

HomeNet South Asia Trust - Reg. Office

C/o KROSS BORDER TRUST SERVICES LTD

Sr. Louis Business Center, Cnr. Desroches & ST. Louis, Mauritius

Tel: +230 203 6600, +230 203 1100, Fax: +230 203 6650

Email: fiduciary@krossborder.intnet.mu

HomeNet South Asia Trust - Liaison Office

318, 3rd Floor, Abhishree Complex, Opp. Star Bazaar, Satellite,
Ahmedabad-380015, Gujarat, India

Tel: +91 79 26929473 / 26929873

Fax: +91 79 26929874

Email: homenetsouthasia@gmail.com

Association of Homebased Workers in South Asia (AHSA)

318, 3rd Floor, Abhishree Complex, Opp. Star Bazaar, Satellite,
Ahmedabad-380015, Gujarat, India

Tel: +91 79 26929473 / 26929873

Fax: +91 79 26929874

Email: associationhomebasedworkers.sa@gmail.com

FaceBook: <https://www.facebook.com/homenetsouthasia.trust>

Twitter: https://twitter.com/hnsa_2016



THE
WHAT?
WHY? AND
HOW?

OF ILO CONVENTION 177
ON HOMEWORK 1996 AND
WHY IT SHOULD BE RATIFIED?



SECTION I: About Home-based Workers/Homeworkers

1. Convention 177 relates to Home Workers and Home Work – who are they?
2. What are the general characteristics of homebased workers and their work?
3. What are some of the kinds of work that homebased workers including homeworkers do?
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REFERENCES

- ANNEX 1 : Convention 177 - Home Work Convention 1996
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DEVELOPED BY : Firoza Mehrotra

INPUTS FROM : Christine (Chris) Bonner, Shalini Sinha and Sapna Joshi

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SECTION I:

**ABOUT HOMEBASED
WORKERS/HOMEWORKERS**



01

Convention 177 relates to Homeworkers and Home Work –who are they?

“**Homeworkers** are part of a broader category of workers called **homebased workers**. It is the location or place of work that characterizes homebased workers.”

There are two main types of homebased workers.

(i) sub-contracted or piece rate workers and contributing family members also referred to as **homeworkers**, engaged in the production of goods and services for the market in their homes or in nearby areas. They could be contracted by a firm, an individual entrepreneur, traders, subcontractors or other intermediaries and are usually given the raw materials and are paid a stated amount per piece produced. These workers do not have any direct contact with the markets for the goods they produce. Convention 177 addresses the needs and concerns of this category of workers, ie. homeworkers.

(ii) 'Own account workers' who are self-employed and buy their own raw materials and are generally in direct contact with the market. Very often there is confusion between own account workers, homeworkers, domestic workers and employees. Different characteristics of these workers are given below.

Characteristics	Kinds of Workers			
	Homebased Workers		Domestic Workers (they are also employees)	Employees
	Self-Employed or own account workers	Home Workers or piece-rate workers		
Place of work	Own Home (<i>but sometimes they could work together in a common space</i>)	Own Home (<i>but sometimes they could work together in a common space</i>)	Homes of employers	Work place of employer (factory, workshop etc)
Earnings	From sale of goods and services by the worker	For work done – usually on piece rate basis	For work done – on daily, weekly or monthly rate basis	For work done – on daily, weekly or monthly rate basis
Means of production	Self acquired	Provided by contractor / employer	Not required Tools of work are provided by employer	Provided by employer
Kind of Contract	No contract as self employed	Usually unwritten / informal contract with contractor/ middleman or work orders	Formal or Unwritten / informal contract with employer	Written or unwritten employment contract
Supervision	No supervision as self regulated	Indirect supervision by contractor or no supervision	Direct supervision by employer	Direct supervision by employer

02

What are the characteristics of homebased workers and their work?

General characteristics

- Homebased work is a global phenomenon, found in countries rich and poor, and exists in all sectors of employment, including manufacturing and services.
- Homebased workers contribute significantly to the global and national economies and are linked to the formal economy through value chains, supply chains and local markets.
- They are not generally incorporated into national and global data collection systems or into development agendas and programmes and, thus, they, their work and their contribution remains invisible and unrecognized.
- Homebased work is an important source of employment, especially for economically and socially disadvantaged women.
- A majority of homebased workers are isolated, marginalised, discriminated against, voiceless and denied their rights as workers.
- The majority of homebased workers are women. Many homebased workers are migrants who are particularly vulnerable.
- They have limited access to social security, skills development opportunities, credit and markets.
- Their work is always undervalued and they receive poor remuneration for their work.
- Homebased workers are often victims of irregular or cancelled work orders and wages, an unreliable supply of raw materials, delayed payments and unfairly rejected goods.
- For home-based workers, their homes are also their workplaces. But they are often of poor quality, lack basic infrastructure services (such as water, sanitation, drainage, electricity).
- Though they work from home, they are not homebound as they have to travel to buy supplies and sell or deliver goods, and therefore incur expenses due to lack of affordable public transport services.
- Since the majority of homebased workers are women, they also have other domestic responsibilities of child and elderly care, cooking, washing, cleaning, collecting of fuel and water etc.



Characteristics of different types of homebased workers

Moreover, each category of homebased workers has specific challenges that need different types of services and policy support:

(1) The sub-contracted homeworkers are more vulnerable to harassment and exploitation by suppliers and contractors/employers and often lack skills to bargain for and negotiate regular work orders, higher piece rates, and regular payments for work done without unfair and arbitrary cuts in wages.

(2) The self-employed or own account workers face specific challenges in accessing credit and marketing their products as they lack market intelligence, capacities to do costing of products and compete in product markets and also need to procure their own raw materials.

03

What kinds of work do homebased workers, Including homeworkers, do?

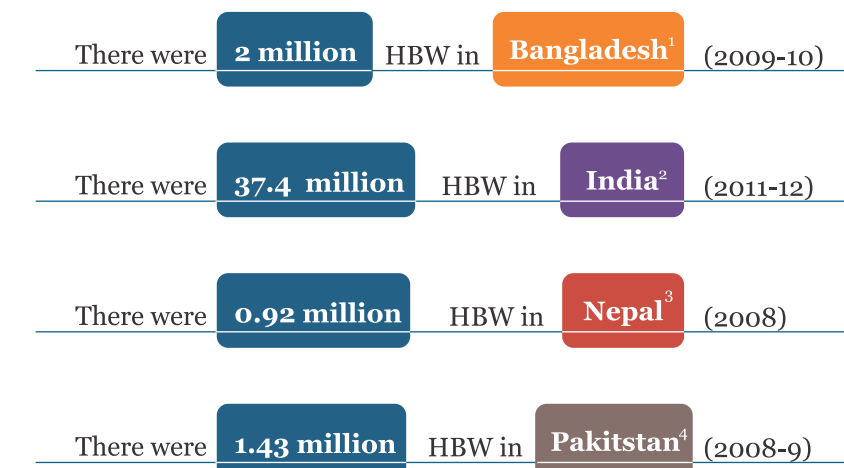
- Home-based work is diverse and is found across industrial sectors, ranging from traditional embroidery and weaving to electronic and tele-work. Homebased workers may work in the new economy (assembling micro-electronics) or the old (weaving, carpet making).
- They are involved in a variety of work like.....

basket / mat weaving spinning and weaving tailoring
 bangle making embroidery embellishment of garments
 shoe making beedi (small cigarettes) rolling traditional painting
 iron chain making packaging of products
 incense sticks rolling making of chemical cleaning agents and soap
 candle making electronic assembly football stitching
 food processing production of handicrafts jewelry making

04

How many homebased workers are there?

It is estimated that there are about **100 million homebased workers globally**, of which about 50 million live in South Asia.



05

Why do homebased workers matter?

- Homebased workers contribute not only to their family's finances but also contribute to the community's and country's economy, including the export earnings of their countries.
- With jobless growth in the formal economy witnessed in many developing countries, and with the growing informality of the economy, a vast majority of women workers are in the informal economy and their numbers are continuously growing.
- Homebased workers are the most invisible, marginalized and isolated of all informal workers. They are also exploited and have no security of work or social security. Even basic labour laws do not cover them or if they do the laws are not enforced.
- No strategy for reducing poverty can succeed without addressing the concerns of homebased workers.
- Most homebased products such as handicrafts and textiles have significant employment and export potential.
- Homeworkers work at the bottom of the supply chains of production and most often do not know who they are working for, and so do not know the market value of their work or who to negotiate with regarding their remuneration or other conditions of work.

¹Labour Force Survey Bangladesh 2005-06.
²National Sample Survey Organisation, India 2001-12.
³Labour Force Survey, Nepal, 2008.
⁴Labour Force Survey Pakistan, 2008-2009.

SECTION 2:

**ABOUT INTERNATIONAL LABOUR
ORGANISATION (ILO)**

06

What is the International Labour Organisation (ILO)?

The International Labour Organisation, **founded in 1919**, is a specialized and unique international agency of the United Nations, being governed and managed through a tri-partite structure:

composed of representatives of governments,

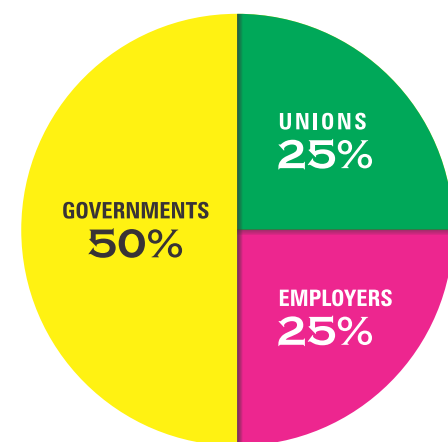
employers' federations, and

workers (represented by trade unions).

Headquartered in Geneva, it is the only worldwide tripartite organisation in which workers' and employers' organisations are represented on equal terms with governments. As of August 2015, ILO had a membership of 186 member countries.

'The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity' Juan Somavia, former ILO Director-General.

ILO's primary task is to set labour standards and to promote 'decent work' so as to improve the livelihoods of working people everywhere. This is done primarily through the International Labour Conference (ILC), which is held once a year in Geneva.



(For more details see www.ilo.org)

07

What are ILO Conventions? And Recommendations?

These are international labour standards debated, negotiated and adopted at the International Labour Conference (ILC). As of August 2015, ILO has adopted 189 conventions and 204 recommendations. A two-thirds majority is required for a Convention to be adopted at the ILC.

Conventions are binding legal instruments if ratified by the member states. However, countries have the sovereign right to ratify or not to ratify these Conventions. Once a member state ratifies a Convention it commits itself to abide by it, and to translate the convention into a national law/s, The member state also needs to report back regularly, to ILO explaining how the law/s are being implemented. ILO provides technical assistance for the process.

An ILO recommendation, in contrast, is not a legally enforceable instrument but provides practical guidance to ILO member states. For workers, it is a powerful tool that can be used for advocacy and bargaining.

SECTION 3:

**ABOUT THE HOME WORK
CONVENTION (C177)**



08

How was the Home Work Convention achieved?

In 1996 the ILC adopted the Home Work Convention. This was a result of a long struggle led by the Self Employed Women's Association (SEWA) of India.

SEWA, formed in 1972 in Ahmedabad, India was a pioneer informal workers union, which organized informal women workers including many homebased workers.

The United Nations declared the decade 1975-85 the UN Decade for Women. SEWA realised that ensuring informal women workers' rights required combining the women's movement with the labour movement. Homebased workers lacked basic labour rights, being excluded from labour legislation. SEWA understood that action would be required at multiple levels for homebased workers to receive recognition and rights, including internationally through the ILO. It connected with existing homebased worker organizations around the world: in Australia, Brazil, England, Italy and Spain, and in 1993 HomeNet International was formed to mobilize for an ILO convention for homebased workers. It managed to gain the support of women trade unionists for this endeavor.

The workers' group in the ILO lobbied to place an international standard for homeworkers on the agenda. The employers' group and some governments had been against it, but finally agreed, and it was put on the agenda for the ILC in 1995 and 1996. However, in 1995 it became quite clear that negotiations were controversial and the outcome in 1996 would be uncertain.

Between 1995 and 1996 active lobbying took place - workshops were organised in Delhi, Ahmedabad and Bangkok, and many separate meetings were held with policy makers. Guidelines were circulated indicating the important points around which the workers' group should negotiate.

These efforts bore fruit. A coalition was created in 1996, including the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), the International Textile, Garment and Leather Workers' Federation (ITGLWF), FederatieNederlandseVakbeweging (FNV), the largest Dutch national trade union centre), SEWA, and the growing network of home-based workers' organisations and supporting NGOs, with the support of the Secretary to the ILO Workers' Group.

09

What were the positions taken by the three groups (employers, workers and government) during the negotiations?

The Employers' group at the ILC was quite negative and later even walked out of the negotiations. They claimed that the definition of homeworkers and of intermediaries was not clear (intermediaries are defined as employers in the Convention and are hence responsible to fulfill obligations that derive from this status with regard to ensuring labour laws). The Convention, the employers also claimed, would create a superfluous bureaucracy and would be damaging to entrepreneurs and therefore prevent job creation.

In 1996, it was for "... the first time in the history of the Organisation [the ILO] that a group [the employers' group] had decided not to participate in the drafting text of an instrument which, by unanimous agreement of the groups, had been placed on the agenda of the conference." (M. Hansenne, the then Director of the ILO).

However, even today though there is still considerable resistance from the employers group, to the ratification of C177, they are now showing signs of being a bit more responsive and open to discussions.

The workers' group argued that the Convention is flexible and would not require any additional monitoring bodies. It was also pointed out that "job creation" often involves child labour and unprotected labour. Only international standards (like C177) will help to create jobs that mean income and social security for the workers and higher productivity for the economy.

The Worker's Group further argued that, reputable employers, in their own interests, can have nothing against minimum standards. On the contrary, it is in the interest of the employers to have minimum standards as that will ensure a level playing field. For example, they said, it would be very difficult for a good employer to compete against an employer who uses child labour. It is up to governments to ensure that inhuman working practices, such as forced labour, child labour or socially unprotected employment, do not serve as a competitive advantage.

Many **governments** supported the workers' group. The Government of India representative, Mr. LaxmiDhar Mishra, agreed:

“ *It (the Convention) would help to bring them (the home workers) into the mainstream of the labour market. (...) If the poverty of the home worker is alleviated and the position of women is improved along with their wages, home workers would have the means to send their children to school and should no longer need to be assisted by their children in order to earn a living. (...) Improvement in the conditions of work leads to improvement in productivity and overall performance. By setting a floor for basic standards, the Convention would protect reputable employers from the destructive competition of home work which does not meet those standards. Better wages would improve purchasing power, which in turn will help in expanding markets, stimulating investment and increasing employment.* ”

10

What was the outcome of the 83rd session of the ILC, on the 20th June 1996, debating C177 on Home Work?

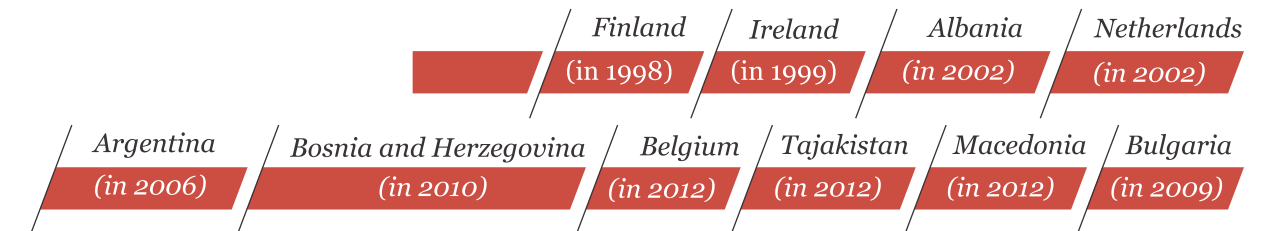
Despite the very divergent views of the participants, the Home Work Convention (C177) was adopted on 20th June 1996, at the 83rd session of the ILC. The votes cast on the Convention were 246 in favour; 14 against; and 152 abstentions. Most of the employers' delegates abstained. While no doubt the adoption of the Convention 177 by the ILC was a historic event; it is not binding on the member states until they ratify it.



11

How many member states have ratified C177?

As of December 2015, only ten member states have ratified C177. Unfortunately, none of the South Asian or South East Asian countries have ratified C177 as yet.



12

What are the salient features of C177 on Home Work?

- The full text of the Convention is at Annex 1. Some salient features are:
- The Convention applies to all persons doing work from home for remuneration and is not confined to any sector or region.
- Each country that ratifies C177 will have to formulate, adopt and implement a National Policy on Home Work, aimed at improving the condition of home workers, in a consultative manner.
- The National Policy on Home Work shall promote equality of treatment between home workers and other workers.
- Equality of treatment shall be promoted, in particular, in relation to:
 - a. The home workers right to establish or join organisations of their choice and participate in their activities;
 - b. Protection against discrimination in employment and occupation;
 - c. Protection in the field of occupational safety and health;
 - d. With regard to remuneration;
 - e. Statutory social security protection;
 - f. Access to training;
 - g. Minimum age for admission to employment or work; and
 - h. Maternity protection.
- The National Policy shall be implemented through laws, regulations, collective agreements, arbitration awards or other national practices.
- Labour statistics should include home work.
- A system of inspection and regular reporting is mandatory.
- Adequate remedies, including penalties in case of violations, shall be provided for and effectively applied.

SECTION 4:

WHY C177 NEEDS TO BE RATIFIED

13

Why should a member state (country) ratify C177? What is in it for Governments, homeworkers and employers?

(a) Seven good reasons why C177 should be ratified by governments are:

- 1) ILO Convention C177 is a **global norm setting** law and provides global yardsticks, helping countries to be in tune with global norms of decent work for all and core labour standards.
- 2) For countries that profess **equality**, C177 provides a blue print for equality of treatment between home workers and other workers.
- 3) Homeworkers who are the most marginalized and exploited of all workers are at the bottom of value chains and any **welfare state** needs to address their concerns.
- 4) As homework is an important part of the growing **informal economy** world wide, ratification of C177 will mean that it will be **regulated** and workers ensured of basic remuneration and social security.
- 5) Since homeworkers are from poor communities, particularly in South Asia, ratifying C177 and improving the living and working conditions of homeworkers will greatly strengthen the fight against **poverty**.
- 6) By ratifying C177, countries will demonstrate **solidarity** with an important group of informal workers and that they are supportive of informal workers, especially the most marginalized **women workers**.
- 7) By ratifying C177, the member state will be able to show **solidarity with United Nations** and other agencies in achieving the Sustainable Development Goals and will act as a global declaration of its commitment to justice and gender equality.

(b) For home workers and their organizations ratification of C177 is important because:

- 1) It means recognition as workers and contributors to national economies.
- 2) It will lay the foundation for a comprehensive National Policy on Home-workers, which will improve the lives and livelihoods of home-workers.
- 3) It will ensure minimum labour standards and minimum

standards of occupational safety and health as well as social protection, thereby promoting equality of treatment between homeworkers and other workers.

- 4) It will help them to know who they are actually working for, where they are located in the value chain of production and thus where they can voice their concerns and demands.
- 5) The National Policy formulated as a consequence of ratification of C177, will provide them with training and skill upgradation and a tool for advocacy and negotiations.
- 6) It will reduce gender inequalities as most home workers are women and once given their due, they will be better respected and appreciated in the family and the community.
- 7) In view of the global nature of supply chains, ratification of C177 will help improve global ethics so that the developed nations do not take advantage of cheap labour from the developing world.
- 8) By addressing the concerns of homeworkers through C177, the conditions of other homebased workers (including self employed/own account workers) will also be highlighted and protection extended to them

Employers also gain by:

- 1) Being able to demonstrate that they are supporting an 'ethical and fair labour arrangement.'
- 2) By being able to show solidarity with United Nations and other global players in achieving the Sustainable Development Goals and will be a declaration of their commitment to justice and gender equality.
- 3) Once the National Policy on Home Workers is put in place and implemented, as a result of ratification of C177, it will lead to better skilled and protected homeworkers in the value chain, which will in turn lead to higher productivity.
- 4) Since C177 will mandate the implementation of minimum labour standards and protection for homeworkers globally, competition will be reduced.
- 5) Once C177 is ratified and implemented, employers will be able to demonstrate their sense of justice in treating regular workers and homeworkers equally.
- 6) They will also be able to demonstrate their gender sensitivity as most home workers are women.
- 7) Once poverty is reduced due to proper implementation of C177, it will create a more conducive safer and healthier environment for business.

SECTION 5:

**STAKEHOLDERS AND STRATEGIES
FOR RATIFICATION**

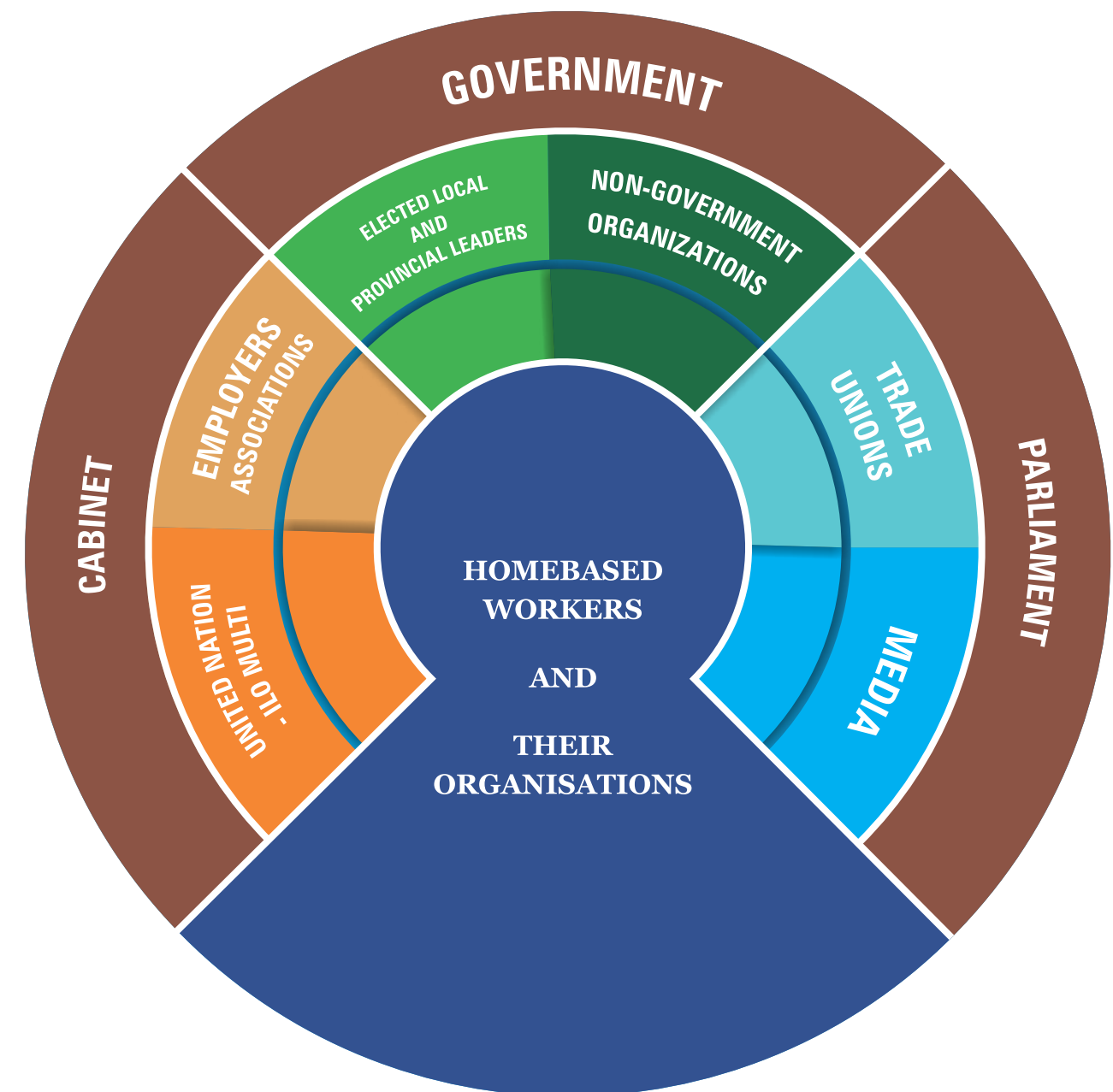


14

Who are the various stakeholders involved in the process of ratification?

- i. Home-worker's organisations play a crucial role in raising awareness, advocating, lobbying and negotiating. After all it is their issue!
- ii. Government is another pivotal stakeholder. Though the specific ministries and departments will differ from one member state to the other; by and large, it would be the ministries/departments of labour, women's affairs, finance, statistics and planning. Government departments are key because they have to set the stage for ratification and steer the process.
- iii. Parliaments of member states—both ruling party members of parliament (M.P.s) as well as the opposition M.P.s. They have to be convinced of the need to ratify and eventually support the ratification, when put to vote in the Parliament. Support of M.P.s who are part of the cabinet of ministers will also be required as before the matter goes to Parliament, it will most likely have to be cleared by the cabinet of ministers led by the prime minister.
- iv. Trade unions—without their support and cooperation, ratification may not be possible. They play a very key role.
- v. Employers associations and federations who must be brought on board and convinced that C177 will benefit them as well.
- vi. United Nations agencies, especially ILO and other international and bi-lateral organisations concerned about informal workers, especially home workers.
- vii. Non-governmental organisations, researchers and activists to raise awareness, create evidence, lobby and participate in evidence-based advocacy.
- viii. The media—print, audio-visual, digital as well as social media to raise awareness and consciousness of the issues.

STAKEHOLDERS INVOLVED IN THE PROCESS OF RATIFICATION



15

What are some of the strategies and activities that can be used in a campaign for ratification of C177?

Strategies and activities will differ from country to country, depending on the awareness of homebased workers, responsiveness of the stakeholders especially the government and the strength and advocacy skills of the homebased workers and other supporters. However, some generic strategies could be:

- i. Strengthening membership-based organizations of home-based workers where HBWs will represent and speak for themselves.
- ii. Building awareness and evidence based advocacy capacities of home-based worker's leaders and their organisations around C177.
- iii. Identifying the ministry/department and the official who will be the contact person and work intensely with them.
- iv. Understanding the steps and players involved in the government process of ratifying an ILO convention. The process will differ from country to country.
- v. Identifying and building partnerships with national trade unions who would be willing to take up the cause of HBWs and work with them.
- vi. Building international and national alliances with like-minded organizations such as trade unions, labour policy groups and researchers, labour organizations, women's organizations, human rights groups, groups working to reduce poverty etc to build a movement and seek their support.
- vii. Identifying sympathisers within the government (both in the political and administrative spheres) and trying to work with and through them.
- viii. Collecting and distributing the required evidence / statistics to show why home-based workers, especially homeworkers matter – eg. Number and location of HBWs, average earnings, poverty levels of HBWs, conditions of work, social security, supply chains and the location of homeworkers within them, their contribution to the family, community and country's economy etc.

- ix. Developing and distributing knowledge products/publicity materials based on (vi) above, with a view to build awareness of all stakeholders.
- x. Raising awareness about HBWs and sensitizing all stakeholders to their issues and reasons for ratifying C177 (Given in response to Questions 14 and 15)
- xi. Engaging with governments along with other stakeholders to advocate and lobby for C177, through consultations and negotiations, workshops, round tables, exposure visits, rallies etc. This should be a long term and constant process.
- xii. Identifying departments and persons in ILO and /or UN Women who can become your allies and engage with them.
- xiii. Developing and running media campaigns in support of our cause.
- xiv. Once C177 is ratified by Government, advocating for its implementation through a comprehensive National Policy for HBWs.

⁵Homebased workers being the larger category includes home-workers and they can be excellent advocates in their own cause. This term has been used extensively in this section for this reason.

REFERENCES

- ✓ **Dan Gallin, Global Labour Institute,**
The ILO Home Work Convention - Ten Years Later

- ✓ **Global Labour Institute for HomeNet South Asia,** Promoting the
ILO Home Work Convention, and Rights of Homeworkers - A Manual
for Workers' Educators & Facilitators, March 2012

- ✓ **Global Labour Institute for HomeNet South Asia,** Eleven Good
Reasons for Ratifying the ILO Home-Work Convention (C177)

- ✓ **HomeNet South Asia,** Ratifying the ILO Home Work Convention,
C-177, Bangladesh,

- ✓ **HomeNet South Asia,** Ratifying the ILO Home Work Convention,
C-177, Nepal

- ✓ **HomeNet South Asia,** Ratifying the ILO Home Work Convention,
C-177, Pakistan

- ✓ **International Labour Organisation** web-site, www.ilo.org

ANNEX 1

C 177 HOME WORK CONVENTION, 1996

Convention concerning HomeWork

(Note:Date of coming into force:22:04:2000)

Convention : C177

Place : Geneva

Session of the Conference : 83rd ILC session

Date of adoption : 20:06:1996

Status : Up-to-date instrument
(Technical Convention)

“ The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-third Session on 4 June 1996, and Recalling that many international labour Conventions and Recommendations laying down standards of general application concerning working conditions are applicable to homeworkers, and Noting that the particular conditions characterizing home work make it desirable to improve the application of those Conventions and Recommendations to homeworkers, and to supplement them by standards which take into account the special characteristics of home work, and Having decided upon the adoption of certain proposals with regard to home work, which is the fourth item on the agenda of the session, and Having determined that these proposals shall take the form of an international Convention; adopts, this twentieth day of June of the year one thousand nine hundred and ninety-six, the following Convention, which may be cited as the Home Work Convention, 1996: ”

Article 1 For the purposes of this Convention:

- (a) the term home work means work carried out by a person, to be referred to as a homemaker,
 - (i) in his or her home or in other premises of his or her choice, other than the workplace of the employer;
 - (ii) for remuneration;
 - (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used, unless this person has the degree of autonomy and of economic independence necessary to be considered an independent worker under national laws, regulations or court decisions;
- (b) persons with employee status do not become homeworkers within the meaning of this Convention simply by occasionally performing their work as employees at home, rather than at their usual workplaces;
- (c) the term employer means a person, natural or legal, who, either directly or through an intermediary, whether or not intermediaries are provided for in national legislation, gives out home work in pursuance of his or her business activity.

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

Article 3 Each Member which has ratified this Convention shall adopt, implement and periodically review a national policy on home work aimed at improving the situation of homeworkers, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations concerned with homeworkers and those of employers of homeworkers.

Article 4 The national policy on home work shall promote, as far as possible, equality of treatment between homeworkers and other wage earners, taking into account the special characteristics of home work and, where appropriate, conditions applicable to the same or a similar type of work carried out in an enterprise.

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

- (a) the homeworkers' right to establish or join organizations of their own choosing and to participate in the activities of such organizations;
- (b) protection against discrimination in employment and occupation;

- (c) protection in the field of occupational safety and health;
- (d) remuneration;
- (e) statutory social security protection;
- (f) access to training;
- (g) minimum age for admission to employment or work; and
- (h) maternity protection.

Article 5 The national policy on home work shall be implemented by means of laws and regulations, collective agreements, arbitration awards or in any other appropriate manner consistent with national practice.

Article 6 Appropriate measures shall be taken so that labour statistics include, to the extent possible, home work.

Article 7 National laws and regulations on safety and health at work shall apply to home work, taking account of its special characteristics, and shall establish conditions under which certain types of work and the use of certain substances may be prohibited in home work for reasons of safety and health.

Article 8 Where the use of intermediaries in home work is permitted, the respective responsibilities of employers and intermediaries shall be determined by laws and regulations or by court decisions, in accordance with national practice.

- Article 9**
1. A system of inspection consistent with national law and practice shall ensure compliance with the laws and regulations applicable to home work.
 2. Adequate remedies, including penalties where appropriate, in case of violation of these laws and regulations shall be provided for and effectively applied.

Article 10 This Convention does not affect more favourable provisions applicable to homeworkers under other international labour Conventions.

Article 11 The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

- Article 12**
1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
 2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

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

- Article 13**
1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
 2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

- Article 14**
1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated by the Members of the Organization.
 2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 15 The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 16 At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

- Article 17**
1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides -
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;

- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18 The English and French versions of the text of this Convention are equally authoritative.

ANNEX 2

R184 - Home Work Recommendation, 1996

Recommendation concerning Home Work

Convention	:	R184
Place	:	Geneva
Session of the Conference	:	83rd ILC session
Date of adoption	:	20:06:1996
Status	:	Up-to-date instrument (Technical Convention)

“ The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-third Session on 4 June 1996, and Recalling that many international labour Conventions and Recommendations laying down standards of general application concerning working conditions are applicable to homeworkers, and Noting that the particular conditions characterizing home work make it desirable to improve the application of those Conventions and Recommendations to homeworkers, and to supplement them by standards which take into account the special characteristics of home work, and Having decided upon the adoption of certain proposals with regard to home work, which is the fourth item on the agenda of the session, and Having determined that these proposals shall take the form of a Recommendation supplementing the Home Work Convention, 1996; adopts, this twentieth day of June of the year one thousand nine hundred and ninety-six, the following Recommendation, which may be cited as the Home Work Recommendation, 1996: ”

01

DEFINITIONS AND SCOPE OF APPLICATION

1. For the purposes of this Convention:
 - (a) the term home work means work carried out by a person, to be referred to as a homeworker,
 - (i) in his or her home or in other premises of his or her choice, other than the workplace of the employer;
 - (ii) for remuneration;
 - (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used, unless this person has the degree of autonomy and of economic independence necessary to be considered an independent worker under national laws, regulations or court decisions;
 - (b) persons with employee status do not become homeworkers within the meaning of this Convention simply by occasionally performing their work as employees at home, rather than at their usual workplaces;
 - (c) the term employer means a person, natural or legal, who, either directly or through an intermediary, whether or not intermediaries are provided for in national legislation, gives out home work in pursuance of his or her business activity.
2. This Recommendation applies to all persons carrying out home work within the meaning of Paragraph 1.

02

GENERAL PROVISIONS

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

2. As far as possible, use should be made of tripartite bodies or organizations of employers and workers in the formulation and implementation of this national policy.
3. In the absence of organizations concerned with homeworkers or organizations of employers of homeworkers, the authority or authorities referred to in subparagraph (1) should make suitable arrangements to permit these workers and employers to express their opinions on this national policy and on the measures adopted to implement it.
4. Detailed information, including data classified according to sex, on the extent and characteristics of home work should be compiled and kept up to date to serve as a basis for the national policy on home work and for the measures adopted to implement it. This information should be published and made publicly available.
5.
 1. A homeworker should be kept informed of his or her specific conditions of employment in writing or in any other appropriate manner consistent with national law and practice.
 2. This information should include, in particular:
 - (a) the name and address of the employer and the intermediary, if any;
 - (b) the scale or rate of remuneration and the methods of calculation; and
 - (c) the type of work to be performed.

03

SUPERVISION OF HOME WORK

6. The competent authority at the national level and, where appropriate, at the regional, sectoral or local levels, should provide for registration of employers of homeworkers and of any intermediaries used by such employers. For this purpose, such authority should specify the information employers should submit or keep at the authority's disposal.
7.
 1. Employers should be required to notify the competent authority when they give out home work for the first time.
 2. Employers should keep a register of all homeworkers, classified according to sex, to whom they give work.
 3. Employers should also keep a record of work assigned to a homeworker which shows:

- (a) the time allocated;
 - (b) the rate of remuneration;
 - (c) costs incurred, if any, by the homeworker and the amount reimbursed in respect of them;
 - (d) any deductions made in accordance with national laws and regulations; and
 - (e) the gross remuneration due and the net remuneration paid, together with the date of payment.
4. A copy of the record referred to in subparagraph (3) should be provided to the homeworker.
8. In so far as it is compatible with national law and practice concerning respect for privacy, labour inspectors or other officials entrusted with enforcing provisions applicable to home work should be allowed to enter the parts of the home or other private premises in which the work is carried out.
9. In cases of serious or repeated violations of the laws and regulations applicable to home work, appropriate measures should be taken, including the possible prohibition of giving out home work, in accordance with national law and practice.

04

MINIMUM AGE

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

05

THE RIGHTS TO ORGANIZE AND TO BARGAIN COLLECTIVELY

11. Legislative or administrative restrictions or other obstacles to:
 - (a) the exercise of the right of homeworkers to establish their own organizations or to join the workers' organizations of their choice and to participate in the activities of such organizations; and
 - (b) the exercise of the right of organizations of homeworkers to join trade union federations or confederations, should be identified and eliminated.

06

REMUNERATION

12. Measures should be taken to encourage collective bargaining as a means of determining the terms and conditions of work of homeworkers.
13. Minimum rates of wages should be fixed for home work, in accordance with national law and practice.
14.
 1. Rates of remuneration of homeworkers should be fixed preferably by collective bargaining, or in its absence, by:
 - (a) decisions of the competent authority, after consulting the most representative organizations of employers and of workers as well as organizations concerned with homeworkers and those of employers of homeworkers, or where the latter organizations do not exist, representatives of homeworkers and of employers of homeworkers; or
 - (b) other appropriate wage-fixing machinery at the national, sectoral or local levels.
 2. Where rates of remuneration are not fixed by one of the means in subparagraph (1) above, they should be fixed by agreement between the homeworker and the employer.
15. For specified work paid by the piece, the rate of remuneration of a homeworker should be comparable to that received by a worker in the enterprise of the employer, or if there is no such worker, in another enterprise in the branch of activity and region concerned.
16. Homeworkers should receive compensation for:
 - (a) costs incurred in connection with their work, such as those relating to the use of energy and water, communications and maintenance of machinery and equipment; and
 - (b) time spent in maintaining machinery and equipment, changing tools, sorting, unpacking and packing, and other such operations.
17.
 1. National laws and regulations concerning the protection of wages should apply to homeworkers.
 2. National laws and regulations should ensure that pre established criteria are set for deductions and should protect homeworkers against unjustified deductions for defective work or spoiled materials.

07

OCCUPATIONAL SAFETY AND HEALTH

3. Homeworkers should be paid either on delivery of each completed work assignment or at regular intervals of not more than one month.
18. Where an intermediary is used, the intermediary and the employer should be made jointly and severally liable for payment of the remuneration due to homeworkers, in accordance with national law and practice.
19. The competent authority should ensure the dissemination of guidelines concerning the safety and health regulations and precautions that employers and homeworkers are to observe. Where practicable, these guidelines should be translated into languages understood by homeworkers.
20. Employers should be required to:
 - (a) inform homeworkers of any hazards that are known or ought to be known to the employer associated with the work given to them and of the precautions to be taken, and provide them, where appropriate, with the necessary training;
 - (b) ensure that machinery, tools or other equipment provided to homeworkers are equipped with appropriate safety devices and take reasonable steps to ensure that they are properly maintained; and
 - (c) provide homeworkers free of charge with any necessary personal protective equipment.
21. Homeworkers should be required to:
 - (a) comply with prescribed safety and health measures;
 - (b) take reasonable care for their own safety and health and that of other persons who may be affected by their acts or omissions at work, including the proper use of materials, machinery, tools and other equipment placed at their disposal.
22.
 1. A homeworker who refuses to carry out work which he or she has reasonable justification to believe presents an imminent and serious danger to his or her safety or health should be protected from undue consequences in a manner consistent

with national conditions and practice. The homeworker should report the situation to the employer without delay.

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

08

HOURS OF WORK, REST PERIODS AND LEAVE

23. A deadline to complete a work assignment should not deprive a homeworker of the possibility to have daily and weekly rest comparable to that enjoyed by other workers.
24. National laws and regulations should establish the conditions under which homeworkers should be entitled to benefit, as other workers, from paid public holidays, annual holidays with pay and paid sick leave.

09

SOCIAL SECURITY AND MATERNITY PROTECTION

25. Homeworkers should benefit from social security protection. This could be done by:
 - (a) extending existing social security provisions to homeworkers;
 - (b) adapting social security schemes to cover homeworkers; or
 - (c) developing special schemes or funds for homeworkers.
26. National laws and regulations in the field of maternity protection should apply to homeworkers.

10

PROTECTION IN CASE OF TERMINATION OF EMPLOYMENT

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

11

RESOLUTION OF DISPUTES

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

12

PROGRAMMES RELATED TO HOME WORK

29. 1. Each Member should, in cooperation with organizations of employers and workers, promote and support programmes which:
 - (a) inform homeworkers of their rights and the kinds of assistance available to them;
 - (b) raise awareness of home-work-related issues among employers' and workers' organizations, non governmental organizations and the public at large;
 - (c) facilitate the organization of homeworkers in organizations of their own choosing, including cooperatives;
 - (d) provide training to improve homeworkers' skills (including non-traditional skills, leadership and negotiating skills), productivity, employment opportunities and income-earning capacity;
 - (e) provide training which is carried out as close as

- practicable to the workers' homes and does not require unnecessary formal qualifications;
- (f) improve homeworkers' safety and health such as by facilitating their access to equipment, tools, raw materials and other essential materials that are safe and of good quality;
 - (g) facilitate the creation of centres and networks for homeworkers in order to provide them with information and services and reduce their isolation;
 - (h) facilitate access to credit, improved housing and child care; and
 - (i) promote recognition of home work as valid work experience.
2. Access to these programmes should be ensured to rural homeworkers.
 3. Specific programmes should be adopted to eliminate child labour in home work.

13

ACCESS TO INFORMATION

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



HomeNet South Asia Group (HNSA) comprises HomeNet South Asia Trust and the Association of Homebased Workers in South Asia. It is the regional network of organizations of homebased workers. It currently has a presence in 8 countries of South Asia. It works towards building regional solidarity among homebased workers, especially women workers, and empowers them to lead a life of dignity that is free of poverty by obtaining decent work and social protection within a rights based framework. HNSA Group strives to make homebased workers and their issues more visible, to ensure secure livelihoods for them and to strengthen their collective voice and organizing efforts in the region. It also advocates for the implementation of national, regional and international policies for homebased workers; inclusion of home-based workers in the existing policies and laws, as well as promotes access to homebased workers' product to local, national, regional and international markets.

For more information visit www.homenetsouthasia.net