



Promoting the ILO Home Work Convention (C177) and the Rights of Homeworkers

A Manual for Workers' Educators and Facilitators

Produced by the Global Labour Institute
for HomeNet South Asia
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About GLI

The Global Labour Institute is a labour service organisation established in 1997 in Geneva, Switzerland. Its purpose is to support the efforts of the labour movement to deal with the globalisation 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 organisations 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' organisations. 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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Contents

Introduction	2
1. About homeworkers.....	5
<i>Activities: Who are homeworkers, and what key issues do they face?.....</i>	<i>12</i>
2. About the ILO Convention on Home Work	23
<i>Activities: What is it, and why is it important?</i>	<i>31</i>
3. Organising to win homeworkers' rights	41
<i>Activities: How can we win improvements to our country's laws?</i>	<i>42</i>
4. Getting homeworkers' rights respected.....	61
<i>Activities: What can we do, and who will help us?.....</i>	<i>64</i>
Appendices:	
1. ILO Declaration of Philadelphia, 1944	71
2. ILO Convention on Home Work, No.177, 1996	73
3. ILO Recommendation on Home Work, No.184, 1996.....	77
4. More Contacts and Resources	83



Photo: HomeNet South Asia

"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 characterised by unregulated, often inhuman, working conditions.

The growth in homeworking is part of today's economic globalisation, 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' organisations 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' organisations, called HomeNet South Asia, to encourage more homeworkers and their organisations and supporters across the world to mobilise 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, organising for this first step of 'ratification' can be used as a way also to bring homeworkers' together, to raise awareness and strengthen their organisations, and to build alliances with other supporters in the trade union movement, women's organisations, community-based associations, and so on, to ensure that homeworkers' rights are respected for the long-term.

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 organisation 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 recognised 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.



Photo: HomeNet Pakistan

A HomeNet Pakistan meeting discusses new legislation to improve the rights and welfare of homeworkers. Those present include home-based workers and their organisations, government officials and the media.

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 organised 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 aim 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 organisations and networks active in promoting homeworkers' rights, organisation 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' organisations 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:

- **Homeworkers 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 organisations 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.

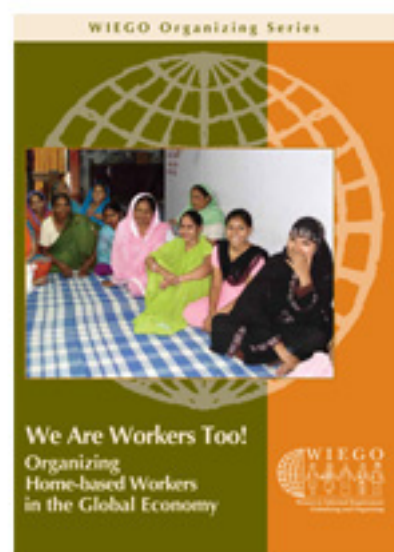
Women are much more likely to be homeworkers who are working for others, rather than self-employed people who are producing goods or services for themselves to sell.

And among homeworkers, women are far more likely than men to be engaged in low-paid work (see more on page 8).

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	4
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.			

For more information

Martha Chen, Jennefer Sebstad and Lesley O'Connell, "Counting the Invisible Workforce: the Case of Homebased Workers", *World Development*, Vol.27, No. 3, 1999.

Homeworkers' 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 Organiser, 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.

Photo: WIEGO



Working in the home, there is often not much light or space, and there can be big health and safety risks to children and other family members.

Isolated, and therefore poorly organised

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' organisation.

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 recognised 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 organising themselves collectively.

Despite this, home-based workers' organisations 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: www.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 organising and campaigning purposes, it is important to be able to distinguish between **the different types of home-based workers** (see page 5).

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 15), 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 15 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 organising 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 homemaker? 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 <u>small groups</u>, 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 supervises 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 homemaker? – 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.

Vivek works for an IT agency in India, specialising 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 laptop 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: www.wiego.org/publications/Jhabvala%20Tate%20Out%20of%20the%20Shadows.pdf

Activity 1 Who is a homemaker? – Workers' Stories

Handout

Who is a homemaker?

- 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.

Activity 1 Who is a homemaker?

Facilitator's Notes

How do we categorise 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 homemaker.
- 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 homemaker.
- 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 and 3 What are the key issues that homeworkers face?

Facilitator's Notes

This activity is designed to encourage participants to get to know better the situation of homeworkers, directly from the homeworkers themselves.

Two possible ways of doing this are suggested.

Ideally, the best is to organise a short visit to homeworkers (**Activity 2**), enabling participants to discover at first hand the key issues they face. The activity sheet gives some questions they can use to interview the homeworkers.

The best is to split participants into groups of up to 4 people, so as to make the interview process more personable and less intimidating. However, this will depend on how many groups of homeworkers you can ask to spend time with the participants.

If it is not possible to travel to visit homeworkers, try to invite some homeworkers to a session and ask the participants to interview them using the same questions.

To arrange such meetings with homeworkers is of course not always possible. So **Activity 3** is based on using quoted text from interviews with homeworkers, which are provided as a handout.

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

For more information

The workers' stories have been adapted from a number of sources, including:

- Homenet South Asia, interviews with workers
- 'We Work at Home' newsletter, Homeworkers Worldwide:
www.homeworkersww.org.uk/resources/newsletters
- 'Made By Women: Gender, the Global Garment Industry and the Movement for Women Workers' Rights', edited by Nina Ascoly and Chantal Finney, Clean Clothes Campaign, 2005: www.cleanclothes.org/resources/ccc/gender/made-by-women
- '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 2	What are the key issues that homeworkers face? Handouts
Aims	To help us to: • gain a first-hand understanding of the main challenges and problems faced by homeworkers.
Task 1	The facilitator has organised for you, working in <u>small groups</u>, 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.
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 organisations 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? Handouts
Aims	To help us to: • understand the main challenges and problems faced by homeworkers.
Task:	Working in <u>small groups</u>, 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.

Activity 3 What are the key issues that homeworkers face? – Workers' Stories

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 I 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."

Activity 3 What are the key issues that homeworkers face? – Workers' Stories

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 recognised 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 organisation – that is to say, workers' and employers' organisations 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 regularised 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 organisation 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 to equality of opportunity.

Photo: ILO



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 organisations 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

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 organise 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.

Photo: Celia Mather



The International Labour Conference in session in Geneva.

The ILO's political significance

In today's world of expanding globalisation 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 organising 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 recognised at all as workers.

The Self-Employed Women's Association (SEWA) in India, founded in 1972, was probably the first trade union anywhere to organise women in informal employment, including many home-based workers. SEWA realised 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 recognise 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 organised 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' organisations and other non-governmental organisations (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 March 2012, some 16 years after the Convention was adopted, only eight countries had ratified the Home Work Convention: **Finland** (1998), **Ireland** (1999), **Albania** (2002), the **Netherlands** (2002), **Argentina** (2006), **Bulgaria** (2009), **Bosnia & Herzegovina** (2010) and **Macedonia** (2012).

This means that these eight 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 eight 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.

Photo: HomeNet Nepal



International Women's Day, 8 March 2011: In Nepal, thousands of HomeNet members demonstrated for equal wages for women home-based workers, and for their government to ratify ILO Convention 177.

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 33).
- 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.

Activity 4 Understanding the Home Work Convention (C177)

Facilitator's Notes

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

- Work in plenary, or in groups, if you have sufficient facilitators to have one facilitator per group.
- Distribute to everyone a copy of the Activity 4 Handout which shows the original text with a commentary, (pages 34-39).
- 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.
- 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).
- 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)

Handout

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	This is very important: it says that general workers' rights already enshrined in other ILO Conventions are applicable to homeworkers.
Noting that the particular conditions characterising 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	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.
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:	The Employers Group had pushed for no Convention, and 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 home worker, (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 homemaker’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 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 This Convention applies to all persons carrying out home work within the meaning of Article 1.	
Article 3 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 organisations of employers and workers and, where they exist, with organisations concerned with home workers and those of employers of home workers.	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.

Article 4 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 organisations of their own choosing and to participate in the activities of such organisations; (b) protection against discrimination in employment and occupation; (c) protection in the field of occupational safety and health; (d) remuneration; (e) statutory social security protection; (f) access to training; (g) minimum age for admission to employment or work; and (h) maternity protection.	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 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. 2. Adequate remedies, including penalties where appropriate, in case of violation of these laws and regulations shall be provided for and effectively applied.	Once homeworkers are officially registered, inspection of their homes becomes possible, to check on dangerous substances, fire hazards, etc. 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. 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.	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 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.	

Photo: WIEGO



Photo: WIEGO



HomeNet Thailand has made good progress in recent years to organise home-based workers into a Member-Based Organisation (see page 62 for more about MBOs). One of their achievements has been to persuade the Thai Government to pass a Homeworkers Protection Act (November 2010) which gives dependent homeworkers legal employment rights.

3. Organising 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 recognised and their rights as workers respected.

Following the adoption of a Convention at the international level, then comes the organising 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 ratified it so far. As we have seen (page 30), 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 organisations 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).

Even where a government does not in the end ratify C177, there may be major opportunities to lobby for policies contained in it and its accompanying Recommendation to be put into law. Or national/local authorities can be encouraged to support action programmes to assist homeworkers. Or elements in it might be placed on the table by homeworkers and their representatives to bargain with employers.

In this way, C177 and R184 can be used as a bargaining and campaigning tool to achieve better rights, conditions and livelihoods for homeworkers. This will bring the Convention and its Recommendation to life, and make worthwhile all the effort of activists in the 1990s to get them agreed.

Activity 5 Why should C177 be ratified?

Facilitator's Notes

This activity aims to equip participants with positive arguments they can use to counter negative ones coming from others, so as to win more support for ratification of C177 by their government.

Many governments do their best to side-step ratifying Conventions, so as to avoid having to take action, particularly where they have low appreciation of the workers concerned. Bad employers who do not want governments to intervene so as to reduce exploitation only reinforce that position.

There is no doubt that implementing regulations and carrying out other official programmes of action in the world of homeworking can be difficult. However, Activity 4 showed that the Convention contains basic principles that are right and just for homeworkers, and other elements that help to create a more sustainable economy.

So, developing the arguments that can be used to persuade doubters – whether government officials, trade unionists, employer and agents, the general public or even family members– is a positive move. It can help build confidence among homeworkers and their supporters.

Ask the participants to consider the questions on the handout and report back.

Then go through with them:

- 'Some Arguments and Counter-Arguments for Ratification of C177' (page 44).
- 'Eleven Good Reasons for Ratification of C177' (page 45)

These documents can also serve as useful handouts for them to take away and use as reminders during the campaign for ratification.

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

Activity 5	Why should C177 be ratified? Handout
Aims	To help us to: • Think through the major arguments for the ratification of C177 • Consider likely arguments from those in opposition to ratification, and possible counter-arguments that we can use to them. All those campaigning for ratification need to share an understanding of the issues and the arguments in favour. It is also important to think ahead to the arguments that others such as employers and government representatives might use, so that you can counter them. Even some trade unionists might need to be persuaded to support you.
Task:	Using what you have learned from Activity 4, discuss together: • What are the main reasons why governments should ratify C177? • What arguments might you encounter against ratification? • From employers? • From the Government? • From trade unions? • What are your counter-arguments? Please elect someone to report back in plenary.

Some Arguments and Counter-Arguments for Ratification of C177

What others may say	What we can say
International Conventions are basically useless, not worth the paper they're written on.	International Conventions are the minimum level of standards upon which all countries have agreed, whether they are developing countries or industrialised ones. ILO standards lay down that, after a Convention has been ratified, it is to be transposed into national law. So an ILO Convention forms a basis for individual legal protection and legal security. Independent experts monitor national implementation of the ratified Conventions. Trade unions and employers' associations can have direct recourse to the monitoring bodies anchored in international law.
For many people, home work does at least provide an income to survive on. Standards would make home work more expensive, thus destroying jobs and causing even more misery.	Labour rights are human rights. Every human being has a right to decent work under conditions that ensure that he or she can have a decent life. Labour standards do not lead to poverty. On the contrary, they help to combat poverty. To be against standards is to be for work at any price, including, for example, child labour, forced labour and wages below the living minimum. Often, formal and informal workers are played off against each other. The ILO's campaigns for core labour standards and against the worst forms of child labour show how standards rooted in international law can be meaningfully linked to development policy.
Even more international obligations will just mean more bureaucracy. The money could be better spent.	It is true that the ratification of ILO Conventions involves its own reporting system. But the aim of this is to ensure that, after ratifying a Convention, governments really do breathe life into it. They have to report on how far they have got with it and on the steps that they have taken to implement the content of the Convention. To that extent, the administrative expense does serve to prod governments into action.
Ratification of C 177 will create an "unfriendly atmosphere" and frighten away foreign investors.	The implementation of the provisions of C 177 will contribute to fair globalisation by providing fair competition. Research has shown that the existence of labour laws is ranking in the middle of criteria for foreign investment, whereas good governance and a good infrastructure are comparative advantages.

Eleven Good Reasons for Ratifying C177

1. ILO Conventions are international law. After a country ratifies a Convention, it must put its contents into national legislation. So the Conventions help to provide legal protection for workers, both as individuals and collectively.
2. The ILO Home Work Convention (C177) provides for equality of treatment between homeworkers and other wage earners (Article 4.1). It is only fair to treat homeworkers like other workers.
3. C177 calls for minimum labour standards and minimum standards of protection, so homeworkers around the world cannot be played off against each other. This helps to root out unfair competition between countries based on a race to the bottom – who can provide the cheapest labour costs.
4. C177 is applicable to all homeworkers, whichever sector they work in. It gives protection even to those who are at the bottom of a global supply chain.
5. Home work is a major part of the informal economy. Ratification of C177 would mean that this sector becomes more regulated, and so brings it out of the shadows and makes its economic contribution more visible.
6. Home work is mainly done by women, and it has some of the world's worst pay rates. Ratification of C177 would give recognition to this type of work; it would be a step towards preventing the worst forms of exploitation; and it would reduce discrimination against women.
7. Statistics on homework are inadequate. But good statistics help a government to understand the economy that it governs and hopefully take more appropriate political action. C177 specifically calls for the inclusion of home work in labour statistics (Article 6).
8. C177 emphasises homeworkers' right to establish or join organisations of their own choosing and to participate in the activities of such organisations (Article 4, 2a). Ratification of C177 would encourage homeworkers to organise and would give them legal security to do so.
9. Ratification of C177 would be an act of solidarity with homeworkers.
10. Only if the core labour standards and other minimum standards are implemented worldwide can the downward spiral in living and working conditions be halted. Ratification of the Home Work Convention will contribute to bringing more people out of poverty.
11. Ratification of an ILO Convention means that a government has to comply with the ILO system of reporting and monitoring on how well it is being applied. This gives homeworkers and their supporters opportunities to push for better implementation of the standard.

Activity 6 Using R184 as a bargaining and campaigning tool

Facilitator's Notes

The objective of this activity is to identify and prioritise key policies that could be put forward to the Government(s) in addition to the demand to ratify C177.

This might be for new laws, or new interpretations of the law, or new or revised processes to make sure that existing laws and regulations are better implemented.

The **Home Work Recommendation 1996** (R184) that accompanies the Convention contains some very useful elements. The most important of these have been transferred onto cards (in simplified language) to hand out to the participants (see pages 48-51).

- **Blue** cards: possible demands for laws, regulations and policies
- **Green** cards: possible demands for government action programmes.

Ask the participants to discuss each card in turn, and then place them on a wall or large board in order of priority. It is important to prioritise, not just on the immediate short-term impact on homeworkers (such as a minimum wage), but also on the procedures and processes that will give homeworkers more possibility of negotiating and bargaining successfully in the long-term.

For example, it is impossible to negotiate anything unless the government recognises the need to do so, appoints a government representative or body with the authority to negotiate, and recognises the representatives of the homeworkers as a bargaining counterpart.

Similarly, it is extremely difficult for governments to compile information, inspect or regulate employers of homeworkers unless they put in place an effective system for registering them.

It might also be important to get the government to back development programmes (education, organisational development, awareness-raising, etc.) that strengthen the representation, organisation and visibility of homeworkers.

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

Activity 6	Using R184 as a bargaining and campaigning tool Handout
Aims:	To help us to: • consider and prioritise our demands for homeworkers' rights to present to our Government
Task:	In addition to the Home Work Convention, the ILO issued a set of Recommendations to governments, aimed at improving the situation for homeworkers. These are guidelines and are not legally binding. But they do include many useful proposals that could be raised with your government. The Recommendations have been simplified and put onto cards, which your facilitator will distribute to you: • Blue cards: possible demands for laws, regulations and policies • Green cards: possible demands for government action programmes. Read each card out in turn, one-by-one. As a group, discuss its importance, and decide where it should be placed on the wall or big board, with the most important on the top/left and the least important on the bottom/right. You may wish to group similar cards together. In your discussions, bear in mind: • What demands are strategically the most important for the long-term? • Which demands are most immediately important to homeworkers in your country? • Which would gain support from your allies? • Which would attract hostility? • Which could you win in the short-term? • What other important demands would you add? Please elect someone to report back to the plenary.

Put in place mechanisms to resolve disputes between individual homeworkers and their employer or intermediary.	Make sure that homeworkers benefit from the same protection from unfair dismissal as other workers have.
Apply national laws/regulations on maternity protection to homeworkers.	Make sure that homeworkers benefit from social security protection by: • extending existing social security provisions to them; • adapting social security schemes to cover them; and / or • developing special schemes or funds for them.
Make sure that homeworkers are entitled to paid public holidays, annual holidays with pay, and paid sick leave.	Make sure that work deadlines cannot deprive a homemaker of the same rest time as other workers get.
Make sure that homeworkers have the right to refuse dangerous work without victimisation. Work should not be given to a homemaker until the conditions are safe.	Require employers to inform homeworkers of any known hazards associated with the work and any precautions that need to be taken. Employers should provide homeworkers with the necessary training, safety devices and protective equipment (free of charge).
Make sure that guidelines on safety and health regulations are distributed to homeworkers, translated into appropriate languages.	Where an intermediary (agent) is used, ensure that the intermediary and the employer are jointly responsible for homeworkers' pay.

Ensure that homeworkers are paid either on delivery of each completed work assignment or at regular intervals of not more than one month.	Ensure that homeworkers are compensated for costs they incur associated with their work (such as electricity, water, communications, and maintenance), and for the time they spend to maintain equipment, change tools, sort, unpack and pack, etc.
Make sure that the rate of pay of a homeworker on piece rates is comparable to that received by a waged worker directly employed by the employer, or if there is no such worker, in another comparable enterprise.	Encourage collective bargaining to determine minimum rates of pay for homework. If this is not possible, governments should set the rates, after consulting the most representative organisations of employers and workers.
Encourage collective bargaining as a means of determining the terms and conditions of work of homeworkers.	Eliminate any legal or administrative restrictions to the following rights: • homeworkers to establish their own organisations or to join the workers' organisations of their choice • organisations of homeworkers to join trade union federations or confederations.
Allow labour inspectors to enter the parts of the home in which the work is carried out.	Ensure that employers: • keep a record of work assigned to a homeworker which shows the time allocated, the rate of pay, gross pay, deductions (e.g. tax), and the date of payment • provide a copy of the record to the homeworker.
Ensure that employers: • notify the government when they give out homework for the first time • keep a register of all homeworkers to whom they give work, classified according to sex.	Set up a system to register employers of homeworkers (and intermediaries), with good quality data that can be examined by homeworkers' organisations and unions.

Make sure that all homeworkers are informed of their conditions of employment in writing, including • name and address of the employer (and the intermediary, if any) • rate of pay and the methods of calculation • the type of work to be performed.	Compile and keep up-to-date detailed information on the extent and characteristics of homework (including gender) so as to guide government policy. This information should be publicly available.
If there are no formal representative organisations of homeworkers' or employers of homeworkers, make arrangements so that these workers and employers can express their opinions.	Involve tripartite bodies or organisations of employers and workers in the formulation and implementation of national policy on homeworking.
Designate an authority to formulate and implement national policy on homework.	Run a programme to promote recognition of homework as valid work experience.
Run a programme to inform homeworkers of their rights.	Run a programme to raise awareness of homework-related issues among employers' and workers' organisations, non-governmental organisations, and the general public.
Run a programme to help homeworkers develop organisations of their own choosing, including cooperatives.	Support training to improve homeworkers' skills, employment opportunities, and income-earning capacity.

Support training for homeworkers, carried out as close as practicable to the workers' homes, and not requiring formal qualifications.

Run a programme to improve homeworkers' safety and health, such as by facilitating access to equipment, tools, raw materials and other essential materials that are safe and of good quality.

Encourage centres and networks which provide homeworkers with information and services and reduce their isolation.

Run programmes that facilitate homeworkers' access to credit, better housing, and childcare.



Photo: WIEGO

What actions should her government take to ensure this homeworker and her family – and others like them in their community – do not suffer from exploitation by ruthless bosses?

Activity 7 Negotiating to get C177 ratified

Facilitator's Notes

At some stage when campaigning for ratification of C177, workers' representatives may take part in a meeting with government and employers' representatives.

This activity imagines that the national office of the ILO has convened such a tripartite meeting to discuss ratification of C177.

It is therefore important to consider the likely arguments and negotiating positions that will be taken by each group, so that the Workers' Group can develop its tactics in preparation for such a meeting.

The activity is in four stages:

1. First, each group (Workers, Employers, Government) has its own caucus meeting to prepare their negotiating strategy and tactics.
2. Then the three groups come together in plenary to set out their initial positions, and to see whether it might be possible to reach agreement on ratification.
3. Each group returns to their caucus meetings to review the discussions, and to revise their negotiating positions as appropriate.
4. There is a final plenary discussion to see whether agreement is possible between the three groups.

Please of course adapt the exercise to reflect the political realities of your country.

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

Activity 7	Negotiating to get C177 ratified
	Handout
Aims:	To help us to: • gain a better understanding of how tripartite negotiations might work in the context of attempts to ratify C177.
Task:	You are about to be delegates at a national tripartite meeting to discuss the possibility of ratifying C177. Divide into three groups: <u>Group One</u>: You represent the Workers' Group. You are delegates from MBOs of homeworkers and the national trade union centre(s) of your country. <u>Group Two</u>: You represent Employers. You are representatives of the national federation of employers in your country. <u>Group Three</u>: You represent the Government. You are politicians and civil servants from your Ministry of Labour. Your facilitator will give you briefing sheets with guidelines for the exercise.

Activity 7 Negotiating to get C177 ratified Workers' Group Briefing Sheet

Handout A

Your task:

You are now in a Workers' Group caucus meeting to prepare for negotiations with representatives from the Employers' Group and the Government to discuss the possible ratification of C177.

Your task is to prepare your negotiating position.

Especially helpful will be the arguments you developed in Activities 5 and 6.

1. Identify and prioritise the most important arguments for ratification of C177, and for other measures you think should be included in legislation to support decent work for homeworkers.
2. Identify those issues that you think might meet opposition from employers or the Government.
3. Discuss other actions that you want the Government to take in support of homeworkers: for example, by adopting elements of the Home Work Recommendation.
4. Agree a negotiating strategy: for example, where you are unwilling to compromise, where you might have a 'fall-back' position, which issues you want to emphasise, and so on.
5. Elect a representative from the Group to lead in the negotiations.

Some questions to consider:

- What are the facts and figures you have to support your arguments? For example, the scale of homeworking in your country, conditions of work, levels of poverty among homeworkers, and examples of serious denial of rights.
- Which are the issues over which you might find agreement with the Government?
- Which are the issues over which you might find agreement with the Employers?

Activity 7 Negotiating to get C177 ratified

Employers' Group Briefing Sheet

Handout B

Your task:

You are now in an Employers' Group caucus meeting to prepare for negotiations with representatives from the Workers' Group and the Government to discuss the possible ratification of C177.

Your task is to prepare your negotiating position.

1. Identify and prioritise the most important issues contained within C177 that will have an impact on your members.
2. Which elements could you accept – and which will you oppose?
3. Agree a negotiating strategy: for example, where you might not compromise, where you might have a 'fall-back' position, which issues to emphasise, and so on.
4. Agree a negotiating strategy: for example, where you are unwilling to compromise, where you might have a 'fall-back' position, which issues you want to emphasise, and so on.
5. Elect a representative from the group to lead in the negotiation.

Key questions and issues to consider:

- From your members' point of view, C177 could simply create a "superfluous bureaucracy" and increase red tape. Employers like to oppose what they see as "unnecessary" government regulation and interference.
- Some of your members argue that ratification could be damaging to entrepreneurs (including those based at home), and would hinder job creation. But others, those with factories employing workers, believe that homeworking is undercutting their businesses and causing unfair competition.
- Other members are concerned that restrictions on homeworking will simply make their businesses uncompetitive with imports that are cheap because they are based on unregulated homeworking in other countries.

Activity 7 Negotiating to get C177 ratified

Government Group Briefing Sheet

Handout C

Your task: You are now in a caucus meeting to prepare for negotiations with representatives from the Workers' Group and the Employers' Group to discuss the possible ratification of C177.

Your task is to prepare your negotiating position.

1. Identify and prioritise the most important elements of C177 that might have an impact on government policies or the country's economy.
2. Identify those elements of C177 that would lead to higher government spending.
3. Identify those issues that you think might meet opposition from workers or employers.
4. Are there some elements of the Home Work Recommendation that you might be willing to consider? Are there others that you are convinced the Government should oppose?

Key questions to consider:

- You are in favour of international regulations that help establish fair competition between states for attracting and retaining employment. But, at the same time, you are worried that unilateral national regulation might deter inward investment.
- You assume that the Employers' Group is opposed to ratification and you are reluctant to be seen fighting them on the issue. On the other hand, you are worried about bad publicity (nationally and internationally) about exploitation of homeworkers in your country.

Photo: HomeNet Pakistan



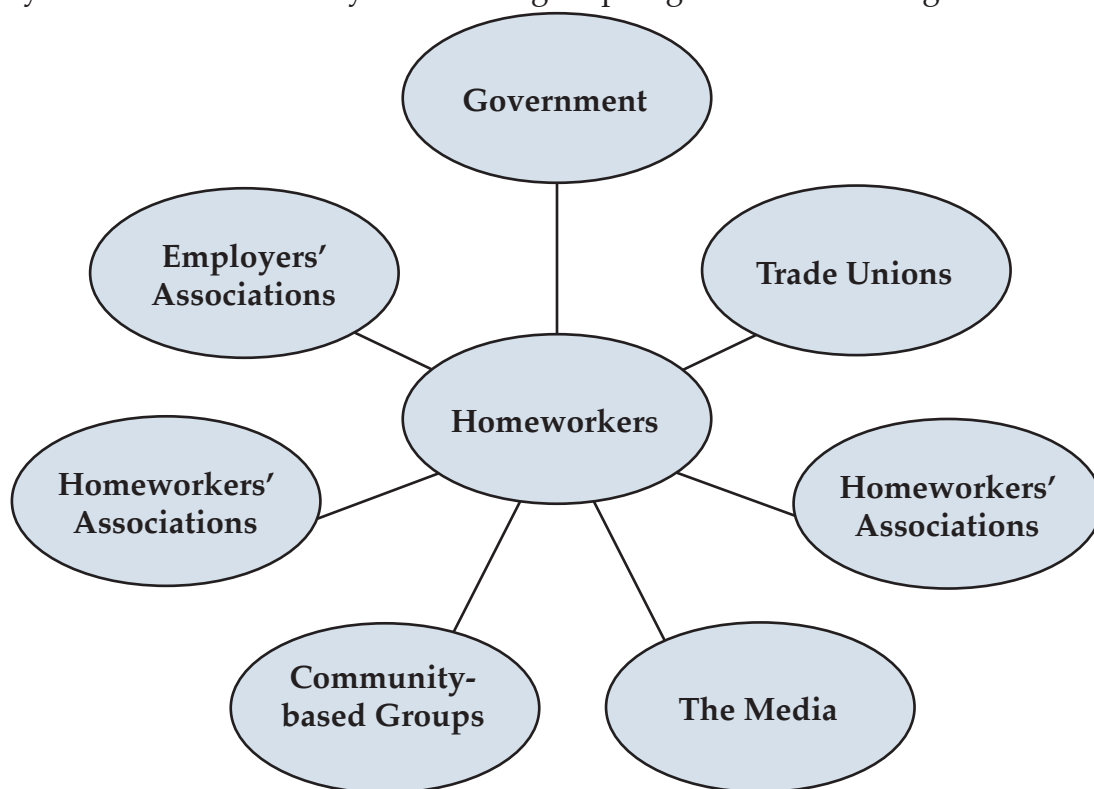
11 April 2011: The Home-Based Women Workers Federation of Pakistan holds its first ever Convention to press for the ratification of Convention C177 so that home-based workers there can get legal recognition and rights.

Activity 8 Identifying Targets and Allies in the campaign to ratify C177

Facilitator's Notes

The objective of this activity is to draw a 'map' of organisations and individuals who might be the targets and allies in a campaign for the ratification of C177.

Using a flip-chart or wall chart, draw a 'map' of the target and allies. You might start with homeworkers at the centre, and then add key 'constituencies' around them: government, employers and unions, and other groups such as associations of homeworkers, community-based groups, the media, and other opinion-formers or policy-makers in civil society. The starting map might look something like this:



Ask the participants to divide into four groups. Each group will look at a different constituency and try to identify concrete organisations and individuals who might be targets or allies, using the questions provided.

Back in plenary, ask each group to report back. Ask them to suggest specific organisations or individuals for the map, indicating their importance, and whether or not they are likely to be campaign targets or allies. There is an example on page 60.

Depending on the level of experience and knowledge of the participants, it might be useful to give each group some time to do active research: to find out which government departments are responsible, or what the policies of various unions are, for example. If the training is running over several days or weeks, this might form a project that participants can work on between sessions.

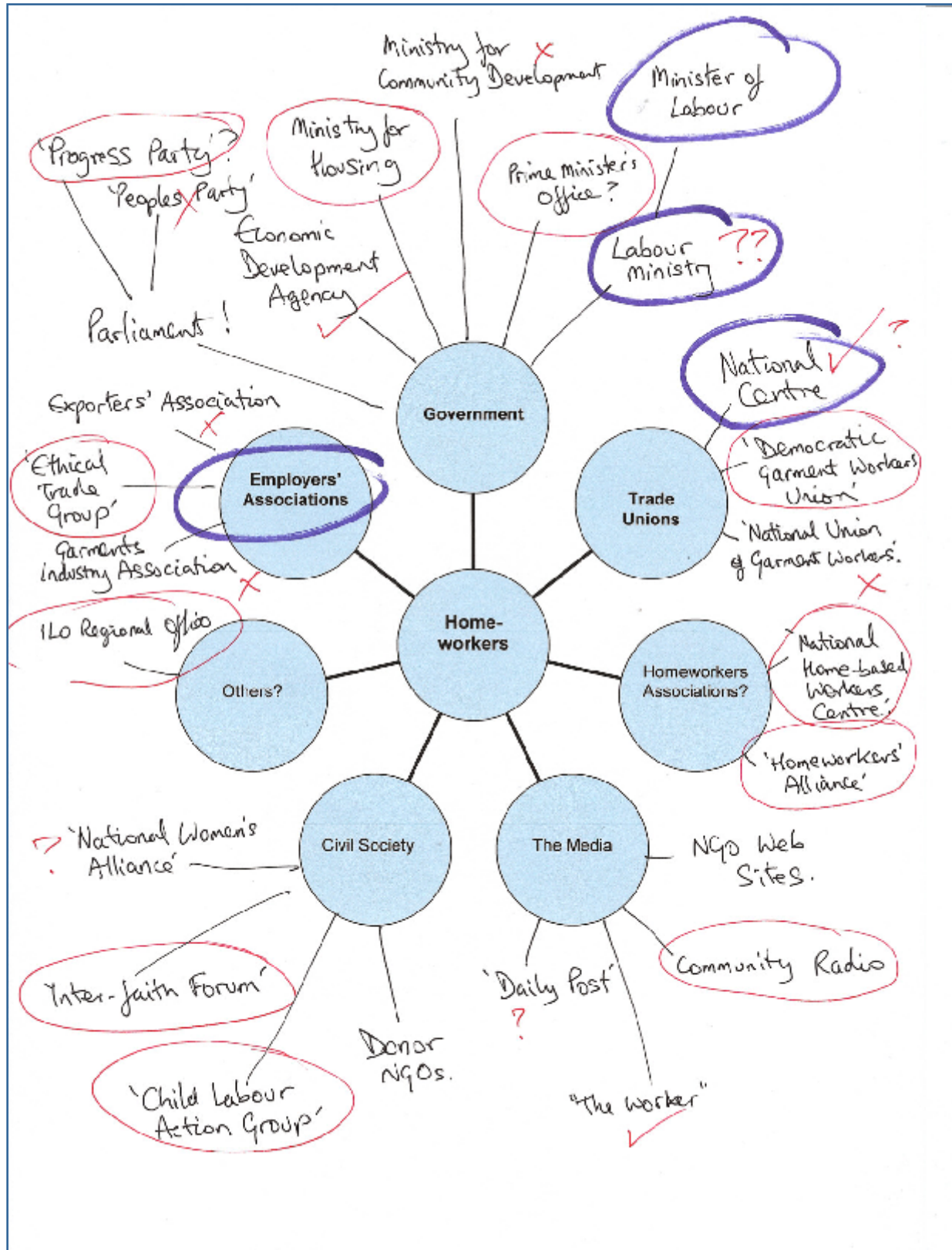
Remember to record the discussions to use later in developing an Action Plan.

Activity 8	Identifying Targets and Allies in the campaign to ratify C177 Handout
Aims:	To help us to: • identify potential targets for negotiation to win ratification of C177. • identify potential allies in the campaign to ratify C177.
Task:	In a campaign for the ratification of the Homework Convention in your country, who do you need to persuade to support you? Who might be your allies? Who are the people or organisations that you need to negotiate with – your ‘bargaining counterparts’? Divide into four groups. Three groups will discuss the three constituencies in the ILO tripartite system: A. Governments B. Trade unions C. Employers. The fourth group D will discuss other potential sources of support for a ratification campaign. Discuss where you may find your allies, and who you will need to negotiate with, using the questions provided. Each group should elect someone to report back in plenary.

Activity 8	Identifying Targets and Allies in the campaign to ratify C177 Handout
Group A Governments	1. Which ministries might have an interest in homeworkers' rights? 2. Which is likely to be the most important? 3. Which might be supportive? Which might be hostile? 4. Where might you find allies within parliament and political parties?
Group B Trade Unions	1. Which trade unions organise homeworkers? 2. Which trade unions are responsible for organising in industries where one might find large numbers of homeworkers (e.g. garments, electronics)? 3. Which trade unionists are likely to be supportive? 4. Which could be antagonistic?
Group C Employers	1. Which are the major companies employing homeworkers? 2. Which main employers groups or associations might be most affected by new laws protecting homeworkers? 3. What is the employers' representative organisation in your country? 4. What is their policy on homeworking (if any)? 5. Are there subcontractors and agents from your community who you might persuade to support you because they are also badly treated in the supply chain?
Group D Other potential sources of support	1. Is there an ILO office in your country? Are they willing to help? 2. Which NGOs (non-governmental organisations), community-based organisations, women's groups, faith groups, and others might be willing to support a campaign for homeworkers' rights? 3. Which journalists, newspapers and magazines, radio or TV stations might be prepared to run stories about homeworkers, their rights, and C177? 4. Who else could help you?

'TARGETS AND ALLIES'

An example of a flip chart produced out of discussion



4. Getting homeworkers' rights respected

In any campaign for ratification of C177 and R184, a key focus should be to use the opportunity to build and strengthen the organisation of homeworkers themselves.

Even after a successful campaign to get the Convention and Recommendation enacted into law, those rights will exist only in theory. The next big task, of course, is to get them actually implemented, and not just for the short-term.

While there is much that sympathisers and supporters can do to help, the organisation of homeworkers themselves is the only way for them to get their own rights respected – for the long-term.

It is worth remembering that to organise and bargain collectively are fundamental rights of all workers, including homeworkers, as set out in two 'core' ILO Conventions:

- C87 Freedom of Association and Protection of the Right to Organise Convention, 1948
- C98 Right to Organise and Collective Bargaining Convention, 1949

C177 reinforces this by saying that governments should promote homeworkers' "*right to establish or join organisations of their own choosing and to participate in the activities of such organisations*". (C177, Article 4, see Appendix 2)

R184 adds that governments should remove any legal or administrative obstacles to homeworkers' organising, and should encourage collective bargaining. (R184, Paragraph V, see Appendix 3)

Who can represent homeworkers?

There is an important distinction to make between:

- organisations that are for homeworkers, i.e. organised by others to assist homeworkers, and
- organisations that are of homeworkers, i.e. membership-based organisations (MBOs).

Membership-based organisations (MBOs) should be able to show clear democratic accountability to the whole organisation and its members, the workers (see page 62). This means they can rightly claim to **represent** the workers.

Organisations that are not MBOs cannot make any such claim. They can advocate and support for the workers, but they cannot provide the authentic voice and policies of the workers.

This is particularly important when representing the interests of home-based workers to external institutions – such as governments, employers' organisations, the formal trade union and cooperative movements, and international bodies like the ILO.

What is a ‘Membership-Based Organisation’ (MBO)?

There is no one single agreed definition of an MBO. However, a membership-based organisation (MBO) does have the following characteristics:

- **Democracy** – recognises the right of members to participate, to be informed, consulted and involved in making decisions.
- **Equality** – if members are to participate fully, they must have equal rights, responsibilities and opportunities.
- **Collective Benefit** – collective effort can be more powerful than an individual acting alone; together we can help each other to succeed, to mutual benefit.
- **Solidarity** – there is strength through joint action – working to create a successful, united movement – within the MBO itself, and between MBOs.
- **Unity** – to join together with others who share the same interests, principles and ideals.
- **Transparency and Accountability** – ensuring that decisions and policy-making processes are clearly understood and open, and that elected representatives are accountable to the membership, especially in the management of finances.
- **Membership-driven** – an organisation for the workers, run by the workers and in the interest of the workers.
- **Membership-owned** – that all members make a financial or in-kind contribution to the organisation, no matter how small, so that each one is a co-owner.
- **Independence** – free from dependency on or control by others, whether they are employers, political parties, governments or any other powerful institutions.
- **Self-reliance** – that the organisation is sustainable without external financial support, as far as possible.

Types of MBO

The most common and well-known form of membership-based organisation (MBO) for workers is a trade union.

But there are also other workers' associations that are not part of the trade union movement – sometimes by choice, and sometimes because the law in that country prohibits it.

Co-operatives are another type of MBO.

Sometimes these MBOs are registered with the authorities – as trade unions, voluntary associations, or co-operatives – and sometimes they are not registered at all.

Some MBOs are highly developed with written constitutions, rules and procedures. Others are purely informal.

For more information

'We are Workers Too! Organizing Home-Based Workers in the Global Economy', WIEGO, 2010: www.wiego.org/publications/we_are_workers_too_mather.php especially Section 2 on how to bring homeworkers together out of their isolation, and on the different types of organisation:

Local social, welfare or religious groups

Trade unions

Associations of home-based workers

Networks and alliances of supporters

Cooperatives

Social Enterprises

Photo: Celia Mather



Women home-based workers in the slums of East Delhi, India, have been brought together in special centres set up by the Self-Employed Women's Association (SEWA). There they can discuss and plan actions to improve their lives and livelihoods.

Activity 9 What is a membership-based organisation of homeworkers?

Facilitator's Notes

Many homeworkers have had little or no experience of being part of membership-based organisation of workers, whether a trade union, co-operative, or other form of voluntary democratic organisation.

There is often confusion between the role of organisations that seek to support homeworkers (typically NGOs), and those that can claim to represent them (Membership-Based Organisations, MBOs). But the distinction is not always completely obvious.

It is therefore necessary to make sure that those campaigning for ratification of C177 understand what is and what is not an MBO – particularly in the context of the ILO (nationally or internationally) where only recognised democratic representatives of workers are included in formal tripartite negotiations with governments and employers.

This activity is designed to stimulate thought and discussion on what are the characteristics of a 'genuine' MBO, an organisation that can truly represent the interests of homeworkers.

Working in plenary or in small groups, circulate the handout containing fictional examples of organisations, along with the handout describing the task. The amount of time for the exercise will vary considerably, depending on the level of experience of the participants.

After the report back:

Firstly, stimulate discussion on the key characteristics that define a membership-based organisation (MBO), as distinct from other types of organisation. The characteristics of an MBO to consider are given on page 62. But please bear in mind that there is no one single agreed definition of an MBO.

Secondly, ask what MBOs of homeworkers, or potentially appropriate for homeworkers, already exist in your country? Are these 'genuine' MBOs? How might they be strengthened?

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

Activity 9	What is a membership-based organisation of homeworkers? Handout
Aims:	To help us to: • Consider various forms of organisations concerned with home-based workers • Determine the key principles behind democratic membership-based organisations.
Task:	There are numerous forms of organisation concerned with home-based workers: • associations • trade unions • voluntary organisations • co-operatives • NGOs • and others. But which of these are membership-based organisations? What do we mean by a ‘membership-based organisation’? Sometimes there are arguments about what is, and what is not, a genuine MBO. How do we tell the difference? In this session, we look at various types of organisation, and attempt to agree some basic principles of democratic workers’ organisation. Working in small groups, consider the examples of organisations given on the handout, and answer the following questions. 1. Which of these organisations can legitimately claim to democratically represent the interests of homeworkers? 2. What are the main criteria by which we make our judgement? Please elect someone to report back in plenary.

Activity 9 What is a membership-based organisation of homeworkers?

Handout

1. A foreign NGO (non-governmental organisation) has established a *Centre for Home-Based Workers Welfare*, which workers can join for a small payment each year. Members can get advice on setting up small businesses, join in cultural activities, and undertake vocational training (for example, stitching techniques). The centre is overseen by a Management Committee composed of NGO representatives, local community leaders, and members' representatives.
2. A group of 50 self-employed home-based women workers preparing food for sale in the local market have got together to form the *Women's Small Business Association*. The association meets regularly to discuss common problems. They buy food in bulk from wholesale suppliers to gain discounts, and occasionally lend money to one another when one of them faces difficulties. From time to time, they elect representatives to negotiate with the market authority or wholesale suppliers on behalf of the members. The association has no formal constitution, and is not registered in any way.
3. The *National Union of Garment Workers* represents factory workers in the formal economy, as well as informal home-based workers paid on a piece rate. The union is registered with the authorities, and is affiliated to the National Trades Union Confederation. In recent years, membership has fallen dramatically from 2500 to fewer than 200 members. Its Executive Committee meets rarely, and it has not had formal elections for more than ten years.

4. The *United Union of General Workers* was recently established by a leading member of an opposition political party, as a breakaway from the *General Workers' Union*, in protest against the dominance of the ruling party in the GWU. It has held its first Congress, and democratically elected the opposition leader as union President, but the authorities are refusing to allow the union to formally register as a lawful union. It has issued a statement to declare that it intends to organise workers irrespective of their employment relationship (i.e. both formal and informal economy).
5. The *National Union of Informal Economy Workers* was set up as the result of a project undertaken by the National Trades Union Congress, with financial support from foreign trade unions. It has 35,000 members, including some home-based workers, from many different sectors, and is overseen by a democratically elected Executive Committee. Most of the members are extremely poor, so it was agreed that no-one should have to pay union dues. The union continues to receive funds from overseas, which pays the salaries and expenses of the union office.
6. The *National Homeworkers' Alliance* is a consortium of local and national women's groups, homeworkers' associations, community organisations, trade unions, churches, fair trade groups and individual researchers and activists. It was formed to campaign for homeworkers' rights, lobby the government for new laws and initiatives to support homeworkers, and raise public awareness about the problems faced by homeworkers.
7. The *Embroidery Workers Co-operative* was set up to enable home-based embroiderers to provide some basic social protection, make it easier to raise loans and grants, improve the marketing of their products, and negotiate with buyers and agents. Based in a rural area famous for the quality of embroidery design and high skills, it has 150 members, all working from home. The Co-operative is governed by an executive committee elected by all the members, which employs a part-time manager to run the organisation.

Activity 10 To develop a Plan of Action

Facilitator's Notes

If successful, the activities suggested in this manual should lead to a practical conclusion: a campaign towards the ratification of C177.

This final activity is designed to draw together all the different elements of discussion into an overall plan of action.

Divide the participants into three teams:

- Documentation & Research Team
- Awareness-Building Team
- Campaign Team

Some guideline questions are provided to stimulate discussion within each Team.

Where possible, give each Team a copy of relevant notes and records of previous discussions. If not, incorporate them into the discussions following report-back from the Teams.

However, participants should be encouraged to make plans based on their actual experience and conditions.

Each Team should then report back to the full group, followed by a discussion on the overall plan that emerges from the three sets of proposals.

If time permits, the key elements of the plan of action should then be written up onto large sheets of paper on the wall (or using Powerpoint, etc.), with an outline timetable of activities.

Activity 10	To develop a Plan of Action
Aims:	Handout To help us to: • Build a plan of action towards ratification of C177.
Task:	Divide into three groups: 1. Documentation & Research Team 2. Awareness-Building Team 3. Campaign Team Working in your Teams, your task is to prepare a plan of action for presentation to the whole group. Each Team may refer to the guidelines, below, if needed. Also refer to the notes and records of discussion in previous activities if they are available. If possible, consider how long you will need to achieve the activities, what resources you will need, and who can undertake the work.

1. Documentation & Research Team

What key documents do we need to have? For example:

Facts and figures, such as:

- How many homeworkers are there?
- Where are they to be found?
- How much do they earn? What are their working conditions?
- Who employs them?
- What do they produce and where are the markets for the products?

Arguments for Ratification

- Why is ratification needed?
- What would be the most important effects of ratification?

Counter-arguments against those opposed to ratification

- What are the arguments used against ratification?
- How do we refute these?

2. Awareness-Building Team

How do we build public support for the rights of homeworkers, and for the government to ratify C177? For example:

Education

- How do we build awareness among homeworkers, trade unions, human rights organisations, and others in civil society?
- What materials do we need?
- Who do we work with?
- What events do we need to organise?

Media

- Where can we get publicity? Do we already know any journalists?
- Which media? (press, TV, radio, web sites, social networking)
- What tools do we need? (articles, interviews, video, photographs)

Public events

- What events could build public awareness?
- Exhibitions? Demonstrations? Rallies? Days of Action?

3. Campaign Team

Organising

- Who organises homeworkers?
- How do we work together? Do they need support?
- Does everyone representing homeworkers agree on the need for ratification?
- How is the campaign to be led and co-ordinated?

Campaign issues

- What are the key messages to be highlighted in the campaign?

Alliance-building

- Who are our national allies? How do we work with them?
- Who are our international allies? How do we work with them?

Negotiation

- Who represents the homeworkers in negotiations?
- How do we establish contact with the national or regional ILO offices?
- How do we identify points of contact with the government?
- What are the procedures and processes needed for the necessary legislation?

DECLARATION OF PHILADELPHIA (1944)

Declaration concerning the aims and purposes of the International Labour Organization

The General Conference of the International Labour Organization, meeting in its Twenty-sixth Session in Philadelphia, hereby adopts, this tenth day of May in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organization and of the principles which should inspire the policy of its Members.

I. The Conference reaffirms the fundamental principles on which the Organization is based and, in particular, that:

- a) labour is not a commodity;
- b) freedom of expression and of association are essential to sustained progress;
- c) poverty anywhere constitutes a danger to prosperity everywhere;
- d) the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

II. Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour Organization that lasting peace can be established only if it is based on social justice, the Conference affirms that:

- a) 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;
- b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;
- c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;
- d) it is a responsibility of the International Labour Organization to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;
- e) in discharging the tasks entrusted to it the International Labour Organization, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

III. The Conference recognises the solemn obligation of the International Labour

Organization to further among the nations of the world programmes which will achieve:

- a) full employment and the raising of standards of living;
- b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;
- c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;
- d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;
- e) the effective recognition of the right of collective bargaining, the cooperation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;
- f) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;
- g) adequate protection for the life and health of workers in all occupations;
- h) provision for child welfare and maternity protection;
- i) the provision of adequate nutrition, housing and facilities for recreation and culture;
- j) the assurance of equality of educational and vocational opportunity.

IV. Confident that the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full cooperation of the International Labour Organization with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.

V. The conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilised world.

C177 Home Work Convention, 1996

Convention concerning Home Work
((Note:Date of coming into force:22:04:2000))
Convention: C177
Place:Geneva
Session of the Conference: 83
Date of adoption: 20:06:1996
Status: Up-to-date instrument This Convention was adopted after 1985 and is considered up to date.

The General Conference of the International Labour Organization,

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 characterising 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:

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 home worker,

(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;

(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;

(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.

Article 2

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

Article 3

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 organisations of employers and workers and, where they exist, with organisations concerned with home workers and those of employers of home workers.

Article 4

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 organisations of their own choosing and to participate in the activities of such organisations;
- (b) protection against discrimination in employment and occupation;
- (c) protection in the field of occupational safety and health;
- (d) remuneration;
- (e) statutory social security protection;
- (f) access to training;
- (g) minimum age for admission to employment or work; and
- (h) maternity protection.

Article 5

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.

Article 6

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

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.

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.

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

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 Organization whose ratifications have been registered with the Director-General of the International Labour Office.
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.

Article 13

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 Organization of the registration of all ratifications and denunciations communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization 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.

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.

R184 Home Work Recommendation, 1996

Recommendation concerning Home Work
Recommendation: R184
Place: Geneva
Session of the Conference: 83
Date of adoption=20:06:1996
Subject classification: Conditions of employment
Subject: **Specific Categories of Workers**
Also available in: French Spanish

Status: Up-to-date instrument This Recommendation was adopted after 1985 and is considered up to date.

The General Conference of the International Labour Organization,

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 homeworkers, and

Noting that the particular conditions characterising home work make it desirable to improve the application of those Conventions and Recommendations to homeworkers, 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 a Recommendation supplementing the Home Work Convention, 1996;

adopts, this twentieth day of June of the year one thousand nine hundred and ninety-six, the following Recommendation, which may be cited as the Home Work Recommendation, 1996:

I. DEFINITIONS AND SCOPE OF APPLICATION

1. For the purposes of this Recommendation:

(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;

(b) persons with employee status do not become homeworkers within the meaning of this Recommendation simply by occasionally performing their work as employees at home, rather than at their usual workplaces;

(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.

2. This Recommendation applies to all persons carrying out home work within the meaning of Paragraph 1.

II. GENERAL PROVISIONS

3. (1) Each Member should, according to national law and practice, designate an authority or authorities entrusted with the formulation and implementation of the national policy on home work referred to in Article 3 of the Convention.

(2) As far as possible, use should be made of tripartite bodies or organisations of employers and workers in the formulation and implementation of this national policy.

(3) In the absence of organisations concerned with homeworkers or organisations of employers of homeworkers, the authority or authorities referred to in subparagraph (1) should make suitable arrangements to permit these workers and employers to express their opinions on this national policy and on the measures adopted to implement it.

4. Detailed information, including data classified according to sex, on the extent and characteristics of home work should be compiled and kept up to date to serve as a basis for the national policy on home work and for the measures adopted to implement it. This information should be published and made publicly available.

5. (1) A homemaker should be kept informed of his or her specific conditions of employment in writing or in any other appropriate manner consistent with national law and practice.

(2) This information should include, in particular:

- (a) the name and address of the employer and the intermediary, if any;
- (b) the scale or rate of remuneration and the methods of calculation; and
- (c) the type of work to be performed.

III. SUPERVISION OF HOME WORK

6. The competent authority at the national level and, where appropriate, at the regional, sectoral or local levels, should provide for registration of employers of homeworkers and of any intermediaries used by such employers. For this purpose, such authority should specify the information employers should submit or keep at the authority's disposal.

7. (1) Employers should be required to notify the competent authority when they give out home work for the first time.

(2) Employers should keep a register of all homeworkers, classified according to sex, to whom they give work.

(3) Employers should also keep a record of work assigned to a homemaker which shows:

- (a) the time allocated;
- (b) the rate of remuneration;
- (c) costs incurred, if any, by the homemaker and the amount reimbursed in respect of them;
- (d) any deductions made in accordance with national laws and regulations; and

(e) the gross remuneration due and the net remuneration paid, together with the date of payment.

(4) A copy of the record referred to in subparagraph (3) should be provided to the homeworker.

8. In so far as it is compatible with national law and practice concerning respect for privacy, labour inspectors or other officials entrusted with enforcing provisions applicable to home work should be allowed to enter the parts of the home or other private premises in which the work is carried out.

9. In cases of serious or repeated violations of the laws and regulations applicable to home work, appropriate measures should be taken, including the possible prohibition of giving out home work, in accordance with national law and practice.

IV. MINIMUM AGE

10. National laws and regulations concerning minimum age for admission to employment or work should apply to home work.

V. THE RIGHTS TO ORGANISE AND TO BARGAIN COLLECTIVELY

11. Legislative or administrative restrictions or other obstacles to:

(a) the exercise of the right of homeworkers to establish their own organisations or to join the workers' organisations of their choice and to participate in the activities of such organisations; and

(b) the exercise of the right of organisations of homeworkers to join trade union federations or confederations,

should be identified and eliminated.

12. Measures should be taken to encourage collective bargaining as a means of determining the terms and conditions of work of homeworkers.

VI. REMUNERATION

13. Minimum rates of wages should be fixed for home work, in accordance with national law and practice.

14. (1) Rates of remuneration of homeworkers should be fixed preferably by collective bargaining, or in its absence, by:

(a) decisions of the competent authority, after consulting the most representative organisations of employers and of workers as well as organisations concerned with homeworkers and those of employers of homeworkers, or where the latter organisations do not exist, representatives of homeworkers and of employers of homeworkers; or

(b) other appropriate wage-fixing machinery at the national, sectoral or local levels.

(2) Where rates of remuneration are not fixed by one of the means in subparagraph (1) above, they should be fixed by agreement between the homeworker and the employer.

15. For specified work paid by the piece, the rate of remuneration of a homeworker should be comparable to that received by a worker in the enterprise of the employer, or if there is no such worker, in another enterprise in the branch of activity and region concerned.

16. Homeworkers should receive compensation for:

- (a) costs incurred in connection with their work, such as those relating to the use of energy and water, communications and maintenance of machinery and equipment; and
- (b) time spent in maintaining machinery and equipment, changing tools, sorting, unpacking and packing, and other such operations.

17. (1) National laws and regulations concerning the protection of wages should apply to homeworkers.

(2) National laws and regulations should ensure that pre-established criteria are set for deductions and should protect homeworkers against unjustified deductions for defective work or spoilt materials.

(3) Homeworkers should be paid either on delivery of each completed work assignment or at regular intervals of not more than one month.

18. Where an intermediary is used, the intermediary and the employer should be made jointly and severally liable for payment of the remuneration due to homeworkers, in accordance with national law and practice.

VII. OCCUPATIONAL SAFETY AND HEALTH

19. The competent authority should ensure the dissemination of guidelines concerning the safety and health regulations and precautions that employers and homeworkers are to observe. Where practicable, these guidelines should be translated into languages understood by homeworkers.

20. Employers should be required to:

- (a) inform homeworkers of any hazards that are known or ought to be known to the employer associated with the work given to them and of the precautions to be taken, and provide them, where appropriate, with the necessary training;
- (b) ensure that machinery, tools or other equipment provided to homeworkers are equipped with appropriate safety devices and take reasonable steps to ensure that they are properly maintained; and
- (c) provide homeworkers free of charge with any necessary personal protective equipment.

21. Homeworkers should be required to:

- (a) comply with prescribed safety and health measures;
- (b) take reasonable care for their own safety and health and that of other persons who may be affected by their acts or omissions at work, including the proper use of materials, machinery, tools and other equipment placed at their disposal.

22. (1) A homeworker who refuses to carry out work which he or she has reasonable justification to believe presents an imminent and serious danger to his or her safety or health should be protected from undue consequences in a manner consistent with national conditions and practice. The homeworker should report the situation to the employer without delay.

(2) In the event of an imminent and serious danger to the safety or health of a homeworker, his or her family or the public, as determined by a labour inspector or other public safety official, the continuation of home work should be prohibited until appropriate measures have been taken to remedy the situation.

VIII. HOURS OF WORK, REST PERIODS AND LEAVE

23. A deadline to complete a work assignment should not deprive a homeworker of the possibility to have daily and weekly rest comparable to that enjoyed by other workers.

24. National laws and regulations should establish the conditions under which homeworkers should be entitled to benefit, as other workers, from paid public holidays, annual holidays with pay and paid sick leave.

IX. SOCIAL SECURITY AND MATERNITY PROTECTION

25. Homeworkers should benefit from social security protection. This could be done by:

- (a) extending existing social security provisions to homeworkers;
- (b) adapting social security schemes to cover homeworkers; or
- (c) developing special schemes or funds for homeworkers.

26. National laws and regulations in the field of maternity protection should apply to homeworkers.

X. PROTECTION IN CASE OF TERMINATION OF EMPLOYMENT

27. Homeworkers should benefit from the same protection as that provided to other workers with respect to termination of employment.

XI. RESOLUTION OF DISPUTES

28. The competent authority should ensure that there are mechanisms for the resolution of disputes between a homeworker and an employer or any intermediary used by the employer.

XII. PROGRAMMES RELATED TO HOME WORK

29. (1) Each Member should, in cooperation with organisations of employers and workers, promote and support programmes which:

- (a) inform homeworkers of their rights and the kinds of assistance available to them;
- (b) raise awareness of home-work-related issues among employers' and workers' organisations, non-governmental organisations and the public at large;
- (c) facilitate the organisation of homeworkers in organisations of their own choosing, including cooperatives;
- (d) provide training to improve homeworkers' skills (including non-traditional skills, leadership and negotiating skills), productivity, employment opportunities and income-earning capacity;
- (e) provide training which is carried out as close as practicable to the workers' homes and does not require unnecessary formal qualifications;
- (f) improve homeworkers' safety and health such as by facilitating their access to equipment, tools, raw materials and other essential materials that are safe and of good quality;

- (g) facilitate the creation of centres and networks for homeworkers in order to provide them with information and services and reduce their isolation;
 - (h) facilitate access to credit, improved housing and child care; and
 - (i) promote recognition of home work as valid work experience.
- (2) Access to these programmes should be ensured to rural homeworkers.
- (3) Specific programmes should be adopted to eliminate child labour in home work.

XIII. ACCESS TO INFORMATION

30. Where practicable, information concerning the rights and protection of homeworkers and the obligations of employers towards homeworkers, as well as the programmes referred to in Paragraph 29, should be provided in languages understood by homeworkers.

More contacts and resources

Organisations

Home-based workers' networks:

HomeNet South Asia: www.homenetsouthasia.net

HomeNet South East Asia: www.homenetseasia.org

HomeNet South East Europe: www.homeneteasteurope.com

Supporting NGOs:

Women in Informal Employment: Globalizing and Organizing (WIEGO):
www.wiego.org

Global Labour Institute: www.global-labour.org

Global Union Federations (relevant to home-based workers):

International Union of Foodworkers (IUF): www.iuf.org

International Textile, Garment and Leatherworkers Federation (ITGLWF):
www.itglwf.org

International Labour Organisation (ILO): www.ilo.org

Workers' Education Materials

'Organising in the Informal Economy: Resource Books for Organisers', by Chris Bonner, StreetNet International and WIEGO, 2009

There are six booklets in the series:

1. Recruiting Informal Workers into Democratic Workers' Organisations
2. Building and Maintaining a Democratic Organisation of Informal Workers
3. Handling the Day-to-Day Problems of Informal Workers
4. Collective Negotiations for Informal Workers
5. Handling Disputes between Informal Workers and those in Power
6. Collective Action for Informal Workers

All six booklets are available in English, French and Portuguese at www.ditsela.org.za/ditsela/?q=node/319

or from StreetNet International, P.O.Box 61139, Bishopsgate, Durban 4008, South Africa, admin@streetnet.org.za

'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

'Campaigns at Work – A guide to campaigning for homeworker organizations, unions, campaign groups and activists', by Annie Delaney, HomeWorkers Worldwide, 2004: www.homeworkersww.org.uk/files/resources/campaign-manual.pdf.

Reports, Articles and Documents

'The Rules of the Game, A Brief Introduction to Labour Standards', ILO, 2009:

www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_108393.pdf

Also available in French and Spanish.

'Made by Women: Gender, the Global Garment Industry and the Movement for Women Workers' Rights', Clean Clothes Campaign, 2005:

www.cleanclothes.org/resources/ccl/gender/made-by-women

Also available in French and Spanish.

'Chains of Production, Ladders of Protection – Social Protection for Workers in the Informal Economy', edited by Francie Lund and Jillian Nicholson, School of Development Studies, University of Natal, Durban, South Africa, 2003: www.wiego.org/program_areas/social_protect



About this book

Millions of home-based workers in the world contribute to the economy and society. But most work in unregulated, often inhuman, conditions. Companies seek them out to make their products at lower cost, by side-stepping their responsibilities as employers.

To help combat this exploitation, in 1996 the International Labour Organization (ILO) – part of the United Nations – adopted the Convention on Home Work No.177 (or C177). Sadly, very few governments have so far adopted C177 into their country's laws.

So this manual aims to encourage more homeworkers and their organisations and supporters across the world to mobilise for this, and help improve the lives and livelihoods of these workers and their families.



Women in Informal Employment:
Globalizing and Organizing (WIEGO)
www.wiego.org



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HomeNet South Asia is a partner of the Inclusive Cities Project:
www.inclusivecities.org