

Home work: A case for social protection

Gisela SCHNEIDER DE VILLEGAS *

Home work has a long history. For more than a century, industrial home work existed alongside factory work, and even today it is often considered a remnant of the early stages of industrialisation. However, home work has spread to other sectors and, with the advent of computer technology, new forms have developed.

The demand for home work has persisted over the years. For those who are house-bound, it is a viable alternative to regular employment. It is also a means of earning a livelihood for those who have not succeeded in gaining access to the labour market in other ways. Some prefer home work because it gives them a feeling of independence.

The nature and extent of home work

Home production of a variety of consumer goods has always existed in various forms. It is therefore important to clarify what is meant by home work as opposed to other types of home-based economic activity, such as production for personal or family consumption or for sale on the market. The following definition is typical of that commonly used in national legislation:

Home work is the production of a good or the provision of a service for an employer or contractor under an arrangement whereby the work is carried out at a place of the worker's own choosing, often the worker's own home, where there normally is no direct supervision by the employer or contractor.

Unfortunately, very few countries have tried to measure the extent of home work through their regular labour force surveys or population censuses. Among the 70 countries and territories for which the ILO has information, only five (Federal Republic of Germany, Hong Kong, Italy, Japan and Morocco) have designed their labour force survey questionnaires so as to permit identification of homeworkers (or a group reasonably close to them). A few other countries, such as Australia, the United Kingdom and

* International Labour Office. This article is based on two recent ILO publications: *Conditions of Work Digest: Home work* (Geneva, 1989), Vol. 8, No. 2, and *Technical background document*, Meeting of Experts on the Social Protection of Homeworkers, Geneva, 1-5 October 1990 (Geneva, 1990). Contributions from Marc Roelandt, Ingrid Sipi and Linda Wirth are gracefully acknowledged.

the United States, have carried out special surveys on home work. Available information about the last population census of 127 countries and territories indicates that only five (Hong Kong, Italy, Japan, Liechtenstein and Switzerland) identified a separate category of homeworkers. The absence of international statistical guidelines on how to define homeworkers has probably limited the number of countries trying to collect data about this group on a regular basis and has made international comparisons of the data that do exist more difficult.

Furthermore, official statistics and estimates usually underestimate the extent of home work because economic activities in the home are often invisible or clandestine in nature. In many cases homeworkers do not consider themselves to be workers and do not declare their activity for cultural reasons. In other cases the employment relation may be illegal: it might be that regulations forbid work at home in this or that industry, that the particular homeworker has no right to work, is not registered and is not declaring income, or that the employer is in violation of wage and benefit standards.

While home work often remains unrecognised or greatly underestimated in macro-data, many micro studies have established a high incidence of home work in certain kinds of industries, in different regions or localities and among particular groups of the population. The results of such studies seem to indicate that home work is not only widespread but has probably been on the rise in recent years.

The trend towards an increase in home work is generally attributed to the growth and persistently high levels of unemployment in large parts of the world and to the growing difficulty of entering the regular labour market. Home work has become an important means of earning income. At the same time, the increasing pressure on enterprises to reduce costs and to adopt flexible forms of production and work organisation in the face of stiff international (trade) competition has made homeworking and decentralisation of production, nationally and internationally, a more and more attractive method of operation. Many large enterprises distribute their work among a chain of contractors, who in turn subcontract work to many middlemen, who distribute the work further still to hundreds and thousands of homeworkers. This decentralisation of production is true not only of national industries operating within national markets but also of multinational enterprises with global operations.¹

Industrial home work is still predominant in most countries, but the range of activities and products varies greatly. Foremost among the industries with extensive recourse to home work are the clothing and textile industries, which are particularly labour-intensive and lend themselves well to decentralised production. The work calls for relatively little skill. The tools required by homeworkers are minimal: a sewing-machine, scissors, needles

¹ See ILO: *Proceedings*, Asian Subregional Tripartite Seminar on the Protection of Homeworkers, Manila, 5-9 December 1988 (Geneva, 1989), pp. 36-40.

and thread. Garment production on a large scale can be fragmented into various single operations and distributed to homeworkers on a piece-rate basis. The leather industry is another labour-intensive operation with a long tradition of home work.

In many countries home work is spread over a large number of other manufacturing industries that involve simple manual tasks or may require the use of simple machines. Such auxiliary tasks as sorting, cleaning, packaging and labelling of products are very labour-intensive. In the Federal Republic of Germany, for example, homeworkers are known to be employed by 13 different industries. The iron, metal, electronic and optical industries have the greatest number of homeworkers, followed by the clothing industry, chemicals and synthetic processing, and the paper and cardboard processing industries.² In Japan the rapid expansion of modern industries has resulted in increasing recourse to subcontracting to small firms, which in turn distribute work to homeworkers. In the equipment industries, for instance, homeworkers are frequently employed for coil-winding or soldering radio and television parts.³

Home work in the service sector is gaining ground. In many industrialised countries, where it had been stagnant or on the decline over the past decade or so, home work is again increasing because of its wide use in various services. It may involve simple tasks such as filling envelopes and preparing publicity mailings or more skilled tasks such as typing, word and data processing, invoicing, editing and translating. When a personal computer or terminal is used at home this type of work is usually referred to as "telework".⁴

Certain activities in the agricultural and fishing sector can also be classified as home work. Especially in developing countries many tasks, such as sorting and cleaning agricultural products, peeling shrimp and packaging fish, are performed by homeworkers. There are also other purely agricultural activities, such as livestock farming and poultry-raising, which homeworkers do on behalf of the owner.

Who are the homeworkers?

Home work is women's work almost by definition. For this reason it is often wrongly confused with housework or domestic service. Women's predominance in home work is due not only to their family responsibilities, which tie them to the home, but also to their weaker position in the labour market. Many surveys confirm the high proportion of women among homeworkers. According to a Council of Europe study, they constitute 90 to

² *Bundesarbeitsblatt* (Bonn), No. 3, Mar. 1985, p. 133.

³ Ministry of Labour: *Kanai rôdô gaikyo chôsa 1987* (Tokyo, 1988).

⁴ An article on telework will follow in a forthcoming issue of the *International Labour Review*. See also ILO: *Conditions of Work Digest: Telework* (Geneva, 1990), Vol. 9, No. 1.

95 per cent of homeworkers in the Federal Republic of Germany, Greece, Ireland, Italy and the Netherlands, 84 per cent in France, 75 per cent in Spain and 70 per cent in the United Kingdom.⁵ In Japan 93.5 per cent of the homeworkers covered by the 1988 survey were women.⁶ In the USSR, where home work is concentrated in local handicraft industries, 86 per cent of all homeworkers were found to be women.⁷

In several industrialised countries home work flourishes in industrial regions and in large urban areas where recent immigrants (often illegal) and ethnic minorities are concentrated. Immigrant women most often do not even look for formal employment because of language barriers, low levels of formal education and fear of discrimination. Often they literally want to remain invisible and work in their homes. This phenomenon has been observed in districts of London, Paris, Boston, New York, Los Angeles and many other urban centres.

In developing countries, too, women predominate among homeworkers. Of the 2.5 million beedi (cigarette) workers in India, for instance, nearly 90 per cent are women, most of whom work in their homes on a piece-rate basis with the raw materials being supplied by a contractor.⁸ In industrial home work men often take on the role of subcontractor or middleman or help with auxiliary tasks such as picking up and delivering materials and finished work. Rarely do they help women perform home work. However, in some countries there are home work occupations in which men are active. For example, in handloom weaver families in India women and children do the preparatory work and men do the weaving.

For those who are house-bound for other than family reasons, home work provides an opportunity to be economically active. For example, the physically and mentally disabled often have no choice but to work at home or in sheltered workshops if they are able and willing to earn a living. In several countries disabled persons are given preferential treatment under national home work legislation.⁹ In Eastern European countries, in particular, physically disabled persons are active as homeworkers and are often organised into co-operatives. In the USSR 35.2 per cent of the homeworkers in local handicraft industries are disabled, of whom 67 per cent are women. In Poland about 270,000 homeworkers belonged to the Invalids Co-operative Movement in the early 1980s.¹⁰ In several other countries (e.g. Belgium,

⁵ Council of Europe: *The protection of persons working at home*, Report prepared by the Study Group of the 1987/88 Co-ordinated Social Research Programme (Strasbourg, 1989).

⁶ Ministry of Labour: *Kanai rôdô gaikyo chôsa 1988* (Tokyo, 1989).

⁷ State Committee for Labour and Social Affairs: *Spravka Gosudarstvennogo Komiteta SSSR po trudu i sotsialnym voprosam* (Moscow, 1989), pp. 1-2.

⁸ Z. Bhaty: "Economic contribution of women to the household budget: A case study of the beedi industry", in A. Singh and A. Kelles-Viitanen (eds.): *Invisible hands: Women in home-based production* (New Delhi, Sage Publications, 1987), p. 36.

⁹ See Part II of ILO: *Conditions of Work Digest: Home work*, op. cit.

¹⁰ J. Gudmundsson: *Cooperatives of disabled persons: A guide for promotion and organization* (New York, United Nations, 1985); ILO: *Co-operatives for the disabled: Organisation and development* (Geneva, 1981).

France and the United States) sheltered workshops for disabled homeworkers have been established to prevent their isolation and to facilitate the distribution of work. Government programmes to assist disabled persons who work at home exist in many other countries. Sometimes special training programmes are set up to prepare disabled persons for highly skilled occupations.

Child labour is a problem often associated with home work. Considering the extent of illegal and clandestine home work in industrialised countries, there can be no doubt that children participate in home work, even if it is only for a few hours after school. However, in poorer regions of these countries and in traditional home industries (as in carpet-weaving, for example), children may still form part of the regular home-based labour force. In developing countries it is generally admitted that a high proportion of children work at home, often at the expense of basic schooling.¹¹

Earnings of homeworkers

The terms of employment and the conditions of work of homeworkers are generally inferior to those of workers in regular wage employment or in self-employment. Perhaps the most telling evidence for this is the level of remuneration.

A study carried out in Ahmedabad in 1982 found that among informal sector workers, home-based workers were those with the lowest earnings. They earned an average of 130 rupees a month, whereas vendors earned about 250 rupees and labourers 170 rupees.¹² Among women working at home for the beedi industry in the Allahabad district of Uttar Pradesh, 75 per cent were below the poverty line for the rural population.¹³ Various surveys carried out in the Philippines found that homeworkers earned considerably less than factory workers. For example, rattan furniture homeworkers were paid only 40 per cent of what factory workers earned. Handloom weavers working at home would have had to work 58 hours a week in order to reach the earnings of their factory counterparts.¹⁴ In Latin America piece rates paid to homeworkers in urban areas were less than those paid in factories; but those for home work in rural areas fell to the very bottom of the wage scale.¹⁵

¹¹ ILO: *Report of the Director-General*, International Labour Conference, 69th Session, Geneva, 1983, Part I: "Child labour"; A. Bequele and J. Boyden (eds.): *Combating child labour* (Geneva, ILO, 1988).

¹² J. Sebstad: *Struggle and development among self-employed women: A report on SEWA* (Washington, DC, USAID, 1982), cited in E. Bhatt: "The invisibility of home-based work: The case of piece-rate workers in India", in Singh and Kelles-Viitanen, op. cit., pp. 29-33.

¹³ Bhatt, op. cit., pp. 39-42.

¹⁴ R. Pineda-Ofreneo: *Industrial home work in the Philippines* (Geneva, ILO, 1987; mimeographed).

¹⁵ M. de los Angeles Crummett: *Rural women and industrial home work in Latin America: Research review and agenda*, WEP research working paper (Geneva, ILO, 1988).

Similar examples can be cited from other countries, such as Australia¹⁶ and the Netherlands.¹⁷

International subcontracting is an important feature of home work and is characterised by a long chain of contractors. Each contractor in the chain receives a commission which in some countries is 20-30 per cent of the unit price. This means that for a baby's dress, for example, which sells for \$15 in a department store in North America or Western Europe, the local producer who made it may get less than 10 cents.¹⁸

Low pay is of course not the only aspect of working conditions but it is a crucial one because it coexists with or leads to other problems. Homeworkers tend to work excessively long hours, which in turn lead to poor health. Low earnings also have an influence on housing, nutrition, sanitation, health and education. Often homeworkers agree to do work under conditions that present risks or dangers for themselves and their families. Almost invariably, also, they have no access to health benefits or social security. Their chances of improving their economic and social status in general, and their terms and conditions of employment in particular, are quite slim unless they are given adequate legal protection and assistance in strengthening their bargaining position.

The debate on home work

Home work is a controversial issue. For some it represents opportunities and advantages, while for others it constitutes a threat to social progress. Various positions have been adopted by organisations at the international, regional and national levels.

In the ILO itself positions have evolved over time. A resolution adopted by the Tripartite Meeting for the Clothing Industry in 1964 called for the abolition of home work and recommended the strict application of governmental regulations. However, a common feature of subsequent resolutions and conclusions has been the call for equal treatment between homeworkers and workers in the enterprise. Subsequent sessions of the Tripartite Meeting for the same industry concluded in 1980 that homeworkers should legally be treated the same as other workers, and in 1987 called for effective regulation of home work, establishment of the legal status of homeworkers, and elimination of abuses. A meeting for the leather and footwear industry in 1979 called for concerted efforts by the social partners to secure better application of relevant legislation and to improve appropriate controls and inspection.

¹⁶ TNC Workers Research: *Anti-union employment practices: Final report* (Sydney, 1985).

¹⁷ A. van Luijken and S. Mitter: *Unseen phenomenon: The rise and conditions of homeworking* (London, Change, 1989).

¹⁸ Pineda-Ofreneo, op. cit.

The International Labour Conference adopted resolutions on three different occasions (in 1984, 1985 and 1988) in which it called for action to document and improve the legal, economic and social conditions of homeworkers, to extend effective protection to them, and to consider home work as a possible new item for future international standard-setting. In this connection an international meeting of experts has been called for October 1990, expressly to consider the social protection of homeworkers.

At the European level, the Commission of the European Communities and the Council of Europe have been studying the home work situation in member countries in order to assess the need for directives or guidelines setting out the terms and conditions under which home work should be carried out.

Proposals to extend legal protection to homeworkers are viewed with scepticism by some because, they argue, the adoption of legislation has not always led to the improvement of these workers' conditions. According to a study by the Commission of the European Communities, there is no evidence that the existence of legislative instruments to control homeworking (as in France and Italy) has had the desired effect. It was felt that inflexible or over-rigid controls may unintentionally drive homeworking into the underground economy.¹⁹

Employers' organisations are generally favourable towards home work. They consider it a form of work which provides flexibility and benefits for both the employer and the worker, and is particularly attractive for women since it allows them to combine professional work with family responsibilities and to earn a supplementary income. According to the Federation of Private Enterprises of Central America and Panama, legislation to prevent the abuse of homeworkers should exist, but solutions need to be adapted to the different situations in each country.

The need to give homeworkers legal protection is also reflected in recent resolutions adopted by international trade union organisations. The International Confederation of Free Trade Unions, stressing the need to guarantee the basic rights of homeworkers in respect of working conditions, wages and welfare, has called for the adoption of international labour standards and for national legislation in all countries where significant numbers of such workers are employed. The World Federation of Trade Unions has stated that the legal protection of home-based workers should be identical to that of regular wage earners.

The position traditionally adopted by national trade unions has been to demand the prohibition of home work. This demand is also based on the fear

¹⁹ See Commission of the European Communities, Directorate General of Employment, Social Affairs and Education: *Homeworking in Italy, France and United Kingdom*, Final Report (Brussels, 1986). Although in the United Kingdom the National Conference on Homeworking held in 1984 called for improved terms and conditions for homeworkers, the view of the Department of Employment has been that there was no need to take action because the Government had no desire to put artificial and unnecessary restraints on the growth of home work.

that home work may constitute a threat to the job security of regular workers and may jeopardise their established terms and conditions of employment. A resolution adopted by the Clothing and Allied Trades Union in Australia, for example, states that exploitation of homeworkers undermines its ability to defend and improve existing rates and conditions for union members.

Because opposition to home work has not led to its abolition, many trade unions have softened their outright rejection in favour of insistence that, where home work exists, it should be properly regulated and protected. The Vrouwenbond (Women's Union) affiliated to the Dutch trade union centre FNV, for example, does not support home work, but is aware that many people are dependent on the income it provides, and is therefore striving to have homeworkers brought under the umbrella of existing labour laws. It believes that giving homeworkers the same status as workers in the enterprise will ultimately lead to the disappearance of home work since it will no longer be attractive for employers to hire homeworkers.

Most unions recognise that homeworkers are a particularly vulnerable group because they do not enjoy job security, are completely dependent on the employer, and very often have no choice but to accept this type of work owing to their family responsibilities and the absence of adequate child-care facilities that would enable them to work outside the home. Other handicaps suffered by homeworkers are their isolation and lack of career prospects.

Getting homeworkers to join trade unions is seen as a prerequisite for improving their working conditions. The British Trades Union Congress issued a statement in 1985 on the responsibilities of trade unions in this respect and suggested the establishment of separate sections to cater to the special problems of homeworkers. Some unions propose creating stronger links and contacts between workers in the enterprise and homeworkers, and encourage the participation of homeworkers in workers' representation bodies at the enterprise level. The All-China Federation of Trade Unions cites examples of experiments that are being carried out in some localities to organise homeworkers into trade unions in their sector of activity.

Three different approaches are suggested by trade unions to provide legal protection for homeworkers. In India and the United Kingdom trade unions have proposed general home work legislation and have helped to draft bills for discussion in Parliament. In Belgium and the Netherlands there are proposals to extend existing labour legislation to homeworkers and to adapt it to the particular characteristics of home work. In other countries where legislation covering certain categories of homemaker already exists (e.g. industrial workers in Switzerland, beedi workers in India), the unions propose that it be extended to all homeworkers.

Trade unions in some countries favour making home work subject to prior authorisation by a competent authority or to prior agreement between the social partners. According to a proposal by the Belgian trade unions, authorisation for home work would be granted in industry-wide collective agreements rather than to individual employers. Several other trade unions

propose that the terms and conditions for homeworkers be included in collective agreements for the industry concerned.

The Dutch Women's Union has proposed that women homeworkers be considered for vacancies that arise in the employer's enterprise and be given an opportunity to improve their labour market position through vocational guidance and training organised by trade unions.

The failure to implement existing legislation has been singled out by trade unions as the major obstacle to the effective protection of homeworkers. Clandestine home work is a widespread phenomenon in countries with home work legislation. In such cases, homeworkers do not benefit from the protection provided by law and often earn less than the legal minimum wage. The solution suggested to this problem is to increase the staffing levels of the responsible labour inspectorates. This recommendation has been made by the World Federation of Trade Unions, which calls for home work to be controlled in all its aspects. The British Trades Union Congress has urged that the Government should immediately increase the staff of the Wages Inspectorate, require them to visit the premises of homeworkers and report their findings. It has also called on the Government to revive the Homeworking Unit of the Inspectorate. To improve the chances of detecting undisclosed home work, Peru's National Institute of Planning recommends that the labour inspectorate be asked to compare the volume of goods produced in an enterprise and the volume of goods sold by it, since any difference would indicate the existence of home work.

It is also generally considered that effective inspection depends on the compulsory registration of homeworkers. A statement by the Belgian trade unions calls for action to prevent clandestine home work, including the communication of the employment contract to the works council and, upon request, to the labour inspectorate. Another deterrent to handing out clandestine home work would be to increase the penalties on employers who evade their legal obligations.

Legal protection for homeworkers

As already noted, homeworkers are a particularly vulnerable category owing to their isolation and weak bargaining position. Just how much protection is provided by national legislation?

Among the 150 ILO member States whose legislation has been examined to identify provisions applicable to homeworkers, there are 19 (Argentina, Austria, Cuba, Federal Republic of Germany, German Democratic Republic, Hungary, India, Italy, Japan, Morocco, Netherlands, Norway, Peru, Poland, Portugal, San Marino, Switzerland, USSR and Uruguay) which have specific home work legislation applying either to all homeworkers or to certain industries or economic activities that make most use of them. In 17 other countries (Bolivia, Colombia, Costa Rica, Czechoslovakia, Dominican Republic, Ecuador, El Salvador, France,

Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Spain and Venezuela) home work is regulated by a section of the Labour Code. In a third group of countries (e.g. Denmark, Malta and Sweden) provisions applying to homeworkers are included to a varying extent in the general labour legislation, which may also specifically exclude them from certain provisions, e.g. hours of work, paid annual leave, and health and safety. A fourth group of countries (e.g. Brazil and Finland) have included homeworkers within the scope of national labour laws, either by treating them as regular workers or by considering their employment relationship to constitute an employment contract; in such cases, however, the legislation makes no reference to home work and to its special characteristics. In countries where home work legislation is limited in scope, it may be supplemented by general labour legislation.

In several industrialised countries home work legislation is old, dating from the early decades of this century (e.g. in Norway from 1918, in the Netherlands from 1933), with or without attempts to amend and update them to fit modern circumstances. Relatively recent Home Work Acts, all adopted in 1981, exist in Hungary, Switzerland and the USSR.

The homeworkers' *employment relationship* with the employer is crucial to determining whether or not legislation is applicable to them, particularly in countries where there is no specific home work legislation. In Belgium, for example, jurisprudence and legal opinion traditionally required the existence of a link of subordination before an employment relationship was considered to be a contract of employment; homeworkers were ruled not to be bound by a contract of employment since there was no immediate supervision and direction by the employer over work that was performed outside the undertaking at a place chosen by the homeworker. However, over the years case law has developed a broader interpretation of subordination, and today the courts must decide in each individual case whether a contract of employment exists. In France and Algeria it is not necessary to ascertain whether the relationship implies subordination before invoking the Labour Code's applicability to homeworkers. In Portugal the homeworker must be economically dependent on the employer.

Home work legislation usually defines the parties to the employment relationship. Apart from the homeworker and the employer, some acts define an intermediary, or middleman. In Austria and the Federal Republic of Germany the latter is defined as a person used by the employer to pass on the work to the homeworker. In Argentina an intermediary can be considered both a homeworker and an employer. In the Dominican Republic and Mexico the use of a middleman or intermediary is prohibited.

In a few countries a homeworker is allowed to work for one or more employers (e.g. Dominican Republic, Italy, Mexico and Peru), while in Singapore homeworkers who do so are considered to be self-employed. On the other hand, ten or more homeworkers working for the same employer in

Guatemala may require the employer to provide premises, whereupon the homeworkers become factory workers.

The *wages* of homeworkers are normally based on a piece rate. In several countries the rates are negotiated between the parties or based on a collective agreement for the sector concerned (e.g. Austria, Denmark, Finland, the Federal Republic of Germany, Italy, Norway and Sweden). In Australia they are fixed by industry or trade awards. When there is no collective agreement applicable to homeworkers, the rates may be established by ministerial order (as in France) or through tripartite home work committees.

Home work legislation usually states that the wages paid to homeworkers cannot be less than those earned by a worker doing similar work in the enterprise. However, it is the responsibility of the employer to evaluate the time necessary for the performance of the task. In the Federal Republic of Germany the homeworker must be informed of the method of calculation. In other countries the rates of pay must be prominently displayed where the homeworkers collect and deliver their work, or where they receive their wages.

The reimbursement of incidental expenses incurred by homeworkers and compensation for the use of their own premises, equipment, power and the like are foreseen in home work legislation. In several cases a fixed rate established as a percentage of the wage is to be paid as a supplement. Some legislations also mention compensation for waiting time spent at the employer's premises. The deductions that an employer is entitled to make from wages for defective work and spoiling of materials are regulated (and limited) in a number of countries.

Terms and conditions of work are in some cases left to be determined in collective agreements or awards; in others, minimum standards are provided for in legislation. Home work contracts setting out the terms and conditions of employment usually have to be in writing, but in some countries an oral contract is sufficient. The termination of employment is regulated in a few legislations, but only the Federal Republic of Germany and Uruguay foresee compensatory payment in the event of dismissal.

Homeworkers are explicitly excluded from general legislation regarding *hours of work*, weekly rest and overtime in several countries, e.g. Belgium, Brazil, Canada, Czechoslovakia and Spain. In France, Haiti, Morocco and the USSR the same rules apply to homeworkers as to workers in the enterprise. In Austria, the Federal Republic of Germany and Japan the quantity of home work handed out must correspond to the normal working time of comparable industrial workers. In Switzerland employers must take into account the personal productive capacity of homeworkers and must fix the time limit for the delivery of work so that homeworkers do not need to work more than eight hours a day or on Sundays. In Ecuador and France a premium has to be paid to homeworkers for overtime.

Homeworkers have the right to paid *annual leave* under similar conditions as workers in the enterprise in 21 countries, even though the

corresponding remuneration may be calculated in different ways. Leave entitlements vary from two-and-a-half working days for each month of employment (e.g. Austria) to 15 days (e.g. Dominican Republic and El Salvador) and 18 days a year (e.g. Federal Republic of Germany). In other countries (e.g. Cuba and France) homeworkers are entitled to financial compensation for leave not taken each time they receive payment for work performed or at the end of the year. In Uruguay employers make contributions to a Home Work Fund from which various benefits, including paid leave, are provided. In Barbados, Ireland and Paraguay homeworkers are explicitly excluded from provisions respecting paid annual leave.

It is difficult to generalise about entitlements to *social security* benefits because of variations in the schemes. While homeworkers in a number of industrialised countries are covered by social security to some extent, those in developing countries almost invariably fall outside the existing safety net. Their effective participation in a scheme often depends on whether they are registered workers and whether contributions are paid on their behalf.

In a few countries special provisions are included in home work legislation which give a *preferential right to work at home* to certain categories of persons. In Bulgaria, the German Democratic Republic and the USSR mothers with young children, pensioners and disabled persons have preference. In Cuba these are the only categories who are entitled to perform home work.

Safety and health considerations are of particular importance when work is performed where families live. Very different approaches to this problem have been adopted. In a number of countries the legislation states that work performed at home, or the premises to be used, must satisfy the conditions of hygiene and safety prescribed by the competent authorities. In others home work that would endanger the life, health or moral well-being of homeworkers, of the persons living with them or of the public at large is prohibited. The legislation sometimes includes a list of the types of home work that are prohibited. In some countries the handling of foodstuffs and other consumer goods is prohibited in cases where homeworkers suffer from infectious or contagious diseases. Employers in several other countries must ensure that homeworkers are aware of the safety and health precautions that are necessary when handling materials and equipment.

The majority of countries regulating home work have legislative provisions on *registration, reporting and supervision*. Several require employers to apply for a special licence or permit before home work may be given out. In others the employer must notify or be registered with the authorities when home work is performed on his or her behalf. Furthermore, employers are obliged to keep records or registers with the names of the homeworkers they employ as well as a number of other details, and must make them available to the authorities at regular intervals or upon request. In several countries homeworkers must be given a workbook, which contains information on the wages paid, the work handed out and completed, and, in some cases, the terms and conditions of employment.

Supervision of the employment conditions of homeworkers (terms and conditions of employment, payment of the legal minimum wage, and safety and health provisions) is often carried out by the national labour inspectorate. In several countries where specific home work legislation exists, special tripartite home work committees have been created for this purpose.

A fine can often be imposed for non-compliance with the legislative provisions, as in the Dominican Republic if an employer "disguises" a home work contract ("whether by simulating another kind of contract, operation or business with the workers or by any other means"); in the Federal Republic of Germany if the employer fails to inform the homeworker of safety and health legislation; and in Japan if safety and health legislation is violated. Imprisonment may result in Argentina if the employer pays less than the minimum wage.

Collective agreements

Collective agreements play a significant though still a relatively small part in providing protection for homeworkers. It appears that only in the Federal Republic of Germany are there collective agreements which apply exclusively to homeworkers; in other countries the specific provisions on home work are incorporated in collective agreements applying to all employers and workers in a particular sector of economic activity.

Some collective agreements are aimed primarily at prohibiting home work in a particular industry or locality. There are direct prohibitions in the United States in the clothing industry and in the Canadian Province of Quebec in respect of certain parts of the garment and hat-making industries. In the printing industry in the Netherlands the prohibition can be temporarily lifted when circumstances so require.

The aim of most collective agreements with provisions on home work is to establish rates of pay for homeworkers that are comparable with wages paid in the enterprise. Depending on the method of payment used in the sector, the wage is calculated on an hourly, daily, monthly or piece-rate basis. For tailors and dressmakers in Belgium, for example, the minimum hourly wage is calculated by dividing the piece rate by the hours necessary for manufacturing the piece. Other collective agreements deal with remuneration in rather broad terms: in the engineering industry in Sweden a collective agreement stipulates that payment for work done in the home must be calculated in such a way that the homeworker earns a reasonable income.

In addition to the basic wage, homeworkers may be entitled to a supplement for defraying incidental expenses (lighting, heating, etc.) and for the depreciation of their own equipment. In most collective agreements the supplement is a global percentage of the wage earned without specification of the expenses covered. In other cases the percentage varies depending on whether equipment is provided by the employer or the homeworker.

Homeworkers who supply the material are either reimbursed separately by the employer or have its cost included in the global supplement.

Few collective agreements make provision for overtime pay. Exceptions are the garment and textile industries in Denmark and the watch industry in Switzerland, which stipulate that overtime pay must be equal to the premiums received by workers in the enterprise. Supplements for work on Sunday or public holidays are foreseen in the hat industry in the Federal Republic of Germany. In the Italian leather industry homeworkers who are required to work at night are entitled to the same premiums received by other workers.

Paid annual leave is provided for in the collective agreements of a number of countries. The pay that homeworkers receive during their leave is usually calculated as a percentage of their gross annual wage, on the basis of the wage earned during a certain number of days preceding the leave or on the basis of the total number of hours worked.

Provisions concerning the need for registration are included in collective agreements in Norway, Portugal and Spain. In the Norwegian glove industry the workers in the enterprise are entitled to know about the use of homeworkers and the rates of pay they receive, and the shop steward must be informed when homeworkers are to be engaged.

Social security for homeworkers is mentioned in Dutch and Swedish agreements. In the Swedish engineering industry employers must take out insurance for homeworkers and must apprise homeworkers of safety and health risks in handling tools, machines and materials supplied by them.

In the Dutch printing industry homeworkers have priority for employment as regular workers when vacancies occur.

Programmes for homeworkers

A variety of programmes have been developed at the national level to assist homeworkers, but they are still extremely few in number. One type of programme is designed to help homeworkers improve their employment and living conditions and usually has two features: research into the nature and extent of home work, and the organisation of homeworkers to defend their right to earn a living wage and enjoy decent working conditions. Other programmes are multifaceted to meet the wide range of problems facing homeworkers, who usually come from the poorest strata of society. Thus they contain elements of research, technical and leadership training, consciousness-raising and exchange of information.

Some government programmes are of an outreach nature, for example the information campaigns in Australia and the United Kingdom. While trade unions and non-governmental organisations also carry out research, they tend to concentrate on organising homeworkers and promoting better employment conditions and/or alternative employment. Some of the programmes aiming to provide direct assistance try to obtain a better deal

for homeworkers in their employment relationship. Eliminating dependence on a middleman is a major feature of such efforts.

In Australia the most extensively organised group of homeworkers is in the clothing industry. Other trades in which homeworkers are organised include printing, metal trades, watchmaking, clerical work, craft work, wood and leather work. In India the Self-Employed Women's Association (SEWA) organises homeworkers in various trade groups: cigarette rolling, spice preparation, meal preparation, making of incense sticks, gilt brocade and papad dough. The National Union of Working Women in India groups women from various occupations who share common problems, home-based workers being one such occupation.

The main goal of organising activities is usually to help homeworkers to stand up for their rights and increase their bargaining power. They include activities designed to raise homeworkers' awareness of the mechanisms employed by particular companies, employers and intermediaries to maximise their profits through the use of home work. Homeworker groups are often given advice on the most promising strategies for securing improved conditions, such as higher wages or payment of the legal minimum wage, as well as access to alternative employment. This in turn usually leads to the identification of various inter-related needs in the areas of training, management, child care, safety and health, family planning, etc.

Another aspect of organising activities is advocacy work based on the information gathered through grass-roots contacts with homeworkers. Liaison with relevant governmental bodies and institutions as well as other concerned organisations often results in the release of funds and services for programmes and direct benefits for homeworkers. Advocacy work also involves lobbying for legislation and its effective enforcement. Such efforts help to bring the plight of homeworkers to the public attention.

Trade unions sometimes play a significant role in defending the rights of homeworkers by setting up homeworker support centres (as in the Netherlands), which assist and organise homeworkers and encourage collective bargaining.

Particularly in developing countries, an important aspect of programmes for homeworkers is the creation of income-generating activities controlled by the homeworkers themselves. An example of this is a women's organisation in India, the Shri Mahila Griha Udyog Lijjat Papad, whose aim is to protect home-based women from exploitation by middlemen and traders and to increase their productivity and earnings by combining improved traditional methods of production with collective marketing of their output.

Credit is another means by which homeworkers – often trapped in a vicious circle of indebtedness towards their suppliers – can become more independent and retain more of the profits from their work. Many women's and grass-roots organisations in Asia have established banking facilities which grant loans to rural women homeworkers.

Some programmes for homeworkers provide training courses with a view to increasing their earnings or enabling them to find alternative employment. A programme in the United Kingdom discovered that there was a demand for skilled machinists: these were much better paid than homeworkers, yet very few of the latter possessed the necessary qualifications. Further investigation revealed that few factories provided training, and that it was extremely difficult for most homeworkers to enter the traditional training institutions. Negotiations with local educational establishments and authorities led to the setting up of special training courses for homeworkers in this field. Examples of other areas in which training is provided include catering, tailoring, silk weaving, handicrafts, hosiery and machine knitting.

Some training activities are aimed particularly at the building up of self-reliant organisations of homeworkers and the generation of independent economic activities. For example, training is provided in literacy, accounting, management, budgeting, co-operative development and small entrepreneurship. An ILO project in India provides legal training for SEWA members so that they can monitor the application of legislation covering home-based piece-rate workers.

One of the major problems reported by programme operators is the invisibility of home work production, which makes identification of and contact with homeworkers difficult. Another obstacle is fear on the part of homeworkers of becoming involved in activities that could lead to reprisals and loss of their jobs. It has happened in the past that as homeworkers become organised and demand better working conditions, employers relocate their activities from one part of a city to another or from one region to another.

The achievements of home work programmes are many and varied. Homeworkers have been able to win improved conditions of work and higher levels of income by banding together. The experience of participating in organisations can be crucial in building individual and collective confidence. At the same time, many homeworkers have been able to acquire new skills, win higher wages and secure better employment prospects, as well as gain access to credit through loans and banking facilities. Efforts to improve the employment status of homeworkers have included the filing of a number of court cases on their behalf and pressure for the application of minimum wage regulations. Another important result of a number of programmes has been to free homeworkers from dependence on intermediaries, as well as from the burden of indebtedness to money-lenders.

Conclusions

While much more still needs to be known about the nature and extent of home work, especially in relation to changing trends in the broader labour market, the limited evidence points to a phenomenon that is widespread and

possibly expanding. Home work arouses a great deal of controversy because of the particularly precarious employment conditions of the workers concerned. National legislation to regulate home work is limited to a few countries and even there it is sometimes ambiguous, often inadequate, or insufficiently enforced. A few worthy examples of what can be done to organise homeworkers and help them improve their socio-economic condition already exist but efforts need to be continued and intensified. The social protection of homeworkers remains a challenge for policy-makers at both the national and the international levels.