the sovereign right to decide whether or not to do this.

If they do, this means that they commit themselves to putting the contents into national law. Also, they become obliged to report back regularly to the ILO on how well such legislation is being implemented.

In other words, the ratifying government agrees to be accountable to an international tripartite body. Simply adopting national policies, even if they are consistent with a Convention, does not involve such accountability.

Trade unions and other groups campaigning for workers' rights normally have to work hard to persuade their governments to ratify ILO Conventions. Depending on the politics of each government, it is usually necessary to organize a big campaign for ratification, rather than simply leave it to the government itself.

The ILO also offers technical cooperation to member states, to help them put Conventions and Recommendations into practice. It also carries out a wide range of vocational training, education, research and information activities in offices across the world.

But if trade unions (or employers' associations) note any problems with actual implementation of a Convention that has been ratified, or a Recommendation, they can take the matter up directly with the ILO's monitoring bodies. Among other things, they can lodge a formal complaint with the ILO.

The ILO's political significance

In today's world of expanding globalization of markets and financial structures, the ILO has become even more significant as an institution dedicated to setting down and maintaining global minimum labour standards.

It is in the logic of capitalism to produce at the lowest cost. Companies tend to locate their production in countries with low labour/social standards, or in communities where poverty drives people to accept work that is too low paid.

Within the garment industry, for example, homeworkers are usually at the bottom of the production chain – sewing garments or making footwear for leading brands in return for a wage that is below the living minimum, and without social protection in case of sickness or maternity, or provision for old age. The big firms that benefit from homeworkers' labour often avoid responsibility for them by organizing the work through middlemen (see Section 1).

The only answer to this worldwide trend of deregulation through the market is to agree international standards and make sure they are applied. Only by making decent living and working conditions mandatory worldwide can we

ensure that unworthy living and working conditions no longer give a competitive advantage, but are offences against law and are punishable as such.

This is why homeworkers must be equipped with rights that have not only moral, but also legal, force. The Home Work Convention provides the basis for this.

Who Represents the Workers at the ILO?

The ILO is the only UN agency where workers and employers are equally represented. The votes of the Workers' Group and the Employers' Group have the same status.

Workers are represented at the ILO through their country's national trade union centre(s). In some countries there is more than one national trade union centre. According to the ILO Constitution, it is the "most representative" body that will represent the workers or employers of a country. It is also possible to take turns if the parties involved agree to this. In Nepal, for example, there are three different trade union centres, and each of them represents Nepalese workers on the delegation to the International Labour Conference once every three years.

Meanwhile, any trade union may at any time approach the ILO to seek advice and assistance.

For more information

Information leaflets about the ILO can be found at:
www.ilo.org

The text of all Conventions and Recommendations, and information about which countries have so far ratified which Convention, can be found at the ILOLEX database at:
www.ilo.org/ilolex/english/recdisp1.htm

'The Rules of the Game: A Brief Introduction to Labour Standards',
ILO, 2009:
www.ilo.org/global/publications/WCMS_084165/lang--en/index.htm

How the ILO Convention on Home Work was won

Home-based workers form part of the most vulnerable workforce. The majority of them are women, and for a long time they were not recognized at all as workers.

The Self-Employed Women's Association (SEWA) in India, founded in 1972, was probably the first trade union anywhere to organize women in informal employment, including many home-based workers. SEWA realized that ensuring women workers' rights means combining the women's movement with the labour movement.

The years 1975-85 were declared the 'United Nations Decade for Women', and very quickly SEWA seized the opportunity. They established contact with the ILO and initiated research and documentation on home-based workers in India. Research was done with 'bidi' (hand-rolled cigarette) workers, ready-made garment makers, and embroidery workers in various parts of India. This showed how much home-based workers lacked basic labour rights because they were excluded from labour legislation. Similar projects were undertaken by the ILO in other Asian countries.

SEWA also started to win the support of the global trade union movement. The International Union of Foodworkers (IUF) was the first international trade union federation to recognize SEWA, especially because of its membership in the tobacco industry. SEWA affiliated to the IUF in 1983.

Then, in 1988, the International Textile, Garment and Leather Workers' Federation (ITGLWF) along with the International Confederation of Free Trade Unions (ICFTU, which has now been succeeded by the International Trade Union Confederation, ITUC) called for an international standard to guarantee basic labour rights for homeworkers.

The Workers' Group in the ILO lobbied to get an international standard for homeworkers on the agenda for discussion. The Employers' Group and some governments were against it, but eventually they agreed that a Convention for homeworkers could be negotiated at the annual International Labour Conferences in 1995 and 1996. However, it soon became clear that these negotiations would be difficult, and the outcome was uncertain.

Between 1995 and 1996, there was a lot of activity to win support for the proposed Convention. Workshops were organized in Delhi and Ahmedabad in India, and Bangkok in Thailand, for example, and many separate meetings were held with policy-makers in many countries.

The ITGLWF circulated guidelines among its worldwide affiliates with the points that were important for the Workers' Group to negotiate. These included a broad, not narrow, definition of home work. Intermediaries should have the same obligations as employers if a direct employer cannot be identified. Homeworkers should be in labour statistics. They should have access to social security, just like workers who are in a clearly defined employment relationship. Any references to individual bargaining, and to allowing deductions in pay for spoilt work, should be removed.

All this preparation bore fruit. A coalition was built, involving the IUF, ITGLWF, SEWA, the Dutch union federation FNV, and the growing network of home-based workers' organizations and other non-governmental organizations (NGOs) around the world, with the support of the Secretary to the ILO Workers' Group.

But the path to the Home Work Convention was difficult until the end.

The Employers' Group decided to be obstructive, and then even walked out of the negotiations. It was the first time in the history of the ILO that a group first agreed to a discussion at the ILC and then walked out of it.

Among their arguments, the Employers' Group claimed that the definitions of homeworkers and of intermediaries were not clear. They were not happy that intermediaries are defined as employers in the Convention and so are responsible to fulfil employers' obligations under labour laws. They also repeated an argument they often like to use - that the Convention would create unnecessary bureaucracy which would be damaging to entrepreneurs and therefore prevent job creation.

Against this, the Workers' Group argued that the Convention is flexible and would not require any additional monitoring bodies. They also pointed out that "job creation" often involves child labour and unprotected labour. Only international standards will help to create jobs that mean income and social security for the workers, and higher productivity for the economy.

The Workers' Group was supported by some of the government representatives.

"It (the Convention) would help to bring them (the home workers) into the mainstream of the labour market. (...) If the poverty of the home worker is alleviated and the position of women is improved along with their wages, home workers would have the means to send their children to school and should no longer need to be assisted by their children in order to earn a living...

Improvement in the conditions of work leads to improvement in productivity and overall performance. By setting a floor for basic standards, the Convention would protect reputable employers from the destructive competition of home work which does not meet those standards. Better wages would improve purchasing power, which in turn will help in expanding markets, stimulating investment and increasing employment."

Mr. Laxmi Dhar Mishra, representative of the Government of India, speaking in the debate on the Home Work Convention, International Labour Conference, Geneva, 1996.

As the Workers' Group argued, reputable employers can have nothing against minimum standards. On the contrary, it is in their own interests to have minimum standards because this ensures a level playing field. It is very hard for a good employer to compete against another employer that uses child labour, for example. It is up to governments to ensure that inhuman working practices, such as child labour, forced labour, or socially unprotected employment, do not give bad employers a competitive advantage.

Despite all the arguments and resistance, in 1996 the Home Work Convention (C177) was adopted by the International Labour Conference. The votes cast were Yes – 246, No – 14, Abstentions – 152, with most of the employers' delegates abstaining. It was an historical victory, not only for homeworkers but for all workers.

Alongside the Convention, a further document – Recommendation No.184 – was also agreed. This gives guidance to governments on policies and programmes of action that they could also adopt, to improve the situation for homeworkers.

Since the Home Work Convention was agreed

Once agreed by the ILC, a Convention becomes part of international law. Even so, this in no way means that all ILO Member States are immediately bound by it. It is up to each State whether or not it signs up to the Convention, i.e. 'ratifies' it.

By mid-2010, some 14 years after the Convention was adopted, only seven countries had ratified the Home Work Convention: **Finland** (1998), **Ireland** (1999), **Albania** (2002), **the Netherlands** (2002), **Argentina** (2006), **Bulgaria** (2009), and **Bosnia & Herzegovina** (2010).

This means that these seven countries have committed themselves to putting the international Convention into their national laws. They are also committed to reporting back to the ILO, every two years, on the measures they have taken to put the Convention into effect.

But this is **only seven out of 183** member countries. The vast majority of the world's governments are doing their best to look the other way. So, there is much to do to get more governments to ratify the Home Work Convention, as discussed in Section 3.

For more information

The full text of ILO Convention on Home Work 1996 (C177) is given in Appendix 2.

The full text of ILO Recommendation on Home Work 1996 (R184) is given in Appendix 3.

Activity 4

Understanding the Home Work Convention (C177)

Facilitator's Notes

This activity aims to encourage participants to understand what the ILO Convention on Home Work (C177) actually says, and to begin considering how it can be used to campaign for its ratification in their country.

Identifying the strengths and weaknesses in the Convention will help later in building the campaign. In addition, a good knowledge of the content of the Convention is essential for anyone attempting to negotiate or campaign for ratification with governments.

Depending on the level of experience and prior knowledge of participants, you may wish to approach this activity in one of two ways (or devise your own activity to meet specific need).

There are two documents you can refer to:

- Activity 4 Handout: Understanding the Home Work Convention (C177)
The left hand column presents the original text of C177.
The right hand column provides a commentary on what it means, how it might be important, and other notes of interest.
- Appendix 2: ILO Convention on Home Work No. 177, 1996
This provides the full text of the original C177 without any comment or notes.

Option A: If working with participants with a relatively high level of skill and confidence in working directly with the original text of the Convention.

- a. Break into small groups, if appropriate. Give each participant a copy of the original text of C177 (Appendix 2), and a copy of the aims and task for the activity (page []).
- b. Give sufficient time for them to read the text thoroughly, and discuss among themselves the questions as presented.
- c. Ask each group to prepare a presentation to the group as a whole with the results of their discussions.
- d. After the presentations, lead a plenary discussion on what are the most important strengths and weaknesses of the Convention, and which elements are potentially important to emphasise in a campaign for ratification. Refer to the Activity 4 Handout for help in guiding the discussion, and distribute it to everyone – either at the start of this discussion, or for reference at the end of the activity.

Option B: If working with participants who need more assistance and support in reading and analysing the original text of the Convention.

- a. Work in plenary, or in groups, if you have sufficient facilitators to have one facilitator per group.
- b. Distribute to everyone a copy of the Activity 4 Handout which shows the original text with a commentary, (pages []).
- c. Explain that the left-hand column is the text officially adopted by the ILO, and therefore written in legal 'ILO language', and that the right-hand column attempts to explain C177 in plainer language, along with points of interest.
- d. Explain that this is for reference and reading more carefully after the session, but in the meantime, highlight some of the most important elements (see below).
- e. Lead a discussion on what are the most important strengths and weaknesses of the Convention, and which elements are potentially important to emphasise in a campaign for ratification.

Whichever option you choose, you may wish to emphasise the following, drawing out the implications for homeworkers:

Preamble, paragraph 3:

General workers' rights already enshrined in other ILO Conventions also apply to homeworkers; this includes, for example, Freedom of Association and the right to Collective Bargaining.

Article 1c: Intermediaries (e.g. middlemen) fall under the definition of 'employer'.

Article 3: Governments are obliged to consult from time to time with homeworkers' representatives.

Article 4: This is the most important article of the Convention; it sets out homeworkers' rights of equality with other workers: note in particular specific areas included in this, such as discrimination, health and safety, remuneration (pay), etc.

Article 6: Governments are obliged to include homework in national labour statistics, and this can provide valuable evidence to use in further bargaining and policy development.

Remember to record the discussions to use later in developing an Action Plan.

Activity 4

Understanding the Home Work Convention (C177)

Handout

Aims:

To help us to:

- understand what is contained in of the Home Work Convention (C177)
- discuss its strengths and weaknesses
- start thinking about how to use it so as to build a campaign for the Convention to be put into law in your country.

Task:

Working in small groups, consider the text of the ILO Home Work Convention and the accompanying notes that explain its main contents. Consider the following questions:

- What parts of the Convention, if it was ratified in your country, would be of the most important benefit to homeworkers?
- What do you think are the main weaknesses?
- Which elements of the Convention could be of most use to build a campaign for ratification of the Convention in your country?

Please elect someone to report back in plenary.

Activity 4

Understanding the Home Work Convention (C177)

Text of C177 Home Work Convention 1996

Notes on what it means

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-third Session on 4 June 1996, and

Recalling that many international labour Conventions and Recommendations laying down standards of general application concerning working conditions are applicable to home workers, and Noting that the particular conditions characterizing home work make it desirable to improve the application of those Conventions and Recommendations to home workers, and

to supplement them by standards which take into account the special characteristics of home work, and Having decided upon the adoption of certain proposals with regard to home work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts, this twentieth day of June of the year one thousand nine hundred and ninety-six, the following Convention,

which may be cited as the Home Work Convention, 1996:

This is very important: it says that general workers' rights already enshrined in other ILO Conventions are applicable to homeworkers.

This says that existing rights should be better applied to homeworkers, but that new standards are also needed to take account of the specific issues faced by homeworkers.

The Employers Group had pushed for no Convention, but for only a Recommendation. Happily, they lost the argument.

Article 1

For the purposes of this Convention:	
(a) the term home work means work carried out by a person, to be referred to as a homeworker, (I) in his or her home or in other premises of his or her choice, other than the workplace of the employer; (ii) for remuneration; (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used, unless this person has the degree of autonomy and of economic independence necessary to be considered an independent worker under national laws, regulations or court decisions;	C177 defines “home work”, as an activity which is done • in premises of the homeworker’s (rather than the employer’s) choice-usually the worker’s own home. • for payment, and • “...results in a product or service as specified by the employer...” – that is to say, it is done for someone else. It is important to distinguish between homeworkers (who work in their own homes) and domestic workers (who work in the homes of other people). At the time of writing, negotiations are under way for a new Convention for Domestic Workers to be agreed in 2011.
(b) persons with employee status do not become home workers within the meaning of this Convention simply by occasionally performing their work as employees at home, rather than at their usual workplaces;	This clause distinguishes between those workers primarily working from home and those who occasionally take work home from their normal workplace.
(c) the term employer means a person, natural or legal, who, either directly or through an intermediary, whether or not intermediaries are provided for in national legislation, gives out home work in pursuance of his or her business activity.	This is a significant paragraph. It accepts that intermediaries also fall under the definition of employer. This protects the very large number of workers who are provided work by agents who, for example, bring the raw materials and subsequently collect finished goods and make payments.

Article 2

Article 3

Article 4

This Convention applies to all persons carrying out home work within the meaning of Article 1.

Each Member which has ratified this Convention shall adopt, implement and periodically review a national policy on home work aimed at improving the situation of home workers, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations concerned with home workers and those of employers of home workers.

1. The national policy on home work shall promote, as far as possible, equality of treatment between home workers and other wage earners, taking into account the special characteristics of home work and, where appropriate, conditions applicable to the same or a similar type of work carried out in an enterprise.

2. Equality of treatment shall be promoted, in particular, in relation to:

- (a) the home workers' right to establish or join organizations of their own choosing and to participate in the activities of such organizations;
- (b) protection against discrimination in employment and occupation;
- (c) protection in the field of occupational safety and health;
- (d) remuneration;

This is also important. It provides unions and workers' associations with regular opportunity to raise issues with governments and employers on the implementation of the Convention and related issues.

However, it only applies to governments who have ratified the Convention.

This is the most important article of the Convention, setting out homeworkers' rights of equality with other workers.

It restates the core labour standards of freedom of association and protection against discrimination as applying also to homeworkers.

It also highlights some key issues of particular concern to homeworkers:

- Health and safety
- Social protection
- Access to training
- Minimum age (to prevent child labour)
- Maternity rights

Article 5

- (e) statutory social security protection;
- (f) access to training;
- (g) minimum age for admission to employment or work; and
- (h) maternity protection.

The national policy on home work shall be implemented by means of laws and regulations, collective agreements, arbitration awards or in any other appropriate manner consistent with national practice.

The Employers' Group consistently tries to weaken Conventions (not just C177) by introducing phrases such as "wherever appropriate", "if possible", "where possible", and "consistent with national practice". Each such attempt is fought, though not always successfully, by the Workers' Group.

Article 6

Appropriate measures shall be taken so that labour statistics include, to the extent possible, home work.

A major problem for homeworkers is their invisibility. Most governments do not know how many homeworkers there are or what they produce. So homeworkers' economic contribution and their needs are missing from national statistics. This Article says that governments should include homeworkers in labour statistics, providing vital evidence for bargaining and policy development.

Article 7

National laws and regulations on safety and health at work shall apply to home work, taking account of its special characteristics, and shall establish conditions under which certain types of work and the use of certain substances may be prohibited in home work for reasons of safety and health.

Most health and safety legislation does not consider the needs or welfare of homeworkers. This Article says that governments should make sure it does.

Article 8

Where the use of intermediaries in home work is permitted, the respective responsibilities of employers and intermediaries shall be determined by laws and regulations or by court decisions, in accordance with national practice.

This attempts to pin down who is ultimately responsible for the employment of homeworkers – employers or middle-men.

However, “in accordance with national practice”, was successfully inserted by the Employers Group to weaken it.

Article 9

1. A system of inspection consistent with national law and practice shall ensure compliance with the laws and regulations applicable to home work.

Once homeworkers are officially registered, inspection of their homes becomes possible, to check on dangerous substances, fire hazards, etc.

2. Adequate remedies, including penalties where appropriate, in case of violation of these laws and regulations shall be provided for and effectively applied.

The question of who - the worker or the employer - pays the penalty for any infringement of the law is left undetermined here. But the accompanying Recommendation on Home Work is much tougher on this issue (see Section 3 and Appendix 3).

Article 10

This Convention does not affect more favourable provisions applicable to home workers under other international labour Conventions.

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General of the International Labour Office.

The Convention needs to be ratified by a government before it has any legal weight in that country.

It was ratified by Finland in 1998 and by Ireland in 1999. So it came into force in 2000.

Article 13

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention shall come into force.

Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 16

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

This is standard wording in all Conventions, potentially opening the door to attempts to weaken it, or to scrap it altogether.

It is important to note that the more ratifications a Convention gains, the more difficult it becomes to change it or scrap it.

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides –

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

The English and French versions of the text of this Convention are equally authoritative.

3. Organizing to Win Homeworkers' Rights

Winning the ILO Convention on Home Work No.177 and its accompanying Recommendation No.184 in 1996 was never an end in itself. It was one step in a long process to get the valuable contribution of homeworkers recognized and their rights as workers respected.

Following the adoption of a Convention at the international level, then comes the organizing and campaigning that is usually necessary to persuade governments to put it into national law, a process called 'ratification' (see Section 2).

After that even, further action is needed to make sure that the law is properly monitored and implemented. If not, the Convention remains something just on paper.

With the Home Work Convention, far too few governments have yet ratified it. As we have seen (page []), as at mid-2010, only seven countries had. So, there is a great need to get more governments to put this important Convention into national law.

Again, however, achieving this should not be just an end in itself. Campaigning for 'ratification' is a great opportunity – above all to build much greater awareness of the situation, needs, and valuable economic contribution of homeworkers among policy-makers, trade unionists, the general public, and so on.

It is an opportunity to go through the reasons why homeworking exists, who is benefiting from their output, who is suffering in the process, and what can be done to achieve greater justice for homeworkers.

It is an opportunity to find out who we need to target for persuasion, what arguments we can use to persuade them, and who will be our 'allies' in the campaign.

But it is most importantly an opportunity to help build and strengthen the organizations of homeworkers themselves, so that they can be more visible and have their own voice heard, to defend their own rights for themselves for the long-term. (See more in Section 4).