

Africa: Working Outside the Constitution

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The situation of domestic workers in Côte d'Ivoire

To understand the precarious situation of domestic workers in Côte d'Ivoire, one has to take into account the overall situation of women, work, and the household in society. Like many African countries, Côte d'Ivoire has ratified several international and regional conventions proclaiming equality in terms of dignity and rights for all citizens. While almost equal rights between men and women exist on the formal level, there is no implementation of national policies concerning issues of gender and women's empowerment, meaning that, in practice, they do not have the same access to these rights.

Côte d'Ivoire's government recognizes that women have an essential place in society, because of their contribution to the national development process. Since 2011, based on the national long-term vision, the government has given impetus to equality through the National Development Plan (PND 2016-2020), which enshrines the promotion of gender equality as a central dimension of its project to become an emerging country. Against this backdrop: what is women's situation in the workplace?

Working at Home and in the Workplace

In general, the situation of women in the world of work is acceptable, in the sense that there are women who occupy positions of responsibility and who have proven themselves. Côte d'Ivoire has women government ministers, general directors, presidents of boards of directors, etc. Still, in Africa as elsewhere in the world, in general women are seen as those who must stay at home and do the housework, take care of children and family, etc.

According to the World Bank's 2017 [report](#), despite the good progress, there is still some way to go, as there are still disparities between women and men. This is also noted in the unpublished [PAGEF/ADB](#) report on women's empowerment from 2019: "The voice of women is not yet sufficiently heard, both in political institutions, in companies, and within families. While today around 17.07 percent of ministers are women, they represent only 11.37 percent of deputies, 5 percent of local mayors and 3.22 percent of regional prefects. In the business world, women only account for a quarter of new businesses registered with the Investment Promotion Centre."

Furthermore, within families, many women suffer from domestic violence and have to perform an inordinate proportion of household chores. The Ivorian government justified these changes by citing its desire to "enshrine" into law the principle of equality between sexes and to strengthen "the empowerment of women". However this has not had a real impact on women, who continue to be marginalized and suffer from abuses, as well as the domestic workers who are subject to discrimination and unfair remuneration. ILO Convention 189 defines domestic work as "tasks such as cleaning, cooking, washing and ironing clothes, taking care of children or the elderly or sick of a family, gardening, babysitting, the conduct of the family, and even the care of domestic animals". This family assistance work has always been regulated by the family or the person who employs this person.

Although Côte d'Ivoire enshrines decent working conditions as well as fair remuneration for all citizens in its constitution, domestic work still remains outside these provisions, which makes this work precarious given the conditions in which these people work, especially when workers live with their employers. Domestic work intertwines private life, the family relationship, and work performance, making this work difficult. Most often there is no contract, an agreement is reached amicably between the employee and employer.

This family dimension of domestic work is not recognized by the labour code. Working hours, the right to weekly rest and holidays, employee security, the guaranteed minimum wage, are all elements that are not completed for domestic work in the legislation. That is because these employees depend on their employers. Even the Ivorian minimum wage, set at 60,000 CFA francs (112 US dollars), is not respected for this category of employees. Additionally, these employees are victims of several types of violence, such as "humiliation (34.5 percent), insults (47.1 percent) or deprivation (20.3 percent)", according to a report from the [Ivorian Network for the Defence of the Rights of Children and Women](#) (RIDDEF), the only national NGO working on the issue of domestic workers.

Organizing for Power

Apart from the constitution, which ensures decent working conditions as well as fair remuneration for all citizens in Article 15, no other legislation regulates working conditions especially for domestic work. This is connected to a lack of organizing and lobbying by side of the unions. As [another RIDDEF report](#) explains:

Union activity in this community did not exist until 2014, despite the many challenges facing this sector. And the trade union federations, which cared little about this sphere had appointed an official in charge of the informal sector. At the state level, there is not yet a specific and manifest policy for such a strategic employment and rich sector, and particularly in favour of girls.

However, with the support of some local donors, RIDDEF encouraged the creation of a union to defend the rights of domestic workers in 2017. According to the treasurer with whom we had a telephone interview, the creation of the union allowed many domestic workers to improve their working conditions: "for example, I get the 'smig' [the minimum wage], although I live at my boss's house, I have two Saturdays off a month and I have one month of annual leave. But before the creation of the union I did not know anything about my rights nor about the minimum wage." This testimony marks an exception, as the average salary of domestic workers according to a RIDDEF study report is 23,027 CFA francs (43 dollars)—well below minimum wage.

ILO Convention 189, the only convention that protects domestic workers and takes into account their specific situation, has not yet been ratified by Côte d'Ivoire. At the national level, the labour code remains fixated on generalities and does not specifically address domestic workers. A bill submitted by RIDDEF and its partners aimed at improving the conditions of domestic work and regulating the placement agencies of domestic workers was adopted on 8 July 2014 by the Commission for Social and Cultural Affairs. However, after being voted on in the parliamentary committee, the bill was withdrawn from the plenary session that same year.

This already difficult situation is currently being aggravated. During the COVID-19 outbreak in 2020, most offices were shut down across the world to protect employees and reduce infection among communities. The immediate consequence was that many workers lost their jobs, and domestic workers were among the most affected.

An unpublished study conducted by the Rosa-Luxemburg-Stiftung and its partner Vivre sans

Violence on violence against women during the shutdown shows that the situation affected all categories of women. Of those reporting violence, 56 percent were adults and 44 minors, the majority were of Ivorian nationality, mostly single (58 percent), students, or in modest economic conditions. It was also noted in the report that the alleged perpetrator was always an adult man of Ivorian nationality, a civil servant, an unskilled or unemployed worker, and usually a relative or neighbour of the victim. He operated alone most of the time.

Collaboration for Ratification

In summary, the situation for domestic workers is not about to change. Ivorian legislation does not protect them enough, and ILO Convention 189 has not yet been ratified by Côte d'Ivoire, despite the advocacy undertaken by some civil society organizations such as RIDDEF. However, they were able to set up a union for them to deal with their daily challenges, and this has had important impacts.

It is important that RIDDEF and its partners continue to advocate for the government of Côte d'Ivoire to ratify the ILO Convention 189 and ensure that it is taken into account in the national legal order. The state must do everything possible to ratify ILO Convention 189 and ensure its application throughout the country to protect the segment of the population working as domestic workers. In the meantime, it must have a control mechanism to regulate this sector and guarantee a minimum of safety for these workers.

The Minister of Family and Children must encourage the state with evidence and concrete actions for the ratification of ILO Convention 189 to ensure good working conditions for domestic workers. RIDDEF will continue its collaboration with the Ministry of the Family and other appropriate structures in order to reach a national law that organizes the domestic work sector in such a way as to guarantee the conditions of freedom, equity, security, and dignity—the basis for decent work in Côte d'Ivoire.

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