



VERITÉ
RESEARCH
Strategic Analysis for Asia

Sri Lanka: Domestic Workers and Civil Society

In Sight but Out of Mind

Decent Work for Domestic Workers: Report No. 3

POLITICS &
SOCIETY

March
2015

Sri Lanka: Domestic Workers and Civil Society

In Sight but Out of Mind

Decent Work for Domestic Workers: Report No. 3

Principal researcher: Amita Arudpragasam

Amita Arudpragasam, *B.A. (Princeton)*, is a researcher and filmmaker who formerly headed the media research team at Verité Research. Her research interests include post-colonialism, politics and gender.

This report was prepared with the research support of **Rehana Mohommed** and **Vidya Nathaniel**, and the overall research and editorial supervision of **Gehan Gunatilleke**.

The Legal Research Team at Verité Research wishes to thank senior advisor, Prof. Nicola Piper for her invaluable support and guidance. We also thank Prof. Siri Hettige, Dr. Sepali Kottegoda Dr. Nishadi Somaratne, Prof. Tudor Silva, Dr. Janaki Jayawardena, Dr. Nimal Sandaratne, Mr. A. Sarveswaran, Ms. Myrtle Perera, Ms. Gowri Palaniappah, Ms. Selvy Thiruchandran and Mr. Mohammed Munas for offering their perspectives on the legal and socio-cultural dynamics of domestic work in Sri Lanka.

Verité Research wishes to thank Brot für die Welt (Bread for the World) for its support and cooperation.

Verité Research aims to be a leader in the provision of information and analysis for negotiations and policy making in Asia, while also promoting dialogue and education for social development in the region. The firm contributes actively to research and dialogue in the areas of economics, sociology, politics, law, and media, and provides services in data collection, information verification, strategy development, and decision analysis.

Email comments to: publications@veriteresearch.org

Copyright © 2015 Verité Research Pvt Ltd.

All rights reserved. Intended for recipient only and not for further distribution without the consent of Verité Research Pvt Ltd.

ISBN: 978-955-4922-09-11

CONTENTS

INTRODUCTION	3
EXISTING RESEARCH ON DOMESTIC WORKERS	4
THE GLOBAL CONTEXT	4
SRI LANKA: DOMESTIC WORKERS IN HISTORY	6
SRI LANKA: CONTEMPORARY DISCOURSE ON DOMESTIC WORKERS	7
INTERNATIONAL DISCOURSE ON SRI LANKAN DOMESTIC WORKERS	8
CHILD LABOUR AND DOMESTIC WORK IN SRI LANKA	8
SRI LANKAN MIGRANT DOMESTIC WORKERS	8
RESEARCH ON LOCAL SRI LANKAN DOMESTIC WORKERS	8
CONCLUSION	9
RESEARCH FINDINGS	10
RESEARCH QUESTIONS	10
METHODOLOGY	11
FINDINGS	13
FUNDING AND EXPERTISE	13
LACK OF INFORMATION AND AWARENESS	15
CONCEPTUALISATIONS OF DOMESTIC WORKERS	17
STRUCTURAL DISINCENTIVES WITHIN CIVIL SOCIETY	19
CONCLUSION	20
END NOTES	23
REFERENCES	25



INTRODUCTION

In January 2014, Verité Research set out to study the legal and socioeconomic status of domestic workers in Sri Lanka. The current legal framework in the country does not guarantee decent work for domestic workers.¹ For example, Sri Lankan labour laws exclude the domestic worker from its minimum standards on wages, social security and maternity benefits. Sri Lanka currently has no applicable labour laws that regulate working time in the domestic work sector or laws that govern the living and working conditions of domestic workers. The existing framework therefore fails to meet the standards specified by the International Labour Organisation (ILO) Convention on 'Decent Work for Domestic Workers' (C189). The socioeconomic status of these workers also places them at a significant disadvantage in terms of the ability to bargain for and secure decent work. Moreover, cultural attitudes prevalent amongst employers of domestic workers and the workers themselves create further barriers to change.

Civil society plays a vital role in changing ingrained cultural attitudes towards particular issues. It creates space for debate and dialogue, and acts as a conduit for individuals to organise and mobilise towards transforming society. While consensus over the precise definition of 'civil society' is yet to be reached, it has been described as 'a public space between the state, the market and the ordinary household, in which people can debate and tackle action'.² According to a study by the World Bank,

The status of domestic workers and the attitudes towards reform establish a critical need for civil society intervention in securing workers' rights

civil society organizations include: 'community groups, non-governmental organizations (NGOs), labour unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations' (WBG 2013).

The current status of domestic workers and the cultural attitudes towards reform establish a critical need for civil society intervention in respect of securing domestic workers' rights. In this context, it is important to assess the quantity and quality of research on the subject, and to understand why domestic workers'

rights have not featured on the civil society agenda in Sri Lanka.

The possible gaps in research and the general scarcity of civil society interventions prompted the present study, which is presented in two parts:

- The first part of the study discusses the research that has been carried out on local domestic workers in Sri Lanka. The aim of this part is to discuss the available literature on domestic workers in Sri Lanka and to describe the current research gap that exists despite contemporary discourses on domestic workers elsewhere in the world.
- The second part of the study is based on field research, and sets out a four-pronged hypothesis on why domestic workers' rights have not featured on the civil society agenda in Sri Lanka.



EXISTING RESEARCH

GLOBAL CONTEXT

Discourses on domestic workers have existed even prior to the formation of the United Nations, when delegates to the 31st Session of the International Labour Conference in 1948 unanimously adopted a resolution on domestic workers.³ Research on domestic work in the 1960s and 70s and early Marxist critiques of the sexual division of labour addressed unpaid domestic work by women in households to some extent. The literature on domestic work from the 1980s onwards often existed within other wider discourses on poverty, gender and informal labour. As observed by the international coordinator of the global network, Women in Informal Employment: Globalizing and Organizing (WIEGO), 'informal women workers, however, remain[ed] invisible in official statistics' (Chen 1999:605).

Global awareness of the issue was not sufficiently heightened for many years. However, building on steadily increasing concern, the ILO published a study in 2004 titled '*Domestic Work, Conditions of Work and Employment: A Legal Per-*

The ILO published a study in 2004, which examined the working conditions of domestic workers as specified by national legislation across the world, providing an in-depth comparative analysis of the working conditions of domestic workers

spective' (Machado 2004). This study examined the working conditions of domestic workers as specified by national legislation in countries across the world. It provided an in-depth national and international comparative legal analysis of the conditions of work and employment of domestic workers. In July 2006, Human Rights Watch (HRW) published '*Swept Under the Rug, Abuses against Domestic Workers Around the World*' which set out abuses common to all domestic workers and placed domestic workers firmly within the arena of human rights.

In November 2006, the Federation of Dutch Labour and an NGO called IRENE, along with an international steering group, organised a conference called 'Respect and Rights: Protection for Domestic/Household Workers.'⁴ Organisations such as the National Domestic Workers Alliance based in the United States (US) and founded in 2007 produced works such as '*Domestic Workers Worldwide: Four Collective Bargaining Models*' (Rizio et al. 2011).

In its March 2008 session, the governing body of the International Labour Organisation (ILO) decided to put the promotion of decent work for domestic workers on the agenda of the 2010 International Labour Conference. Studies on domestic workers thereafter started appearing around the world, particularly in the South Asian region. For example, the Indian Journal of Labour Economics published '*Contours of Domestic Service: Characteristics, Work Relations and Regulations*' (Neetha 2009). The paper provided a broad overview of domestic service in India, outlining the socio-economic and demographic characteristics of the workforce. '*Manual for Domestic Workers: Organising for a Better Future*' (Papachan 2009) was also released in the same year by the Committee for

Asian Women which aimed to support the formation of a domestic worker organisation (DWO) or union.

During the second half of 2010 and first half of 2011, an international campaign by the International Domestic Workers Network (IDWN) ensured that researchers throughout the world would mobilise towards research on domestic workers. They prepared statistical and qualitative research that provided data on and background information of domestic workers.⁵ On 16 June 2011, C189 was approved, and the campaign for ratification began. Between 2010 and 2014, the ILO produced a flurry of statistics, research, guidelines and manuals to facilitate the campaign and encourage ratification.⁶



SRI LANKA: DOMESTIC WORKERS IN HISTORY

Depictions of domestic workers exist in the *Mahavamsa*, one of the earliest historical chronicles on Sri Lanka. Specifically, in the story of Prince Pandukabhaya (around B.C. 474 – 454), a loyal attendant protects the boy prince from discovery by his uncles who would have otherwise killed him (Geiger 1908: 68–76).

Furthermore, domestic workers surface in *An Historical Relation of the Island Ceylon* (Knox 1681), one of the earliest and most detailed European accounts of life in Sri Lanka. The account contains descriptions of young male attendants who were brought to the court and executed before the King, as well as accounts of slaves who were granted land and allowed to earn profits.

In 1880, Cecil John Reginald LeMesurier and Tikiri Banda Panabokke authored *Niti-nighanduva; Or, The Vocabulary of Law, as it Existed in the Last Days of the Kandyan Kingdom*. This work explains the legal distinction between a slave and those who work as ‘servants’ for a living. The authors note:

“If a poor person goes to a rich person’s house in order to earn a living, and if he holds a tenement or obtains a stipend or food and clothing, and if he takes his wife and children to the same house and they live as servants to the master of the house and thenceforward their descendants continue to serve the descendants of the master in the same manner, the mere fact of their having served for generations in order to earn a living will not make them slaves’ [p. 8].”

Thus it is clear that during the period of the Kandyan Kingdom, and potentially even prior, domestic workers (‘servants’ or ‘attendants’) were recognised as distinct from slaves.

Finally, according to historian Janaki Jayawardena, domestic workers were common during the colonial period (specifically the Dutch period) as well.⁷ She argues that transitions in the treatment of domestic workers followed independence, when ‘*black sudhas*’ became the employers of workers, and the need to assert class superiority translated into overt oppression of the lower classes.



SRI LANKA: CONTEMPORARY DIS-COURSE ON DOMESTIC WORKERS

As in historical accounts, contemporary Sri Lankan literature, film and teledrama also feature the local domestic worker. For example, Gunadasa Amerasekara's short story *Kalahaya* (Amarasekara 1956), and *Reef* (1996) by Romesh Gunsekere both feature domestic workers as protagonists. The film *Parasathu Mal* (1966) directed by and starring Gamini Fonseka is also one example of film portraying the domestic worker.

'In old style Sinhala movies, domestic workers appear too and so, in some sense, as a society there is a level of sensitivity both in Sri Lanka and in England to domestic workers.'

- Pradeep Jeganathan, Professor of Sociology at Shiv Nadar University, India

However cultural depictions of the domestic worker and her role in Sri Lankan society have not translated into civil society scrutiny and action on domestic workers.

Studies of domestic workers from a rights perspective had the potential to emerge from three closely related discourses:

- International discourse on domestic workers, outlined above;
- Child labour discourse, popularised by successful child labour campaigns in the country; and
- Current discourse on migrant domestic workers.

International Discourse on Sri Lankan Domestic Workers

Sri Lanka's local domestic workers have been acknowledged and described within the international discourse, but not analysed or investigated. *'The Right to Unite: A Handbook on Domestic Worker Rights across Asia'* (Smales 2010) focuses on migrant workers, on which there are ample studies available. While the statistics are useful, the handbook does not discuss Sri Lanka's local domestic workers. *'Domestic workers across the world: global and regional statistics and the extent of legal protection'* contains statistics on the population of domestic workers in Sri Lanka derived from the Labour Force Survey 2007 (Malte, Oelz 2013: 123). According to this study, there were 87,400 domestic workers in 2007, 60,400 of which were female, 27,000 of which were male, and the aggregate making up 1.2% of total employment.⁸ However, most international studies on domestic workers have not incorporated much more than a profile of local Sri Lankan domestic workers derived from publically available government statistics, and where they have done more, the focus has been on migrant domestic workers.

Sri Lankan Migrant Domestic Workers

Perhaps due to a range of factors including the economic value of migrant worker remittances, the large population of Sri Lankan women migrating abroad annually, and significant media and political attention, ample literature on migrant domestic workers currently exists. *'Migration of Sri Lankan Women: Analysis of Causes & Post-Arrival Assistance'* (Caritas n.d: 36-40) cited inadequate and irregular income, house construction, the need to educate children and siblings, debt repayment and domestic violence, as some of the reasons for women to migrate for domestic work. Further, *'Reintegration with Home Community: Perspectives of Returnee Migrant Workers in Sri Lanka'* (ILO, 2013c: vi) published by the ILO country office found that males between 18-36 years and females between 26-45 migrate for foreign employment. It also found that it is mostly Middle Eastern countries that attract Sri Lankan migrant workers, including Saudi Arabia and Kuwait, followed by United Arab Emirates, Qatar, Lebanon and Jordan. However, despite the obvious similarities between the two groups and perhaps analogous vulnerabilities, the research done on migrant domestic workers has not translated into comparable interest in local domestic workers.

Child Labour and Domestic Work in Sri Lanka

The discourse on child labour also had the potential to evolve into a more general discussion of domestic workers. In 2003, *'Sri Lanka Child Domestic Labour: A Rapid Assessment'* (Kannangara et al 2003) was published by the ILO. Its purposes were to identify some of the main characteristics of the background of the children who are sent to child domestic labour, and to obtain in-depth information about the working and living conditions of domestic work. It also assessed the physical and psychological impact of the domestic labour experience on child workers. The study collected information from 4,076 families and found 1,010 children engaged in some form of work. However, out of the 1,010, only 61 children were domestic workers. The conclusion that there was minimal child involvement in domestic work provided little impetus to further investigate the domestic worker issue from a child rights perspective.

Sri Lankan Local Domestic Workers

Aside from historical and contemporary cultural depictions, three wider or related discourses had the potential to shed light on local domestic workers. However, only three studies on local domestic workers in Sri Lanka are worth mentioning in any detail:

1) The National Workers Congress and WERC⁹ published *'Baseline survey on Domestic workers'* (Peiris 2007), a rapid assessment based on snapshot interviews with 365 non-residential and 204 residential domestic workers.¹⁰ According to the report, field researchers, who went door-to-door and met domestic workers in public spaces such as markets and streets relied mostly on memory to record the data gathered once the interviews were completed.¹¹ Despite these methodological limitations, the baseline assessment uncovered significant problems amongst the local domestic worker population and is a compelling argument for further research.

2) In 2010, *'Testimony of a Domestic Worker of Sri Lanka'* (Palaniappan 2010), an in-depth case study of an extremely under-privileged domestic worker was published by the Institute of Social Development (Kandy, Sri Lanka). The report focused on poor social protections of domestic workers in Sri Lanka. However, by virtue of being a single case study, the research is limited in terms of representing the needs and conditions of domestic workers in Sri Lanka.

3) *'Domestic Workers' Rights in Sri Lanka – Work Like Any Other, Work Like No Other: Need for a Legislative Intervention'* (Sarveswaran 2012) provided an analysis of relevant case law. The paper examined the cases of *Karunaratne v. Appuhamy*, (1970), *Sirisena v. Samson Silva*, (1972), *Wijedeera v. Babyhamy*, (1973) to emphasize the failure of labour legislation to protect the rights and interests of the domestic workers.



CONCLUSION

From the 2000s onwards, there has been an increasing awareness of domestic workers rights in the global sphere. This trend has been especially true following the emergence of C189 and the struggle for its ratification. Global awareness of domestic workers has now permeated the Asian and Pacific regions, which contain among the highest numbers of informal domestic workers in the world.¹²

In Sri Lanka, the discourse on domestic workers rights has the potential to evolve from this wider global discourse

The discourse on domestic workers' rights has the potential to evolve from a wider global discourse as well as the related discourse on migrant workers

as well as the related discourses on migrant domestic workers and child domestic workers. However, while there are early anthropological and literary depictions of domestic workers, research studies on local Sri Lankan domestic workers by civil society have been limited. What few studies have been done on local domestic workers in Sri Lanka, problematise the minimal legal and social protections afforded to domestic workers and emphasise the need for more comprehensive and holistic studies in the future.



RESEARCH FINDINGS

RESEARCH QUESTIONS

As explained in the previous section, despite advances in global research and advocacy, the amount of research and advocacy on local domestic workers in Sri Lanka remains relatively low. In this context, several interviews with key civil society actors were undertaken to ascertain the causes of this trend. Interviews with economists and sociologists were particularly illuminating. Yet these conversations also revealed that the discourse on domestic workers within civil society, particularly in Colombo, was somewhat limited.

The research objectives of this section are as follows:

- To ascertain what factors determine civil society selection and prioritisation of interest areas and work

This section aims to: 1) ascertain what factors determine civil society selection and prioritisation of interest areas; and 2) identify and analyse external factors that motivate civil society actors in choosing to work on domestic workers' rights

- To identify and analyse external factors that motivate civil society actors to either choose to work or not to work on domestic workers' rights

Thus, this section of the study attempts to address the gaps in research noted in Part 1, and to investigate why civil society interventions have been so limited.

An analysis of interviews revealed that current civil society attitudes to the issue of domestic workers' rights are influenced by four major factors:

- Funding and expertise
- Lack of information and awareness
- The conceptualisation of the issue
- Structural disincentives within civil society



METHODOLOGY

This component of the study began with the following question: what are the segments of Sri Lankan civil society that are relevant to domestic workers' rights? To respond to this question, the study attempted to define the basic profile of the domestic worker sector. The sector involves a form of labour, is largely composed of women,¹³ and is subject to a particular risk of child recruitment.¹⁴ Hence domestic workers' rights are directly relevant to the work of trade unions and civil society organisations specialising in the field of women's rights and potentially child rights. The sector is also more generally relevant to the work of community-based organisations, faith-based organisations and research, advocacy and policy organisations that have interests in labour rights, women's rights and child rights. Additionally, the sector is relevant to academics and journalists who research on and write about labour rights, women's issues and children's issues.

Based on the profile of the domestic worker sector, the study engaged civil society organisations work-

ing on women's rights and children's rights, labour rights organisations, trade unions, community-based organisations, faith-based organisations, research, advocacy and policy organisations, academia and the media. An array of organisations operating in Sinhala, Tamil and English were selected. In the case of civil society organisations, senior representatives were approached for one-to-one interviews.¹⁵ The duration of each interview was between 30 and 60 minutes and a total of 22 interviews were conducted. Questions presented during these semi-structured interviews were mostly open-ended.

The interviewees were requested to speak not only in their capacity as representatives of their respective organisations, but also as 'social change agents' operating within civil society. We define 'social change agents' as individuals attempting to alter social structures and institutions in their professional capacities for the common good. The interviews were audio recorded, transcribed and translated (where necessary), and analysed based on Grounded Theory.¹⁶

The findings of this study are based on the views and opinions of the following individuals and organisations:

Area of Work / Type of Organisation	Individual / Organisation
Women's rights	Centre for Women's Research (CENWOR) Women's Education and Research Centre (WERC)
Children's rights	World Vision Lanka
Faith-based	National Christian Evangelical Alliance of Sri Lanka (NCEASL) Ramakrishna Mission
Community-based	Women's Development Centre (WDC)
International organisations	The Asia Foundation (TAF) Care International International Movement Against All Forms of Discrimination and Racism (IMADR)
Labour rights/trade unions	Red Flag Movement The Solidarity Centre
Research, advocacy and policy organisations	International Centre for Ethnic Studies (ICES) Centre for Policy Alternatives (CPA) Centre for Poverty Analysis (CEPA) Rights Now Social Scientists' Association (SSA)
Media	Daily News Sunday Times
Academia, non-representative social change agents	Malathy de Alwis Siri Hettige Pradeep Jeganathan Nirmal Ranjit Dewasiri S.C.C Elankovan

At the time of the interviews, the Red Flag Movement, ICES and the Solidarity Centre were engaging in research and/or advocacy on local domestic workers.



FINDINGS

Funding and expertise

In choosing which themes and areas they would initiate research on, civil society organisations were influenced by three distinct but overlapping factors:

- a) Donor agendas
- b) Prior expertise and traditions
- c) 'Limelight' or 'burning' issues

DONOR AGENDAS

Many civil society representatives (CENWOR, ICES, TAF, CEPA, Ramakrishna Mission) observed that donor priorities and agendas often affected the nature and the amount of research that organisations undertook. Because many of these organisations respond either to contracted consultancies or calls for funding proposals, the prevailing sentiment was that priorities are often set by donor agencies and not by the organisations themselves. For example, Nirmal Ranjit Dewasiri, Senior Lecturer and Head of Department of the Department of History at the University of Colombo observed that funds dedicated to 'human rights work' were more easily available to Sri Lankan NGOs than funds relevant to the domestic worker issue. This problematic dichotomisation of 'human rights' and 'domestic worker rights' will be discussed

below (see section 3.3.4). Meanwhile, the Women's Development Centre¹⁷ identified the domestic worker issue as a structural problem, which required long-term funding. However, such long-term programmes did not fit into the short-term funding cycles usually offered by donor agencies.

Many organisations end up focusing on similar issues because funders tend to push particular themes/issues. Organisations tend to follow the money by tailoring their projects to suit a particular donor's agenda. This results in a poor mobilisation of resources because of constant repetition and replication.

*Malathy de Alwis
Feminist scholar, Activist
Lecturer of MA program in Women's Studies, University
of Colombo*

By contrast, Menaha Kandasamy, the General Secretary of the Red Flag Movement,¹⁸ observed that C189 and the discussion it generated on domestic workers has made international funding for work on domestic workers' rights readily available. This difference in opinion may lie in the interpretation of donor calls. Since many civil society organisations do not yet conceptualise the domestic worker issue as a 'rights' and 'development' issue, they do not perceive certain calls for proposals as applicable to the issue.

PRIOR EXPERTISE AND TRADITIONS

Many civil society organisations have pre-established mandates and areas of focus, determined by their particular missions, histories and traditions of engagement. These organisations have built up expertise, which gives them a competitive advantage in a particular field. For example, the Asia Foundation has focused on areas such as mediation and legal aid for several years, and on topics such as education since their founding in 1954. Organisations of this nature, with vast, long-term expertise in particular areas and longstanding donor relationships, may be reluctant to expand into relatively new areas such as domestic worker rights. Similarly, several organisations have built up specialisations. For example, the Women's Development Centre focuses mainly on violence against women, World Vision on child-sponsorship (amongst other humanitarian and development work), and the Ramakrishna Mission on education. Given these specialisations, organisations may remain reluctant to expand their scope of work to include relatively new issues such as domestic workers' rights.

Chulani Kodikara, a senior researcher at the International Centre for Ethnic Studies (ICES) and a director of WERC, provided a related but alternative perspective.¹⁹ She noted that 'domestic worker rights' is a new issue, and unless some person within an organisation takes an interest, or there is available funding, it is unlikely to get on the agenda. On the one hand, she argued that there was limited space to think through and select projects based on an organisation's priorities. On the other, she noted that organisations often fail to adequately map out issues and scope out funding sources. Malathy de Alwis similarly observed: 'the main problem arises from the fact that we don't set our agendas.'

BURNING AND LIMELIGHT ISSUES

In the context of Sri Lanka's three-decade civil war, the domestic worker issue was not considered a 'burning issue' or a 'limelight issue' even among organisations that have greater autonomy in developing their own projects. Civil and political rights issues, seen as more urgent within the current climate of impunity, were given higher priority. Some observers felt that this was inevitable and could not necessarily be critiqued. The head of the National Christian Evangelical Alliance of Sri Lanka²⁰ observed: 'people

view [the domestic worker issue] as a lesser of the evils that Sri Lankan society is facing. People are fighting for their lives.'

Executive Director of the Centre for Policy Alternatives (CPA), Dr. P. Saravanamuttu²¹ observed:

“ [CPA has] been focusing on disappearances, extra judicial killings, torture; because of the focus of the war and the absence of governance, they haven't really looked at the private sphere carefully.”

Meanwhile, others pointed out that it is now important to break from the current trend of de-prioritising domestic workers' rights. In the post war context, it appears there is space to prioritise new work, including perhaps, work on domestic worker rights. According to Mario Gomez:

“ ...people have been swamped on issues of governance, rule of law, ethnic war related issues. We should open the space, post war, even if it doesn't [immediately] open for domestic work.”

The three factors discussed in this section are inter-related. 'Limelight' or 'burning' issues are appealing to donors because they add a dimension of urgency to a proposal, and are often more immediately visible to the public. Furthermore, if an organisation has a proven track record of success or established expertise in a particular area, it is more likely that they will be able to secure funds in that area. Hence, donor agendas can drive research and advocacy on the one hand, and be driven by issues of public importance and by organisational expertise on the other. In this context, a breakthrough in terms of one of these factors could potentially lead to positive changes in the other factors. Accordingly, new opportunities in research and advocacy on domestic workers could slowly emerge.

To my knowledge, domestic work is not a priority for other civil society groups. I don't think it's been a priority for human rights groups either... It certainly hasn't received the priority it should have.

- Mario Gomez, Director of ICES

Lack of information and awareness

The current paucity of research, statistics and media coverage of domestic workers inhibits civil society from working on the issue of domestic worker rights. A representative from the Centre for Poverty Analysis²² summed up this problem by observing: ‘people start researching because [something] has become an issue, and [domestic workers’ rights] has not become an issue yet.’

This problem gives rise to four specific concerns, each of which requires further discussion:

- a) A ‘chicken and egg’ situation
- b) The perceived practical difficulties of collecting data
- c) The fallacy of anecdotal evidence
- d) Media silence

‘[Domestic worker rights] hasn’t [become] a big issue...so civil society hasn’t [carried out] research.’

- Director of NCEASL

A CHICKEN AND EGG SITUATION

The dilemma surrounding research on the issues of domestic workers presents a ‘chicken and egg’ type situation. It is not clear which should come first: recognition of the importance of the issue or an interest in researching on the issue. On the one hand, new research is fundamental to highlighting a particular issue and drawing attention to the need for reform. On the other hand, the research agenda in Sri Lanka appears to be focused on issues that are already highlighted and current. If an issue’s currency determines the amount of research undertaken on it, then new research—meant to draw attention to issues that remain unknown or hidden—becomes unlikely. This paradox may explain the cyclical phenomenon in Sri Lanka that has kept domestic worker rights off the research agenda. The cycle, however, is likely to be limited to short to mid-term research agenda-setting in the local context. If in fact the local research agenda is mainly driven by the local currency of an issue, that agenda may eventually be influenced in the long term by global trends in research. Therefore, over time, the cycle may be broken by the discourse surrounding C189 and the inclusion of domestic workers’ rights on the global research agenda.

THE PERCEIVED PRACTICAL DIFFICULTIES OF COLLECTING DATA

The lack of information on domestic workers is in part due to the perceived practical difficulties in obtaining information. A representative of the research organisation, Centre for Women’s Research

(CENWOR)²³ observed: ‘information gathering is difficult’, and ‘it is difficult to get a sample, to interview domestic workers in their houses’. She pointed to the difficulty in avoiding ‘biased information’ due to these challenges in sampling. Nimalka Fernando of the International Movement against All Forms of Discrimination and Racism (IMADR)²⁴ also pointed out the difficulty of obtaining accurate information. Her observations were mainly based on her experiences in 1995 and 1996 when she attempted to obtain testimonies from migrant domestic workers. She made the following observations about the stigma attached to abuse and the reluctance of research participants to speak freely in Sri Lanka:

“ It took almost one year with women we were talking to and giving information about reproductive health and sexual education. [The moment we took] them aboard for a migrant workers network... they (two of them) cried and said they were raped, they couldn’t say that in front of their husbands who were now rejecting them. It took almost 10 months. It took so long. Here in Sri Lanka, it can never be revealed. ”

These observations, however, may be equally applicable in other contexts. For instance, women may be unwilling to speak about sexual violence in general.²⁵ Hence research on domestic workers is confronted with some of the same practical challenges in data gathering evident in other areas of research, including gender-based violence and domestic violence. However, these areas receive comparatively more attention in Sri Lanka than domestic worker rights.²⁶

THE FALLACY OF ANECDOTAL ADVICE

Anecdotal bias is a fallacy in informal argumentation that involves the use of personal stories or experiences as ‘evidence’ for a claim, as opposed to using scientific testing or statistics to support the claim.

The interviews held under this study revealed that some interviewees, who treated their domestic workers well, had the tendency to extrapolate their personal experiences of positive treatment and apply it to all domestic workers. A few of the civil society members who were interviewed were of the opinion that their social circles generally treated domestic workers well. Very few acknowledged explicitly the invisible nature of the mistreatment. They also did not acknowledge that they were aware of mistreatment personally, except for a few public cases.

Nimalka Fernando observed that if a survey of households belonging to civil society members were carried out, it would probably demonstrate that ‘they [civil society] give a lot of free space.’

This perception of positive treatment emerged in many other interviews as well and is indicative of the lack of available information.. In this context, it is possible that civil society actors use anecdotal evidence to shape how and what they think about domestic workers. Together with the lack of statistics, or other evidence arrived at by systematic research and testing, first hand stories become an important source of information. Thus anecdotal evidence may appear to prove that domestic workers are treated well in general. This fallacy may prevent civil society actors from problematizing the treatment of domestic workers. In the absence of a process of problematizing, the need for future research and advocacy may not be recognised.

'It's taken for granted, and they [civil society] believe that they treat their domestic workers well'

*- Dr. P. Saravanamuttu,
Director of CPA*

MEDIA SILENCE

According to the representatives of two organisations (CARE and TAF), the lack of research and statistics on domestic workers results in the lack of information on the precise nature and extent of their problems. Media silence on the issue also contributes to the lack of attention from civil society. A journalist from the Daily News argued that media attention was focused on migrant domestic workers instead of their local counterparts because 'they bring a lot of money', referring to what he said was a '7.2 billion dollar contribution' to the Sri Lankan economy.²⁷ This argument, however, does not take into consideration the invisible contribution of local domestic workers to the local economy, though it perhaps explains the subjective rationale for focusing on migrant domestic workers. He noted that there were no media conferences and briefings to educate the media on local domestic workers, which has resulted in the dearth of articles on the subject in the local media. As pointed out by Nimalka Fernando, 'at least in the Middle East this has been exposed. But inside Sri Lanka, it is not explored except for a few journalists talking about the Colombo 7 issue – but that even died down.'²⁸

One exception to the general trend occurs when public personalities are involved in local domestic worker maltreatment. With regards to a story about an employer burning a domestic worker, the

NCEASL director commented: 'if the employers are big personalities it gets a lot of attention. With local domestic workers it's easier to be suspicious than of migrant domestic workers. [In the other case] there is a feeling that the foreigners have treated them badly.' This observation also implies that scrutiny of mistreatment is more likely when the accused is of a different nationality, rather than when it is a local problem. The overriding perception is that the local domestic worker issue, as portrayed in the media, is minor compared to the migrant domestic worker issue. Instances of abuse are considered isolated. As a result, 'civil society has taken up the more sensational issues, like migrant workers' (Nimalka Fernando).

While there are significant cultural representations of domestic workers,²⁹ it is clear that societal sensitivity created through them has not translated into the particular type of national consciousness that inspires media and civil society action. Nimalka Fernando reiterated this point when she observed that 'it's not that there's no depictions, it's not daily fodder for *Lankadeepa*, it's about the private and domestic and intimate which is not what journalists want to write about.' However, Kumari Jayawardena referred to the momentum media coverage could generate when it is effective. She spoke of the cases of violence against domestic workers many years ago, observing that newspaper coverage at the time led to questions in Parliament. According to Jayawardena:

“ In 1935, there was a commission on domestic workers and child workers; because one of the scandals of domestic workers was the employment of children that sometimes occur on the guise of adoption. So, there was a commission appointed because of the treatment and the press publicity. ”

However, without this media coverage, domestic workers remain relegated to what Mario Gomez describes as an 'invisible status in people's lives'. While the introduction of C189 has had a positive effect on civil society consciousness, it may still take some time before the issue reaches mainstream status. As Chulani Kodikara observed, 'sometimes it takes a bit of time to percolate down.'

'In Sri Lanka [as opposed to the Middle East] the stories are so far and few that we don't connect the dots.'

- A representative from CEPA

Conceptualisations of domestic workers

The lack of statistics, research and media coverage on local domestic workers also creates a vacuum in terms of a clear conceptualisation of the issue. It was found that the way in which civil society organisations conceptualise (or fail to conceptualise) the domestic worker issue forms serious obstacles in considering it worthy of research or advocacy. The following subsections will explore some of these obstacles:

- a) Discourse being one-sided
- b) Lack of conceptualisation as a collective/group
- c) Desensitisation and cultural normalisation
- d) Issues predicted to be resolved organically through the market
- e) Domestic workers considered as ‘family’ as opposed to ‘workers’
- f) Confusion about locating the issue within existing discourses

DISCOURSE BEING ONE-SIDED

As pointed out by the director of NCEASL, conversations within civil society on domestic workers are often one-sided and from the employers’ point of view rather than a discussion of domestic worker rights and working conditions. He observed:

“ In other industries, you can talk from the perspective of being an employee, but when it comes to the domestic worker, you don’t have that perspective...Domestic workers may discuss among themselves but not to their employers about their rights and working conditions. ”

A representative of CARE International also reiterated the type of discourse that was prevalent amongst civil society members. It was observed: ‘we [only] talk about domestic workers from the employer’s perspective among friends and family.’

LACK OF CONCEPTUALISATION AS A COLLECTIVE/GROUP

The inability to conceive of domestic workers as a distinct labour group or sector may be explained partly by the diverse range of functions and contract types they represent. However, this lack of conceptualisation conceals the fact that domestic workers have collective grievances and prevents civil society from measuring the impact of those grievances. According to the representative from CARE:

“ Domestic workers haven’t been looked at as a category...they haven’t been categorised as a

group. If you look at civil society, we have always chosen other battles; you might fight for one person’s rights because it’s going to affect all the other women. If you don’t understand who you are fighting for, and what the scope is, if there is no research done, then it’s very hard to make a judgement. ”

Moreover, the isolated and individual nature of domestic work appears to have prevented civil society from imagining domestic workers as a collective and a group. This phenomenon perhaps inhibits discourse on the cultural, legal and socio-political status of domestic workers. Pradeep Jegannathan, citing Karl Marx’s *The Eighteenth Brumaire of Louis Napoleon*, observed:

“ The peasantry are like potatoes in a sack and they will never form a collective consciousness. All the potatoes are the same – there is a ‘sameness’, they are atomised, they each have their own plot. It is only when these agrarian relations broke down and they were crammed shoulder to shoulder in factories that class-consciousness formed. It becomes easier to talk to each other and see each other as part of the same movement. The lack of collective recognition of these individuals as a group by domestic workers and their employers prevents any discourse from emerging. ”

DESENSITISATION AND CULTURAL NORMALISATION

Some civil society actors observed that desensitisation and cultural normalisation of the domestic worker issue had taken place over the past few decades. For example, the Deputy Coordinator of the Women’s Development Centre commented that ‘culture has also contributed to their problem and increased their vulnerability.’ Meanwhile, a representative of The Asia Foundation³⁰ observed:

“ It is accepted that it’s okay to have a domestic worker but they have no rights. There is a cultural system around accepting and normalising these domestic workers. We talk about informal sector workers, and ‘own account’ workers, women who work in the home, agricultural workers and contributory workers, but in none of these discussions do we talk about domestic workers. ”

Another member of civil society pointed to the history of domestic workers in Sri Lanka, where even in villages ‘you had someone to do your laundry’. Thus

there is a sentiment that domestic workers have traditionally existed within Sri Lankan culture, generating a parallel aversion and resistance to challenging the status quo. This aversion may not necessarily be rationally related to any particular tradition or historical practice, but may simply be an aversion to change.

ISSUES PREDICTED TO BE RESOLVED ORGANICALLY THROUGH THE MARKET

Some civil society actors were of the opinion that market forces—supply and demand—would organically resolve the domestic worker issue. A member of the working committee of CENWOR reflected on the reasons put forth by others for not pursuing advocacy on domestic worker rights. She recalled a conversation in which it was argued ‘the market would take care of the domestic worker...for example, they have more bargaining power.’ Moreover, Nirmal Ranjit Devasiri observed: ‘maybe if you’re a domestic worker, there is a high demand. You can quit – and find another place’ suggesting that the demand for domestic workers was higher than the supply and that the domestic worker now perhaps even has a choice to select her employer.

Another civil society actor commented that regulation, without due consideration of other opportunities available to domestic workers, might challenge the limited sources of income available to these workers. She argued that a parallel policy process that aims to progressively make available opportunities and alternatives to unskilled labour groups, such as domestic workers, is needed, in addition to regulations that aim to safeguard domestic workers from exploitative working conditions.

The head of NCEASL in turn observed that ‘civil society may see domestic work as something relatively positive – that they at least have some work. Domestic workers are not seen by the majority as within a structure of exploitation.’

DOMESTIC WORKERS CONSIDERED ‘FAMILY’ AS OPPOSED TO ‘WORKERS’

Domestic workers are often conceptualised as being part of a private sphere unsuitable for public engagement. For example, Dr. Saravanamuttu observed that ‘the way they would have viewed themselves in more feudal settings was not as domestic workers but as part of an extended family.’ A representative of CEPA observed: ‘within civil society there isn’t much conversation about domestic workers. I’ve not seen a discussion about domestic workers as a group. They are considered an extension of the family, they are not seen as a vulnerable group.’

They become part of our household...so there is a certain ‘domestication’ of the problem.’

- Nimalka Fernando, President of IMADR

Many of the interviewees agreed that the general reluctance to conceptualise domestic workers as ‘workers’ prevented some civil society actors from thinking further about domestic workers’ work conditions, status and terms of employment. A veteran journalist from *The Sunday Times* observed: ‘domestic workers are not considered a form of employment. There is no contractual arrangement. The relationship is obligatory.’ ICES representative and director of WERC Chulani Kodikara commented ‘there is a need for awareness, to think of these people as workers.’ Menaha Khandasamy of the Red Flag Movement reiterated these sentiments in the following terms: ‘everybody calls them servants and they do not realise they belong to the workforce. They work isolated and they do not see it as an employee-employer relationship or a work place. It is a very informal and private business.’ Another civil society member also concluded: ‘domestic workers are traditionally seen as part of the functioning of the household but not viewed as part of a ‘workforce.’ Hence the general tendency to place domestic workers within the private sphere of ‘family’ may have contributed to the lack of civil society engagement on the issue.

CONFUSION ABOUT LOCATING THE ISSUE WITHIN EXISTING DISCOURSES

Another finding of this study was the confusion over what type of issue domestic work actually is (is it a ‘women’s issue’, a ‘labour issue’, a ‘rights issue’ or a ‘development issue’?). This confusion could prevent domestic worker rights from being incorporated within the mandates of civil society organisations. It could also potentially result in domestic workers ‘falling through the cracks’ in the existing discourses.

One civil society actor observed that there is limited scope for organisations with general development mandates to engage on the issue of domestic workers. Another observed that domestic workers were essentially invisible to many human rights organisations that focus on rights issues.

This subtle dichotomisation of ‘human rights’ and ‘domestic worker rights’ is perhaps due to the tendency to see labour rights as distinct from human rights (although organisations often take a human rights approach to labour issues). In this context, domestic worker rights are often located in the sphere of labour rights, and could potentially be left out of broader human rights discourses as well as more specific women’s rights discourses. However, this classification may lead to further challenges. As pointed out by Nimalka Fernando, domestic workers rights may receive low prioritisation even within the general discourses on labour rights. She observed: ‘it has not been addressed also because it is women’s labour and this has not been incorporated into the larger labour rights discourse.’

Structural disincentives within civil society

This section examines some of the structural disincentives that may exist for civil society actors in terms of carrying out research and advocacy on domestic worker rights. Three specific issues will be explored:

- Conflict of interests
- Emotional and psychological disincentives
- Cultural disparity

It is noted that any typological characterisation of civil society (for instance, as comprising individuals from a particular class, or individuals who employ domestic workers), is not based on a quantitative study involving a representative sample. Hence these generalisations need to be approached with a great deal of caution. It is perhaps more appropriate to state that the civil society actors engaged in this study were largely based in urban areas and appeared to fall within a particular profile. Civil society actors in rural areas may not be characterised as such. Hence this particular analysis may be wholly irrelevant to civil society actors operating in different environments.

CONFLICTS OF INTEREST

It was pointed out that civil society actors usually belonged to the middle or upper middle class, and often employ domestic workers. In fact, 20 out of the 22 interviewees employ domestic workers, or employed domestic workers in the past.

According to a number of civil society actors interviewed for the purpose of this study, due to the dual role of civil society actors as 'social change agents' and 'employers' of domestic workers, there is a conflict of interest (Women's Development Centre, Chulani Kodikara, S.C.C Elankovan, CEPA, Malathy de Alwis, TAF, Siri Hettige, Rights Now). Because employers directly stand to benefit from the status quo where domestic worker rights are not highlighted, individual civil society actors (who are also employers of domestic workers) may be incentivised to maintain that status quo.

It was suggested that women might experience a larger conflict of interest. Malathy de Alwis noted, since women are traditionally expected to do housework, women activists were especially incentivised to maintaining the status quo on domestic workers in order to be professionally effective. She observed that the issue of domestic workers 'hits too close to home...We need to start questioning ourselves more'. She also argued that the level of introspection required was 'embarrassing' and that what may get unearthed through a process of introspection may explain the disincentives to taking up the issue. How precisely women within civil society respond to these

disincentives is yet unknown, given the fact that no quantitative study has been conducted on this issue to date.

EMOTIONAL AND PSYCHOLOGICAL DISINCENTIVES

It was noted by some interviewees that certain emotional and psychological barriers might exist amongst civil society actors which prevent engagement on domestic worker rights. As described by one civil society actor, civil society is 'caught in the trap', because 'you don't want to deal with people in your own house.' This desire for an unregulated home (and aversion toward professionalising and formalising relations within it), together with the feelings of guilt and embarrassment, may prevent civil society actors from taking up the domestic worker issue.

A representative from CEPA analysed the associated emotional response of having to think critically about domestic workers. He observed: 'it's that guilt feeling that comes out of it that prevents civil society members from addressing this issue. We're all complicit in that we're not providing social protection.'

According to one civil society actor, 'decision makers don't want their homes to be regulated, because they currently have freedom in that sphere'. It was argued that the home might be a space that civil society actors prefer to keep out of the public sphere. This preference may create psychological barriers to professionalising the characteristically informal and non-professional home environment. Another civil society member noted that since 'too many people are a part of that issue', a 'guilt psychosis' is created, which prevents those members of civil society from addressing the issue. Nirmal Ranjit Devasiri too believed embarrassment could be a cause for inactivity. He observed: 'some people like to keep quiet about issues that may cause embarrassment to them. This is maybe one of the ways to look at it.'

Kumari Jayawardena explained this challenge slightly differently:

“ We lead a certain life, and this only happens because a group of people called domestic workers, previously referred to as 'servants' who serve in some cases like slaves...It is the kind of thing people are slightly embarrassed about and call them domestic workers as opposed to servants thinking it sounds better. ”

Hence it could be argued that civil society actors are susceptible to the same incentives that any individual of a particular social class might encounter in terms of lifestyle choices.

Pradeep Jegannathan had a different perspective to offer. He described the relationship between employer (including civil society actors) and domestic worker by underscoring its 'intimate' nature. He offered the following critical observation:

“ You're doing intimate work, food eaten in the same kitchen, you clean bedrooms and bathrooms—which creates intimacy. That's not to say there isn't a power dynamic, when there's intimacy it's very difficult to provide formal antagonism that's part of a negotiation.... its hard to have a fixed set of rules. Management has a set of rules. In intimate service, it has to do with a perverted sort of love; its taken to the point of infantilizing – we say they're dishonest, they don't tell the truth, but we still do a lot for them... There's no space to dissent because it's so intimate. ”

Reiterating this notion of 'perverted intimacy', another interviewee summarised the culture of domestic work as one of 'perceived benevolence' as opposed to a mutual acknowledgement of rights and entitlements. The employer perceives himself as benevolent when providing remuneration or payment in kind, and the domestic worker feels as if she is the recipient of benevolence. Both parties are then allowed to feel warmly about the relationship, forming a barrier to questioning or criticising different aspects of that relationship.

CULTURAL DISPARITY

The disparate cultural backgrounds of civil society actors and domestic workers may form disincentives for engagement. Once again, the generalisation inherent in this argument needs to be approached with caution. Cultural disparity may exist between a civil society actor and a 'beneficiary' of social action in a variety of other contexts. These circumstances may not necessarily influence the level of engagement on a particular issue. For example, cultural disparity between a development aid worker and a beneficiary may have no impact on the willingness of the aid worker to engage the beneficiary. Hence the argument on cultural disparity in the context of domestic workers needs to be read in light of the fact that the civil society actors concerned are also employers of domestic workers.

Those interviewed referred to the prevalence of a socio-economic class and cultural hierarchy within the home and within society in Sri Lanka. This hierarchy made agitating on behalf of domestic workers complicated. Nirmal Ranjt Dewasiri described the cultural hierarchy as being exhibited in the manner of

addressing, comparing it to a 'feudal' relationship. He argued that the pre-modern terminology was a way to reproduce archaic relationships between aristocrats and the domestic worker.

Mario Gomez pointed out that this cultural hierarchy is perhaps a characteristic of Sri Lankan society, and that this hierarchy influenced the manner in which civil society actors approached the issue. He observed: 'Sri Lanka is a very hierarchical society; this is one part of the hierarchy that we may not want to be disturb – it may be unsettling for them [civil society actors].'

Explaining the effect of the same factors, Pradeep Jegannathan observed:

“ There is an immense amount of upper, upper-middle class and lower middle class prejudice that exists, that really inhibits any struggle for rights. Most people assume that a domestic worker is dishonest until they're proven honest. This is independent of their depiction in films and media. It has to do with class location and how we consolidate our class location. Many people take half a ream of paper home from the printer, and they are being as dishonest as a domestic worker who takes home tea or milk to give her kids. But we make a big fuss of it, and complain. ”

While the exact nature of upper, upper-middle class and lower middle class prejudice is unknown and cannot be easily verified or measured, it is probable that by virtue of employers being of a different cultural and class background to the domestic worker there is less capacity to empathise. According to psychologist Daniel Goleman, 'a growing body of recent research [which] shows that people with the most social power pay scant attention to those with little such power' (Goleman 2013). Moreover, one study published in the *Personality and Social Psychology Bulletin*, found empathy had a stronger effect on helping intentions when the helper and the target belonged to the same cultural group, rather than when they belonged to different groups (Strumer 2006). Hence, barring certain exceptions,³¹ it appears that civil society actors do encounter disincentives in terms of engaging domestic workers due to pre-existing socioeconomic

You're treating your employer not as an employer but as a "lord" by using names like 'Mahathaya' or 'Nona'. Even the children of the family, call these domestic workers by their names, even though they are elderly women. That is some distinct power structure.

*Nirmal Ranjit Dewasiri,
Head of History Department,
University of Colombo*



CONCLUSION

Civil society is often at the centre of dialogue, debate and reform. Therefore, any meaningful structural change pertaining to local domestic workers should emerge from this space. Through conversations with civil society actors, this study unearthed evidence of increasing awareness and receptiveness to the domestic worker issue amongst civil society. However, current civil society engagement with domestic workers is low compared to global trends. Despite escalating global concern on the subject, significant at-

Civil society is often at the centre of dialogue, debate and reform...but its inactivity and lack of intervention on domestic worker rights, is worrying.

attention devoted to migrant domestic workers, and recognition and depiction of domestic workers in early anthropology and contemporary literature and film in Sri Lanka, research and advocacy on local domestic worker rights has been limited. The inactivity and lack of intervention of civil society, in this regard, is worrying. At least four major factors were uncovered in this study, which contribute to a theory of why current levels of civil society engagement is low.

FUNDING

Pre-established ideas about a dearth of funding opportunities related to domestic workers influence decision-making within civil society organisations. There is a general reluctance to venture into new areas of focus for those organisations that have already built up knowledge bases in certain fields. Moreover, there is limited space within civil society to map priorities and scope out funding opportunities in new areas.

DATA AND AWARENESS

A lack of current research and statistics on domestic workers has stymied interest amongst researchers, activists and the media. Initial awareness often acts as a catalyst for social change agents. However, the absence of any baseline data, perhaps due to the perceived practical difficulties of obtaining information, has made social change agents reluctant to engage on the domestic worker issue. This lack of data and awareness contributes to an anecdotal fallacy, where personal experiences are used to justify the presumption that domestic workers are treated well. Finally, the media has remained apathetic to the issue, given the fact that articles on local domestic workers are scarce.

CONCEPTUALISATION

The way civil society currently conceptualises domestic workers' rights contributes significantly to low levels of engagement on the issue. The lack of information on domestic workers prevents, among other things, the domestic worker issue from being considered within a rights perspective or from being discussed from the point of view of the worker. Civil society does not consistently conceive of domestic workers as a group or a collective. These weaknesses in conceptualisation prevent civil society actors from addressing domestic workers' collective grievances. Meanwhile, cultural desensitisation, combined with the belief that the domestic worker issue will organically resolve itself through market forces, promote apathy towards domestic workers. The perception of the domestic worker as a pseudo member of the family (as opposed to a 'worker') also prevents civil society actors from attempting to regularise and formalise the employment relationship.

STRUCTURAL DISINCENTIVES

Finally, there are certain structural disincentives that prevent civil society actors from engaging on domestic worker rights. Interviewed civil society actors perceived a conflict of interest in their dual role as 'social change agents' and 'employers of domestic workers'. According to some interviewees, this conflict of interest may result in emotions of 'guilt' and 'embarrassment', which possibly contribute to low levels of engagement. The aversion to the 'home' becoming yet another space for professional and formal relations may also be a contributing factor. Moreover, the intimate nature of the employer-employee relationship and the assumed benevolence of the employer often prevent formal antagonisms from emerging. Additionally, the disparity in class and cultural backgrounds between civil society actors and domestic workers, coupled with their employment relationship, appears to limit the capacity to empathise with domestic workers. This disparity may also contribute to the current reluctance amongst civil society actors to engage in research and advocacy on local domestic worker rights.

These four factors are subject to the limitation that those interviewed are not entirely representative of Sri Lanka's civil society. Therefore, there may be certain un-captured reasons that explain why civil society organisations fail to engage on the domestic worker issue. In any event, a single factor cannot explain inactivity in any one case. Instead, a combination of different factors might explain why a particular organisation or actor chooses not to engage on domestic worker rights. Moreover, it should be understood that each factor does not apply to the same degree to every civil society actor or organisation. For example, some civil society organisations may

be less affected by the scarcity of funding, and others may be less affected by the lack of baseline data. The precise effects and combination of these various factors will perhaps be understood only by those who are familiar with an organisation's unique vision, mission, capacities and weaknesses.

We hope that the findings of this study will motivate introspection and re-evaluation, and encourage civil society actors to 'open the space' for much needed research and advocacy on local domestic workers. A purposive, collective effort will enable local domestic workers to register meaningfully on the civil society agenda – in sight, and also in mind.

END NOTES

¹ *Sri Lanka: Domestic Workers: An Analysis of the Legal and Policy Framework* (Decent Work for Domestic Workers: Report No.1) (Sri Lanka: Verité Research, 2014).

² 'What Is Civil Society?', BBC World Service (5 July 2001),

www.bbc.co.uk/worldservice/people/highlights/010705_civil.shtml.

The same definition is endorsed elsewhere including: Paulos Milkias, *The Role of Civil Society in Promoting Democracy and Human Rights in Ethiopia* (Paper presented at the Ethiopian Americans Council Conference in July 2006).

³ ILO: Record of Proceedings, International Labour Conference (ILC), 31st Session, 1948, Appendix XVIII: Resolutions adopted by the Conference, pp. 545–546.

⁴ For more information about the campaign, see 'The Campaign for a Domestic Workers' Convention', WIEGO. Accessed 10 February 2015. <http://wiego.org/informal-economy/campaign-domestic-workers-convention>

⁵ 'The Campaign for a Domestic Workers' Convention', WIEGO. Accessed 10 February 2015. <http://wiego.org/informal-economy/campaign-domestic-workers-convention>

⁶ 'Moving towards decent work for domestic workers: An overview of the ILO's work' (2010), 'Measuring the economic and social value of domestic work: Conceptual and methodological framework' (2011) 'Snapshot: ILO in action: domestic workers' (2013), 'Effective protection for domestic workers: A guide to designing labour laws (2012)', 'Domestic workers across the world: Global and regional statistics and the extent of legal protection' (2013), 'Child domestic work: Global estimates 2012', 'Decent work for domestic workers in Asia and the Pacific: Manual for trainers' (2012), 'ILO survey on domestic workers: Preliminary Guidelines' (2014), 'Qualitative research on employment relationship and working conditions: Preliminary Guidelines' (2014), 'Achieving decent work for domestic workers: An organizer's manual to promote ILO convention No. 189 and build domestic workers' power' (2012), and were all produced in the four year time window.

⁷ Interview with Dr. Janaki Deepthika Jayawardena, Senior Lecturer, Department of History, University of Colombo.

⁸ Sri Lankan labour force surveys from 2002 up to 2012 second quarter provide statistics for 'Private households with employed persons' based on the 'International Standard Industrial Classification of All Economic Activities, Rev.3'. This class includes the activities of private households employing all kinds of domestic personnel such as maids, cooks, waiters, valets, butlers, laundresses, gardeners, gatekeepers, stablehands, chauffeurs, caretakers, governess, baby-sitters and tutors, secretaries, etc.

For more information see 'Labour Force', Department of Census and Statistics. Accessed 10 February 2015. www.statistics.gov.lk/page.asp?page=Labour%20Force

⁹ Women's Education and Research Centre (WERC) is an independent non-governmental feminist organization striving to attain gender equality in Sri Lanka.

¹⁰ Domestic workers who live separately and travel to their place of employment may be classified as 'non-residential' workers. These domestic workers are often described as 'daily' workers, although the term is misleading because non-residential workers may also be contracted on a 'weekly' or 'monthly' basis, and not only on a daily basis. Domestic workers who take up residence at their place of employment may be classified as 'residential' workers. These domestic workers are often described as 'live in' workers. See Verité Research, *Sri Lanka: Domestic Workers: An Analysis of the Legal and Policy Framework* (Decent Work for Domestic Workers: Report No.1) (December 2014).

¹¹ Interview with Selvy Thiruchandran, Executive Director at Women's Education and Research Centre (WERC).

¹² 'Domestic Workers', WIEGO. Accessed 3 March 2015, <http://wiego.org/informal-economy/occupational-groups/domestic-workers>

¹³ Domestic work is predominantly carried out by women, who account for 83 per cent of all domestic workers worldwide (Luebker and Oelz, 2012).

¹⁴ According to a study by the ILO, '17.2 million children are in paid or unpaid domestic work in the home of a third party or employer' (ILO, 2013a). On the other hand, the 2003 study "Sri Lanka Child Domestic Labour: A Rapid assessment" (Kannangara et al 2003) suggested that there was a relatively low number of children working as domestic workers in Sri Lanka. Since the latter was a rapid assessment it was thought best to include at least one organization specializing in child labour amongst the interviewees.

END NOTES

- ¹⁵ There was an exception in two cases, where there were two interviewers present instead of one.
- ¹⁶ Grounded Theory Methodology has become the most widely used framework for analysing qualitative data. Based on the approach elaborated by Barney G. Glaser and Anselm L. Strauss in 1967 in *The Discovery of Grounded Theory: Strategies for qualitative research*, it involves a process of theoretical sampling ‘for generating theory whereby the analyst jointly collects, codes and analyses his data and decides what data to collect next and where to find them, in order to develop his theory as it emerges’ (Glaser, Strauss 1967:45).
- ¹⁷ The Women’s Development Centre is an NGO based in Kandy that works with rural women and provides support to women affected by physical, sexual or emotional violence.
- ¹⁸ The Red Flag Movement is the Kandy-based women’s wing of the Ceylon Plantation Workers Union (CPWU) and is responsible for setting up Sri Lanka’s first Domestic Workers Union.
- ¹⁹ ICES is a Sri Lankan research centre focusing on ethnicity, identity politics, conflict and conflict resolution, post-war reconstruction, democracy and governance, human rights, development and gender.
- ²⁰ NCEASL is an organization with a membership of over 200 churches and organisations, representing over 200,000 Evangelical Christians in Sri Lanka.
- ²¹ CPA is an independent, non-partisan organisation committed to programmes of research and advocacy through which public policy is critiqued and alternatives identified and disseminated.
- ²² CEPA is an independent, Sri Lankan think-tank promoting a better understanding of poverty-related development issues.
- ²³ CENWOR is a non-profit organization whose stated mission is to promote research, training, lobbying, advocacy and monitoring for gender empowerment.
- ²⁴ IMADR is an international non-profit, non-governmental human rights organization devoted to eliminating discrimination and racism.
- ²⁵ In 1995, the American Medical Association named sexual abuse as ‘silent, violent epidemic’ (AMA 1995), and according to *The Independent*, 80 per cent of the 1,600 respondents of a major survey said they did not report their assault to the police, while 29 per cent said they told nobody (Lakhani 2012). Moreover, according to an early study by the Immigration and Refugee Board of Canada, some Sri Lankan commentators believed the majority of women would rather suffer in silence than seek help from the authorities (IRBC, 1993).
- ²⁶ There are many more local and international studies, surveys and media attention on topics such as ‘sexual violence in Sri Lanka’ or ‘domestic violence in Sri Lanka’ compared to ‘local domestic workers’. In 2005, the Prevention of Domestic Violence Act, No. 34 (PDV Act) was passed, which addresses domestic violence and provides for a quasi-criminal remedy. Furthermore, many women’s organisations in Sri Lanka, including CENWOR, Women’s Development Centre and Women and Media Collective were responsible for coordinating the civil society campaign which resulted in the enactment of the Domestic Violence Act of 2005. These organisations have included gender-based violence within their mandates and initiated programmes and research related to this topic.
- ²⁷ This is an estimate for 2014. A Central Bank statistic for 2013 is USD 6.407 billion.
- ²⁸ S is referring to Letchuman Sumathi and Maduraveeran Jeevarani, two teenage girls whose bodies were found on 15 August 2009 in a canal in Bauddhaloka Mawatha (Duraisamy 2009).
- ²⁹ See section 1.3 paragraph 1.
- ³⁰ TAF is a nonprofit international development organization committed to strengthening institutions of governance and improving the environment for economic growth, security, and justice.
- ³¹ An exception to this observation is the Red Flag Union, whose General Secretary was responsible for setting up the first Sri Lankan domestic worker union. In her interview it was noted that the established domestic worker union was comprised of Sri Lankan women some of whom are or had been domestic workers or who came from the same cultural group as domestic workers. The Red Flag Union not only has been strongly interested in enhancing domestic worker rights, but it has also taken credible steps to do so. In this regard, it diverges from most of the other civil society groups interviewed.

REFERENCES

- Amarasēkara, Guṇadāsa. *Jīvana suvanda. 8vana mudraṇaya. ed. Boralāsgamuva: Visidunu Prakāśanaya*, 1956.
- American Medical Association. Press release. Chicago, IL: AMA, 1995.
- Budlender, Debbie. *Measuring the economic and social value of domestic work: conceptual and methodological framework*. Geneva: ILO, 2011.
- Carbone, Elsa. *Decent work for domestic workers in Asia and the Pacific: manual for trainers*. Bangkok: ILO, 2012.
- Caritas, *Migration of Sri Lankan Women: Analysis of Causes and Post-arrival Assistance*. Caritas Sri Lanka - SEDEC, n.d.
- Chen, M. 'Counting The Invisible Workforce: The Case Of Homebased Workers.' *World Development* 27, no. 3 (1999): 603-610.
- Dejardin, Amelita King. *Qualitative research on employment relationship and working conditions: Preliminary Guidelines*. Geneva: ILO, 2014.
- Demaret, Luc. 2007. Decent work for domestic workers. International Labour Organization. September 16, 2014 (http://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@actrav/documents/publication/wcms_111439.pdf)
- Department of Census and Statistics Sri Lanka. August 24, 2014. Accessed October 31, 2014. <http://www.statistics.gov.lk/page.asp?page=Labour Force>.
- Duraisamy, S. 'Story of Sumathi and Jeevarani.' *Daily News*, August 24, 2009. Accessed October 31, 2014. <http://archives.dailynews.lk/2009/08/24/news14>
- Human Rights Watch (HRW), *Swept under the rug: abuses against domestic workers around the world*. New York: Human Rights Watch, 2006.
- Geiger, Wilhelm. *The Mahavamsa*. London: Pub. for the Pali text Society by H. Frowde, 1908.
- Glaser, Barney G., and Anselm L. Strauss. *The Discovery of Grounded Theory: Strategies for Qualitative Research*. Chicago: Aldine Pub., 1967.
- Goleman, Daniel. 'Rich People Just Care Less.' *The New York Times*, October 6, 2013, SR12.
- Gunasekera, Romesh. Reef. New York: New Press, 1994.
- International Labour Organization (ILO), *Achieving decent work for domestic workers: an organizer's manual to promote ILO Convention no. 189 and build domestic workers' power*. Geneva: ILO, 2012.
- International Labour Organization (ILO), *Child domestic work: Global estimates 2012*. Geneva: ILO, 2013a.
- International Labour Organization (ILO), *Snapshot: ILO in action : domestic workers*. Geneva: ILO, 2013b.
- International Labour Organization (ILO), *Reintegration with home community: perspectives of returnee migrant workers in Sri Lanka*. Colombo: ILO, 2013c.
- International Labour Organization (ILO), *ILO survey on domestic workers: Preliminary Guidelines*. Geneva: ILO, 2014.
- Immigration and Refugee Board of Canada (IRBC), *Human Rights Briefs: Women in Sri Lanka*, 1 December 1993, (<http://www.refworld.org/docid/3ae6a80618.html>)[accessed 28 October 2014]
- Kannangara, Nayomi, Harendra Silva, and Nilakshi Parndigamage. *Sri Lanka, child domestic labour: a rapid assessment*. Geneva: International Labour Organization, International Programme on the Elimination of Child Labour, 2003.
- Knox, Robert. *An historical relation of the island Ceylon, in the East - together with an account of the detaining in captivity the author ... and of the author's miraculous escape. Illustrated with figures and a map of the island*. London: Richard Chifwell, 1681.
- Lakhani, Nina. 'Unreported rapes: the silent shame.' *The Independent* (London, UK), March 12, 2012. <http://www.independent.co.uk/news/uk/crime/unreported-rapes-the-silent-shame-7561636.html> (accessed October 22, 2014).

REFERENCES

- LeMesurier, Cecil J. R.. *Níti-nighaṇḍuva ; or: the vocabulary of law, as it existed in the last days of the Kandyan kingdom*. Colombo: Herbert, 1880.
- Luebker, Malte, and Martin Oelz. *Domestic workers across the world global and regional statistics and the extent of legal protection*. Geneva [Switzerland: International Labour Organization, 2013.
- Machado, José Maria. *Domestic Work, Conditions of Work and Employment a Legal Perspective*. Geneva: International Labour Office, 2004.
- Neetha N. 'Contours of Domestic Service: Characteristics, Work Relations and Regulations', *Indian Journal of Labour Economics*, Vol.52, No. 3, July-Sept 2009. pp. 489-506.
- Oelz, Martin, and Angelika Muller. *Effective protection for domestic workers a guide to designing labour laws*. Geneva: ILO, 2012.
- Palaniappan, Gowrie. *Testimony of a Domestic Worker of Sri Lanka*. Colombo: Institute of Social Development, Global Net, 2010.
- Papachan, Suguna. *Manual for domestic workers: organising for a better future*. Bangkok: Committee for Asian Women (CAW), 2009.
- Peiris, Pradeep. *Baseline Survey on Domestic Workers*. Colombo: National Workers Congress, WREC, 2007.
- Rizio Alexandra, Chu Alice, Marin Diana E., and Marulanda Maria. *Domestic Workers Worldwide: Four Collective Bargaining Models*. National Workers Alliance, 2011.
- Sarveswaran, A. *Domestic Workers' Rights in Sri Lanka – Work Like Any Other, Work Like No Other: Need for a Legislative Intervention*. Colombo: University of Colombo, 2012.
- Smales, Philippa. *The right to unite: a handbook on domestic worker rights across Asia*. Chiangmai: Asia Pacific Forum on women, law and development (APWLD), 2010.
- Souza, Asha. *Moving towards decent work for domestic workers: an overview of the ILO's work*. Geneva: ILO, 2010.
- Sturmer, S.. 'Empathy-Motivated Helping: The Moderating Role Of Group Membership.' *Personality and Social Psychology Bulletin* 32, no. 7 (2006): 943-956.
- World Bank Group (WBG). 'Key Information.' Civil Society. July 22, 2013. Accessed October 31, 2014. <http://go.worldbank.org/4CE7W046K0>.



No. 5A, Police Park Place, Colombo 5
Tel: +94 11-2055544 | Fax: +94 71-9379567
E mail: reception@veriteresearch.org
Website: www.veriteresearch.org