



HomeNet International's C177 and Decent Work Campaign A Campaign and Advocacy Toolkit

CASE STUDIES

Five Case Studies, reproduced from the Campaign and Advocacy Toolkit, provide ideas and lessons on how home-based workers have struggled to win ratification of C177; recognition and inclusion in laws and policies equivalent to other workers, and to ensure that they are implemented.

Case Study One: Ratification of C177 in Bulgaria

Case Study Two: Historic Victory for Home-based Workers in Pakistan

Case Study Three: Trade Unions Protect Homeworkers in Australia

Case Study Four: Argentina Before and After C177 Ratification

Case Study Five: Winning a Law for Homeworkers in Thailand



Case Study One

Ratification of C177 in Bulgaria

Home-based workers in Bulgaria began to organize in the late 1990s. They faced many challenges such as lack of legal recognition, social protection, and fair wages. In 2002 they formed the Home-Based Workers' Association (HBWA), a democratic membership-based organization. Through their advocacy efforts, with support from trade unions and other allies, in 2009, the Bulgarian government ratified Convention No. 177 on Home Work. It took more than six years of sustained advocacy and negotiations to achieve C177 ratification. A National Agreement on the Regulation of Home-based Work was signed. And, in 2011, the Labour Code was amended to include provisions on home work.

| Advocacy Strategies

Organizing Home-based Workers: When Violeta Zlateva, through her research, saw the conditions home-based workers had to endure in their work, she took the initiative to begin organizing. The trade unions were not willing to do so. After the formation of the HBWA in 2002, the organization continued to grow. It informed members of research findings and sensitized them on the importance of ratifying C177.

Research: In 2002-2003, the HBWA conducted a study on the situation of 140 homeworkers. This showed that they had no social security provisions, received less than minimum wage, and worked in poor conditions. This compelled the HBWA to request the government to ratify ILO C177.

Alliances and Support: HBWA worked with trade union allies, in particular the Confederation of Independent Trade Unions in Bulgaria (CITUB) to pressure government to ratify C177 and to amend the Labour Code. HBWA also built support with the local mayor in the area of Bulgaria where there were many factories employing homeworkers. It also lobbied political parties for support.

Negotiations: HBWA and trade union allies held several meetings and negotiations with government, government agencies and employers prior to ratification of C177. At the time there was a **supportive government**, open to the discussing the problems of home-based workers and the need for C177. After ratification further negotiations took place within the National Council for Tripartite Cooperation (NCTC), resulting in the National Agreement on the Regulation of Home-based Work. And, after further negotiations, in 2011 the Labour Code was amended.

The Process Towards C177 and the Amended Labour Code

2002	HBWA launched and organizing continues
2003-2005	HBWA involved in a Commission set up under the Minister of Social Affairs: includes the National Revenue Agency, the National Social Security Institute, employers' organizations, and trade unions. It discusses the problems of homeworkers and the need for ILO Convention 177.
2005-2009	New government. Negotiations continue with national government in tri-partite forum
2009	Government recommends to Parliament that C177 be ratified
2009	Parliament ratifies C177
2010	The National Council for Tri-partite Cooperation (NCTC) holds negotiations resulting in a "National Agreement on the Regulation of Home-based Work." It says: homeworkers should have labour contracts, enjoy the same conditions as other workers, including health and safety protections, social security, and collective agreements, regardless of their place of work.
2011	After further negotiations the Labour Code is amended to include homeworkers. However, important clauses in the National Agreement are left out of the Labour Code. Only homeworkers with a contract of employment are included.

Bulgarian home-based workers are still struggling to achieve the rights and protections that ratification of C177 should bring. They formed a trade union in 2014 (UNITY, then later TUSIW 'Edinstvo'), continuing their organizing and advocacy work. In 2014 they used the procedures of the ILO to lodge a complaint about the Bulgarian Government's refusal to fully implement C177. This is still not fully answered. The struggle continues!

This case study is an edited version of a full case study by Sarbani Kattel. It is based on documentary sources and an interview with Violeta Zlateva, Regional Coordinator, HomeNet Eastern Europe and Central Asia (HNEE/CA) in June 2024.

Case Study Two

Historic Victory for Home-based Workers in Pakistan

After nearly two decades of struggle by home-based workers in Pakistan, in 2018 the Provincial Assembly of Sindh Province passed the Sindh Home-based Workers Act. This inspired similar legislation in three other provinces of Pakistan, providing legal recognition, rights and protections to millions of home-based workers who had been largely invisible. The Home-based Women Workers Federation (HBWWF), formed in 2009, together with allies, played a leading role in advocating for this new law.

Campaign and Advocacy Strategies

HBWWF carried out multiple campaign and advocacy actions, ensuring continuous pressure on many different fronts.

Organizing and Union Formation: Around 2005, home-based workers, who are mainly women, began organizing. They were supported by trade unionists, especially women unionists and women involved in leftist politics. They used gender, class struggle, awareness of rights and how home-based workers were exploited as organizing issues. The home-based workers formed cooperatives and trade unions. They then realized that they needed a unified platform in order to carry out collective action and to engage with government and employers. They needed one voice if they were to achieve legal protection. And so the HBWWF was born in 2009.

Worker Participation: HBWWF, together with trade union allies, organized many rallies and protests to put pressure on government and employers. An important principle of the HBWWF is that home-based workers must be involved. If there is to be any organized rally, discussions, or meetings to pressure the government, they should be there.

Collaborating with Trade Unions and Labour Activists: HBWWF linked with formal trade unions and with labour activists. This was useful in amplifying the voice of home-based workers with government departments and political parties. However, to begin with, the unions did not know about home-based workers. They needed clarification as to who they were and how they differed from domestic workers. Also important was framing the issue as a class struggle, not just a gender issue. It helped to involve male workers and trade unions and garnered more support.

Political Engagement: In Sindh, the HBWWF engaged with the Pakistan Peoples' Party. It lobbied party members who then raised the issue within their leadership and in the parliament. HBWWF met with parliamentarians and the women's caucus, framing the issue as one that would be beneficial for the Party's reputation. It convinced them to include in their manifesto that they would support and work for the rights of home-based workers if their party were to gain power.

Influencing Government Decision Makers: HBWWF engaged with a senator, who later became the Prime Minister of Pakistan. As all laws have to pass through the Senate, this was important. He encouraged the Federation to file a petition online. This initiated the conversation with government about ILO Convention 177.

Strategic Use of Legislation: HBWWF used legislation and C177 strategically. They used Article 17 of the Constitution, which allows anyone to form a trade union.

Engagements with Employers and Governments: HBWWF, trade unions, labour departments, and employers formed sub-committees to draft law clauses. HBWWF also actively engaged with the Employers Federation of Pakistan to ensure their concerns were addressed. The employers participated in various boards, such as social security, providing critical insights that shaped the legislation.

| The Legislative Process

The process involves several stages: first, a resolution is passed to address the issue; then a policy is announced. Following that, legislators draft a bill, which eventually becomes an act adopted by Parliament. Once the Act is in place, rules and regulations are formulated to enforce it.

| Spreading Across the Country

The Act is now in place in four provinces. However, there were differences in how this came about. Legislation in Sindh automatically influences the province of Balochistan due to their interconnected political systems. Khyber Pakhtunkhwa Province views Sindh as a role model for labour rights. UN Women played a significant role by organizing large meetings that included different stakeholders, such as trade unions, civil society organizations, and government officials. In Punjab it was more difficult as labour law is stricter, and many industrialists hold positions in Punjab's assembly. This makes it difficult to pass laws perceived as challenging to industry interests. Despite this, the Punjab Act was passed in 2024.

| Challenges

As yet, only Sindh has passed the regulations necessary for implementation. Even in that province, "The process has been more complex and challenging than initially anticipated. ... The fight continues, and we hope for more effective support and action from all stakeholders involved." Zehra Khan, interview 2024.

This is a summary of an interview with Zehra Khan, General Secretary of the HBWWF, conducted by Laura Revelo, July 2024

Case Study Three

Trade Unions Protect Homeworkers in Australia

Australia has not yet ratified C 177. Nonetheless, the country has important legislation in place to protect homeworkers in the garment and footwear industry. The Fair Work Amendment (Textile, Clothing and Footwear Industry) Act passed in 2012 recognizes labour rights for “outworkers”. Before this act was passed, trade unions, community and civil society organizations – such as Fair Wear and Asian Women at Work – and worker groups with the support of academics advocated for the Act.

Trades Unions are now the key actors ensuring its implementation. The main union in the sector created a team, which includes Compliance and Outwork Outreach Officers, who ensure that the Act is enforced and that workers are aware of their rights.

What does the Act say?

The Act applies to outworkers – including homeworkers, who are mostly migrant and refugee women – and workers in other outsourced establishments who manufacture brands. The Act provides:

1. Extension to “outworkers”, recognizing them as employees
2. Establishment of a special mechanism allowing outworkers to recover unpaid amounts up the supply chain and against entities other than the direct employer
3. Unions have access to information, access to workshops
4. A Textile, Clothing and Footwear Industry outwork code of practice

Supply Chain Legislation

Australia also has one of the most progressive supply chain legislations. The Fair Work Act of 2009 provides for the Ethical Clothing Trades Extended Responsibility Scheme 2001 (New South Wales Code). This regulates all levels of the supply chain: from the top firms, to suppliers, contractors, and homeworkers, including across borders. Retailers and suppliers have to ensure that outworkers’ contracts meet the industry labour standards and to disclose – both to the government and the trade union – addresses where the work is performed.

Homeworkers have benefitted from these laws. Importantly, growing numbers of workers receive minimum wages and conditions equal to those who are employed at traditional factories. However, as social protection is not included in the laws, the challenge for homeworkers, trade unions and the Australian government is to extend social protection to homeworkers as dictated by ILO’s C177.

Case study written by Dolores Señorans using documentary resources

Case Study Four

Argentina Before and After C177 Ratification

Argentina is one of the few countries that has ratified C177. The ILO acknowledged the ratification in July 2006. However, Argentina had already passed a law for homeworkers in 1941. Over time, enforcement of this law declined, and the necessary institutional resources and structures were dismantled. The ratification of C177 by Argentina did not provide the motivation to improve the situation of homeworkers. And the local law was not amended to take into account the new realities of homework and the provisions of C177.

Although the 1941 law does not assist most of Argentina's current home-based workers, some analysts consider the Convention as a legal precedent for the regulation of remote work and teleworking. This gained relevance after the COVID-19 pandemic. In July 2020, the Argentine Congress passed a law that regulates telework for the first time.

What is in the 1941 Law on Home Work?

This law applies only to sub-contracted home-based workers. It defines homework as that which is carried out:

- In the worker's dwelling or in premises of their choice, for an employer, intermediary or workshop operator, even if the work is carried out with the participation of members of the worker's family, an apprentice or a helper;
- In the dwelling or premises of a workshop operator, defined as the one who has workers under his charge to elaborate goods received from an employer or intermediary;
- In charitable, educational or correctional establishments. In these cases, further regulations shall establish the manner of setting up savings funds for those who perform the work.

The law establishes that employers:

- must register with the relevant authority;
- must register the homeworkers they employ and keep a record of their transactions;
- are responsible for work-related injuries and accidents, and for ensuring health and safety in the workplace.

The law also created wage commissions constituted by professional associations of employers and workers (trade unions). The commissions are responsible for determining the minimum wage of garment workers considering the nature of the work, cost of living and remuneration in the factories.

What are Home-Based Workers Campaigning for Now?

UTEP, the Popular Economy Workers Union, and its Federation of Garment Workers have been promoting the organization of home-based workers into cooperatives and the registration of workers to access basic labour rights (through the Social Monotax). They launched their first campaign to organize the sector in 2015. But they realized that even if the 1941 law were to be enforced and workers registered with the Ministry of Labour, it would not solve their problems. Municipal norms that authorize workplaces include requirements that family homes cannot comply with.

For this reason, the organizations promoted the creation of cooperatives and common workplaces outside of the home. They drafted a new law and presented it before the congress. Their new draft law declares that there is a social and labour emergency. This would allow for the development of new institutional approaches to regulate the garment sector and support the collective organization of garment homeworkers. To this day, the law has not been approved.

Case Study written by Dolores Señorans from personal information and documentary materials

Case Study Five

Winning a Law for Homeworkers in Thailand

In 1997, the Asia Financial Crisis severely affected Thailand's economy. Factories shut down. Many workers were forced into home-based work. In response, home-based producers and NGOs from different regions came together to form the network, HomeNet Thailand (HNT). Later the Foundation for Labour and Employment Promotion (FLEP) was formed to provide support. HNT has since transitioned into HomeNet Thailand Association, a membership-based organization with 5,000 members across the country. HNT led a decade-long campaign for labour rights and decent work for home-based workers. It worked closely with local and international allies. This led to a major victory for home-based workers: the enactment of the Home Workers Protection Act of 2010.

Campaign Strategies and Tactics

HNT sustained the campaign over a long period of time, combining many different strategies and tactics.

Strategic Decision: HNT and allies decided to campaign for a specific law for homeworkers, rather than campaigning for C177. This was because the Thailand Government was reluctant to ratify any ILO Conventions at that time. They did, however, use the provisions of C177 and R184 to inform their demands.

Organizing Home-Based Workers: Workers needed to organize if they were to have a voice. HNT focused on raising awareness with the workers on economic challenges, occupational safety and health (OSH), workers' rights, and social insurance. They asked for the workers' opinions and inputs on a law to protect home-based workers. They held workshops and meetings in the four regions of Thailand. Many home-based workers did not see themselves as workers. So, HNT helped them to recognize that they were workers with the same rights as formal workers.

Building Alliances: HNT knew that it was important to amplify the voices of home-based workers and gain the help of influential organizations. Throughout the campaign, it worked with local civil society organizations, researchers and labour lawyers. It gained the support of the ILO and other international organizations such as Women in Informal Employment: Globalizing and Organizing (WIEGO) and the Federation of Dutch Labour (FNV). When at the stage of submitting a bill to Parliament, HNT enlisted the support of political parties.

Research: With the help of allies, HNT conducted research into the working conditions of home-based workers. It carried out statistical surveys. This research informed its advocacy strategies. It helped to involve home-based workers in the campaign towards a homeworkers' law. It also helped mobilize support.

Demand for Statistics: As home-based workers were invisible in Thailand, HNT lobbied the National Statistical Office to collect reliable data on home-based workers in order to make them visible. The Statistical Office carried out several surveys over the years. Through these surveys, HNT was able to show that home-based work was extensive, and that 77 per cent of homeworkers were women (2007). It was able to highlight key problems such as low wages, lack of work continuity, and poor work safety. This helped legitimize their demands for a law protecting homeworkers.

Examining Existing Laws: HNT, along with FLEP, scrutinized existing laws to identify relevant worker rights provisions in the **Constitution** and labour laws. With the help of labour lawyers and NGOs, it drafted a bill designed to protect, promote and develop homeworkers.

Advocacy and Relationship-Building: HNT worked closely with civil society organizations and the ILO to sensitize the Ministry of Labour on homeworkers' issues and to build support for their demands for homeworkers' statistics and laws to protect homeworkers.

Dialogue and Negotiation: HNT, supported by allies, held several dialogues and negotiations with the Labour Ministry and other relevant government officials. Once the Ministry had agreed to submit to Parliament a new law for homeworkers, negotiations were held around its content. The Ministry draft had left out important issues. HNT demanded the inclusion of a broad definition of homeworkers, employer responsibilities for OSH, and provisions for promoting and developing home-based work through credit support, access to information and technology, and support for organizational development. It also demanded the establishment of multi-stakeholder committees to monitor the law's implementation.

The Process: Milestones (2004–2015)

1999-2004	HNT and allies organize, do research and advocate for a law for home-based workers
2003	HNT and allies draft their own Bill covering their priority demands.
2004	Minister of Labour issues Ministerial Regulation on Protection of Homeworkers. It has significant gaps such as on fair wages and social security.
2004-2005	HNT continues advocacy and negotiations for a homeworkers' law. In 2005, Department of Labour Protection and Welfare, Ministry of Labor draft a Homeworker Protection Act.
2007	The Department submits the draft Homeworker Protection Act to Government for approval. HNT is not satisfied with its contents, submits its draft Bill to Govt.
2007	Thai Cabinet approves the draft act.
2006-2007	HNT approaches political parties to secure support for its Bill. It obtains the sponsorship of 20 members of Parliament as required.
2010-2011	In 2010 Parliament adopts the Homeworkers' Protection Act, which is promulgated (comes into force) in May 2011. But this is not the end. Regulations have to be drafted for implementation to take place.

2011-2014	Continued advocacy and pressure by HNT focusing on implementation of the law. Extensive organizing, awareness raising, education and mobilization of members
2014	The Homeworkers Protection Committee, as stipulated in the law, is elected. It includes homemaker representatives. It is responsible for Ministerial Regulations on issues such as working conditions.

What was achieved?

The Home Workers Protection Act has many provisions that protect homeworkers. These include:

- Homeworkers should receive remuneration equivalent to factory workers doing similar work. There should be no discrimination.
- They should have employment contracts.
- Payment of wages should be made not less than seven days after delivery of the product.
- Homeworkers should not work with hazardous substances. They should have free protective clothing and safe equipment.
- Disputes will be dealt with by the Labour Court.
- A committee, with homemaker representatives, to deal with regulations, pay and working conditions (Home Work Protection Committee).

The Home-based Workers of Thailand still face many challenges. Implementing the provisions of the Act is an on-going struggle. Organizing, mobilizing and advocacy is a continuous process.

This case study is an edited version of that produced by Sarbani Kattel. It is based on documentary sources and an interview with Poonsap Tulapan, Director of HomeNet Thailand, in May 2024.



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