

# RATIFYING THE ILO HOME WORK CONVENTION C-177

- NATIONAL POLICY
- NATIONAL STATISTICS
- THE RIGHT TO ORGANIZE & TO BARGAIN COLLECTIVELY
- REMUNERATION
- OCCUPATIONAL HEALTH & SAFETY
- SOCIAL SECURITY & MATERNITY PROTECTION

**NEPAL**

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Study commissioned by



Study conducted by



**Centre for Labour and Social Studies (CLASS Nepal)**

### **Message from CLASS Nepal:**

Insufficiency to cover all types of informal worker is the limitation of existing Nepalese labor legislation. To manage the problem there is possibility of formulation of blended labor policy by government of Nepal in near future targeting all types of workers rather than number of sector policy. Labor Court is an appellate court apart from this there a provision of quasi judicial official who can hear and observe the case of the labor based on labor act or other acts those are attracted. Informal Labor does not have clear institutions to deal their grievances thus it is also preferable to deal these issues as issues of Human Right. Weak implementation of labor act is another cause of labor disputes and problems. In this scenario Home Workers should be identified in labor act so that they can have access to rights.

Nepal has ratified eleven ILO conventions. Seven of them are core labor standard related and other are general conventions. One of the core convention, right to association C87 has still not been ratified. Government is continuously working for ratification of the convention. Some of the influencing factors are a) critical beneficiaries, b) compatibility and demand, c) Lobby, pressure and knowledge domain, d) political interest and e) Labor policy and level of awareness. Thus, finding out Home-Work, registering them, unionizing and empowerment, policy awareness, ratification campaign, alliance for lobby, awareness to political parties, convincing employers and logical construction of ratification proposal are key success factors. The first action should start with consultation among the stakeholder nationwide and organize a discussion. Tripartite meeting, awareness workshop and round tables are some of the immediate activities recommended. Home-Work issues are also gender issues and human right related issues. Developing the status of the Home-Work can improve the productivity of employees, social status of the community, living standard of the household and decent labor sector. As Home-Work is increasing and the economy can better go with it, decent Homebased working is a prerequisite. Homebased work should not be a profit maximizing strategy however, it can be managed hassle free goal integrating strategy, which make both producer and employee better off.

**Kathmandu**

**CLASS Nepal**

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**Study Team**

**CLASS Nepal**

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# Acronyms

ANTUF	All Nepal Trade Union Federation
C-177	Convention 177 of International Labor Organization
CLASS Nepal	Centre for Labor and Social Studies Nepal
DoL	Department of Labor
GEFONT	General Federation of Nepalese Trade Union
GoN	Government of Nepal
HW	Home Worker
HBWs	Homebased Workers
HNSA	HomeNet South Asia
ILO	International Labor Organization
LSG	Local Self Governance
MBO	Member based Organization
MoLE	Ministry of Labor and Employment
NPC	National Planning Commission
NTUC-I	Nepal Trade Union Congress Independent
OHS	Occupational Health and Safety
SAH	Safety and Health
CBS	Central Bureau of Statistics
FNCCI	Federation of Nepalese Chamber Of Commerce and Industries
HNN	HomeNet Nepal

# Introduction

## **Background:**

Nepal is under developed country. Though agriculture is the dominant source of employment, service and production sector are growing in potential. Industrialization was majorly covered by the government during 70-80 decade where employee facilities were defined by government. With the increase in industrialization and increasing private sector involvement, labor issues were raised higher. Labor were major back up for a political movement since the 1950 revolution and it continued till the peoples' last movement in 2007.

The government enforced the labor act in 1992 which identified the types of labor, basic rights of labor, determined the responsible agency as well as paved the way for strengthening the labor administration. It was a milestone in the labor movement in Nepal. The Nepal production sector industry has not flourished since 1990. High competition forced to adopt latest technology in the industrial sector to reduce costs in any means. This exposed the labor to vulnerability. Based on the labor act 1992 and political connection labor issues are growing stronger. One of the case put forward by entrepreneur are issues of labor too. Moreover the implementation of labor law is also not satisfactory. The industrial sector has wisely been affected by the political culture. It is also argued that political party based trade Union in the industries is used by political parties to bargain for donation. This nexus has created stagnation; political party neither can speak for nor against both labor and employer. However, both of these are protected from administration, by them. Though employer and TU often blame each other, areas of improvement can be suggested in two ways. The crux of the issues is that none of the entrepreneurs should exploit the labor for overcoming the shortfall in other areas to gain market competitiveness.

## **Home Workers in Nepal:**

Nepal has gone through severe transition since 1994 and it raised high during 2000. The industrial sector was pressurized with different havoc and the threat. Industrial sector except those with fixed and high capital plant shifted their strategy. They moved with informal labor and home workers working through agents. That time, Nepal was producing and exporting considerable amount of curio, garment, bead, handicraft, painting etc. Among which are still ongoing. From production to export these goods need different nature of capacity. The first one is the skill. Other is market contact, collection, delivery and negotiation. These products have some peculiar characteristics a) Demand is seasonal and not consistent, b) Need specific skill in preparation, more labor consuming and discrete time schedule can work, c) Variety of quality, type and production specification, d) is a majorly traditional micro enterprise based and need cultural practices. HW is like a net. The numbers are large as like the type and nature of the product. Both types of HW self employed and employed or piece rate based when registered has potential to have a critical number of beneficiaries. However, due to a variety of product, location, intermediaries and semi employment nature, they are dispersed in the labor atmosphere. Home workers are most vulnerable and under represented labor in Nepal. It is because they still remain unrecognized. HW are those who have time left out from some other compulsory jobs, highly seeking some income to support a family and doesn't have context to get together for movement against the exploitation of employer /agents. Generally, semi employed areas like agricultural household in suburb areas, lower educated women with children, low income unemployed room rented migrant woman etc. are used for the semi skilled production system. Whereas in high quality skill demanding areas the payment are higher per piece but quality specification are high. These employees are exploited not because they do not earn a minimum, but because they are not getting payment for their skill. The major problem of HW production is that most of the margins of the HW are consumed by the middle agent. Thus who has exploited is the first question to be answered and the intermediaries should be formalized.

### **Conventions signed by Nepal:**

Nepal has become a member of the ILO in 1966 since then Nepal has signed a number of conventions. The signed convention doesn't come into effect unless the signing party ratifies it through its legislatures. Generally convention is taken as soft law; however they have moral and ethical values. Government of Nepal has clear provision that "Provision of a ratifying convention prevails if it contradicts with other national law". This means that ratified convention if enforced strongly is already not contradicting with national law after ratification. Thus if C-177 is ratified, all other national law contradicting with this shall become ineffective to the extent of ratifying convention. Convention signed by the government of Nepal related to labor till date is mentioned in Annex 1.

Nepal has signed eleven ILO conventions. Out of them seven are core (fundamental) conventions (C-111, C-100, C-98, C-138, C-29, C-182 and C-105). According to ILO ratification rules any country can denounce and withdrawal all the obligation of the ratified conventions which is difficult for implementation or is found irrelevant in a national context at any time but this has not been the case of Nepal.

### **Experience from the previously signed conventions:**

Lesson from the previous ratification success can help to focus on key success factors. Thus we observed few ratified conventions to find out the answer to following question.

1. How long was the duration of the initiation it took for the ratification?
2. What were the key factors for ratification?
3. Which were the toughest stages?
4. Who can be convinced how? Or who were interested in what?
5. How to organize the ratification process?
6. What is its status now?
7. What are the challenges that should be solved to bring it into implementation?

Since signed conventions are not implemented, what is the use of such convention? This is a general question of all concerned stakeholders? Which means the implementation part of already ratified conventions were not satisfactory. It doesn't mean that the conventions are useless but strong implementation mechanism is important.

### **ILO C-177 and its relevance:**

ILO adopted the C-177 on 20th June 1996 and aims to improve the situation of the home workers in consultation with the most representative organizations of the employer and the worker as well as an organization concerned with the home worker and those of the employer of home workers. Basically, the convention advocates for the equality of treatment in the home worker in relation to:

- The home workers right to establish or join organizations of their own to choose and participate in the activities of such organization.
- Protection against discrimination in employment and occupation.
- Protection in the field of the occupational safety and health.
- Remuneration
- Statutory social security protection.
- Access to training.
- Minimum age for the admission to employment or work.
- Maternity protection.

# Executive Summary

## Background:

Homebased Work (HBW) was traditional culture in Nepal. The trend and volume changed after a) the recession in garment production and such sectors, b) increased instability, c) increment in seasonal product like woolen wear and d) Undesirable Trade union activities. Till date almost majority of production system in garment and daily usable are in some way attached with Homebased Workers (HBWs). Nepal legislation guarantees quite good standards for general labor, but implementation is weak.

## Homebased Work in Nepal:

The socio-economic status of the HBWs are poor, ununionized and supportless. They work in piece rate which is very low. Receiving something is better than nothing they do HBW, However few skill based HB works like handicraft are paid high in number; still though small percentage on sale amount. Exporter or firm uses agents to mobilize HBWs, these agent collect demands, distributes it to HBWs. The rates are different and margin varies on negotiation among the parties. Number and layer of agents are increasing, like wise number of HBWs.

The main issues of HBWs in Nepal are a) Increasing number of HBWs with high degree of exposure to exploitation, b) Unorganized sector with unidentified responsible agency c) Under represented in legislation hindering the access to labor court, d) Majority of semi or unskilled women using extended leisure cum saved time for work, e) poor socio-economic condition, etc.

Homebased Works are flexible, tapping the semi unemployed mass and providing the opportunities of employment. The income from Homebased Works has positive impact on child education, nutrition, women empowerment due to women access to income.

## Relevance of ratifying the C-177:

Majority of HBWs are women, poor household, suburb dweller, highly exploited, unorganized and unrecognized labor sector of Nepal. As economy is shifting toward informalization of labor relation and deployment through agents, it is necessary to guarantee the labor right of this special nature of employment. Ratification of C-177 can be a milestone in identifying HBWs and establishing their rights guaranteed by Interim Constitution of Nepal 2007, labor act 1992, Right to unionize, Women and Human Right.

## Dynamics of Ratification:

We should be aware of why C-177 is not yet ratified. Some of the revealed causes are: a) Low level of awareness, information, visibility and more confusion with domestic worker, b) Lack of unity and trade Union in HBWs c) Government's major focus in constitution and labor ministry concentrated in ratification of other convention and d) Weak domain of knowledge not sufficient to convince administration, activities and lobby not strong enough to be heard. Labor issues are disputable issues. It lies in between employer (the source of capital) and employee (vote/political cadre). Employer are often against any bill that strengthen the labor right. They tend to influence politician. The labor-employer relationship is not well practiced, which has developed a psychological threat in employer. This is true in some means. Indeed HBWs is among the strategy to avoid the union and cost reduction. However, Government is always in immense pressure of ratification of convention endorsed in assembly. Labor Ministry is always working in one or sometime more conventions for ratifications C-87, C-102 and C-189 are in focus now. The competitive authority is interested in a) Critical beneficiaries (More and visible the better), b) Core right based c) High political interest with employer-employee mutual interest, d) well understood issues (strong policy information). Politicians are interested in issues related to mass, which has least cost to employer and basically related to basic right. C-177 is potential to be ratified if we would be able to a) Preset the critical beneficiaries, b) Create an administrative focus in C-177, c) convince political parties and their affiliates to ratify the bill of ratification d) media campaign. None of the laws should go severe amendment however, including some labor laws should change. (See Annex 4 for detail).

The simplest outline of ratification is a) issue heard and discussed, b) issue in schedule i. Trade Union ii. Department of Labor/Ministry of labor, c) Bill prepared, d) Bill tabled by Ministry in Parliament, e) Bill discussed in labor relation committee and f) Ratification decision.

## Stakeholder Analysis:

Under present work division regulation, Ministry of Labor is lapsable authority for labor issues. Due to recently collapsed parliamentary unclear process of ratification, Ministry of Labor is responsible for tabulation of ratification bill in parliament. However, the ratification process starts from picking up the ratification as an agenda by ministry of labor and its concerned department. In these connection stakeholder highly influencing the ratification of C-177 can be described based on stage of ratification (See Annex 5 for Stakeholder list).

Stage	Lead By	Backup supporter	Strategy
<b>Heard</b>	Trade Union	NGO, Activist all women, human Right and labor	Aware and Unite to Demonstrate, discourse, media campaign
<b>Focused</b>	Ministry of Labor (MoL)/ Dept. of Labor (DoL)	Human right commission (HRC), Women commission (WC), Ministry of women, children and social welfare (MoWCSW),	Draw attention, realization and influence, knowledge based workshop, tripartite discussion, study etc. policy Information on number, status, issues, way forward, alliance formation
<b>Scheduled</b>	(MoL)	National planning Commission (NPC). Ministry of Finance (MOF)	Support and facilitate ministerial procedure of preparation of bill and forward for tabulation. Motivation and convince
<b>Table the Bill</b>	Minister, MoL	Secretariat of Parliament	Inform and aware secretariat and concerned stakeholder, motivation
<b>Discussed</b>	Committee of labor relationship	Individual member and labor wing of political parties (PP)	Convince on relevancy, need and lobby with pressure
<b>Ratified</b>	Parliament	PP labor and party leader	Inform and convince. Pressure and lobby
<b>Implement</b>	MoL	Ministry of Home Affairs (MoHA), labor Court, MoWCSW, HRC etc.	Implementation of legal provision prudently, Watchdog and good governance

**Some of the immediate activities:** Ratification of C-177 will develop a foundation for right to HBWs. To bring out the result following strategy were identified.

**Aware and Unite:** Visioning the national HBWs federation, Initiate from co-operative of the HBWs. This facilitates informal registration of HBWs and self support for themselves. Exploitation can half be reduced through co-operatives and unions. The union should be organized based on first company wise, second product wise, third area wise then district, region and national. Awareness is important. Aerial forecast like FM, radio, TV are better method.

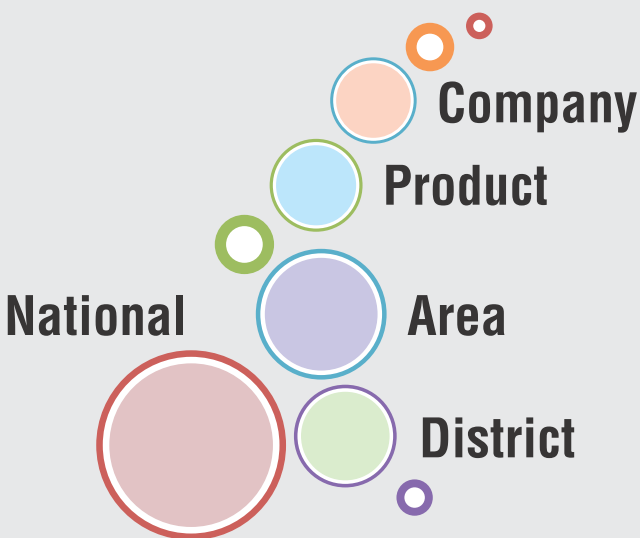
Co-operative initiates negotiation, reduces influence of agents or even displaces them, responsible agency is identified, quality is guaranteed and solves half of employee grievances. It can sustainably be managed from small segment of agent's commission which then will be in hand of employee.

**Information, Inform and Ignite:** We should be able to make feel that ratification of C-177 is itself a goal integration among welfare of labor and sustainable benefit to employer. It is important to have round table, strategic workshops, tripartite meeting and dialogue among influencing stakeholder, so that a gradual attention of policy community arrives in issues of HBWs. A demand for information on HBWs from policy community will indicate the success.

Domain of knowledge on HBWs is insufficient to convince labor administration and inform policy community. Thus base line information is vitally important to communicate beneficiaries, areas, status, needs, opportunities and goal integration ideas. Supply of information at right time will ignite and comfort the initiation of ratification process. Thus, domain of knowledge should be well strengthened and informed in demand. These are vigorous and continuous activities. The final output of this more technical session is ministry comes with schedule of C-177 ratification.

District consultation, field visit, meeting with stakeholder, media consultation, etc. are best in between activities which helps both collection of required information and also aware them.

**Convince, Lobby and Pressure:** Now ministry needs support and facilitation to go with ratification administrative process. Moreover, it needs intensive discussion, lobby and pressure to table it in parliament. It needs a careful and strategic dealing with stakeholder. Alliance is a need. Moreover, positive stakeholder like women commission, human right commission, ministry of children, women and social welfare etc. can lobby and work for the ratification, whereas FNCCI and employer benefit organization.



We should convince employer that giving basic right to HBWs will improve the firm profit in many ways. After the tabulation, we should create pressure and lobby political parties with both mass and knowledge to ratify the C-177. (See annex 3 for strategic activities and annex 6 for program based activities).

Post ratification is phase of implementation which is tuff, time taking and more struggling phase. However, then it will be easier to get access to court, fight against exploitation and develop culture for ethical trade union also. National law, grievance handling, conflict management, accessible hearing mechanism against violation of law and policy recommendation are important. (See detail in chapter: RATIFYING C-177.)

### **Welfare Fund for economic development:**

Since, multiple employers are involved, seasonal diversity occurs on product type too; economic development and social security of HBWs are responsibility of government, employer and employee themselves. A welfare fund to be mobilized under co-operative model can be a best mechanism for social security, economic development and empowerment of the HBWs. This is contributory fund from employee, employer and government. A directive should be enforced by ministry of labor which can form tripartite management committee to manage the committee. The district level committee can be constructed and implemented in similar model.

### **Gender and Human Right Issues:**

Number of case has been filled under human right and gender issues in different administrative authority. Though labor issues, these issues are linked with gender based and violation against human right. In these regard, we can consider the issues of HBWs partially as gender and human right issues. However, these are primarily issues of labor. Since human right and Gender right are in focus and level of awareness is quite good, we can take advantage of this and take support from institution and activist to create alliance, lobby and also influence policy community. This is indeed supportive to those organization like women commission, human right commission, etc.

### **Alliance:**

Formation of alliance is vital and mile stone activities for ratification of C-177. Alliance can be formed from two way: a) Direct HBWs-labor related alliance to be participated by Trade Unions, labor related NGOs, activists, etc.; and b) Cross cutting thematic alliance of activists, NGOs or working on women, human right, social justice and such. Mobilization of these is different. First directly approach for inject HBWs issues as agenda of Trade Unions and Ratification of C-177 in labor administration, second one is for environment making, convincing and motivating for ratification.

It is beneficial to

- a) identify HBWs in labor force survey; it would be a sustainable mode of data management,
- b) as a target group of local government, it would direct support system to HBWs.

### **Conclusion:**

HBWs are highly exposed to exploitation, possess poor socio-economic background and are seeking to flexi employment opportunities. Based on benefit of job nature, situation of worker and variation in demand supply of the labor and product in various season, the HBWs are working is very low wage with no other facilities. In spite of tremendous contribution in diversified areas of economy, this unrecognized, unorganized and confused sector of labor can benefit a lot from ratification of C-177. C-177 can be ratified in Nepal, however, it needs continuous and intensive bundle of activities targeted to HBWs empowerment, influencing policy community and creating administrative focus in C-177 for ratification.

**Recommendation:**

Baseline survey to identify beneficiaries, find the status and estimate contribution of HBWs If Labor Act 1992 recognizes the HBWs as labor, access to labor court, facilities and rights becomes easy. Thus, it is recommended to labor administration to recognize the HBWs in labor act 1992 and regulation during amendment.

HBWs Policy 2007 (Draft) is in itself a good piece of work waiting for endorsement, Government in concept of bringing an integrated policy on labor. It is strongly recommended to introduce the theme of draft policy.

Trade union, Employer and Government are vital stakeholder in ratification and implementation of convention. In this connection, a negotiation, agreement and accountability are developed among these through tripartite meeting, discussion, dialogue, etc.

Co-operative can informally register HBWs, guarantee quality, negotiate for piece rate, displace agent, make employer responsible and lead HBWs towards sustained trade union. Thus it is strongly recommended to start up with HBWs co-operative, forming group based on unionization strategy. Finally transform to trade union. This mean socio-economic improvement and labor right should go in bundle.

Alliance of Homebased worker is important. Thus alliance including a) direct involving for right and b) support through cross cutting theme should be arranged to join alliance and work for right based approach and climate setting with support.

It is beneficial and in long run vital to influence CBS, LSG, labor directives etc. to define HBWs as target beneficiaries.

Undertake the real scenario of HBWs as issues of Gender and Human Right. This will extend the lobby and cross cutting support for ratification and implementation of provision.

Immediate requirement: A follow up activities to keep up the activities conducted through this research is important. This include

- a) Baseline survey on HBWs.
- b) Consultation cum dissemination along the country,
- c) Round table discussion on “Bringing focus in C-177: How?” and “Alliance for HBWs”
- d) Tripartite meeting on wage rate, economic development of HBWs, managing agents, finding responsible agents, etc. are important.
- e) Form communication strategy through Media consultation.
- f) National Workshop on 1) ratifying C-177 and 2) Organizing the HBWs.
- g) Product chain analysis of selected sample HB product using HBWs.
- h) Initiate a technical research on “Employer expenses at different limit in HBWs: Is it a Cost or benefit?”

# International Labour Convention C-177, Home Work & HomeNet Nepal: - Revisiting the Past

In 1996 the ILO has adopted Home Work Convention C-177 and recommendation No. 184. The background of the C-177 was,

The General Conference of the International Labor Organization,

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

Recalling that many International Labor Conventions and Recommendations laying down standards of general application concerning working conditions are applicable to home workers, and

Noting that the particular conditions characterizing home work make it desirable to improve the application of those Conventions and Recommendations to home workers, and to supplement them by standards which take into account the special characteristics of home work, and

Having decided upon the adoption of certain proposals with regard to homework, 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:

After the formation of HomeNet South Asia in 2000, HomeNet Nepal (HNN) was also initiated in the same year, but formally registered in 2003 under Societies Registration Act 1977. HNN is stationed in Kathmandu having member Organizations from 34 Districts of Nepal. Its working field is: National Policy for Home workers, Collection of data on Homebased workers, Building Membership Based Organizations of Homebased Workers, Organizing and Creating Awareness among Homebased Workers; Capacity Building and other activities to support home workers. It has been an umbrella organization of the Homebased workers' MBO's, NGOs and Trade Unions in Nepal. Under the HomeNet Nepal's leadership and its co-ordination following activities have been carried out:

1. Regular Awareness activities
2. Official Translation of ILO Convention C-177 and its recommendation No. 184 in Nepali language.
3. A discussion was organized by Members of Parliament to Explain about C-177 and definition of Homebased work in collaboration with other organizations,
4. Developed different awareness related materials and distributed in printed forms,
5. Organized various training activities,
6. Organized a Campaign on C-177 "Khokana to Geneva".
7. MBO's leadership capacity building program,
8. Observing Homebased workers' day in Nepal.

**Homebased labor Policy (DRAFT) 2007 was drafted to address the issues of the HBWs. The objective of the policy was:**

1. To enhance the contribution of home labor and works in the national economy. The major activities proposed were
  - a) to define HBWs and recognize them.
  - b) to establish a network of the HBWs,
  - c) to register the HBWs,
  - d) to conduct periodic surveys of HW.
2. To mainstream the contribution of HW in the national economy. The proposed activities were
  - a) to document and strengthen the skills of HW,
  - b) to account the contribution of HW,
  - c) to develop indicators of HW and evaluate the contribution,
  - d) capacity development,
  - e) to raise the investment on HW based enterprise
3. Maintain the racial and gender balance in HW. The proposed activities were
  - a) guarantee equal pay
  - b) to ban gender and race based discrimination,
  - c) to evaluate the production, reproduction, family and social roles of female HW,
  - d) to increase the women's roles in the household economy,
  - e) to protect reproductive rights of women HW.
4. To protect the social security of HW by formulating a legal basis in tripartite agreement. The proposed activities were
  - a) to initiate amendment of labor act 1992 in mutual understanding among major stakeholder,
  - b) to induce the provision of convention in national legislation,
  - c) to develop infrastructures for ensuring the basic rights of HW,
  - d) To collectively make efforts for ratification of HW and women's labor issues,
  - e) to determine the wage for formal HW and enforce it.
5. To establish HW as decent employment. The proposed activities are:
  - a) to establish a social security fund for HW through mutual understanding between the employer, employee and Government,
  - b) to organize different welfare activities for HW,
  - c) to create decent HW both socially and legally,
  - d) to formulate a standard for secure and healthy employment opportunities,
  - e) to publish and disseminate the HIV/AIDS related awareness program,
  - f) to establish reproductive and child care as a vital aspect of HW.
6. To abolish child labor. The proposed activities are:
  - a) to raise awareness against child labor,
  - b) to work for effective child labor abolishment with stakeholders,
  - c) to effectively implement the legislation of child labor,
  - d) To adopt the zero tolerance against gender based discrimination and violence.

The draft policy was a common outcome of the effort and imitation made before 2007. The level of awareness among the labor has increased due to political scenario and trade union activities. HW related activities conducted by an NGO have also helped them to organize, empower, develop the HW issues and also bring the issues in light.

**While looking over the key achievements of HNN it can be summarized as follows:**

**1. Recognized as a Champion of HWs:**

In seven years, HNN has earned a place for itself as a champion of HWs in Nepal and given visibility both to HWs and their issues- which were previously a non-issue in Nepal.

**2. Expansive Network:**

HNN has been able to spread its net to 11 cities and 56 VDCs in 34 districts in spite of disturbances and unrest in the country as well as the difficult terrain and climate.

**3. Developed National Policy for HWs with inputs from 9 line Ministries and Civil Society stakeholders:**

Drafting of a comprehensive National Policy for HWs (now amalgamated into the New Labor policy) after following a very participatory process which involved nine line ministries and a wide range of civil society stakeholders including HWs has been a key achievement.

**4. High Commitment to MBO structure:**

HNN is completely committed to the MBO structure for themselves as well as their members. Their present board comprises solely of MBOs, with the exception of the President and the CEO.

**5. Investing in the board members**

By organizing a series of workshops and exposure visits for them, thereby enabling them to play a meaningful role has been a good strategy.

**6. Raised Funds from various donors:**

HNN has successfully raised funds independently from Action Aid Nepal, Ford Foundation, DFID and CECI Asia and thereby are able to have a wider outreach supported by a small field presence.

**7. Developed partnerships with Government and Trade Unions:**

Another achievement has been the support and co-operation HNN has been able to get from various stakeholders like concerned government departments and trade unions (GEFONT and NTUC).

**8. Setting up of SABAH:**

Taking the lead and energetically setting up SABAH in Nepal, including acquiring premises for the TFC, within a record time has also been done by HNN.

# Objective of the Study

The Purpose of this study is to devise a strategy for open dialogue with the Government on C-177.

1. Mapping of the stakeholders in government and political parties
2. Mapping of other stakeholders
3. C-177 in the perspective of gender or labor issue
4. What can be done before C-177 is ratified? What should be done after C-177 is ratified?
5. What should be the Implementation Plan?
6. What can be other strategies to lobby on legislation, policies and to improve the situation of HWs? Also which stakeholders should be involved in those strategies?
7. How an employer and organization can play a role in the economic development of HW?
8. What could be lobbied strategies for the economic development of HW?

## **Limitation:**

The research is based on observation, discussion and interview. It also covers the legal provision. However, it does not talk about the causality, strictly not limited to one sector of home workers. The absence of the constitutional assembly of the latest phase of the study has limited its scope to the legal provision that existed when constitutional assembly was working.

# Research Design

Nepal is an under developed country. Nepalese economy is majorly dependent on agriculture however the service sector contribution is increasing. The Nepalese political economy is submerged into transition. Different production sector generally export material like woolen wear, curio, embroidery, etc. Internally consumed different production employ huge but segregated home worker. The draft of the constitution is in preparation. The national interest is at peace and constitution while the economic and social sectors are relatively shadowed. There are two potential conditions.

a) HW is exposed to high risk in this transitional context

b) the issues of HW can be addressed in the new constitution.

Ratification of convention involves a lengthy process and involvement of a large number of stakeholders all positive beneficiaries, negatively influenced and bearing of responsibilities. It is very difficult to exactly identify why C-177 is not yet ratified, however we can attempt for outlining scenario and perceive the perception of the different stakeholder. It is much crucial to answer the question “who should have and why?” to unlock other succeeding steps. The answers to these questions can provide clue to design strategy, plan of action and implementation mechanism.

Identification of stakeholder and delineating their posting will simply be accessed through discussion on the preliminary list of positive/negative stakeholders. The answer “Why” will be sought out through inductive perception analysis. We will prepare an induction presentation clearly describing the states of HW, their situation, what can C-177 do for them. After all we will have a discussion with stakeholders & interview key persons. Draft paper prepared will be presented in the workshop. Corrected from there we will have reviews from key discussant.

We will make a framework of process of ratification of C-177 based on legal procedure of ratification adopted by the Government of Nepal. The framework will clearly describe about the administrator, decision maker and lobbying group positive and negative. Then we will develop a stepwise strategy to strengthen the lobby of supporter and identify the possible negotiation position for other groups. We will access the cross cutting theme of C-177 and design the strategy especially for gender, local development, right to unionize and poverty perspectives.

Knowing about the HW need a baseline survey design. We will use a baseline survey format.

In these contexts this study attempted to study the following aspect of HW:

1. Stakeholder of C-177 and their position for/against.
2. How they are influenced, what do they expect and how can it be mitigated?
3. What is the scenario of domestic worker in Nepal?
4. Why has C-177 not been ratified yet?
5. What is the design of activities that lead to ratification of C-177 in Nepal?
6. What is the lateral strategy that supports ratification of C-177?
7. What will be the impact of C-177 ratification?

**A detail stepwise methodology is attached as an annex.**

### **Data and its acquisition techniques:**

The study was heavily based on the secondary source of information, however we relied on primary data from MBO, field observation its secondary source of information was basically interviewed, group discussion, reports etc.

### **Primary data collection:**

Field observation, data of HW from different sectors, prevailing level of awareness etc. was identified through primary sources. These were used both for grass root information acquisition and also verifying the secondary sources in general context. The methods used are

- a) Field observation
- b) Paper/presentation preparation
- c) paper wise discussion and conclusion drawing in the workshop
- d) key person interview, etc.

### **Secondary data collection:**

To study the different facts related to the security sector, the secondary data were collected through:

- Literature review
- Consult with the experts
- Newsletter of different trade unions, employer's organization
- Book consultation
- Online library

### **Analysis:**

The information obtained will be analyzed based on the nature of the information needed. For example the name of the ministry and their role will be analyzed based on the work division regulation.

### **Descriptive analysis:**

Descriptive analysis was used for policy, context and problem analysis with the conclusions making.

### **Stakeholder analysis:**

To identify the different stakeholder, know their interest and map them as according to their potential contribution.

### **Preference and perception analysis:**

For C-177 related issues and bringing into enforcement we will analyze the awareness, the perception of the different stakeholder and bureaucrats.

### **The strategy is designed:**

The strategy and plan of action were prepared based on legal procedure of ratification, context as observed and discussion suggestion from experts.

Research Team:

Name	Capacity	Responsibilities
Bishal Bharadwaj	Chief Researcher	Team Leader
Tilak Jang Khadka	Labor Specialist	Co-ordinator/
Dipa Bharadwaj	Gender/ Labor specialist	General situation and strategy part
Tika Dhoj Khadka	Legal Expert	All legal aspects like ratification effect
Niharika Adhikari	Information Manager	Information management

External Expert

Name	Capacity	Responsibilities
Sankar Lamichane	Labor policy expert	Interviewee and consultation
Lekhnath Burlakoti	Trade Union Activist	Consultation with home worker

Methodology Matrix:

Data Collection	Analysis to be used	Tools
<p>Literature reviews of the policy, legal infrastructure, management information and context and draw descriptive conclusion.</p> <p>Data collection through observation, MBO profile etc.</p> <p>Key person discussion: For contextual, conceptual, experiences and ideas sharing and information collection.</p> <p>Group discussion and collective workshop: For analysis of problems, prioritization, status Analysis etc.</p>	<p>Descriptive analysis: For policy, context and problem analysis with conclusion making.</p> <p>Preference and perception analysis through SAS advance package</p> <p>Stakeholder analysis Legal contradiction, change needed and affect to prevailing situation analysis etc.</p> <p>Plan of action and strategy designing</p>	<p>Ms Word, excel. SPSS version 10; SAS advance tool questionnaire Checklist Observation sheet etc. Legal provision for ratification, used format for the plan of action etc.</p>

**Annexure 4:- Provision of C-177, the Adjustment Needed and the Source of Reference**

Provision of C-177, the adjustment needed and the source for reference						
Articles	Subject to	General labor		Specific Condition (Observed)	Need	Refer
		Adjusted where	How			
4:01	Equality	Labor Act, 1992 / Interim Constitution of Nepal 2007 , Article 13-4	Employee as recognized shall be treated equally	Fair Trade	HW should be recognized in labor Act/Regulation	LA 1992.
4:2:a	Join Organization	Labor Act, 1992, Interim Constitution 2007 ( Article 12 - 3 -d, Article 30 -2)	Right to Union	GFONT/NTUC has organized the INFORMAL Sector TU OF HW	Access to TU for all HW	LA 1992 / Interim Constitution of Nepal 2007 Labor Rule
4:2:b	Protection against discrimination	Labor Rule 1993, Interim Constitution of Nepal 2007 Article 13-4	No gender based discrimination for remuneration		Incorporation of Provision in Labor Act for HW too.	1994, Interim Constitution of Nepal 2007
4:2:c/7	OSH	Chapter 5 of labor Act 1992, Labor Rules 1993	Some provisions regarding health and safety at workplaces		Inclusion of HW in Labor Act/Regulation	LA 1992 & LR 1993
4:2:d	Remuneration	Labor Act 1992,	Provision of Minimum Wage		Inclusion of HW in Labor Act/Regulation	LA 1992
4:2:e	Statutory Social Security protection	Interim Constitution of Nepal 2007 Article 18	Social Security as the fundamental right		Social Security Act	Interim Constitution of Nepal 2007
4:2:f	Access to training					
Article 5	Legal basic	Legal amendment and directives	Separate law or amendment of labor law	Most of the cases are adjusted in labor law however recognition is specific provision is necessary		
Article 6	Statistics	Include in the account	National labor force survey		Inclusion of HW in National Accounting	Labor survey 2008
Article 7	SAH provision	Chapter 5 of Labor Act 1992, Labor Rules 1993			Formulation and incorporation of Safety and Health standards for HWs too in the Labor Act and Rules	
Article 8	Intermediaries			Absence	Create Legal Provision for responsibilities and also bring them to tax mainstream	
Article 9	Inspection provision	Labor Regulation	They are based on formal sector monitoring	Absence	Will get if home worker is identified	

## Annexure 5:- Expected Role of Ministries of Government of Nepal and other Concerned Stakeholders

SN	Ministry / Authorities	Major Objective	Expected Deal	Nature	Influence Degree	Strength	Reason
1	Home affairs	Security, peace, administration and enforcement of law	Enforcement	Positive	High	High	Reduce threat of violence and discrimination
2	Women and Children	Women and Child welfare	Promotion and safeguard	Positive	High	Medium	Mostly HW are women, interested in their goodness
3	Environment and Science	Environment protection	Tech. in bringing HW registration system	Positive	Low	Low	OHS and environmental management issues
4	Finance	Financial regulation	Bring company and intermediaries (HW ) into formal sector, incentive etc.	Positive	High	High	Exploited HW are transitional profit motive and is necessary to formalize
		Regulate and document the good exported produced by HW	Information flow to concerned stakeholder	Negative	High	High	
5	Law and Justice (Technical)	Formulation and amendment conflicting law and ratification C-177	Support for amendment	Neutral	Neutral	High	Look Over technical part (Legal) of C-177 and its need as national law
6	Co-operative and Rural Development	Co-operative formation and promotion	Form HW co-operative and enable their bargaining and prepare a background for unionization	Positive	High	High	Co-operative act 1992 and Guideline

SN	Ministry / Authorities	Major Objective	Expected Deal	Nature	Influence Degree	Strength	Reason
7	Commerce	Foster commercial sector	Can include HW issues in different level of certification	Negative	Neutral	High	Ministry of Industries is a potential stakeholder which can consider issues of HW during registration, regulation and other process
8	Industries	Company registration	Mention and document if HW are also employed	Positive	Weak	High	
		Company regulation	Look over the status of HW or consider a HW status report from MoL	Positive	Weak	Medium	
		Certification	Certify HW are not exploited during the production process	Negative	Weak	High	
9	Federal Affairs and Local Development	Local self governance	Include HW issues in the local planning process	Positive	Medium	High	Planning guidelines and GESI
10	Health and Population	Health, reproductive right and population management	HW health promotion program and ensuring reproductive right and healthy workplace	Positive	Medium	Medium	Include HW as a target group
11	Education	Access to qualitative education to all	Informal Education to HW	Positive	Medium	Medium	Include HW as a target group
12	Trade Unions	Trade Union Right	To identify and carry out HW issues as priority agenda	Positive	High	High	Identify issues of HW as their priority agenda
		Pressure	Given pressure to put C-177 in the pipeline of ratification	Positive	High	High	
		Lobby	Lobby for ratification	Positive	High	High	
		Support worker etc.	At present support for betterment	Positive	High	High	

SN	Ministry / Authorities	Major Objective	Expected Deal	Nature	Influence Degree	Strength	Reason
13	Employer	Maximize profit	Decent employment guaranteed	Negative	High	High	Because paying HW will reduce the profit
14	NGO	Empowerment	Empower HW	Positive	Medium	Medium	Social mobilization
15	Activist Labor	Raise issues of labor	Raise issues of labor	Positive	High	Medium	Being a prime activity
16	Political wing (labor)	Decision of ratification	Sincerely hear issues of HW and decide for ratification	Positive	Low	High	As the prime advisor to the political parties regarding labor issues
17	National Planning Commission	National Planning	Include HW as a target group as an informal sector	Positive	Low	High	Taking labor as the development catalyst
18	Central Bureau of Statistics	Statistical information	Account HW effort in national account	Positive	Low	High	To achieve the accuracy in national statistics
			Identify HW during Labor survey	Positive	Medium	High	

**Annexure 6:- Tentative Schedule for Ratification of C-177**

MAJOR ACTIVITIES	Year														
	1			2			3			4			5		
Particular	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
Find Potential Areas															
Register															
Unionize															
Aware															
Strengthen Domain of Knowledge															
Inform															
Ignite															
DoL															
Ministry															
Parliament															
IMPLEMENTATION															

## Annexure 7:- Response Table of Interviews Conducted

### Q.N.1 What activities are you doing to organize the home workers?

KI	Name	Institution	Response
1	Babu Ram Gautam	ANTUF	There is no separate union of home worker but the sectorial unions has organized them according to the work they do in their home
2	Achut Raj Pandey	NTUC-I	Organizing the unions, production of the Homebased things, marketing of the product is the activity of the union for Homebased Workers

### Q.N.2 What are your views regarding the Convention 177 of ILO?

KI	Name	Institution	Response
1	Babu Ram Gautam	ANTUF	Ratifying the convention is the demand; Convention plays a very important role to organize the home workers.
2	Umesh Upadhyaya	GEFONT	Home worker has a great contribution in export and national market but their work is unseen and there is no evaluation of their work that's why C-177 is relevant and important.
3	Bindu Shrestha	GEFONT	If the Convention 177 is ratified then it will help to increase the status of home worker. Still there is no identification of home worker which the conventions will help to provide. The convention has protected the right of home worker so if it is ratified then it would be good for all the home workers.
4	Achut Raj Pandey	NTUC-I	The convention should be ratified because if it is ratified then it will be easy for the government to pass the law. To provide a market and a suitable environment for the home worker also it is important to ratify the convention.

### Q.N.3 How do you analyze the condition of home worker?

KI	Name	Institution	Response
1	Babu Ram Gautam	ANTUF	Home workers are abused and aren't getting right. Things like social security, collective bargaining, holidays aren't possible for them.
2	Umesh Upadhyaya	GEFONT	The economic condition of the home worker is very weak because they are working half of the minimum wage. They don't think their work as a full employment but they think it as their side employment, they don't have awareness of their right.
3	Usha Bhandari	NTUC-I	Home workers are in very critical condition .They don't have a safe workplace and also they are not aware and conscious towards their health.
4	Achut Raj Pandey	NTUC-I	Awareness only is not enough to improve the condition of home worker. Along with the awareness there is a need of skill. After getting the skill it is important to have the investment and environment for production. If we analyze these things in today's context then there is not such environment.

**Q.N.4 What type of activities should we do or what type of environment should we create to protect them?**

KI	Name	Institution	Response
1	Babu Ram Gautam	ANTUF	The business organizations are in formalizing the home worker so there is no option beside formalization. To formalize them the employer should give appointment letter, provident fund etc. to formalize them
2	Bindu Shrestha	GEFONT	Trade union education is important to empower the worker so at first trade union education is important. Secondly they need to upgrade their skills according to the current fashion. Otherwise they have to stay unemployed.
3	Usha Bhandari	NTUC-I	Until and unless there is not any law for the home worker their condition cannot be good. IF the law is formed all the people come under the boundary of law, then only the worker can get their right and employer becomes forced to give their right.

**Q.N.5 What can be done to ratify the convention?**

KI	Name	Institution	Response
1	Babu Ram Gautam	ANTUF	To ratify the convention it is important to aware the workers, government, constitutional assembly. Similarly it is equally important to train the workforce.
2	Umesh Upadhyaya	GEFONT	Political issues are becoming more important than other things. That's why the issue of labor and the economy are backward. These things will get the space only when peace and constitution is established in the country. After then trade union, home worker, organizations working for in formalized sector together can work to ratify the convention.
3	Bindu Shrestha	GEFONT	<ul style="list-style-type: none"> <li>✓ Trade unions</li> <li>✓ NGOs and INGOs</li> <li>✓ Ministry of labor</li> <li>✓ Department of labor</li> <li>✓ Employer</li> </ul>
4	Achut Raj Pandey	NTUC-I	<ul style="list-style-type: none"> <li>✓ Awareness campaign</li> <li>✓ Pressurize employer and government</li> </ul>

**Q.N.6 What sorts of pressure can we give to convince the employer?**

KI	Name	Institution	Response
1	Babu Ram Gautam	ANTUF	Policy should be made to stop the profit that the employer makes after informalizing the home worker. If the profit is stopped then there is no difference in working at a home and factory. If the employer gets equal benefit then the employer themselves will be discouraged.

### Q.N.7 What type of provision have you proposed for the workers of informal sector in the labor law?

KI	Name	Institution	Response
1	Babu Ram Gautam	ANTUF	<ul style="list-style-type: none"> <li>➤ In formalized workers should also get equal right as the formalized workers.</li> <li>➤ Every employer should give all the facilities from the starting day of the work.</li> </ul>
2	Achut Raj Pandey	NTUC-I	The labor law only focused on the labor of academic level but we are focusing now in each and every sector (formal and informal).

### Q.N.8 Does it affect on the employment status of the employee if the convention is ratified?

KI	Name	Institution	Response
1	Babu Ram Gautam	ANTUF	It is obvious that the living condition of the workers, but the implementation is the next part. It cannot be said that the magic would happen but the basic line will be created which can bring change.

### Q.N.9 Organized worker can achieve their rights. What do you say?

KI	Name	Institution	Response
1	Babu Ram Gautam	ANTUF	Isolated workers are weak whereas the workers in the group are active so it is obvious that the workers in the group can achieve their right easily.

### Q.N.10 Whom do you see as a stakeholder to ratify the convention?

KI	Name	Institution	Response
1	Babu Ram Gautam	ANTUF	<ul style="list-style-type: none"> <li>✓ Trade union</li> <li>✓ Private organizations</li> <li>✓ Government</li> <li>✓ NGOs and INGOs working for home worker</li> </ul>
2	Umesh Upadhyaya	GEFONT	<ul style="list-style-type: none"> <li>✓ Trade unions</li> <li>✓ Home workers</li> <li>✓ Co-operatives of home worker</li> <li>✓ Research institutions</li> <li>✓ Farmers group</li> <li>✓ Politician</li> </ul>
3	Bindu Shrestha	GEFONT	<ul style="list-style-type: none"> <li>✓ Trade union</li> <li>✓ Private organizations</li> <li>✓ Government</li> <li>✓ NGOs and INGOs working for home worker</li> </ul>
4	Achut Raj Pandey	NTUC-I	<ul style="list-style-type: none"> <li>✓ Trade union</li> <li>✓ Government</li> <li>✓ Employer</li> </ul> <p>If the convention is ratified, it can contribute in the income of government so government should be more responsible.</p>

**Q.N.11 Do you have any thought of organizing the home worker?**

KI	Name	Institution	Response
1	Babu Ram Gautam	ANTUF	It is in study phase and it is difficult to separate the home worker from the union.

**Q.N.12 Do you want to say something about the home worker?**

KI	Name	Institution	Response
1	Babu Ram Gautam	ANTUF	This is an unorganized area so the workers are more abused here so to remove it, at first it is important to organize the workers. Every stakeholder should be sensitive towards this matter specially the private sectors.

**Q.N.13 There is a dominance of female in this sector so how have you looked labor from gender and workers' perspective?**

KI	Name	Institution	Response
1	Umesh Upadhyaya	GEFONT	Female are more because male involve in other kind of economic activity. Male become a home worker only if they don't get any opportunity for some other employment. Only a few females get a chance to get involved in some other kind of employment but normally female remains as a home worker.
2	Bindhu Shrestha	GEFONT	Females are high because they can manage their household and the work that they get from factories and industries.

**Q.N.14 Is awareness among workers is necessary to ratify the convention?**

KI	Name	Institution	Response
1	Umesh Upadhyaya	GEFONT	To ratify the C-177 it is important to aware the people about their rights.
2	Bindhu Shrestha	GEFONT	The home workers are unified today only because of the awareness. Before that we weren't aware that we are a labor. We didn't feel our wage to be less because we believed that having less is better than having nothing. But after knowing the convention we became aware of our right, we realized that we aren't getting the wage that we deserve.

**Q.N.15 What can be the role of the state?**

KI	Name	Institution	Response
1	Umesh Upadhyaya	GEFONT	Every year in the budget state should look at home worker differently. In formalized worker needs the welfare program of the government.
2	Babu Ram Gautam	ANTUF	To make plans and policies for home workers state need to do talks and discussion with the trade unions and co-ordinate with them.
3	Achut Raj Pandey	NTUC-I	Government should be responsible in making the home worker respectful and honorable.

### Q.N.16 How have you looked at the role of employer to increase the informalization?

KI	Name	Institution	Response
1	Umesh Upadhyaya	GEFONT	Employer has a great role in increasing the in formalization and decreasing the social security. Increasing boundary for formal workers and decreasing boundary for formal group has been the current trend. They have started to outsource the work – not giving work in factory but giving contracts to some group so that they can be free from the social security.

### Q.N.17 What Can be role of Trade Union to ratify the convention C-177?

KI	Name	Institution	Response
1	Umesh Upadhyaya	GEFONT	<ul style="list-style-type: none"> <li>✓ Pressurize the government.</li> <li>✓ Show way to government.</li> <li>✓ Working for labor right.</li> <li>✓ Keeping all the workers within the boundary of social security.</li> <li>✓ Lobbying in the annual budget, laws and policies for the informalized workers.</li> <li>✓ Making VDCs and municipality responsible towards the social security of workers.</li> </ul>

### Q.N.18 At last your opinions and suggestions for home worker

KI	Name	Institution	Response
1	Umesh Upadhyaya	GEFONT	Due to the unstable condition it has been difficult to prioritize the issues of workers, organizing them and making them aware. In today's context it is difficult to ratify the convention but after all the political condition is re-established the issues of workers will get the priority. At first it is important to organize the informalized workers.
2	Bindu Shrestha	GEFONT	There are different problems and obstacles to organize the home worker. In spite of these obstacles also we believe in having possibilities for the welfare of home workers.

### Q.N.19 What are the differences in working at house and factory?

KI	Name	Institution	Response
1	Bindu Shrestha	GEFONT	There is certainty of working time in the factory whereas there is no certainty in the case of a home. Similarly there is no certainty of wage due to the uncertainty of the working hour.

### Q.N.20 Why should one home worker affiliate with a union?

KI	Name	Institution	Response
1	Bindu Shrestha	GEFONT	Trade union can be the platform to express their problems and sorrows for the workers. Similarly, one who is involved in union can get different services from the welfare trust of the union when they need.

**Q.N.21 There are more females in home worker, the condition of being only female as a home worker, how have you looked at the exploitation of the home worker. It is good for female to be a home worker?**

<b>KI</b>	<b>Name</b>	<b>Institution</b>	<b>Response</b>
<b>1</b>	Usha Bhandari	NTUC-I	There is no shame in working as a home worker but they don't want to talk about their work because they have a feeling of being dominated in the society. We are giving them awareness to be proud of their work because every work is equal.

**Q.N.22 What can be the role of employer?**

<b>KI</b>	<b>Name</b>	<b>Institution</b>	<b>Response</b>
<b>1</b>	Achut Raj Pandey	NTUC-I	Employers should focus on creating the respectful employment because if they do so then it would be beneficial for both the employer and employee.

## Annexure 8:- General Checklist

### Home worker issues and Ratification of C-177 in Nepal

#### 1. Method:

- a. Simply make the cozy introduction with Key Informant (KI) and make him feel free and frank.
- b. Induct KI with what HW are and how they are working and what is their status, etc. based on general observation from field visit.
- c. Then go for the questions and also write the conclusive response in the response column.
- d. Note the detail information in your diary by question numbered and KI named.
- e. Do not forget to thank the KI for valuable suggestions.

#### 2. Name of the list:

SN	Name of the KI	Position	Institution	Interviewed date/time <sup>1</sup>
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

#### 3. Please rate KI quality of information for different aspect.<sup>2</sup>

SN	Name of the KI	Was he interested to give the information <sup>3</sup>					Quality of information <sup>4</sup>					Is he supporting to HW issues <sup>5</sup>				
1		1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
2		1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
3		1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
4		1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
5		1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
6		1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
7		1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
8		1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
9		1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
10		1	2	3	4	5	1	2	3	4	5	1	2	3	4	5

<sup>1</sup> Time refers to Morning/Noon/Evening Please indicate M/N/E only.

<sup>2</sup> Please put black write over to the choice.

<sup>3</sup> Please watch carefully and rate 1 means low and 5 means high interest.

<sup>4</sup> It refers to the information provided was logical, well-reasoned and of good quality 1 means low and 5 means high.

<sup>5</sup> During the course of the C-177 ratification, what do you perceive; she/he will be supporting or reacting.  
1 means high reacting and 5 means high supporting.

## Annexure 9:- Checklist for Home Work Key Informant Interview

### Questions to be considered in a discussion / interview with Key Informant (KI)

SN	Question	Information	Response
1	Awareness	About HW	
		About C-177	
		About need of identifying HW	
2	How do they perceive HW as issue of gender or labor	HW as gender issues	
		HW as labor issues	
		What strategy would succeed	
3	What can be done before ratification (de-freezing)	Awareness	
		Stakeholder lobbying	
		Mobilization	
		Administrative will	
4	What are necessary activities during the ratification process?	Political interest	
		Implementation Awareness	
		Responsible stakeholder	
		Mobilization	
5	What can be done before ratification (de-freezing)	Administrative M&E	
		Other	
		What should we consider during implementing before and after C-177 ratification?	
		Legislation	
7	Strategies	Pressure group	
		Administrative	
		Policy maker	
		Socio-economic demand	
8	Improving HW status	Unionization	
		Supply side	
		Stakeholder roles	
		Employer roles in improving HW	
9	Employer roles in improving HW		
10	Lobby strategies for improvement for HW livelihood		
11	Other		

## Annexure 10:- Format of Paper to be Prepared

**Title :** ... (Based on the title allotted to you)

**Duration:** 7 days

**Please use the following guideline:**

1. Raise the specific issue (300 words)
2. Derive the specific context/ situation in Nepal and different sectors:(350 words)
3. What can be the concept/ meaning definition of the specific issues (If needed) (250 words)
4. Outline the present challenges, issues and problems (400 words)
5. Discuss the answer of the title question. (600 words)
6. Identify how the solution can be implemented (350 words)
7. Write a conclusive finding (250 words)

**Allotted topics:**

SN	Paper Issues	Responsible
1	C-177 in the perspective of gender or labor issue	Deepa Bharadwaj
2	What can be done before C-177 is ratified?	Shankar Lamichanne
3	What should be done after ratification of C-177 in Nepal?	Tilak J. Khadka
4	General situation of HW in Nepal.	
5	What can employers do for economic development of HW	Shyam Rai

Note:

1. The word in parenthesis are maximum words and be limited.
2. Please be noticed that we are preparing the paper on HW for specific topic and someone else is preparing on general background thus need not to write general background and other unspecific information. Be very precise in your topic
3. The paper will be presented in the workshop and be discussed there thus, please be analytical simple and also use authentic sources (references).
4. Use APA format for reference.
5. Use Ms Word Font 12, Times New Roman one and half spaced.
6. Feel free to contact for more information to Tilak Jung Khadka, Deepa or directly to Bishal.

## **Annexure 11:- Legal Process (from related Acts)**

### **International Treaties, Conventions and Protocol etc. ratification related legislative provisions:**

#### **Nepal's Interim Constitution 2007 has the following provisions on international treaty ratification:**

Article 56. Ratification of, Accession to, Acceptance of or Approval of Treaty or Agreements:

- (1) The ratification of, accession to, acceptance of or approval of treaties or agreements to which the State of Nepal or the Government of Nepal is to become a party shall be as determined by the law.
- (2) The laws to be made pursuant to clause (1) shall, inter alia, require that the ratification of, accession to, acceptance of or approval of treaty or agreements on the following subjects be done by a two-thirds majority of the total number of members of the Legislature-Parliament present in the House:-
  - (a) Peace and friendship;
  - (b) Security and strategic alliance;
  - (c) The boundaries of Nepal; and
  - (d) Natural resources and the distribution of their uses.

Provided that out of the treaties and agreements referred in the sub-clauses (a) and (d), if any treaty or agreement is of ordinary nature and which does not affect the nation extensively, seriously or in the long-term, the ratification of, accession to, acceptance of or approval of such treaty or agreement may be done at a meeting of the Legislature-Parliament by a simple majority of the members present in the House.

- (3) After the commencement of the Constitution, unless a treaty or agreement is ratified, acceded, accepted or approved in accordance with this Article, it shall not be binding to the Government of Nepal or the State of Nepal.
- (4) Notwithstanding anything written in clauses (1) and (2), no treaty or agreement shall be concluded that may have a detrimental effect on the territorial integrity of Nepal.

Article 157. Decision could be made through Referendum:

- (1) Except as otherwise provided elsewhere in the Constitution, if the Constituent Assembly decides, by its two-thirds majority of the total number of members present therein, that it is necessary to make a decision on any matters of national importance, then a decision may be reached on such matters through referendum.
- (2) The procedures pertaining to making decision pursuant to clause (1) shall be as determined by the law.

#### **Treaty Act 1990 has the following provisions, which equally important to any types of treaties:**

Section 4. Procedure Relating to the Ratification and Accession of Treaties:

- (1) In case it becomes necessary for Government of Nepal to ratify, accede to accept, or approve any treaty, on subjects other than those mentioned in Clause (2) of Article 126 of the Constitution, which needs ratification, accession, acceptance or approval, or in case it becomes necessary for Government of Nepal to accede to any treaty, it shall table a resolution to that effect at the House of Representatives.
- (2) The resolution concerning the ratification, accession, acceptance or approval of any treaty tabled pursuant to subsection (1) shall be adopted by a majority of the members present in the House of Representatives.
- (3) Government of Nepal shall notify the concerned party or authority about the ratification, accession, acceptance or approval of the treaty in accordance with the provision made in the treaty after a resolution is adopted by the House of Representatives pursuant to Sub-section (2).

- (4) Nepal or Government of Nepal may not become a party to any treaty relating to the establishment of any inter-governmental organization, or acquisition of membership of such organization, or of any treaty that conflicts with any prevailing law, until a resolution is adopted by the House of Representatives for its ratification, accession, acceptance or approval, even if no provision has been made in such treaty for ratification, accession, acceptance or approval.

**Section 5. Ratification, Accession, Acceptance or Approval of Some Specific Treaties:**

- (1) Government of Nepal shall table a resolution in the Parliament for the ratification, approval or acceptance on the matters as mentioned in Clause (2) of Article 126 of the Constitution or to obtain permission to accede to any such treaty to that effect.
- (2) Government of Nepal shall notify the concerned party or authority in a manner as prescribed in the concerned treaty about its ratification, accession, acceptance or approval after a resolution is adopted by the Parliament under Clause (2) of Article 126 of the Constitution pursuant to Sub-section (1).

**Section 6. Power of Government of Nepal to Sign and Enforce a Treaty:**

A treaty on any matters other than those as mentioned in Section 4 or Clause (2) of Article 126 of the Constitution, may be signed as per the decision of Government of Nepal and Government of Nepal shall be considered a party to that treaty, and such treaty shall be considered to have been accepted.

**Section 7. Power to Denounce or Suspend a Treaty:**

Unless otherwise contained in the treaty to which Nepal or Government of Nepal is a party, Government of Nepal shall have the power to denounce, or partially or fully suspend such treaty, or withdraw the suspension imposed thereon and if the treaty is related to Section 4 or Clause (2) of Article 126 of the Constitution, the House of Representatives shall be informed regarding such action.

**Section 8. Treaties not to be enforced with Retroactive Effect:**

Unless otherwise contained in the treaty, it shall not be enforced with retroactive effect.

**Section 9. Treaty Provisions Enforceable as good as Laws:**

- (1) In case of the provisions of a treaty, to which Nepal or Government of Nepal is a party upon its ratification accession, acceptance or approval by the Parliament, inconsistent with the provisions of prevailing laws, the inconsistent provision of the law shall be void for the purpose of that treaty, and the provisions of the treaty shall be enforceable as good as Nepalese laws.
- (2) Any treaty which has not been ratified, acceded to, accepted or approved by the Parliament, though to which Nepal or Government of Nepal is a party, imposes any additional obligation or burden upon Nepal, or Government of Nepal, and in case legal arrangements need to be made for its enforcement, Government of Nepal shall initiate action as soon as possible to enact laws for its enforcement.

**Section 10. Submission before House of Representatives:**

A notice, regarding a treaty accepted and enforced by the Government of Nepal according to Section 6, shall be presented before the House of Representatives for its information within a month after the meeting of the House of Representatives in convened.

**Section 11. Registration of a Treaty:**

Government of Nepal, if thinks it appropriate, may register a treaty to which Nepal or Government of Nepal is a party, with the Secretariats of the concerned International Organizations or the United Nations Organization.

**Section 12. A Treaty to be Published:**

The authentic copies of the treaties deemed appropriate by Government of Nepal from among those to which the Nepal or Government of Nepal is a party, shall be published in the Nepal Gazette. Provided that the treaties ratified, accepted or approved by the Parliament, and the treaties accepted to by Nepal or Government of Nepal as per the decision of the Parliament, shall be published in the Nepal Gazette within sixty days after such ratification, accession.

## Annexure 12:- International Conventions Ratified by Nepal

S.N.	Convention Number/Headings	Adoption Year	Ratified Date by Nepal
1	C-131 Minimum Wage Fixing Convention	1970	19:09:1974
2	C-100 Equal Remuneration Convention,	1951	10:06:1976
3	C-111 Discrimination (Employment and Occupation) Convention,	1958	19:09:1974
4	C-14 Weekly Rest (Industry) Convention,	1921	10:12:1986
5	C-144 Tripartite Consultation (International Labor Standards) Convention,	1976	21:03:1995
6	C-98 Right to Organize and Collective Bargaining Convention,	1949	11:11:1996
7	C-138 Minimum Age Convention,	1973	30:05:1997
8	C-29 Forced Labor Convention,	1930	03:01:2002
9	C-182 Worst Forms of Child Labor Convention,	1999	03:01:2002
10	C-105 Abolition of Forced Labor Convention,	1957	30:08:2007
11	C-169 Indigenous and Tribal Peoples Convention,	1989	14:09:2007

## Annexure 13:- Influencing Opinion



"Labor and Employment Ministry is not negative on ILO conventions but ministry should study the implications and prepare the effective mechanism before processes begin for the ratification. Government has not done in-depth study of C-177 yet and the main factor is country's bearing capacity should be taken into account."

**Kumar Belbase - Minister  
Ministry of Labor and Employment**



"Labor Policy 2062 is already 6 years old. It seems to be amended or replaced by new one to incorporate and cover the new issues of labors especially informal sectors, thus home workers' or C-177 related issues could be covered in the new Labor Policy in order to do that, all stakeholders must have positive consensus and co-operation is needed."

**Binod KC - Joint Secretary  
Ministry of Labor and Employment, Nepal**



Work informalization is today's challenges, because of loopholes of the law, industrialist are trying to exploit working people by shifting the job in the worker's house. When we eliminate the gap of formal and informal sector only labor exploitation will be minimized. Formal sector are somehow satisfactory but informal sector is still in danger and this also applies in Home workers (C-177). Thus ratification of C-177 and coverage of all from of informal workers should be covered in new reforms of labor law.

**Mr. Baburam Gautam,**  
Vice-President of ANTUF



Informal sector is bigger than the formal sector. NTUC is focusing on informal sector since C-177 is for home workers and it is highly important to NTUCI. We have been organizing the Home workers in HWU our next campaign would be C-177 ratification.

**Mr. Achuta Raj Pandey,**  
General Secretary of NTUCI



"Labor court is open for labor disputes, if the decisions of labor offices or employer's are not acceptable by the workers or employers. Since C-177 is for informal workers with its due ratification more working people can have access to the Labor Court. Justice is right of everyone including homebased workers. The concern of C-177 is not only for workers it is also a major issue of human rights, it will widen the coverage of working people make them visible, which has not yet covered in Labor law of Nepal. I don't see any difficulty, what is preventing the C-177 to be ratified?"

**Kirta Bahadur Bohora - Register  
Labor Court Nepal**



We are concerned on the issues of C-177, which can provide the minimum facilities to the homebased workers. The employment in Homebased Work is increasing day by day but the inner situation is vulnerable, workers have not been getting even minimum wage set by Government and most of the workers' are women in this sector. It proves that women are easily exploited and underpaid. Women's commission is always positive on the issues raised by C-177 and ready to open forum to talk and take initiations. The women engaged in Homebased work, they are not only contributing to their family, to their children, actually they are contributing a lot to the society and to the state but they are not recognized yet."

**Dhaneshwori Kumari Chaudhary - Member  
National Women's Commission**



ACP are better while comparing to other private HW, we have set our own minimum standards that are more than national/international standards. Other sector can also learn from APC.

**Mrs. Mira Bhattarai - Executive Director**  
**Association of Craft Producers**



International Labor Conventions are respect to international minimum standards, the members' countries of ILO are equally liable to ratify. Union and pressure group must launch campaign to ratify.

**Chandra Dev Bhatta**  
**FES/Nepal**



Every Convention is equally important for ILO. The issue of C-177 must be talked, discussed and tabled for ratification in order to do this all concerned stakeholders should be serious. Tripartite Mechanism is very important in this issue.

**Mr. Jose Assalino-Director, ILO Nepal Office, (left front)**  
**Mr. Saloman Rajbanshi, Program Officer (left back) with CLASS Team,**  
**Mrs. Dipa Bharadwaj, Miss Niharika Adhikari (right, front to back).**



Many activities and effort have been made to sensitize workers and stakeholders on C-177 but still there is a lot to do. It takes time but we will get success. Consistency is important. One day we will win.

**Mr. Om Thapaliya - Executive Director**  
**Home Net Nepal**



Home workers' Level of awareness is increased, somehow they can bargain and put their demands to the contractor/employer but the more home workers should have to be organized in different MBO and slowly they must be transferred to Trade Union Organization for their rights based welfares, C-177 is thus important.

**Mrs. Apsara Dagol,**  
**Former President of Home Net Nepal**



More organized workers mean more strong union. We need to make strong union, our voice must be heard, C-177 will give us a path and guides for the better protection of home workers. Our voice should be united to table the issue of C-177.

**Miss Bindu Shrestha,**  
**President HWU (affiliated with Gefont)**



Our mission is to have decent work in Home workers and C-177 is highly important.

**Mrs. Usha Bhandari,**  
**President HWU (affiliated with NTUCI)**

Fair Trade Organization's code of conducts can be example for other to maintain the provision of C-177.

**Mrs. Sabina Singh Maharjan - Program Officer,**  
**Fair Trade Group**



Militant Trade Unionism is danger to the industrialization that can't create employment; it only creates fear in the society. More politicization and party based unionism is also hampering the small scale industries. Workers can form self-help group for their collective interest. C-177 can't be passed immediately without knowing and evaluating, employers should have to know their responsibilities in advance.

**Mr. Bikash Ratna Dhakhwa - President  
Handicraft Association of Nepal (HAN)**



The today's priority is to ratify C87, which will help to ratify C-177 in next step but before political stability it seems impossible. Our mission and work to campaign C-177 is going on.

**Mr. Umesh Upadhyay,  
General Secretary of GEFONT**

## Annexure 14:- Introduction to CLASS Nepal

### Organization Profile

#### Centre for Labor and Social Studies Nepal (CLASS)

As of 16th July 2012

<b>Name of NGO</b>	English	Centre for Labor and Social Studies-Nepal (CLASS Nepal)
	Nepalese	Shram Tatha Samajik Aadhyan Kendra Nepal
<b>Year of establishment</b>		2064/04/31 BS. August 16, 2007
<b>NGO registration</b>	DAO registration	Registration number: 118/064/65 District: Kathmandu (As Labor NGO)
	DDC Registration	Registration number: 118/064/65 District: District Development Committee, Kathmandu
	SWC affiliation	Registration number: 31705/2067/10/28, Kathmandu
	PAN Tax Registration	PAN No. 303611578 ( Tax Exempted Organization)
<b>International Affiliation</b>		International Federation of Workers Education Association (IFWEA) from January 2011
		C/O Labor Research Service P.O.Box 376, Woodstock 7915 Cape Town, South Africa Fax: +27 21 447 9244 Tel: +27 21 447 1677 Email: ifweasecretariat@Irs.org.za Web:ifwea.org
		In Asia
		The Global Network Asia Labor Education and Research Network (LEARN), Philippines Tel/Fax: +632 9276713 or +632 9276709 Contact: infomail@learn.org.ph www.globalnetwork-asia.org

<b>Representatives</b>	Chairperson	Mr. Shankar Lamichhane
	Secretary General/ Executive Director	Mr. Tilak Jang Khadka
	Treasurer/Executive Officer Program Officer Research and Publication	Ms. Dipa Bharadwaj Mr. Durga Prasad Bhatta Miss. Niharika Adhikari
<b>Contact address</b>	Office Location	Kathmandu Metro Politian City ward No.11, Maithghar, Kahtmandu, Nepal
	Mailing address	GPO-11382, Kathmandu, Nepal
	Telephone & fax	Tel +977-1-4101616 Fax– 977-1-4221366
	E-mail address	classnepal@ntc.net.np,
	Web-page address	www.classnepal.org
<b>Objectives of the Organization</b>	<ol style="list-style-type: none"> <li>1. To provide complete labor education to domestic and migrant labors</li> <li>2. To provide policy advice based on research findings in labor issues to facilitate the drafting of legislation which takes into account workers' rights.</li> <li>3. To provide effective advocacy for promoting decent work and respect for labor.</li> <li>4. To facilitate peaceful conflict resolution through interactions and advocacy with other social institutions and stakeholders.</li> <li>5. To promote awareness of alternative solutions to social problems.</li> <li>6. To facilitate greater dialogue between and amongst political parties and other stakeholders in order to strengthen commonalities to find peaceful solutions to on-going problems.</li> <li>7. Promote employment generation activities and skills development.</li> <li>8. Promote good governance and democratization of social institutions.</li> <li>9. To build the capacity of stakeholders in order to better execute the above objectives.</li> </ol>	
<b>Program sector</b>	Social Transformation, Labor, Employment, Poverty Reduction, Social Justice, Youth Mobilization, Gender Equality and Child Rights, Co-operative Conflict Resolution, Climate Change, Health and Safety, Migration.	
<b>Working area</b>	Kathmandu Valley, 5 Region, and 75 Districts	
<b>Concluded Research Activity</b>	<ol style="list-style-type: none"> <li>1. Research/Baseline study done for UNTEL/UNI on Working Condition and Wage Practice in Nepalese Telecom Industry including ISPs and Outsourcing Companies working for Telecom companies Nov 2012</li> <li>2. Research/Baseline study done for ANSWU/UNI on Working Condition and Wage Practice in Private Security Service Feb 2012</li> <li>3. Research/Baseline study done for UNICOME/SNV Mondial on Working Condition and Wage Practice in commerce sector March 2012</li> <li>4. Study on Home worker issues and Ratification of C-177 in Nepal, is being done for HOMENET South Asia.</li> <li>5. Research/Baseline study on Working Condition and Wage Practice in Financial Sector April/May 2012 (Purposed)</li> <li>6. Research/Baseline study on Working Condition of Domestic Workers in Nepal September 2012 (Process)</li> <li>7. Survey on 10% service charge in Hotel Sector in Nepal for Hotel Sector Unions being carried out.</li> </ol>	

<b>Counterparts</b>	Foreign agency	FES/UNI-NLC/ LO-FTF/ILO/ILO-ACTRAV/SASK Finland/IFWEA/ABF-Sweden/Home Net South Asia/IDWN/The Global Network	
	Domestic agency	Unions, other NGOS	
<b>Social Partners of CLASS Nepal</b>			
<b>Social Activists</b>		<b>Civilians</b>	<b>Social Mobilizers</b>
1. Trade Unions		1. Consumer Forums	1. Political Organizations
2. Ethnic Groups		2. Professional Groups	2. NGOs
3. Scheduled Caste Societies		3. Interest Groups	
4. Women's Organizations			
5. Youth Organizations			
<b>Programs</b>	1) Study on Various issues		
	2) Launch Awareness Campaign on labor Migration and labor Education		
	3) Training Activities, Income generating activates for poor and workers		
	4) Formation of co-operative groups		
	5) Conduct workshop and seminars on lasting peace and conflict management		
	6) Other various volunteer and creative activates to change the society in positive direction		
	7) Establish and stabilizing the social dialogue among different political ideology holder leaders and activists		
	8) Women empowerment and human rights activities		
	9) Activities in protecting child rights and preventing child labor		
	10) Works to promote workers and trade union rights, creating sound industrial relations		
	11) work other various social issues		
	12 Talk Programs and Interaction		
	13) Research and Publication		
<b>Total budget of FY 2068/069 BS (2011/2012)</b>		Rs.12,00,000/-	
<b>Number of staff</b>	Full-time: 3	<b>Parttime: 5</b>	Volunteers: 9
<b>TU Educator and Subject Resource Persons</b>	10 Ten (4 Female)		
<b>Research Professionals</b>	3 Male and 3 Female (from University and Subject Specialist)		

## Completed Activities of CLASS Nepal

1. Solidarity Support to KOSHI Flood Victims 2007/2008
2. National Seminar/Workshop "Peace Building and Constitutional Mechanism" 17-18 December 2009, Kathmandu, Nepal
3. National Seminar/Workshop "Role of Trade Union in State Building" 28-29 April 2010, Kathmandu, Nepal
4. Interaction Program "Forthcoming Budget: Labor Perspective; Labor, Social Security and Trade Unions" 7 July 2010, Kathmandu, Nepal
5. Study Circle Program-Working women and Cultural Festival 17 July 2010, Kathmandu
6. News and Media Skills for Union Leaders and Officials, 2-3 November 2010, Kathmandu
7. Orientation meeting on "Class Nepal and Nepalese Migrant Workers' Issue" 27 November 2010, Kathmandu, Nepal
8. "Contemporary Cooperatives Education, 31 Dec 2010- 1 Jan 2011, Kathmandu, Nepal
9. "Contemporary Cooperatives Education, 3-4 February 2011, Kathmandu, Nepal
10. Solidarity Support to Pakistan Flood Victims to Labor Education Foundation, Pakistan
11. Web Development Training for Workers Organizations 21 March to 20 April 2011, Kathmandu, Nepal
12. Interaction Program "Stepping into Tomorrow's Economy: Concerns of Stakeholders 6-7 May 2011, Kathmandu, Nepal
13. Web Development Training for Workers' Family Members May 10- June 9, 2011 Kathmandu, Nepal
14. Trade Union & Labor Education for All interaction meeting, June 24, 2012, Kathmandu
15. Interaction Seminar on : ILO Convention No. 87 (1948) Freedom of Association and Protection of the Right to Organize" 1 August 2011, Kathmandu, Nepal
16. National Seminar on Social Security: Concern of Nepalese Workers, 24 August 2011, Kathmandu, Nepal.
17. Training on Trade Union Leadership Development 22-22 November 2011
18. Trade Union and Labor Education Campaign - 2012 began from 7 January 2012 and will end last Saturday of December 2012, where 1300 people will be educated.
19. Interaction Meeting with Prof. Dr. Sharit K. Bhowmik, Dean of School of Management and Labor Studies (TISS/GLU), Mumbai, on "Growing Informalization of Labor and Response of Trade Unions" 24 January 2012
20. Interaction program with International Study Circle Leader, Mr. Günther Heerén, Chairman of International Committee of LO/ABF Northwest Skane, Sweden, On "Organizing Study Circle in Workers' Education" 15 Feb 2012, Kathmandu, Nepal
21. On the Occasion of March 8, our Talk Program and Event Activities on "Connecting girls, Inspiring future" Our experience; Our Commitment 4 March 2012, Kathmandu, Nepal Jointly Organizing by: CLASS Nepal/UNI-NLC
22. Organized Preparatory Meeting: Survey on Service Charge (Hotel Sector) in Union Perspectives 26 March 2012, Kathmandu, Nepal
23. Round Table Discussion: Challenges and Opportunities of Ratification ILO C-177 in Nepal (In relation to the Study on C-177 in Nepal), 22 June 2012, Kathmandu, Nepal Jointly Organized by CLASS Nepal and HomeNet South Asia
24. A Talk on Safe Migration: How to ensure safe migration, 14 July 2012, Kathmandu, Nepal

## Message from the CLASS Nepal:

CLASS Nepal works to facilitate the emancipation of people who are oppressed by the unjust power structures in labor relations. A key strategy will be to bring the perspectives of labor into the process of social, political and economic reform. CLASS Nepal believes that only when workers' rights are realized, and when there are decent jobs for all who want them, can there be social justice, peace and stability.

The trade union movement in Nepal is still evolving and CLASS Nepal aims to strengthen the capacity of workers to advocate strategically and effectively for their rights.

CLASS Nepal has identified the youth of the nation as active agents for social change. However, Nepal requires its youth to have knowledge of national values, an understanding of politics and their role and responsibilities as sovereign citizens. Due to the level of illiteracy, lack of economic opportunities and the recent state of civil war in the country, the youth of Nepal have the challenge of shaking off their inertia, and sense of hopelessness/alienation. The country is also losing its bright and talented youth through the brain and brawn drain as they seek opportunities abroad. CLASS Nepal will work hard to bring youth together from all walks of life to realize their dream for a peaceful, prosperous Nepal.



## Annexure 2:- Activity Details

SN	Goal	Strategy	Specific Objective	To Whom
1	Institution Building	Alliance	A form informal lobby group of organizations working for C-177 or HW	Stakeholders interested
2	Reorganization	Beneficiaries Count	To include HW in labor list of labor act	HW
3	Baseline study	Know	Status, want, type	HW
4	Unionization	Unite	Recognize, mainstream, invite and mass mobilization	HW
5	Awareness	Empowerment	What is right and what should be done?	HW and their TU leader
6	Research Study	Cause Effect	Facilities return, Government role, HW responsibilities etc.	System of employment and labor administration
7	Orientation	Attention	Orient toward ratification	Decision maker and leader
8	Discussion	Aware	Make C-177 focus	Concerned stakeholder
9	Lobby	Make Environment	Make environment favorable for ratification	Alliance with their mother organization
10	Individual Meeting	Convince	Convince individual	Administrator, Minister and Political leader
11	Group Meeting	Convince	Convince system and mass	
12	Mass Demonstration	Pressure	Political attention and ratification of C-177	Policy Community

**Annexure 3:- Process for the Ratification of C-177**

<b>Ratification of C-177</b>											
<b>Goal</b>											
<b>Strategy</b>	Aware and Unite				Information, Inform and Ignite			Convince Lobby and Pressure:			
<b>Activities</b>	Find potential areas	Register	Unionize	Aware	Strengthen domain of knowledge	Inform	Ignite	Department of Labor	Ministry	Parliament	
	TU/NGO/Government										
	Administrative										
	Political										
<b>How</b>	Survey, field visits	Contact	Unionization	Capacity Building	Studies, observation, survey etc.	Dissemination publication	Commitment, through manifesto, budget etc.	Proceed	Decide	Decide	Ratify
<b>Output</b>	Known Critical beneficiaries and their status			HW TU	Logics for C-177 Rat.	Interest and integration		Ratification of C-177			

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# Annexures

## Annexure 1:- Work-Plan of the Study

SN	Activities	Responsible	Schedule in weeks					
			1	2	3	4	5	6
1	Preparation and planning	Team	●					
2	Field observation planning and information	Team	●	●				
3	Task based literature reviewed paper preparation	As allotted		●	●			
4	Stakeholder Identification	Team work			●			
5	Key person interview	TL expert			●	●		
6	Preparation of workshop				●			
7	Focus group discussion on prevailing issues	Team				●		
8	Workshop with presentation of task based papers	Team				●		
9	Analysis of all information	Team				●		
10	Preparation of plan of action	Team				●	●	
11	Concluding from the information	TL				●	●	
12	Report preparation	Team				●	●	●
13	Submission	HNSA						●
14	Finalization	Team	Within week of reply					
15	Submission	Team	Within a week of HNSA reply					

However, they showed that the earning of their own money has provided some social economic empowerment. They also said they gained knowledge in managing and controlling productive resources, skill and experience and increase their ability to source relevant information. They can contribute to the economic well being of the family, this has finally enabled them to have an extent of economic empowerment in the family and in the community.

### **Contribute to the economic development of HW**

**Government:** Government was suggested to make a fund that is to be administered by tripartite committee. The contribution from government, employee and employer at certain limit can be collected in the fund. The fund can be used for the welfare and security purpose of the HW. A detailed study is needed before initiating.

### **Local Government**

Generally, Home workers are the people from lower and lower middle class economic condition. By the virtue of their living standards they are mostly found with the condition of a scarce supply of drinking water, poor sanitation and electrification, improper transportation facilities. Water scarcity compels to spend long hours of searching water causing reduced working duration and poor sanitation effects on the health condition of workers and family members with adverse impact in the work life. Poor transportation is another cause of time consumption of working people. Hence local government can play an instrumental role directly and indirectly in the promotion of better economic conditions of Home workers through proper management of drinking water, sanitation, transportation and other essential services. This Local Government should identify HW as their target group.

### **Employer**

Occupational Health and Safety (OHS) is one of the areas to be promoted by the Employers. OHS in one hand take care of health and safety of the workers promoting their productivity while in next reduces the medical expenses that ultimately support in financial gain. Skill promotion is another possible area for the mutual benefit of the workers and employer. Contributory social security provision is also the prominent field to be favored by the employer to make workers assured for their future.

### **Self Help Groups**

Cluster based / work based cooperative approach of the Home workers can favor in up gradation of their economic condition. Co-operative encourages saving tendency such that making them capable to invest in needy equipments and logistics to enhance the productivity supporting to raise the income level. Cooperative as the member based organization promotes to be united with sufficient visibility. Where the visibility attained –

- Attracts employer facilitating workers for direct access to the market and resources protecting them from the commission of the middleman. Thus the financial strength gained ultimately contributes workers further protecting them from undue exploitation of the employer.
- Unity also creates a conducive environment to attract the insurance companies offering insurance facilities – like group medical insurance with low rate premium such that working people can have medical security at certain extent.
- Visibility supports the working people making government agencies and public representatives responsible towards the united mass for their daily essential services like drinking water, sanitation, transportation, etc.

# Conclusion and Recommendations

## Conclusion

1. From different field visits, meeting with the target home workers, stakeholders; the above mentioned facts have been identified. From the gender perspective, if we analyze, the women are the one who is working in the vulnerable working condition. Being the women, and having several roles in the family, they are attracted towards the Homebased work so that can manage both the homework as well as the economic activities. But, because of this, they are under exploitation with no formal work as well as no time for the rest; the health hazards are the other parameters which remain hidden.

2. From the worker's perspective, the workers in the homebased work are compelled to work under unfair environment. No minimum wage, no fixed working hour, no recruitment documents, etc. are some of the contemporary issues of home worker in regard to labor exploitation. There is high exploitation and the national and international legal provisions have not been able to protect the workers in the informal economy. There are several stakeholders as trade unions, home workers union, an organization working for home workers and other responsible social organization, which should work for it. The situation can be improved with the ratification of ILO Convention 177 for the home worker. Although, at present, the political situation of the country is unstable and the political issues settlement is our major agenda, the ratification of C-177 has not been the prioritized agenda of the trade unions. Although, the trade unions are lobbying for the ratification of convention 87 and 102 which covers the right of organizing and social security, it also will open the policy formulation of informal workers. But, they are very positive for ratifying Convention 177 also. For the effective lobbying for the ratification, the first and foremost is that the home workers should be aware about C-177 and its importance for them, then only the other stakeholders together with the homebased workers can pressurize the government for the improvement of working conditions of the home workers.

## Recommendations

The study on HW in Nepal and challenges and opportunity of ratification of C-177 through interview, discussion, field visit and literature review. Following recommendation was made for concerned stakeholder.

1. A baseline survey on Homebased work in Nepal is an immediate need to ensure round figure of beneficiaries, status, job opportunities available, needs etc.

2. Employer, Government and Trade Union are vital stakeholder. Improved status of HW also means improved status of the employer, better society and insurance for trade union right. In these connections, being convinced and convincing for improved status of HW through awareness, self help practices etc. will drive HW toward better initiation.

3. HW is an unrecognized informal worker. Their access to justice and hearing are very limited and not basically labor act related. Thus recognizing the home worker legally through amendment of labor act 1992 is very crucial. CBS should include HW as a labor category. Preparation of fact sheet and technical discussion paper on HW can influence and convince policy community.

4. Unionization of HW should follow a pattern. Primary unit based on company, secondary unit based on type of product, territory based on cluster and fourth umbrella unit.

5. Alliance for HW's right is crucial in providing light and focus to this issue.

6. Issues of HW are also issue of gender. HW has provided opportunities of flexible time employment opportunities. The income from HW was found to improve women's decision capacity. Majority of the income was found to be spending on children's education and other household daily expenses. However, the poor payment and facilities, piece rate system and poor working condition have negative impact and exposed worker to exploitation. Hence the role of women right based organization can be crucial for the ratification of C-177 and should closely be involved in the alliance.

7. Ratification is a gradual process, it is better we build infrastructure for improvement of the HW economic status, facilities and unity by recognizing them.

8. Finalize and approve the HW policy which was drafted in 2007. The objective, strategy and action proposed in the draft policy are relevant and need some improvement. Activities suggested in the policy were highly relevant and supports the ratification if well implemented.

9. Promotion of Co-operative like the self help group is effective among HW not only to enhance their saving tendency but also to unionize them in the Trade Union form.

- Giving value to their work that is good wage practice for good work.
- Because of the piece rate wage, they need to work for longer hour for more wages, which restricts them from having some time for rest.

However, Homebased work is the choice of women who have small children, are disabled, or live in rural areas etc. Working from home lowers the family conflict also because they would feel less in opposition to the traditional gender role concept.

### Challenges, issues and problems:

- Increasing women's participation in the informal work that is Homebased work
- Semi skilled worker exploited with cheaper labour.
- The women being the vulnerable group
- The home worker having the least security and lowest earning.
- No recognition and appreciation and lack of fair treatment.

The home workers are very difficult to come together and become organized. The reason may be they usually work longer hour and especially for women, they have domestic responsibilities caring for their families, so it is hard for them to find time to come together and form groups that make them more visible.

Due to the invisibility of their work, the contribution of home worker in the economy is ignored and they are deprived of social benefit and the workers right. As a worker, home worker are dispersed, illiterate, unrepresented and invisible both in national data and programs. The prime issues of home worker both through the worker and gender perspective is that the employment is not permanent and is uncovered by adequate social security. There is no clear employer and employee relationship, difficulty in employer identification, small and unregistered enterprises for which they work, ethics are the problems.

### Challenges:

Homebased work is a rising and becoming vital and a growing part of modern world economy. Growing globalization and decentralization of the production has encouraged Homebased work as the final link in a global chain of subcontractors encompassing wide range of industries and services. Above that, the scattered and unorganized masses of workers as the home workers are the major challenge which prevents them from speaking to the right.

The home workers are increasing day by day and female are the dominant workers in this field. The female is engaged in sewing, knitting and weaving for the employers remaining in the home. But, being the informal workers, scattered with no formal establishments, the women are exploited in the work in terms of wage, working hour, increments etc. They are prevented from decent work. When the Homebased work is dominated by female, it is obvious that it might have been easy for the women to carry out the work from their home. But, the major problem is that the workers are not aware that they are doing the work, they treat it as a part time job so are satisfied with what they get. The following strategies should be focused to improve the working condition of the home workers.

- **Awareness:** One of the important steps for reducing the exploitation of the Homebased worker is to increase the awareness level and aware them about their basic rights as workers. Awareness on

right to minimum wage, fixed working hour, social protection and decent work is what we need to teach these workers.

- **Organizing home worker:** The home workers are unorganized and scattered work force. They provide service from their house that is different work place, hence they are not organized and their united voice is never heard. For the collective bargaining, it is very important to organize them under one organization, so through the organization, they can speak out for their right.

- **Lobbying with different stakeholders and policy advocacy:** It is important to influence the decision making level. The trade union of home worker and national centre are strong enough for the policy campaign. Formulation of law for informal workers, effective implementation, strict monitoring and inspection is very necessary. The trade union, employer, government, social organization should come together for this and trade unions can pressurize for the effective action to the state's policy.

### Ratification of C-177:

C-177 is the convention specially formulated for the home workers. It ensures worker's protection from exploitation, home worker's right. The ratification of C-177 creates the situation to formulate the national legal provisions which are for home worker and implement it practically. It will also govern the employers from exploiting home workers. Also, it opens the horizon for providing the home workers all the facilities as the formal workers which will ultimately discourage the employers to employ home workers.

## National Law V/s International Labour Convention C-177

The simple description of different provision of the Home worker Under the Home work conventions. 177, 1996 is presented below.

### Definition

Home worker- Home worker means work carried out by a person in his or her home or in other premises for remuneration.

Employer – A person, natural or legal who give out home work in pursuance of his or her business activity

### Duty of the member staff

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.

Equality of treatment shall be promoted, in particular, in relation to

- a. The home workers right to establish or join an organization of their own choosing and to participate in the activities of such organizations;
- b. Protection against discrimination in employment and occupation
- c. Protection in the field of occupational safety and health;
- d. Remuneration;
- e. Statutory social security protection
- f. Access to training
- g. Minimum age for admission to employment or work
- h. Maternity protection

Home work recommendation, N.184, 1996

General provision

### Legal provisions regarding the home worker

- There is no any special legal provision regarding the home worker.
- There is no any legal provision under the general too.

### The Interim Constitution of Nepal 2063 (2007)

#### Art 13: Right to equality

- Equality between the workers
- Positive discrimination

#### Art 29: Right against exploitation

Every person shall have the right against exploitation

#### Art 30: Right relates to labor

- Every worker and employee shall have the right to appropriate labor exercise
- Every worker and employee shall have the right to form and join trade unions and carry out collective bargaining for the protection of his/her respective interests as provided in law.

### Labor act, 2048

**Section -9** Separate registers of the workers and employee to be kept

1. Enterprise, the proprietor shall maintain separate registers of the workers and employees mentioning the following particulars

- a) Name of the worker or employee
- b) Nature of job
- c) Remuneration and methods of its payment
- d) Other prescribed particulars

2. The register maintained and subsection shall have to be submitted when demanded by the labor officer, factory inspector or any other person designated by the Labor office.

#### Section -10 Security of service

If the curtailment of production or service in any enterprises may close the enterprises, worker will get facilities.

#### Section -16 Working Hours

No worker or employee shall be deployed in work for more than eight hours per day or forty eight hours per week and they shall be provided one day as weekly holiday for every week

#### Section -27 Health and safety

- a) To keep health friendly environment.
- b) To make arrangements for adequate supply of fresh air and light as well as proper temperature in the working room.
- c) To make arrangements of removal and disposal of solid waste during the production process.
- d) Each worker, fifteen cubic meters working area should be provided.

### Labor Rules, 2050 (1993) Rule 34, Obsequies leave

In case any worker or employee who has completed one year of continuous service in the enterprise is required to observe obsequies persons in accordance with his/her family custom he/she shall be entitled to obsequies leave for a maximum period of thirty days.

## Home Worker as Gender Issue

### Facts:

- The vast majority of low income and highly vulnerable home worker in developing countries like Nepal are women.
- Women's role is tied to home, so those who want or need to produce goods are able to do so at Homebased capacity. It can be the choice because it allows flexibility to meet these other responsibilities.
- They are Home Worker because they have no other skills that would allow them the higher earnings and more stable work.

### Specific issues:

- More and more women are working as home worker in our country especially from the rural areas living as the internal migrants.
- Most of the workers are women.
- The women are involved in different work as sewing, knitting, food and beverages remaining in the house.
- They work on a piece rate basis
- They have no social security coverage.
- They have no regular jobs as the job depends on the demand of the supplier.
- They are working from home, so are isolated from the market, have no idea of the wage rates, increments etc. Hence can't demand for the wage increment, so are working in very low wage.
- The occupational health and safety issue is the prime concern, as they are not using the safety measures during work.

The female dominated job of doing work remaining in the home has opened the employment opportunities for many women in Nepal. Although, they are paid nominal, they say it is easy and comfortable for them to stay at home and work taking care of their family responsibility. With the trend of the informal economy, Homebased work has been the priority of several industries as a result the work has been outsourced. This provides the increasing demand of Homebased work. This provides the increasing demand of Homebased work. This can be positive in relation to the semi skilled women getting the job however in terms of labor relation, exploitation and vulnerability that can be higher.

If we analyze sector wise, weaving, garments, paper making etc. Has the increasing demand in the urban and international markets, the work has been outsourced, but the wage and working condition of the women workers are stagnant with no increment.

The economic trend and inflation have created the situation in which several industrial establishments are closed, which has caused many women to lose the job. They are also concerned about other risks as frequent illness, irregular employment and lack of social security.

ratification agreement, the ILO expects the document to be signed by someone with the authority to act on behalf of that government. All parties are aware that the ILO Constitution requires its signatories to accept the competence of the International Court of Justice in disputes arising over application of standards. National sovereignty is at least an implicit issue.

### Constraints in Ratification of C-177:

Nepal is standing cross road of transition. The prolonging political transition has an adverse effect in socio-economic progress. Labor issues lie in niche of politics and economics. The industrial sector is limited in which the national economy rest. The market is not actually perfect and the industrial regulations are not expected. Employment opportunities are decreasing; big industries have shut down due to labor issues. In these connections, we observed the following as major constraints.

**1. Low level of awareness:** When we initiated interview with a number of officials, politicians, trade union leaders, women activist, we found very few new things about the HW and got much more confused it with a domestic worker. The time has changed. There is huge dynamism in bureaucrats due to transfer. Political scenario has changed. New political parties, new leader. Rapid change in the ministry in recent years it has weakened the institutional memory in one part and establishing a uniform understanding among the labor stakeholder in the other. As the issues have not been covered interestingly and attractively in media, forum and assembly the low level of awareness seems obvious.

**2. Out of focus:** Nepal is under developed country. There are a number of conventions that are to be ratified. The government has an informal strategy to respond to those issues which have a) Critical number of beneficiaries b) Less number of contradiction c) linked to fundamental right d) have been worked for a considerable time and has accumulated well enough knowledge e) have good motivation for authority and f) strong lobby and pressure g) Political atmosphere are favorable. Presently the government is focused on convention 87 (right to association), this issue of C-177 is out of sight because there is no strong stakeholder which can raise and lobby it except Home Net Nepal.

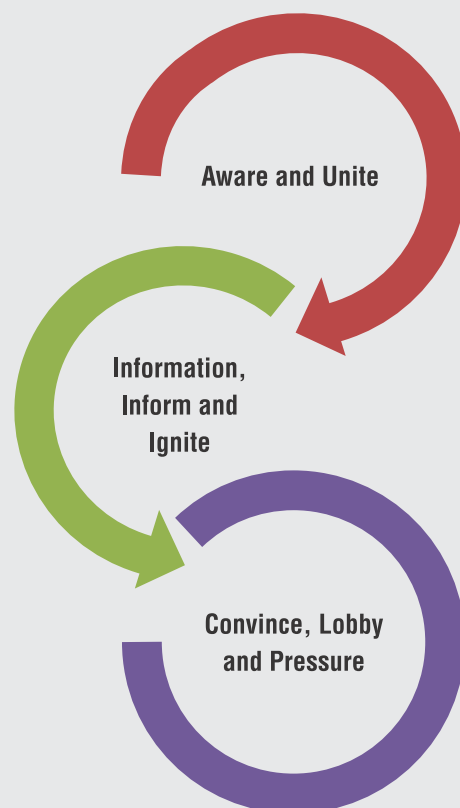
**3. The whole system is concentrated in constitution building.** The major source of law and founding factor is constitution. Thus, ratification of convention in cross cutting aspect like labor can have a low level of interest. Politician simply does not want to introduce labor issues in their business because they are linked with politics and the economy and get controversial. Thus the national scenario is also not strongly favorable. The likewise unstable government is also a cause. Presently it is impossible to table the C-177 for ratification because constitutional assembly or parliament is absent.

**4. Some others causes are lack of knowledge, information critical pressure, and organization of HW which has low impetus for ratification of C-177.** These are the basic reason why C-177 is not spoken in the policy community. It is obvious because working community has not been able to effectively transfer the interest to

the policy community that they know, are interested in speaking and work for HW and ratification of C-177. Actually we don't have condition to blame anyone. The major constraints are just lack of awareness. Political parties are always giving positive information about laws that empowers different community. In these connections, we do not need a formal alliance for C-177 but can use the labor related informal alliance if any. Ratification is a process, the first and basic is policy information and awareness to the policy community. In absence of it we cannot say any constraints ahead. The other most important constraint is a high demand low supply of conventions to be ratified. Ministry of Labor is planning to ratify other two conventions (C87 and C189). Due to limitations and focus on this, C-177 is still shadowed and unheard issues in Nepal Labor administration. The policy question, National Law or ratification of convention should be discussed before and decided.

## Actions for Ratifying C-177 in Nepal

Number of key informants were discussed. One of the discussion agenda was "What should be done before ratification of the C-177?" Based on the prevailing procedure for ratification of convention and level of awareness on C-177 on different stakeholder we tried to outline the best possible activities that can materialize the ratification of C-177 in Nepal. However, the constitutional assembly has dissolved and date of the election has been declared and the regulation of parliament or assembly will be made by the newly formed assembly; the ideas presented here are based on what was on the practice previously. We observed the following three major stages of activities for ratification of the C-177.



### **Aware and Unite:**

The level of awareness about the home worker is very low. A person doesn't know "who are home worker and how are they being treated?" Even Home Worker doesn't know their own status, rather they seem happy finding an income source utilizing the leisure time. Being informal sector, Trade Union is also less aware of home worker. They face difficulty in unionizing them. The lower level of awareness in worker and low uniting capacity of trade unions has created a loop hole in the unionization of the home worker. However, recently unionization has been rapid. The unionization is less effective due to lack of ideas and benefit of being awarded or united. Employers are always against the unionization of home workers. It seems obvious in Nepalese context that the maximized profit with least paid make them to contain the same production system. The level of awareness is very weak on the ground; it's quite fair among major national trade union. The level of awareness decreases moving upward. Majority of key informant doesn't have sufficient ideas on HW. They often confuse it with a domestic worker. The policy communities know little about the concept of HW but still data deficient. Basically there are two aspects in the process of ratification. First is Preparation of the favorable environment and the second is the administrative process. The following activities are classified based on these two categories.

### **Information, Inform and Ignite:**

Then information about the status, situation, unionization, issues and Key Influence Factor (KIF) for HW should be collected. This will not only increase the domain of knowledge but also create awareness and required perception on how to push forward the key policy answer to the pertinent question on HW and ratification of C-177. The information collected should be disseminated to concerned stakeholder. They are basically on need basis and objective oriented. Different sort of information become interesting to different stakeholder. Providing this specific information to them will ignite them to go for ratification. Basically these are academic and policy work. Workshop to policy maker, intensive discussion on issues and dissemination forum can be appropriate. This creates awareness to policy maker but also convince the system to initiate insisting study and initiate policy and ratification. This is more related to administrative task. Ministry of labor is a focal ministry to co-operate with. Other ministries like ministry of industries, ministry of commerce, national planning commission and office of the prime minister and minister council. The final output should be a ministerial decision to table the ratification proposal in parliament.

### **Convince, Lobby and Pressure:**

After the ratification proposal is tabled in parliament, its now turn to convince political parties, create a lobby group for ratification and also pressure for strong enforcement provision. Political parties have their specific committees which are responsible for providing decision information to the parties. Generally in case of C-177 they are labor wings in political parties. In Nepal all political parties are very sensitive in granting the rights. However, the implementation part has gone bad. Thus, the labor wing of political parties should be convinced and for ratification decision lobby and pressure group

should be created and ethically worked out. (Needful Activities to be undertaken creating a positive environment for the ratification of C-177 are mentioned in Annex 2 & 3).

## **Post Ratification**

There are certain aspects that are vital to ensure the effective implementation of C-177. First and foremost is incorporation of certain right based provision and grievance handling process for the HW in Labor Legislations. Some necessary points to incorporate in the labor legislation are mentioned in Annex 5.

**National Law:** HW is highly exposed to exploitation. They are informal, multi-employed, seasonal and scattered worker group. The model of employment is such that hands of employer are up and that of the employee seems to be taking grants. Ratification of C-177 will just provide a ground to prepare and approve the national law. Thus we need a strong national law against exploitation and to safeguard of HW. The implementation of law is challenging. Well implementation of the law can be expected by convincing the police and administrator. This legal arrangement with the aggressive awareness program to concerned implementing and monitoring authority seems important.

**Justice or hearing against violation:** Until and unless we do not have a hearing provision, the implementation of the legal or such provision can be suspected. Regarding the exploitation of HW which are quite different should have a hearing provision. It is a better initial hearing provision should be administered and arranged in the district level. After the initial victim can appeal to court which may be labor court or district court or appellate court. However, there should be a hearing provision, which should be accessible and effective.

**Grievance handling:** Grievance handling is becoming one of the most important tasks in labor issues. Everybody should have someone to hear the grievances aroused during work. As HW has quite different arrangement for working; grievance handling should be carefully designed. It can be managed through producer officer at initial stage. After this it is better to clarify the concerned agency creating the grievance and send the grievance to them. Since informal and scattered, grievance handling is utmost to keep the moral and receive feedback of HW.

**Conflict management:** In formal sector of employment, most of the goods being exported and profit depends on quality and seasonal demands, etc.

**Policy Recommendation committee:** Issues of HW are both mixed, some are contemporary and some are related to basic rights and needs. The employer cloud changes their strategy based on the national legislation. Thus a HW policy recommendation committee is needed to suggest improvement in legislation. The committee should be participatory.

### **ISSUES IN HW:**

#### **Need of the home workers:**

- Further, trainings of the skill of the work they are doing
- Regularization and registration of the home workers.

# Stakeholders

There are large numbers of the stakeholders working on labor issues or cross cutting issues which address labor issues in some way. However, we have a certain number of potential stakeholders mapped which can support the HW and also in the Ratification process of C-177. (Detail about potential stakeholders and their role in the entire process of campaign for ratification and specific process of ratification of C-177 are mentioned in Annex 5).

## Governmental Organization

Ministries: Ministry of Labor and Employment is the focal ministry. It is responsible for labor related issues and activities. Ministry of labor consists of different department among which department of labor is vital one which looks for HW issues. Ministry of Industry is also an important stakeholder in implementing the employer and institutional relationship. The ministry can tie up the issues of labor in industrial administration. Ministry of commerce can make arrangement for certification. The ministry of women and children can promote women home worker, empower, form co-operative of them and raise their voices.

## Non Governmental Organization

Trade Unions: Today 10 National centers registered in the department of labor are as follows:

1. GEFONT
2. NTUCI
3. ANTUF
4. IDECONT
5. NDECONT
6. CONEP
7. IDFONT
8. INTUC
9. NDCONT-I
10. NDEFONT

There are more than 230 national federations but only two national federations have been identified for the home workers, which are also represented in the HomeNet Nepal, they are:

- Nepal Homebased Workers Union (Affiliated with NTUCI)
- Nepal Homebased Workers Union (NEHWU) (Affiliated with GEFONT)

## Alliance of Home Workers

Alliance for HW is crucial and long term need to recognize the issues and establish the basic rights. An alliance of HW is a first step which will support in raising the Issues of HW, bringing them to focus and lobby for ratification of C-177. Since there are very few organizations working on issues of HW in one part and their connection with policy communities are also not so pronounced. However, the

number and access of organizations working for right to union are numerous and diversified. In these connections it is better to follow two basic strategies for forming alliances on HW.

- a) Together for HW issues
- b) Specific Issue based alliance

The first strategy is employment based and covers the alliance among the stakeholder who works for HW and also works for the home worker. This is because; Trade Union who is specific in their task can have solidarity. Trade Union umbrella organizations can cover HW as a part and lead alliance policy dialogues. Similarly HW related organization work for dedicated issues.

The second strategy is characteristics based and covers the specific dominant characteristics of HW in Nepal, who can attract the interest of special organization. Most of the HW of Nepal where we observe were women and they belong to lower middle to poor household. In this connection we can connect HW as gender issues and connect it with women activist/organization, women union leader, political leader representing the women's issues and gear up the gravity of the issue. There are various issues which can have some support for lobby and strengthening solidarity and alliance.

Some of the potential stakeholders for alliance are:

- a) Trade union working for HW
- b) NGO Working For HW
- c) Activist previously involved
- d) Interested TU, NGO and Cooperative Unions
- e) Umbrella Organization like Trade Union's Associations, Women Co-operative association, etc.

# Ratifying C-177

## SWOT analysis of C-177 ratification in Nepal

### Strength:

1. Homebased work is growing day by day, due to informalization of existing jobs and the creation of new jobs based at home in easy and low expenses.
2. Country level activities and first round campaign efforts can be tracked and re-linked.
3. Political Parties' women's wings are favorable.
4. Trade Unions are positive and in favor and Labor ministry is not against C-177.
5. MBOs can be mobilized and integrated their collective effort for the campaign.

### Weakness:

1. There is no clear analysis and strong organization to lobby both in National and International level.
2. There is no parliament and status of the government is only the care taker.
3. There are no enough follow up activities at country level.
4. Low number of ratifications (Only 11 till date)
5. India and any other Asian countries haven't ratified yet, the question is why Nepal?

### Opportunities:

1. Nepal is in the phase of Labor Law Reform and Labor Policy formulation thus C-177 agenda can be put on those instruments.
2. Other social partner can be campaigner i.e. CLASS Nepal, Women's Commission, Women's' Wings of Political parties, JTUCC Women Committee, Trade Unions, fair trade group and MBOs including HomeNet Nepal.
3. FNCCI's and other employers' ethical business charter is also opportunity to convince the employer to be fair on C-177.
4. There are solidarity and support from national and international co-operation on ratification C-177.
5. HomeNet South Asia is leading the role of Ratification Campaign and also providing different knowledge capital to Nepalese stake holders.

### Threats:

1. Employers are not positive and sometimes against the C-177 because they think all the responsibilities of works are theirs. They also think wage reduction is their gain.
2. Fear of earlier ratified ILO C169, which is being misinterpreted and politicized in general.
3. The lack of the new constitution, paused peace process in the country. Political instability. Instable government.
4. Difficulties in Proper implementation because of administrative weakness.
5. Industrial and production sector has been slowly moving into the service sector. The ratification of C-177 can have a negative impact on it.

# Process of Ratification

## National Process

**According to the Legislative Parliament Rules, Chapter 20, Rule No. 140 the following Process to the ratification of international conventions/treaty, etc. have been mentioned:**

1. If it is required to ratify the international treaty having Nepal or the government of Nepal as a party by the legislative parliament, the concerned minister (for C-177, Labour Minister) should be required to notify to the secretary or the secretary general of the legislative parliament with a proposal describing of the nature of the treaty and the following details and a verified true copy of the original treaty
  - a. Objective and main provision of the treaty and the reason and justification for being Nepal or the government of Nepal as the party to the treaty.
  - b. Benefits and obligation of the treaty
  - c. The particulars whether separate law has to be enacted for execution of the treaty or not.
  - d. In the case of a multilateral treaty, the name and number of the states which have already become a party to the treaty.
  - e. If reservation has to be recorded in the multilateral treaty the reason for the same and proposal for the reservation.
2. After receiving the notice in such a way the secretary general or secretary shall be required to give notice to the members by mentioning the data and time for presentation of treaty in the meeting or at least one day in an advance by attaching a copy of the treaty.
3. When the treaty is tabled for ratification in the legislative parliament, the concerned minister shall deliver his/her speech and propose for the provision to ratify the treaty.
4. The speaker shall prescribe the time for the participant for discussion.
5. The concerned minister shall respond to the queries raised during discussion.
6. After discussion the proposal shall be presented for the authentication.

## Convention Ratification Procedure by ILO

It is impossible to imagine member governments ratifying conventions without the participation and interest of national labor unions and employers' associations. The strength of the ILO therefore is in its tripartite character - without such participation there would be no genuine gains in labor protection and promotion through national recognition of standards.

Ratification is a very solemn commitment for the ILO. Since its constitution regards conventions as international treaties, acceptance of a convention of a member government requires legal collaboration of its adoption "in law and in force" by "competent authorities" of that government. This usually assumes legislative commitments. But whatever the competent authority submits a

# Home Work - The Scenario

## Definitions of Home Work and the related aspects:

### ILO defines;

- Home work implies as an employment relationship between home worker and employer, subcontractor, agent or middleman. The agreement may be implicit or explicit, verbal or written as specified in the national legislation.
- The place of work is outside the premise of the employer. They can be carried out from the neighborhood, work stations or premises which do not belong to the employer.
- The form of payment is usually by the piece rate or unit.
- Ease of production, the supply of materials or tools is concerned, in some cases home worker own their own tools while in some cases employer provide the tool or loan on the hire purchase basis.

### Factors promoting Home Workers:

The changing world or work, global competition, liberal economic policy has forced the employers to change the work pattern with the implication of several types of new trends in work for the sustainability of the productivity and profitability. Because of this, the formal work has been continuously been informalized. In the same manner, the home labor has been also increasing and the factors governing the increase of home labor are:

- Changing nature of office work:
- Changing the composition of the labor force: The number of women with young children and self-employed workers increased nowadays, which finds home work to be an ideal arrangement.
- Globalization and competitive global market – It has increased the subcontract workers replacing the regular workers out of self employed and Homebased independent contractors to increase the productivity and profitability.

### Home Workers in Nepal

The informal economy is growing in Nepal especially due to the fact that the formal sector is either stagnant or deteriorating due to instability in the country. It is giving rise to the Homebased activities ranging from domestic housework to the ancillary activities for some big export items like woolen carpets, garments, embroidery and handicrafts.

Although the trend of the Homebased working is increasing, the home workers have a very poor working status. The workers have very poor bargaining power due to the lack of organization or unionization in all these sectors. Long working hour, meager pay and rampant use of child labor and the majority of women as the worker are some of the characters of the home work.

Basically, the home worker can be categorized into two types, those who work as self employed in their own investment and sale their product to concerned entrepreneurs who trade internally as well as internationally and those who work on subcontracting by using the

raw materials of the factories or establishments. The labor force has been feminized with the involvement of women in the labor force but the concentration of the women has got intensified in the informal employment, the example is the subcontracted and Homebased work. The women have been representing a large majority of home workers in many areas, reaching beyond the 80% in some countries. Basically, the home worker can be found in different sectors as food processing, textile, cloth weaving, beads, painting, packaging, garments and tailoring, animal husbandry, carpet and Pashmina weaving, cash crop farming, handicraft, bamboo wood metal clay, knitting ceramics and paper etc. With the increased informal economy, the formal works have been outsourced through contracting and subcontracting of labor. In this context, the home labor is very much preferred for remuneration. The women are the one who seems interested in doing the home work as they can take their household work and remuneration activities together. In this context, home worker dominated by the female are evident these days in different sectors as commerce, textile, embroidery, sewing and tailoring etc. Basically, although home work has been the choice of women, they have no good employment status as it has contracting and subcontracting agent within it. This leads to the exploitation of workers in terms of work nature, working conditions, wage practice, working hours and other social security provisions.

### Issues of Home Workers:

Some of the issues of the home worker which the researcher identified during the field visit with the direct interaction with the worker highlighted some facts as:

- Very low wage based on piece rate.
- No regular increment of the wage and lack of collective voice for the increment.
- No job guarantee as there is lack of any provision of contractor recruitment letter.
- The fear of losing the job discourages them to speak for more wage increment and hence is compelled to work hard for little money.
- No regularity of the job or order, seasonal order due to which the worker need to stay unemployed for a span of time.
- The employer's cheating attitude of not giving the wage in the name of poor work, quantity degradation, etc.
- No occupational health and safety devices provided by the employer so they are working with bare hands and without masks as a result there were complaints of allergy, injury by sewing materials, body aches, etc."
- Problem of marketing.
- Low training and skill upgrading opportunities
- They are used as cheap labor
- No social security / exclusion from social security
- No weekly leave, annual leave
- Poor level of awareness
- Long working hour
- Unsafe unhealthy working environment
- Neglected by the present structure of legislation and inspection system.

### The Good Aspects of Homebased Work:

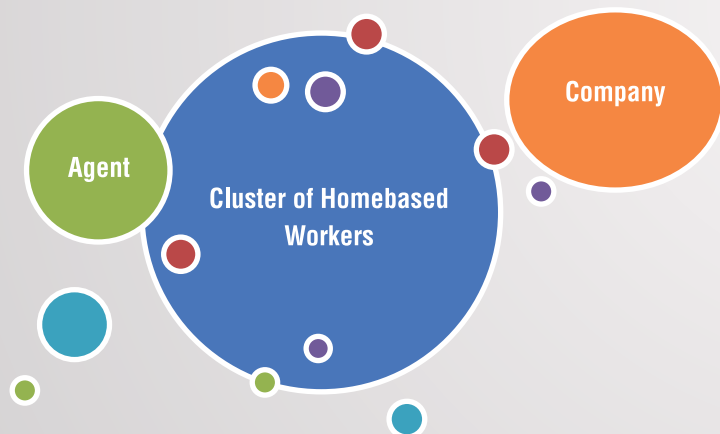
Homebased work is proving important for increasing the economic activity of women especially of these women who are less educated, housewives, who cannot go out and work, etc. The worker themselves think it is good that they can work in three hours and save some money for them and their children. All the women who were interacted shared their liking for the job but had raised their voice for increased wages. However, some women were found to be working from a younger age, which led them to be deviated from education and search of other better jobs.

### Labor Law and Home Work:

If work is to be done for the remuneration purpose, then who performs the work are workers. All these workers should be covered by labor law. But due to the poor legal mechanisms, the Homebased worker is not covered by labor law hence they are working on very low work status. When minimum wage governed by the labor law is 6200, they are getting wage on piece rate which on average becomes 2000-3000 in a month.

### How are the Home Worker Mobilized?

We made an observation visit along different home workers home. We also consulted employer, agent and worker and identified the working structure of a home worker.



The companies are generally the least attached to the home worker. They outsource their production as a contract to some agent. Generally agent is informal and they take the production scheme in the piece rate system. They have contacts in different cluster where there are a number of informal home workers. The layer of the agent increases with increase in margin and distance of producer and home worker. Suppose, there is a local product say woolen gloves. The producer company makes a contract to some agent in the piece rate system. Generally this is secret and less revealed. Now the agent goes to cluster where they have contact with a number of home workers distributed along different household. They distribute the total volume of the work to these workers. They do not distribute the volume all at once rather they give them small quantity at first. After then who finish and submit the product are given the additional piece. The provision has two benefits first, risk management by giving more stuff to worker and b) fast and spontaneous

supply with better control and improvement. Since, the worker has limited piece of the product, the improvement suggested can be improved immediately and both agent and worker have low risk.

### The Piece Rate:

We observe different sector of home workers. Basically they are paid for piece rate basis. The rate for a piece of the work depends upon a) Work characteristics b) profit range and c) the number of agent and d) The negotiation between the parties. However, the piece rate paid for the home worker is very low. They receive only 15 to 20 percent of the total price of the sold product. High quality product with high price needs more qualified worker and hence paid better. The time, skill and effort they make are also high. Areas where there is high quality of skill needed like metal craft and hand craft (Special) pay highest. However, home worker is low paid.

### The Motives:

Companies want to earn more. More they do not want to generate long term liabilities. Spending in the workplace, security, minimum wage and other different titles bring out large expenses. Moreover, the employer is psychologically threatened by the presence of trade union especially provision of minimum payment, permanent deployment of the employee. The trade union practices are also transitional and some time these issues are found to hamper the company health. Generally outsourcing are based on production of those good which can be outsourced in piece rate, do need intensive human skill, human resources are easily available and can be easily controlled. The sectors are woolen product like gloves, cap, embroidery, handcraft, metal craft, etc. The company doesn't want to interact with the employer rather deploy them through some agent. Generally these agents are not formal and they use informal source of employment. A number of costs get lower; the competition on the market also increases. Employers are motivated to use a home worker in seasonal product.



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