

Awareness

Indicators of Forced Labor: The most common way traffickers control domestic worker victims is financial.

The employer will withhold earnings. Victims may report that their employer told them that their wages were deposited into a designated account. The victim has no access to the account and no knowledge of how much money they have in “their account.” As a result, the victims become more vested in collecting their “saved earnings” and are reluctant to consider leaving without their money.

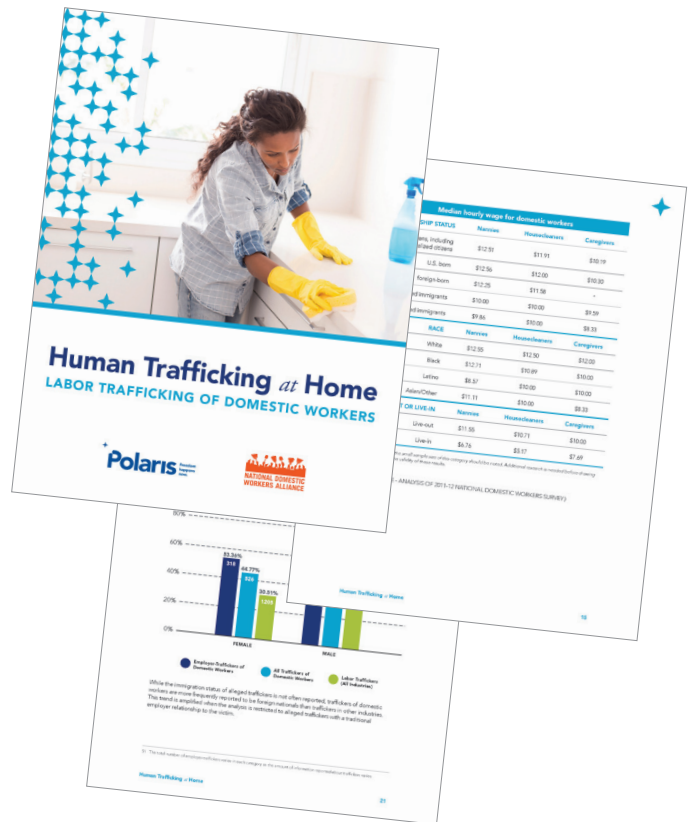
Many victims experienced multiple methods of control. Most victims report that they work an excessive number of hours depriving them of the opportunity to rest or eat. Many are isolated, either confined to the home or workplace, so they are unable to connect or speak with anyone outside the household for support. Without information on the options available to them, a domestic worker in a trafficking situation does not know how to leave the situation.

Many victims report verbal abuse. Also, their important documents, such as passports, paperwork attesting to legal working status, letters of employment, contracts, bank statements, and birth certificates are either withheld or in some cases destroyed.

The International Labor Organization (ILO) developed a list of indicators of forced labor. The presence of one or more of these indicators may be an indication of forced labor. The indicators include vulnerability, deception, restriction of movement, isolation, physical or sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions, and excessive overtime.

Domestic workers who are immigrants may be controlled by employers threatening to report them to immigration. Some employers will fabricate offenses that they assure victims will lead to their deportation. At times, the employers will allow the domestic workers’ visas to lapse. This undocumented status then is used as a control mechanism.

In the United States, most domestic women are immigrant or foreign-born women. While the Equal Pay Act of 1963 makes it illegal to pay different wages based solely on an employee’s sex, women continue to be paid up to 20 cents



less on the dollar than men across the board. In some cases, the victims do not know they will be engaged in domestic work when they take the job. Many victims who are aware of the nature of the work, especially those on A-3, B-1, G-5, and J-1 visas, report the job to be fraudulent because they find their employer does not comply with the work terms agreement.

United States citizens who are domestic workers are more likely to be older adults and come from minority communities. Many have low literacy levels and may face situations of recent economic hardship. These factors may make them vulnerable to exploitation and trafficking. Click [here](#) to learn more.

Employment Benefits

Domestic workers rarely have access to employer-provided benefits that are available to workers in most other industries. Most domestic workers lack health insurance, do not receive paid sick leave or time off to see a doctor. They do not receive retirement benefits or have access to pension benefits or social security.

There is a wide disparity between the median hourly wage of domestic workers and the median hourly wage of other workers.

This gap is especially profound among those who provide live-in services. The wages of domestic workers have been stagnant for decades. Nannies tend to be paid a little higher per hour than do housecleaners or caregivers.

In the United States, the minimum wage varies per state; however domestic workers are excluded from the minimum wage law. The International Labor Union estimates that 21.5 million domestic workers have no minimum wage that applies to them, although they exist for other workers. Among domestic workers who are covered by minimum wage legislation, many are entitled to a rate that is lower than the minimum wage for other workers.

Domestic workers are three times as likely to be living in poverty as other workers. They are also almost three times as likely to be above the poverty line but still without sufficient income to make ends meet.

At times employers offer fair wages upfront, but as time goes on, they increase work hours and responsibilities, at the same wages. An example from the National Human Trafficking Hotline includes a worker being paid an average of \$1.27 per hour when her wages were calculated using her actual work hours.



Lebanon Migrants @amnesty

In Lebanon, the kafala (sponsorship) system has contributed to abuse,

exploitative working conditions, and labor trafficking among domestic workers. As in most nations, many of the domestic workers are immigrant women. A 2019 Amnesty International Report states that private homes in Lebanon have turned into prisons for workers.

Domestic workers are migrants from African and Asian countries including Ethiopia, Bangladesh, Sri Lanka, the Philippines, and Kenya to live and work in private households in Lebanon. All these workers are excluded from the Lebanese Labor Law and are governed instead by the kafala system, which ties the legal residency of the worker to the contractual relationship with the

employer. The worker cannot change their job without the employer's permission. If a domestic worker decides to leave the home of the employer without their consent, the worker risks losing their residency status and will be at risk for detention and deportation.

In October 2020, Lebanon's State Shura Council, the country's top administrative court, suspended the implementation of a new standard unified contract which the Labor Ministry adopted on September 8, 2020, which included new protections for migrant domestic workers, including vital safeguards against forced labor. If enacted, the unified contract would have been an important first step toward abolishing the abusive kafala system.

Click on the links below to learn more.

[Lebanon: Blow to Migrant Domestic Worker Rights](#)

[Lebanese government must end exploitation and shocking abuse of migrant domestic workers](#)

COVID-19

Like other essential workers, domestic workers are bearing the brunt of the COVID-19 pandemic. Domestic workers globally do not have the luxury of being able to telework, social distance, or even take a sick day. Many of their employers stayed at home and many domestic workers then were left without work. Those still employed, caring for the sick and keeping homes clean, may lack the protective equipment they need.

Forced domestic servitude is quite common in Haiti,

whereby forced child servants are called restaveks. Restavek comes from the French “rester avec,” which means “one who stays with.” Haitian parents send their children to work and live with other families in exchange for better care and educational opportunities. These children are often forced to work as enslaved domestic servants.

They also may suffer from beatings and inhumane living conditions and never receive the promised education. Click [here](#) to learn more.

Domestic workers are in great demand among Greek households.

The entry of Greek women into the formal labor market, the lack of adequate welfare policies, and the preference for higher status employment are some of the converging factors behind this demand for external household assistance. The provision of domestic services in Greece has developed primarily as a hidden economy. Migrant women have filled this need for several decades, often under very exploitative circumstances. Human traffickers have also profited from the demand for domestic workers.

Greece is considered one of Europe’s main trafficking centers, however, it is rarely documented in police reports. Trafficking in the domestic services sector is not a police priority. Official police data suggests that over the past 15 years, only one case of human trafficking in domestic work has been formally identified. It involved the trafficking of an African woman to work as a domestic servant in a diplomatic household, where she was subjected to abusive living and working conditions.

Women from Uganda, Sierra Leone, Ghana, South Africa, Ethiopia, Kenya, and the Philippines have been recruited as domestic workers in Greece for at least three decades. Most work in middle- and upper-class family households where they work as live-in domestic workers. Forms of recruitment vary but typically involve private employment agencies based both in the country of origin and destination. Migrant women from Africa typically enter the country irregularly and are instructed to contact a local agent and apply for asylum. A common form of deception concerns promised income.

Filipino nationals most commonly enter the country legally on valid visas. However, the visas are unrelated to the actual work they will perform.

Exploitation can take various forms: undeclared work, in particular among African women, long working hours, low wages or no payment, lack of rest days or holidays, lack of social insurance, as well as verbal abuse and confiscation of travel documents by the employer. When the victim can escape, they often end up being re-trafficked.

Click [here](#) to learn more.



According to the United Nations Economic and Social Commission for Asia and the Pacific, the number of older persons is expected to double by 2050.

Thailand, following Japan and South Korea, is the third most rapidly aging country in Asia. If this trend continues, by 2031, Thailand will join Japan, Hong Kong (China), Korea, and New Zealand, in societies where more than one in five people will be 65 years or older.

The aging of the population, along with an increase of women in the workforce, increases the demand for domestic work. Many aging societies look to migrants to fill the domestic work gap. Domestic work is vital for the functioning of households and society as a whole but is also one of the lowest-paid jobs.

There are approximately 10 million domestic workers in Southeast Asia and the Pacific and domestic workers make up nearly 20 percent of all migrant workers in the ASEAN region. The vast majority of these are women.

The Philippines is the only ASEAN member state that has ratified the International Labor Organization's (ILO's) Convention on Domestic Workers (No. 189). In most ASEAN member states, labor laws do not apply to domestic workers, which leaves workers without the protection provided to other workers such as social security, minimum wage, and regulation of working hours. Exclusion from legal protection also increases the risk of labor exploitation and violence without recourse and access to justice. In 2017, at the 10th ASEAN Forum on Migrant Labor held in Manila, Philippines, the ten ASEAN member states adopted a strong set of recommendations calling for the recognition of domestic workers as workers in ASEAN.

In 2018, the Thai government began to take concrete steps to better protect the rights of domestic workers. Assisted by the International Labor Organization (ILO), Thailand is currently attempting to align its legislative framework with the ILO Convention on Domestic Workers.

With the growing demand for domestic workers, laws and policies in ASEAN need to provide the same protections for domestic workers as they do for all other workers.

Click [here](#) to learn more.

Advocacy



Domestic Workers Convention

Article 1 of the ILO Domestic Workers Convention, 2011 (No. 189), defines domestic work and domestic workers: (a) the term “domestic work” means work performed in or for a household or households; (b) the term “domestic worker” means any person engaged in domestic work within an employment relationship; (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

As a result of international concern for the vulnerabilities of domestic workers and the recognition of the part these workers play in the lives of so many, the International Labor Organization issued the Domestic Workers Convention, which outlines the rights of domestic workers and the responsibilities of their employers in 2011. The Convention includes provisions on organizing for domestic workers, bargaining powers, employment contracts, protections, wages, and benefits. The Convention has been ratified and is currently in force in 29 countries and has been ratified and scheduled for enforcement in 2021 by both Mexico and Namibia. To date, the United States and Canada have not ratified the Convention.



Advocacy

Many Federal labor and employment protections that are denied to domestic workers today date back to a time when yeilding

to racist Southern lawmakers, Black domestic and farmworkers were excluded from landmark federal labor laws.

Domestic workers are excluded from the National Labor Relations Act which was enacted in 1935. This legislation guarantees employees the right to form labor unions, engage in other forms of collective action, and to organize for better working conditions. The Fair Labor Standards Act, enacted in 1938, is the federal law that sets minimum wage and overtime protections. This legislation excluded domestic workers because of Southern senators who were not willing to accord equal protection to a workforce made up largely of black women. This Act has since been amended to include most domestic workers under its protections, and more recently direct care workers. However, live-in workers are still excluded from the overtime protections in the Fair Labor Standards Act.

The Occupational Safety and Health Act does not apply to domestic workers employed for what is commonly considered ordinary domestic tasks. These include cleaning, cooking, or caring for children. Federal anti-discrimination laws, such as the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act, all generally cover only employers with multiple employees, meaning many domestic workers are excluded from these protections. This exclusion is also part of the Family and Medical Leave Act.

According to the National Domestic Workers Alliance, a labor advocacy group, a pivotal step to providing domestic workers with the same protections as other workers in the United States is passing a National Domestic Workers

Bill of Rights. In addition to extending basic wage and hour protections to domestic workers, this legislation would include key provisions establishing fair scheduling. This would include no unexpected shift cancelations or changes without warning or compensation. There must also be transparent employment contracts and access to health care and retirement benefits for domestic workers. As of May 2021, nine states (California, Connecticut, Hawaii, Illinois, Massachusetts, Nevada, New Mexico, New York, and Oregon) and the city of Seattle have passed the Domestic Workers Bills of Rights.

Survivors of trafficking for domestic work have identified the need for policy changes to prevent further human trafficking of domestic workers. The exclusion of domestic workers from coverage under most federal statutes increases the vulnerability of domestic workers and keeps the domestic work industry unregulated. Information regarding workers' rights needs to be available for immigrants to the United States. This information must be culturally and linguistically appropriate. Ideally, community-based organizations could serve as a source of information on human trafficking and rights education and build trust and develop relationships with domestic worker organizers.

Also, worker visa programs need to be amended to allow workers to move if they do not want to work for a specific employer. This will remove one of the most effective methods of control employees have over domestic workers.

President Biden is proposing a massive investment in the nearly 1.4 million home care aides, who often care for the elderly and people with disabilities.

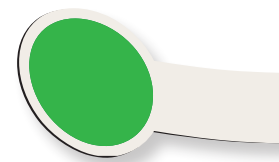
In the United States, domestic workers are not protected even under the most basic labor laws.

As a result, domestic workers are vulnerable to labor exploitation and labor trafficking.

Unfortunately, criminal prosecution of labor trafficking cases is rare both in the United States and globally. More often, cases involving the exploitation and trafficking of domestic workers are brought civilly. Many of these cases result in financial awards to the domestic worker survivor; however, it may be difficult to collect if the employer has diplomatic protections and/or leaves the country. When traffickers are prosecuted through criminal court, victims are more prone to report cases of labor trafficking, which is currently underreported. It can also serve as a deterrent for traffickers. However, when traffickers get away with the crime of labor trafficking it only serves to encourage

employers to continue their practices of exploitation.

In the United States, most labor trafficking cases are associated with domestic workers. Domestic workers who have prosecuted their trafficker were employed by people holding G-1 Diplomatic Visas, resident representatives of foreign governments recognized by the United States to enter the country to work for an international organization and not for personal business or pleasure. These diplomats are easy to identify and the immunity provision formerly made for diplomats has been reformed by precedent cases. However, the rate of criminal prosecution of labor trafficking cases involving diplomats remains poor and sends a signal to traffickers that they will not be held accountable. Click [here](#) to learn more.



What Can Be Done: Aside from ratifying the Domestic Workers Convention (C189), the United States government must take steps to protect the rights of women, migrants, and domestic workers.

The government should work for increased and inclusive protections through the International Labor Organization and help set international standards that support organizing and building the voice of domestic workers.

The government must take steps to ensure that domestic workers with nonimmigrant visas enter the United States with valid and fair employment contracts. The government must also put systems in place so that these workers are apprised of their rights. The government should monitor the conditions of employment and establish avenues for workers to file complaints if there are workplace violations, abuse, or trafficking, and hold employers accountable for abuse, exploitation, and trafficking. Moreover, immigrant workers should be able to assert their labor rights without fear of deportation.

The Departments of Homeland Security, Labor, and State should commit to human rights and equal protection of all workers, including domestic workers, and create cultures within their agencies of engagement and consultation with civil society and workers impacted by trafficking.

Congress needs to pass legislation to promote the rights of workers and to ensure that the United States continues to act consistently with its democratic values and serves as a protection against discriminatory and abusive policies.

Companies and government should enforce the “no fees” initiative. Many workers are charged significant fees for attending recruitment fairs, for visas, or transportation from their home country to the worksite.



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There are visas specifically for domestic help that share characteristics that have led to human trafficking or may encourage trafficking. These include:

A-378/G-579,80--Personal attendants to diplomats (A-3) and employees of international organizations (G-5).

B-182-- B-1 visas are usually issued to foreign nationals coming to the United States for short-term events such as meetings and conferences, business visitors entering the United States, and United States citizens stationed abroad may request B-1 visas for their domestic workers.

H-2B83--Temporary non-agricultural workers may receive H-2B visas. These visas are tied to individual employers.

J-184--Participants of cultural and educational exchange programs who work as Au Pairs. These visas are tied to individual employers.

The most heavily publicized cases of human trafficking of domestic workers involve individuals who came to the United States legally to work in the homes of diplomats and employees of international organizations. While some of

these high-profile cases have been successfully prosecuted, obtaining justice for victims of this kind of trafficking is complicated by the fact that the traffickers are often protected by diplomatic immunity.

Domestic workers who come to the United States on temporary work visas face many of the same vulnerabilities to trafficking as those who come without documentation. Many will arrive with significant debt incurred as a direct result of fees illegally charged by recruiters in exchange for the visas. Language barriers make it difficult for them to seek help from the community outside their primary residence if needed. Language barriers may also factor into their being tricked into signing invalid or exploitative contracts.

The Trafficking Victims Protection Act of 2000 provides for all victims of human trafficking the ability to apply for a “T” visa that can allow them to remain in the United States. Moreover, domestic workers with A-3/G-5 visas may remain in the United States legally while seeking legal justice for their labor trafficking experience.

Temporary work visa programs are supposed to ensure that employers are not trying to hire cheaper, overseas labor at the expense of unemployed American workers. The reality is that there is very little oversight and there are not even reliable figures on how many people are in the United States with these visas. This lack of oversight encourages trafficking and would-be traffickers.

Click [here](#) to learn more.



Action

Restitution for Domestic Worker Trafficking Victims

The Trafficking Victims Protection Act mandates that trafficking convictions should include restitution for wages not received even if the services provided were illegal. However, a 2018 report by the Human Trafficking Legal Center and the law firm WilmerHale¹⁷ found that prosecutors do not always request for restitution, although doing so is mandatory. The report recommends actions including training, raising awareness, advocating new policies, and standardizing procedures if restitution is to be requested, ordered, and collected routinely. It also recommends improving intra-stakeholder collaborations including federal prosecutors, the federal judiciary, financial litigation units, the probation office, the Department of Justice Human Trafficking Prosecution Unit, the Child Exploitation and Obscenity Section (CEOS), and the Department of Justice Money Laundering and Asset Recovery Section (MLARS).

Domestic workers who have been trafficked have another option to recover lost wages by suing their traffickers for civil damages regardless of whether there has been a criminal prosecution. Domestic workers who are trafficking victims have taken the lead on utilizing this provision. Awards to domestic workers can inspire other domestic worker labor trafficking victims to seek justice for themselves. Click [here](#) to learn more.

Beyond Survival Campaign

The National Domestic Workers Alliance (NDWA) launched the Beyond Survival campaign in 2017. The mission of the campaign is to end the human trafficking of domestic workers in the United States. The focus of Beyond Survival is to raise awareness of the experience and vision of trafficked domestic workers. Beyond Survival goes beyond telling stories of abuse and survival. The campaign tells stories of leadership and policy change led by workers themselves.

Major goals of the campaign include developing the leadership of domestic worker survivors to organize to end human trafficking and to win federal policy changes that expand resources and protections for domestic workers and hold traffickers accountable.

The campaign continues to focus on growing capacity of the domestic worker movement. Their aim is to identify trafficked workers and facilitate their access to justice, as well as demonstrate the importance of worker protections, immigrant rights, and racial and gender equity to disrupt the continuum of labor exploitation that ends with human trafficking.

ACLU Petition

The ACLU and the Global Human Rights Clinic joined a coalition of workers' rights organizations calling on the Inter-American Commission on Human Rights to acknowledge and address the U.S. government's failure to protect the rights of domestic workers. These workers are overwhelmingly women of color and/or migrants, and include house cleaners, nannies, caregivers, and others who work out of public view and in their employers' homes.

The petition was filed in March 2021 by the ACLU and the Global Human Rights Clinic at the University of Chicago Law School. It demands immediate action to address these abuses and draws from the expertise of four individual domestic workers as well as workers' rights organizations including National Domestic Workers Alliance, Adhikaar, Damayan Migrant Workers, Centro de Los Derechos del Migrante, Human Trafficking Legal Center, Fe y Justicia, and Pilipino Workers Center. Please click [here](#) to view the petition.

FREEDOMUNITED Learn Act Give

Help end domestic slavery

There are some 67.1 million domestic workers around the world.

Nannies, house cleaners, & caretakers who make their employers' work possible.

Call on your country to ratify C189 to help end domestic slavery

88,022

Read the Full Petition Text

First Name Last Name

Email Address

City (optional)

United States

I would like Freedom United to update me on this campaign and send me anti-slavery updates by email.

ACT NOW

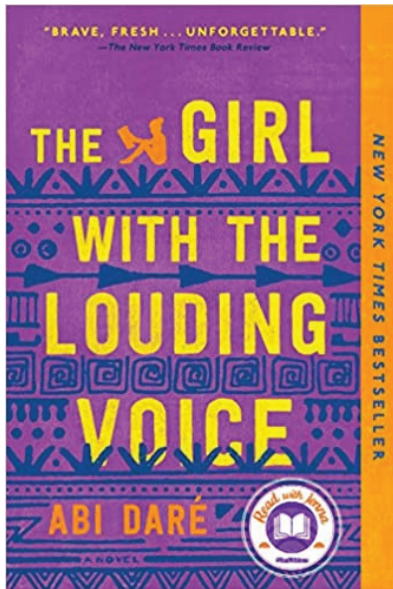
Overview Updates Embed

People leave their homes every day to find jobs as domestic workers in the cities of our countries. Women make up by far most of those working in private homes, but what's shocking is that a quarter of domestic workers are children, and the majority are aged under 14, with some starting work at just five years old.

Take Action

Freedom United is currently campaigning for more countries to ratify the International Labor Organization's Domestic Workers Convention (C189), a key piece of international legislation that requires governments to do more to protect against domestic servitude.

Please click [here](#) to add your name to protect domestic workers from human trafficking.

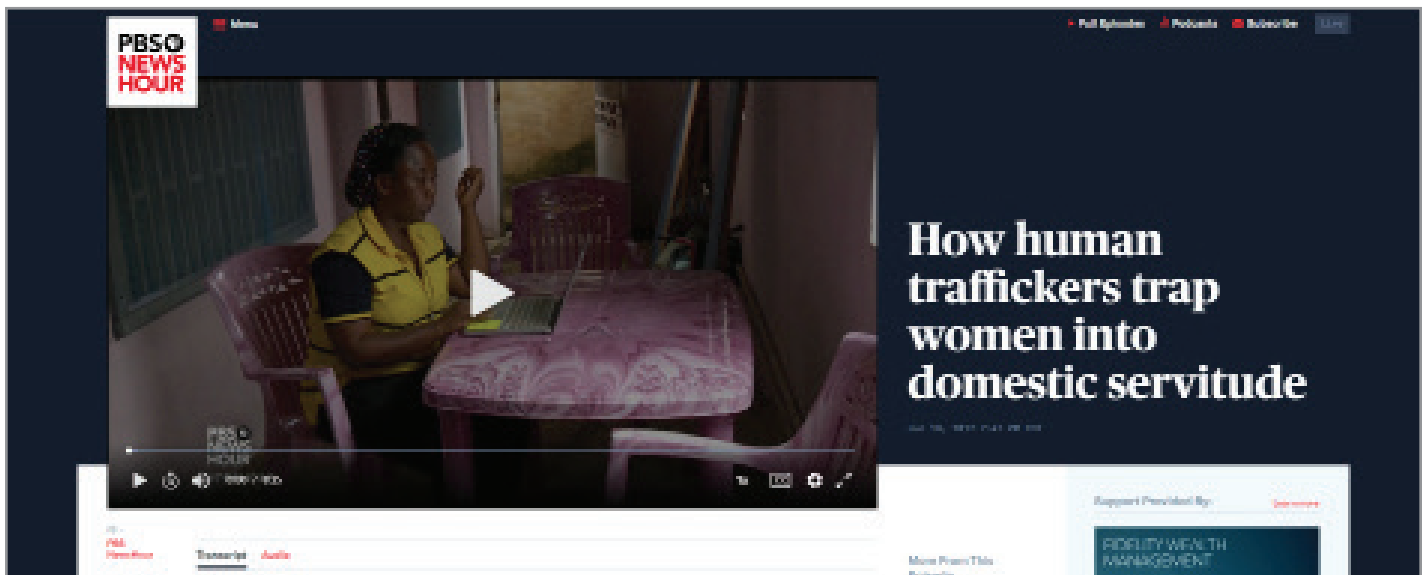


The Girl with the Louding Voice

The International Labor Organization (ILO) estimates that there are as many as 15 million workers under the age of 14 in Nigeria, many of whom are “house girls”: domestic servants whose labor is often forced and underpaid. Their plight is the topic of Abi Daré’s debut novel *The Girl with the Louding Voice*, which has won awards and attracted praise from activists.

Daré argues this practice is a longstanding part of the country’s patriarchal culture, making it difficult to challenge. According to Daré, nearly all of her neighbors in Nigeria employed domestic servants, some as young as eight. House girls have been known to suffer routine physical and sexual abuse, but few are willing to speak up about their suffering and unexplained deaths and disappearances are common.

Daré, who lives in the United Kingdom but was born and raised in Nigeria, was inspired to write the novel to bring her native country’s “forgotten girls” to international attention and give them the voice they are rarely given in reality.



PODCAST: How human traffickers trap women into domestic servitude

More than three million women are forced into servitude as domestic workers every year. Special correspondent Fred de Sam Lazaro reports on ways some advocates are working to protect workers, as well as women in low-income countries who may be vulnerable to human traffickers.

Click [here](#) to learn more.



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