

Public Policy Formulation: A Case Study of Domestic Workers in Bangladesh

Summary

This policy brief shares findings from an empirical study that traced the evolution of the Domestic Workers Protection and Welfare Policy 2015. It discusses how the Domestic Workers Rights Network (DWRN) and Bangladesh Employers' Federation (BEF) engaged in a decade-long policy dialogue, which was steered by the Ministry of Labour and Employment. It also sheds lights on how the ideas of human rights and labour rights have shaped the policy process, and how the search for a balance between workers' protection and employers' interest has determined the outcome of the policy dialogue.

On 21 December 2015 the Bangladesh Government approved the Domestic Workers Protection and Welfare Policy (DWPWP) 2015. The adoption of DWPWP marks a milestone in promoting legal recognition of domestic service in the country. The Refugee and Migratory Movements Research Unit (RMMRU) conducted a study to trace the domestic workers policy process in Bangladesh. This Policy Brief shares the central research findings of the study.

We asked three central questions:

1. How did the DWPWP evolve leading to its adoption in 2015?
2. Which stakeholders were involved and what positions did they take in the domestic workers policy process?
3. Which institutions, ideas, and interests shape the stakeholder positions, and the course of the policy development?

We relied on 15 key informant interviews and archival document review to map the policy process. Our study goals and final report were validated through an inception workshop in April 2015 and a dissemination meeting in April 2016.



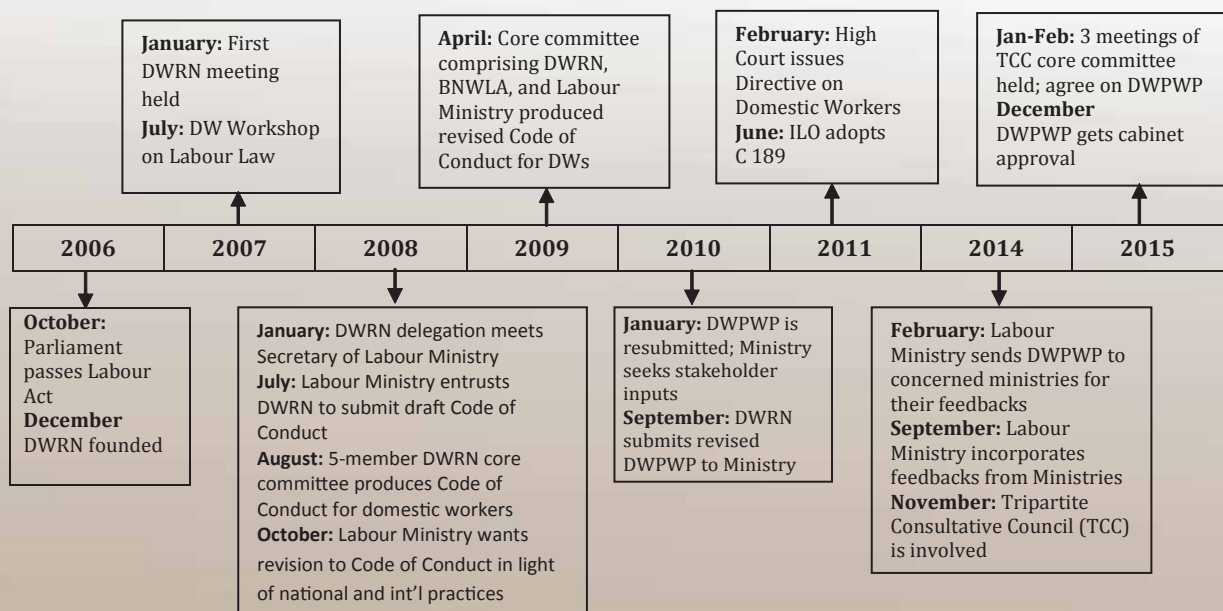
I am a domestic worker
I demand state recognition

EVOLUTION OF DOMESTIC WORKERS POLICY

Although a national NGO, Surovi, started a project for the domestic workers in the 1970s, and a self-help group, National Domestic Women Workers Union, was founded in 2000, a sustained movement for the state recognition of domestic service did not originate in Bangladesh until December 2006, when the DWRN was formed in response to the exclusion of domestic caregivers from the coverage of Labour Act 2006. Later Bangladesh Employers' Federation (BEF), a coalition of private sector businesses, joined the policy dialogue to represent the employers' interests.

The DWPWP 2015 progressed in several stages (Figure 1). Initially, the pro-worker coalition, DWRN, wanted an amendment to labour law. The Labour Ministry convinced the DWRN that a draft policy would be the first step to amending labour law. A Code of Conduct was produced in 2008 by the DWRN in consultation with various stakeholders. The Code was later revised and renamed Domestic Workers Protection and Welfare Policy (DWPWP) 2010. The 2010 draft was stalled for four years, until 2014, when it was moved to the Inter-Ministerial Consultation for vetting purposes. After receiving comments from concerned ministries, the Labour Ministry sent the draft policy to a core committee of Tripartite Consultation Council (TCC) in 2015. The TCC core committee, representing the government, private sector, and trade unions, produced a consensus document which was approved by the Cabinet in December 2015.

Figure 1: Domestic Workers Policy Process Timeline, 2006-2015



KEY STAKEHOLDERS

Two competing advocacy coalitions participated in the policy dialogue: DWRN and BEF. The DWRN represented more than two dozen organisations including trade union federations and rights-based and women focused NGOs. Bangladesh Institute of Labour Studies, an advocacy group of national trade unions in Bangladesh, acted as secretariat of DWRN. This pro-worker coalition wanted a comprehensive policy to prevent the exploitation of domestic workers and to promote their labour rights. By contrast, the BEF wanted a steady flow of domestic workers without additional costs for the employers. As the lead ministry, the Ministry of Labour and Employment controlled the policy process. Given the fact that officials at the Labour Ministry and other concerned ministries are also employers of domestic workers, the private interests of bureaucrats were more aligned with the position taken by the BEF.

INSTITUTIONS, INTERESTS, and IDEAS

The Ministry of Labour and Employment was the most powerful institution, which steered the course of the policy development by inviting multiple stakeholders and adopting a 'go slow' strategy. The Parliamentary Standing Committee on Labour Ministry contributed to drafting the policy, but its influence was limited due to, what an elected lawmaker termed, 'bureaucratic resistance.' International organisations including the ILO and UNICEF created international norms and ideas, which influenced the advocacy campaigns of DWRN. However, such influence had partial effects as well. In 2011 the Bangladesh High Court, in response to a public interest litigation filed by a rights-based NGO,



Bangladesh National Women Lawyers' Association, issued a 10-point directive prohibiting the recruitment of child domestic workers and implementing the draft DWPWP. While the High Court's directive turned the tide in favour of the DWRN, the Labour Ministry could still buy time by stalling the policy process.

The DWRN advanced the ideas that a broader national policy should include both human rights and labour rights of domestic workers. The BEF agreed with the human rights agenda but opposed the latter claiming that many of the proposed labour rights provisions including registration, minimum wage, and education were simply unrealistic. The pro-worker coalition, DWRN, relied on a wide variety of sources such as baseline surveys, media reports, and expert opinions to generate its ideas. By contrast, The BEF delegates and bureaucrats in the Labour Ministry tended to rely more on anecdotal evidence to substantiate their position.

There was a clear difference between the interests of concerned stakeholders. Trade unions wanted expanding their ability to organise informal sector workers, whereas NGOs wanted to scale up their advocacy campaign through a national policy. Both of them also looked into the prospect of donor funds to continue their programmes on domestic caregivers such as awareness campaigns, action research, and protests against abuses. The BEF delegates wanted to ensure that middle class employers would not suffer from any provisions that impose additional financial burdens on them. The final policy document, DWPWP 2015, promotes the interests of both coalitions. Trade unions and NGOs see it as an instrument to boost up their advocacy campaign, and to take their movement for labour law amendment to a new level. But the BEF also managed to minimise any financial burdens by successfully blocking any attempt to set up minimum wage, fixed working hour, and educational responsibility of domestic workers. Although the Domestic Workers Policy does not cover the rights of Bangladeshi domestic workers serving in other countries, the Parliamentary Standing Committee on Expatriates' Welfare Ministry pushed the idea that the current policy would also serve the interests of Bangladeshis employed in the domestic service of foreign countries. In fact, this would put Bangladesh on a moral high ground to press host nations to improve their employment conditions for Bangladeshi workers.



Dissemination Workshop on Domestic Workers Policy Process in Bangladesh, held on 25 April 2016 at CIRDAP Auditorium, Dhaka, Bangladesh

POLICY LESSONS

Findings from this study offer useful policy lessons.

First, the domestic workers advocacy coalition reveals the strength of national trade unions and NGOs, and their collective efforts in policy change. It also shows the strategy of these two sub-groups in forming a common platform, while retaining their independence of actions.

Second, the fact that the draft policy was stalled for four years until it was revived at the Inter-Ministerial vetting process in 2014 reinforced the public perception that the Labour Ministry deliberately adopted a 'go slow' strategy in formulating the policy. The DWRN leaders opined that bureaucrats resisted the draft policy fearing that it would adversely affect their interests as employers.

Third, although the current policy only covers the Bangladeshi citizens employed as domestic workers at home, it has neglected the exploitative work conditions in which Bangladeshi migrants operate in the domestic service of foreign countries. The Parliamentary Standing Committee on Expatriates' Welfare Ministry recognizes the need for addressing the rights of Bangladeshi domestic workers who are serving abroad.

Fourth, the Domestic Workers Policy 2015 calls for the government, NGOs, and trade unions to work together to monitor and implement it. Concerted efforts are needed to promote decent work conditions for domestic workers in Bangladesh. The government needs to take initiatives to ratify the ILO Convention 189 on Domestic Workers, and amend the Labour Act to extend legal coverage to domestic workers.

Fifth, several steps can be taken to implement the domestic workers policy. These include awareness campaign, monitoring court cases, and skill development of domestic workers for overseas employment. Labour law amendment and ratification of ILO C 189 should also be considered by the government.

In conclusion, the history of the DWPWP 2015 provides a useful basis for understanding policymaking dynamics in Bangladesh. Further research is needed to test the reliability and generalisability of the policy formulation process traced by this study.

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