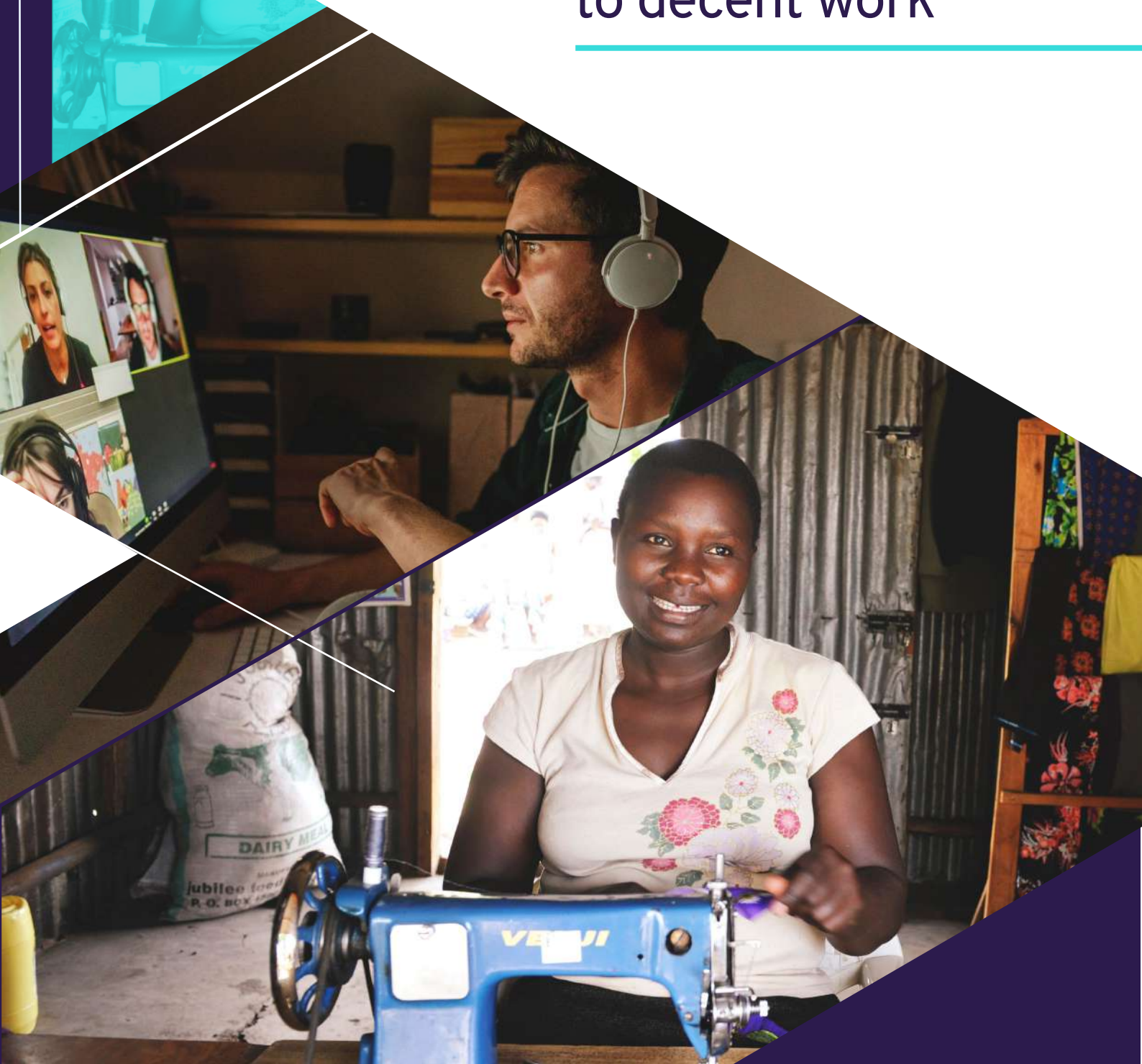
International Labour Organization

Working from home
From invisibility to decent work



Working from home
From invisibility to decent work

Copyright © International Labour Organization 2021

First published 2021

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Licensing), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: rights@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with a reproduction rights organization may make copies in accordance with the licences issued to them for this purpose. Visit www.ifrro.org to find the reproduction rights organization in your country.

Working from home: From invisibility to decent work

International Labour Office - Geneva: ILO, 2021.

ISBN 978-92-2-033710-3 (print)
ISBN 978-92-2-033709-7 (web PDF)

work at home / decent work / COVID-19 / industry level / telework / service sector

13.02.2

ILO Cataloguing in Publication Data

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

Produced by the Publications Production Unit (PRODOC) of the ILO.

Graphic and typographic design, manuscript preparation, copy-editing, layout and composition, proofreading, printing, electronic publishing and distribution.

The ILO endeavours to use paper sourced from forests managed in an environmentally sustainable and socially responsible manner.

Code: DIN-ROS-PMSERV

©iStock/pictafolio

Contents

Contents

Executive summary vi

▶ Chapter 1. Introduction 1

1.1 What is home work? What is home-based work? 4

1.2 Gender and home work 10

1.3 The objective and structure of the report 11

▶ Chapter 2. Measuring home work and home-based work 15

2.1 The difficulty of capturing home work in statistics 18

2.2 Identifying home-based work and home work in labour force surveys 23

2.3. Home-based workers around the world 27

2.4. Identified and probable homeworkers 47

2.5 Working from home and the COVID-19 pandemic 53

2.6 Conclusion 55

Annex 1. Surveys included in Chapter 2 59

Annex 2. Classification of countries/territories by income group (per capita gross national income) 62

Annex 3. Classification of countries/territories by region 64

Annex 4. Identifying homeworkers through labour force surveys 66

▶ Chapter 3. Home work in the production of goods: The putting-out system 69

3.1 The long and enduring history of home work 73

3.2 Contemporary industrial home work 77

3.3 A flexible form of production 83

3.4 Summary 90

▶ Chapter 4. Home work in services: Typists, turkers and teleworkers 95

4.1 Typists: Early home work in services 98

4.2 Turkers: Homeworking on digital labour platforms 102

4.3 Teleworkers 111

4.4 Conclusion 114

▶ **Chapter 5. Working conditions of homeworkers** **119**

5.1 Occupations and earnings 122
5.2 Earnings and hours 128
5.3 Working time 133
5.4 Work-life balance: Relations between the work and family spheres 137
5.5 Home work and child labour 149
5.6 Social protection 151
5.7 Organizing and representation 154
5.8 Occupational safety and health for homeworkers 156
5.9 Training and career prospects for homeworkers 159
5.10 Conclusion 162

▶ **Chapter 6. Legal protections for homeworkers** **167**

6.1 The adoption of ILO standards on home work 171
6.2 Homeworkers, employers and intermediaries: Scope of Convention No. 177 172
6.3 Adoption of a national policy on home work 174
6.4 Freedom of association and the right to collective bargaining 180
6.5 The elimination of child labour 184
6.6 Occupational safety and health 185
6.7 Working time 189
6.8. Remuneration 192
6.9 Termination of employment 196
6.10 Social security and maternity protection 198
6.11 Access to training 199
6.12 Supervision and enforcement measures 200
6.13 Summary 207

▶ **Chapter 7. Towards decent work for homeworkers** **223**

7.1 Introduction 225
7.2 International governance and action 227
7.3 The importance of representation: Workers' organizations and cooperatives, employers' organizations and social dialogue 232
7.4 The role of governments 241
7.5 Conclusion 255

Bibliography **261**

Acknowledgements **263**

Figures

1.1 Working from home: The distinction between home-based workers, homeworkers and teleworkers 8
2.1 From ICSE-93 to ICSE-18: Advances in the identification of homeworkers in labour force surveys 21
2.2 Percentage of workers who are home-based, 2019 28
2.3 Distribution of home-based workers, by status in employment, 2019 29
2.4 Percentage of workers who are in home-based work, by status in employment (%), 2019 29
2.5 Distribution of home-based workers, by status in employment and country-income group (%), 2019 30
2.6 Percentage of working women and men who worked from home, 2019 32
2.7 Percentage of home-based workers and non-home-based workers who are women (%), by employment status and country income group, 2019 33
2.8 Distribution of home-based workers, by status in employment and sex (%), 2019 34
2.9 Distribution of home-based workers, non-home-based workers, homeworkers and non-home-based employees, by sector and region (%), 2019 35
2.10 Distribution of home-based workers and homeworkers, by level of education and income group (%), 2019 37
2.11 Distribution of home-based workers and homeworkers, by hours worked per week and gender (%), 2019 39
2.12 Share of home-based workers in informal employment in low and middle-income countries (excluding China), by region (%), 2019 42
2.13 Percentage of home-based workers, by disability condition 44
2.14 Percentage of children working, by presence in household of adult home-based workers, selected countries 46
2.15 The effect of adding probable homeworkers to the total number of homeworkers, Mexico, Argentina and India 48
2.16 Homeworkers (identified and probable) by gender (%), Argentina, Mexico and India 49
2.17 Homeworkers (identified and probable) by age group (%), Argentina, Mexico and India 50
2.18 Homeworkers (identified and probable) by weekly hours categories (%), Argentina, Mexico and India 51
2.19 Homeworkers (identified and probable) by occupation (%), Argentina, Mexico and India 52
2.A.1 Estimating home-based workers and homeworkers using labour force surveys 66
2.A.2 How variables are combined to estimate homeworkers in Argentina and Mexico 67
2.A.3 How variables are combined to estimate homeworkers in India 68
3.1 Real price per m^2 of all apparel imported to the United States (US$), 1989–2019 80
3.2 Subcontracting chains in Turkey's garment industry 81
3.3 Main reason stated by enterprises for engaging homeworkers, Indonesia, 2015 86
3.4 Challenges in working with homeworkers, Indonesian enterprises, 2015 87
4.1 Example of a task for verification and validation 103
4.2 Spectrum of dependency among home-based workers on digital labour platforms 106
4.3 Growth in projects on online labour platforms, May 2016–September 2020 107
4.4 Geographical distribution of platform workers according to the services provided 108
5.1 Occupational structure of home-based work and home work 122
5.2 Earnings densities for India, Mexico and the United Kingdom (total earnings) 125
5.3 Hourly earnings densities: India, Mexico and the United Kingdom 129
5.4 Average hours worked per week and their coefficient of variation 133
5.5 Gender wage gap among employees, by place of work 143

Tables

3.1 Examples of piece-rate payments for different homeworking activities in Indonesia, 2015 85
4.1 Extent and types of monitoring of working time 110
5.1 Homeworkers and their earnings 123
5.2 Homeworkers' earnings from case studies 126
5.3 Decomposition of homeworker earnings gap 128
5.4 Regression analysis: Homeworker penalty 130
5.5 Demographic reweighting adjustment for earnings 131
5.6 Satisfaction with working hours 136
5.7 Share of women in home-based work and home work 138
5.8 Probit regressions for adult women (India) 140
5.9 Probit regressions for adult women (Brazil) 141
5.10 Child labour probit, India and Mexico 150
5.11 Access to social protection 153
5.12 Missed work due to illness 158
7.1 Key takeaways for international action 231
7.2 APINDO compliance checklist 237
7.3 Key takeaways for improving representation, voice and bargaining 240
7.4 Key policy actions for governments 253

Boxes

1.1 Debating and defining home work: Convention No. 177 4
2.1 Digital platform workers: How many are there? 22
2.2 Five types of questions used by surveys to identify workers who work at home 25
3.1 Managing subcontracting relations with homeworkers in Istanbul, 2019 89
4.1 F International: Women homeworkers and information technology 100
4.2 Clerical home work: The resurgence of legal debates 101
5.1 COVID-19 and teleworking 147
6.1 Key features of the European Framework Agreement on Telework 177
6.2 Collective bargaining agreements for the footwear area of the Riviera del Brenta, Veneto, Italy 182
6.3 Occupational safety and health regulations for homeworkers in Morocco 186
6.4 Combating cyberbullying in home work 187
6.5 Australia: the enforcement of homeworkers' rights in supply chains 205
7.1 Improving working conditions of homeworkers in the Pentland Brands supply chain 230
7.2 IOE Guidance on Teleworking in the Times of COVID-19 238
7.3 Setting piece-rate pay for homeworkers 244
7.4 Thailand: Legal provisions to ensure compliance with homeworkers' rights 247

Executive summary

With the spread of the COVID-19 pandemic in 2020, large portions of the world's workforce shifted to homeworking, joining hundreds of millions of other workers who had already been working from home for decades.

Though working from home has long been an important feature of the world of work, the institutions that govern the labour market are rarely designed with the home as a workplace in mind. The sudden rise in homeworking brings renewed urgency to the need to appreciate the implications of home work for both workers and employers. This report seeks to improve understanding of home work and to advance guidance on policies that can pave the way to decent work for homeworkers both old and new.

What is home work?

Home work is defined by the ILO's Home Work Convention (No. 177) and Recommendation (No. 184), 1996, as "work carried out by a person ... (i) in his or her home or in other premises of his or her choice, other than the workplace of the employer; (ii) for remuneration; (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used" (Convention No. 177, Art. 1). This definition does not extend to persons who have "the degree of autonomy and of economic independence necessary to be considered independent workers under national laws, regulations or court decisions". Furthermore, those who only occasionally perform their work as employees at home, rather than at their usual workplaces, are not homeworkers within the meaning of the Convention.

This report addresses three different types of home work:

- **industrial home work –** refers to goods production undertaken by homeworkers either as part of, or replacing, factory production, but also artisanal production, such as in the making of handicrafts;
- **telework –** refers to employees who use information and communications technologies to perform their work remotely. Following Convention No. 177, consideration is limited to teleworkers who work at their home (or another location of their choosing) on a regular or permanent basis; and
- home-based **digital platform work** – refers to service-sector tasks performed by "crowdworkers" according to the specifications of the employer or intermediary, in situations in which the workers do not have the autonomy and economic independence to be considered independent workers in national law.

Home work exists throughout the world. In high-income countries, it is mainly associated with telework, but there are important pockets of home work in manufacturing in these countries as well. Historically, industrial home work was prominent in Europe and Northern America, but the shift of labour-intensive manufacturing to the developing world in recent decades took much industrial home work with it. In the developing world, particularly in Asia, homeworkers can be found across different global supply chains in the apparel, electronics and houseware industries, but they are also prominent in domestic supply chains.

How is home work used in production?

Homeworking is commonplace in the production of both goods and services. Home work in the services sector existed throughout the twentieth century, but it was in the second half of the century, with advances in information and communications technologies, that it emerged in force in a wide range of industries, such as insurance, banking and tourism. In the 1970s, some employers began to experiment with telework, leading to a small but steady share of white-collar "teleworkers". The rise of digital labour platforms from the mid-2000s has also expanded opportunities for working from home. Many of the service jobs posted on digital labour platforms are performed by "crowdworkers" located across the world. These jobs are similar to industrial home work: workers are paid by the task or project and work is carried out according to the specifications of an employer or intermediary. The ease of outsourcing tasks through digital labour platforms suggests a continued expansion of homeworking opportunities in the decades ahead.

Industrial home work and home-based, digital platform work represent highly flexible forms of production that allow enterprises to respond swiftly to shifts in product demand and to reduce costs. Home work persists whenever and wherever: (1) the production process can be disassembled into discrete tasks, (2) the capital needed for production – such as sewing machines or personal computers – is accessible at a relatively low cost, and (3) there is an available labour force. The availability of this labour force – often women who combine home work with domestic and care responsibilities – is highly dependent on gender roles in both the household and society.

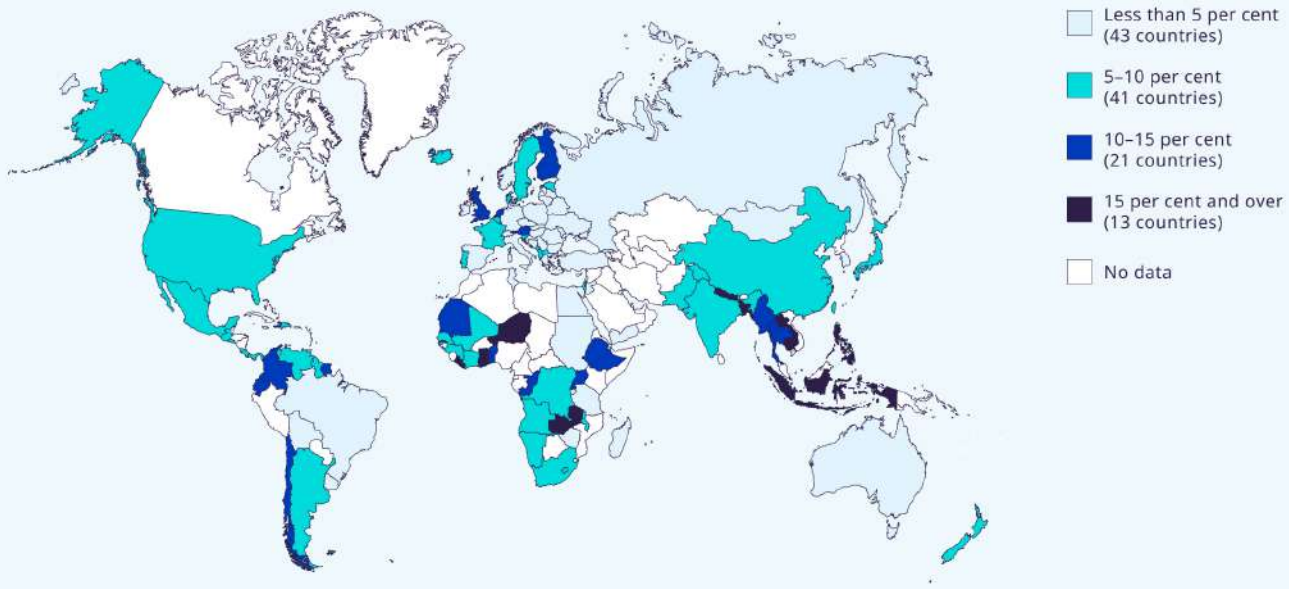
How many homeworkers are there? Where do they live and what are their characteristics?

Homeworkers are a subgroup of home-based workers. In addition to working from home, homeworkers are defined statistically as employees or dependent contractors. The ILO estimates that there were about 260 million home-based workers in the world in 2019, representing 7.9 per cent of global employment. This, of course, was before the COVID-19 pandemic. When the 2020 numbers are finally tallied, it is expected that the number of home-based workers will far surpass the 2019 figures.

In most countries for which data were available, home-based workers made up less than 10 per cent of all employed persons; but in 13 countries, home-based workers accounted for more than 15 per cent of the workforce. Asia and the Pacific accounted for close to 65 per cent of all home-based workers (more than 166 million) in the world (see figure 1).

In low- and middle-income countries, most home-based workers were own-account workers, but in high-income countries, employees were the largest group. These differences are not surprising given the occupational differences across countries based on their level of economic development. While managerial, professional and technical occupations made up 53 per cent of total employment in high-income countries, the corresponding percentages in middle- and low-income countries were 31 and 12 per cent, respectively.

▶ Figure 1. Percentage of workers who are home-based, 2019 or latest year



Source: ILO calculations based on household surveys in 118 countries.

Most home-based workers are women. According to ILO estimates, 147 million women and 113 million men worked from home in 2019, with women accounting for 56 per cent of all home-based workers. The propensity of women to work from home (11.5 per cent) is much higher than that of men (5.6 per cent).

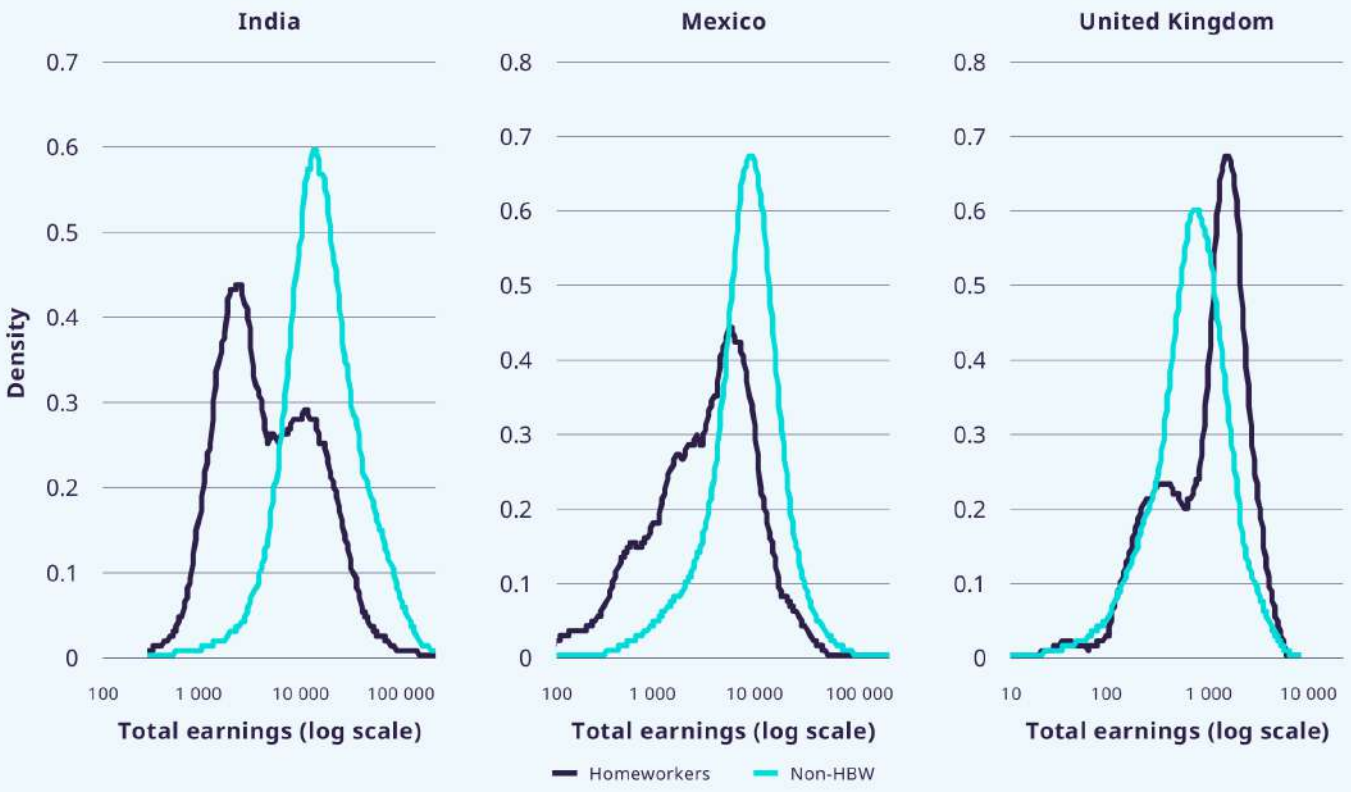
Because it takes place in the home, it is no surprise that home work is a highly gendered form of production. As women the world over still shoulder the burden of unpaid care work, some turn to working from home as a way to combine care responsibilities with paid income opportunities, even if it often results in an extension of the working day. Nevertheless, the opportunity to work from home is welcomed by women and men seeking flexibility, but also by workers with disabilities who may otherwise have fewer opportunities for paid work.

What are the benefits of home work? What are the risks?

Homeworkers are a heterogeneous category, whose members range from impoverished industrial homeworkers to highly skilled teleworkers, but all must deal with the implications of working from home.

Figure 2 shows the earnings distributions for homeworkers (in dark blue) and for those who work outside the home (in turquoise) in three countries: India, Mexico and the United Kingdom of Great Britain and Northern Ireland. In India and Mexico, where homeworkers are more often engaged in industrial homeworking tasks such as rolling beedi cigarettes or producing artisanal goods, homeworkers' earnings are lower than those of non-home-based workers, with the earnings skewed towards the bottom end of the income distribution. But there is also a subset of homeworkers – most pronounced in the United Kingdom – that corresponds to professional and managerial teleworkers who earn more than non-home-based workers.

Figure 2. Earnings densities for India, Mexico and the United Kingdom (total earnings)



Note: Non-HBW refers to non-home-based workers. The horizontal axis corresponds to earnings (in logarithmic scale) and the vertical axis corresponds to the density of workers, which represents the number of workers at a given wage level.

Sources: Periodic Labour Force Survey (India, 2018), Labour Force Survey (Mexico, 2019 Q4), Labour Force Survey (United Kingdom, 2018).

Nevertheless, when education, age and occupation are controlled for, a home work penalty is observed in almost all countries, even among higher-skilled professions. Homeworkers make 13 per cent less than non-home-based workers in the United Kingdom, 22 per cent less in the United States of America, 25 per cent less in South Africa and about 50 per cent in Argentina, India and Mexico. Only in Italy is there a slight homeworker bonus, which vanishes once hours are controlled for.

Flexibility in hours is an important reason why workers choose to work from home, and is perhaps the greatest benefit of home work. Homeworkers work on average shorter days than those who work outside the home, but their hours are more uncertain. For industrial homeworkers and digital platform workers, days with little or no work may be followed by periods of intense work. For teleworkers, the main concern is the blurring between working time and personal and family time.

There are significant social protection gaps for industrial homeworkers and home-based, digital platform workers. In some instances, even though they are covered by social security legislation, the law is not being applied. In other instances, they are classified as self-employed and thus not covered by specific legislation. As a result, in some countries the gap in social protection coverage for homeworkers reaches as high as 40 percentage points when compared with those working outside the home.

With respect to occupational safety and health, the most pressing risks stem from handling tools, chemicals or products (for example, shoe glue) that are seldom adapted to the home and are used in the absence of protective equipment and training in safe practices. The risk is compounded as the work affects not just the homeworker but also other members of the household. For digital platform workers, an added risk is related to the task of content moderation – the screening of digital materials for violent or pornographic content. Teleworkers, like other homeworkers, face ergonomic hazards that can lead to musculoskeletal disorders as well as psychosocial risks due to social isolation.

Organizing is a long-standing challenge for industrial homeworkers. Many industrial homeworkers do not identify as workers, they lack a general awareness of their legal rights and they are isolated in their homes. Homeworkers on digital labour platforms face the added challenges of geographical dispersion. In some countries there are legal impediments to forming trade unions among homeworkers, for instance because they have been classified as self-employed or because their occupational category has been excluded from the labour code.

Homeworkers have less access to training than those who work outside the home, which can affect their career prospects. The data reveal that teleworkers are less likely to avail themselves of training opportunities and that there are few training opportunities for industrial homeworkers. For digital platform workers, training is informal and typically undertaken at their own initiative and expense.

A final important risk of home work is the high level of informality. In low- and middle-income countries, almost all home-based workers (90 per cent) work informally. Industrial home work is also associated with the use of child labour, including among children under 14 years of age.

Achieving decent work for homeworkers

Convention No. 177 and its accompanying Recommendation No. 184 promote equality of treatment between homeworkers and other wage earners and thus have the unstated objective of transforming home work into a source of decent work. Many countries around the world have legislation, sometimes complemented by collective agreements, that addresses various decent work deficits associated with home work. Nonetheless, only ten ILO Member States have ratified Convention No. 177 and few have a comprehensive policy on home work. Often, the measures adopted offer only partial responses.

Ensuring effective freedom of association and the right to collective bargaining would be of great consequence for all homeworkers. In addition, there is a need to combat informality, particularly among industrial homeworkers and digital platform homeworkers. The Transition from the

Informal to the Formal Economy Recommendation, 2015 (No. 204) provides guidance on policies that can be adopted by Member States to encourage formalization. The Employment Relationship Recommendation, 2006 (No. 198), provides guidance to Member States on guaranteeing effective protection for workers who perform work in the context of an employment relationship, helping to mitigate the risk of misclassification.

Industrial home work and the poverty that often surrounds it require concerted policy action on all fronts, beginning with increasing the visibility of the work, extending legal protections, improving compliance and making homeworkers aware of their rights. Written contracts are also critical for enforcement. Fair piece rates can be set through the use of time and motion studies that determine the standard time required for a specific task and help assess the remuneration that should be paid for the corresponding number of working hours. Coupled with measures to prevent excessively short deadlines, fair piece rates help impose limits on working time and mitigate the incidence of child labour in home work. Child labour can also be reduced by offering cash or in-kind transfers to poor families as an incentive for school attendance. There are examples of government and social partners working with homeworkers to implement practical measures for improving the safety and health of their workspaces.

For digital platform homeworkers, the cross-border nature of their activities raises particular issues on the applicable law. Furthermore, there are some policy areas that need attention, such as ensuring that contracts (terms of service agreements) are presented in understandable language and using data generated from the work to monitor working conditions. The time and motion studies used for setting fair wages can be applied to platform work. Platforms can also work with governments in devising solutions to combat the psychosocial effects stemming from the work of content moderation.

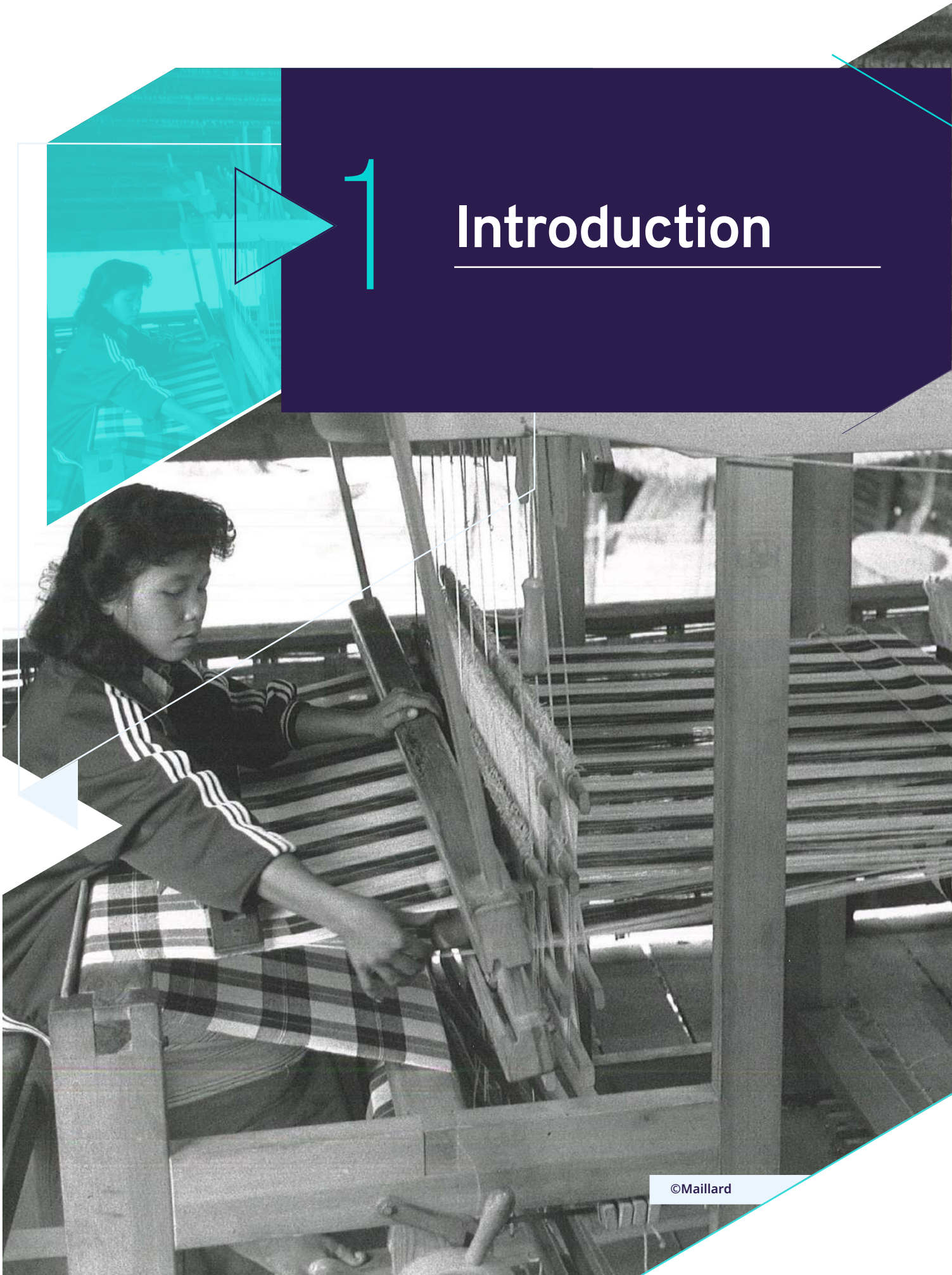
For teleworkers, policymakers should pay most attention to ensuring that the law is being applied, including by increasing legal awareness among teleworkers themselves. In particular, attention needs to be given to ensuring equal treatment between homeworkers and similar employees working on employers' premises. Given the potential risks of social isolation, it is necessary to develop specific actions that mitigate psychosocial risks. The introduction of a "right to disconnect" is an important policy measure to limit working time and ensure respect for the boundaries between work life and private life.

Labour inspectorates need specific training on home work and how to enforce labour and social protections. In addition, all homeworkers should benefit from social security coverage and have access to training that can increase their productivity, employment opportunities and income-earning capacity. Finally, the provision of quality childcare is important for all homeworkers, boosting their productivity and supporting the work–family balance, and, for industrial home workers, potentially helping to break the cycle of poverty.

Governments have a leading role to play in guaranteeing the protection of homeworkers' rights, in cooperation with workers' and employers' organizations and, where they exist, associations of homeworkers and of their employers. Trade unions and employers' organizations also have a critical role to play, including through awareness-raising initiatives and participation in collective bargaining. Success stories of homeworkers' associations and cooperatives show how such groups can improve the working conditions and lives of homeworkers. Lead firms in global supply chains can also make a significant contribution by implementing private compliance initiatives directed at improving the working conditions of homeworkers.

When the world was brutally hit by the COVID-19 pandemic, wide swathes of the world's workers turned almost overnight to home work as a way of protecting both their jobs and their lives. There is no doubt that home work is likely to take on greater importance in the years to come. It is thus time for governments, in cooperation with workers' and employers' organizations, to heed the guidance of Convention No. 177 and Recommendation No. 184 and work together to ensure that all homeworkers – whether they are weaving rattan in Indonesia, making shea butter in Ghana, tagging photos in Egypt, sewing masks in Uruguay, or teleworking in France – move from invisibility to decent work.

1 Introduction



©Maillard

Homework

has existed for

centuries

and continues to be

important

today

In the spring of 2020, as countries across the world imposed lockdowns to impede the spread of the COVID-19 pandemic, large portions of the world's workforce – estimated at close to one in five workers – found themselves working from home.[1] Organizations that had never entertained the possibility of having their staff work from home started doing so, with workers adapting their work and home lives quickly to assume the challenge. The outcome of what has been called "the great working from home experiment" will be the subject of research for years to come, but what is clear is that working from home will undoubtedly take on greater relevance in the future.

But as we study the shift to working from home for the primarily high-skilled office workers who have taken up this practice, we should not lose sight of the many other workers who work from home on a daily basis, across the world, in a range of occupations. Home work has existed for centuries and continues to be important today. According to ILO estimates, prior to the COVID-19 crisis, there were approximately 260 million home-based workers in the world, representing 7.9 per cent of global employment. Within this group of home-based workers are "homeworkers": women and men who perform work at home, for pay, according to the specifications of an employer or intermediary. Homeworkers include teleworkers who work remotely on a continual basis, but also a vast number of workers who are involved in the production of goods that cannot be automated (such as embroidery, handicrafts, electronic assembly) or provide services (such as processing insurance claims, copy-editing or data annotation for the training of artificial intelligence systems).

Home work exists throughout the world. In high-income countries, it is mainly associated with telework, but there are important pockets of home work in manufacturing in these countries as well. Historically, such "industrial" home work was prominent in Europe and Northern America, but the shift of labour-intensive manufacturing to the developing world over the past decades took much industrial home work with it. Across the developing world, particularly in Asia, homeworkers can be found at the bottom of global supply chains in the apparel, electronics and houseware industries, but they are also prominent in domestic supply chains.

Home work in services first emerged in the 1950s, with female typists addressing envelopes, but then spread to other tasks that could be fragmented and outsourced to the home for a wide range of industries, including insurance, banking and tourism. Advances in information and communication technologies (ICT) propelled some employers to experiment with telework, leading to a small but steady share of white-collar "teleworkers" for whom their home was their place of work. The rise of digital labour platforms from the mid-2000s has also expanded opportunities for working from home. Many of the service jobs posted on digital labour platforms are performed by "crowdworkers" located across the world. These jobs are similar to industrial home work: workers are paid by the task or project and work is carried out according to the specifications of an employer or intermediary. The ease of outsourcing tasks through digital labour platforms suggests a continued expansion of homeworking opportunities in the decades ahead.

The focus of this report is home work, as defined by the ILO's Home Work Convention, 1996 (No. 177) and Recommendation, 1996 (No. 184). Though these ILO standards were adopted 25 years ago, many countries still exclude homeworkers from certain provisions in labour law and the application of the law in places where it does exist is wanting. Given the continued struggle to improve the rights and working conditions of those who work at home and the renewed interest in working from home as a result of the COVID-19 pandemic, it is time to revisit the nature and development of home work – in both its old and new forms – as well as its challenges and the possible ways forward for achieving decent work.

▶ 1.1 What is home work? What is home-based work?

This report adopts the legal definition given in Convention No. 177, which defines home work as "work carried out by a person … (i) in his or her home or in other premises of his or her choice, other than the workplace of the employer; (ii) for remuneration; (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used" (Art. 1).

This definition does not extend to persons who have "the degree of autonomy and of economic independence necessary to be considered as independent workers under national laws, regulations or court decisions". Furthermore, those who only occasionally perform their work as employees at home, rather than at their usual workplaces, are not homeworkers within the meaning of the Convention. Nor are unpaid family workers who may assist in the homeworking activities (see box 1.1 for more details).

▶ Box 1.1 Debating and defining home work: Convention No. 177

The definition of home work, its scope and the measures for protecting home workers were the subject of debate at the 82nd and 83rd sessions of the International Labour Conference, in 1995 and 1996, leading to the adoption of the Home Work Convention (No. 177) and Recommendation (No. 184), 1996.

Convention No. 177 defines home work as "work carried out by a person … (i) in his or her home or in other premises of his or her choice, other than the workplace of the employer; (ii) for remuneration; (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used" (Art. 1).

The core element of this definition is related to the workplace. In most instances, home work is performed at the worker's home, but it may also take place in the street, in co-working spaces or in other premises chosen by the worker. During the debates of the International Labour Conference, an amendment sought to exclude places that are under the control and management of the employer. Yet as there are certain sectors, such as agriculture or mining, in which workers and their families may reside in compounds provided by the employer, the proposal ultimately retained was to exclude only the workplace of the employer.

The provision of work against remuneration was not the subject of particular discussion prior to the adoption of the standards on home work by the International Labour Conference. In its preparatory report for the first discussion on the subject, the Office pointed out that home work does not include the production of goods only for personal or family consumption, nor does it cover direct transactions between the producer and the final consumer.[2]

Convention No. 177 specifies that home work can involve the delivery of a product or service. In response to an amendment seeking to limit the scope of the Convention to the delivery of products only, on the grounds that services are more likely to be performed by independent workers, it was pointed out that proofreading or secretarial work could well be performed by homeworkers and the amendment was withdrawn.

An amendment was also submitted to specify that home work is performed without the direct supervision of the employer. The Office explained, however, that "in more modern forms of home work", including telework, the employer can exert direct control over the work done at home. This amendment was therefore also withdrawn.

In its report submitted pursuant to Article 22 of the ILO Constitution on the application of Convention No. 177, the Government of the Netherlands indicated that, although it had a policy on teleworking, it considered that telework was explicitly excluded from the scope of the Convention. The Committee of Experts on the Application of Conventions and Recommendations recalled that, while it was true that the provisions of the Convention did not apply to "persons with employee status who occasionally perform their work as employees at home rather than at their usual workplaces," teleworking "as a permanent arrangement, whether full-time or part-time – and not alternating with office-based work " was clearly covered by the definition of the term "home work" set out in Article 1(a) of the Convention.[3]

During the second discussion, a proposal was made to delete the words "irrespective of who provides the equipment, materials or other inputs used" in the definition of home work contained in the Convention. The argument was that the provision of equipment could have implications for the definition of employees in national legislation. The amendment was rejected after the Office explained that this element could not be used alone to establish whether a person was an independent worker or not, but had to be combined with other characteristics.[4]

The definition of home work does not extend to the situation of workers who have "the degree of autonomy and of economic independence necessary to be considered as independent workers" in national law. At the initial stage of the preparatory work, reference was made only to the autonomy of workers and to the "other conditions necessary to be considered as independent workers". During the debates of the International Labour Conference, the Workers' Group wished to include in the scope of the definition workers who are "in a position of economic dependence on one or more employers" as defined at the national level. This amendment was withdrawn after the Employers' Group argued that freelance journalists and other independent workers would meet the criterion of economic dependence. Following the adoption of another amendment, a reference to both autonomy and economic independence was included in the text. In addition, the Office clarified that the definition of home work includes the work of those whose status is unclear, but who nonetheless more closely resemble employees than independent workers.

Home work under Convention No. 177

- Where? At home or in a place chosen by the worker, outside the employer's premises
- What? Product or service specified by the employer
- Why? For remuneration

Not homeworkers under Convention No. 177

- Workers with sufficient autonomy and economic independence to be recognized as independent workers
- Employees who only occasionally work at home
- Unpaid family workers

Home-based work does not have a legal definition but it is generally understood to be work that is carried out in one's own home.[5] The nature of home-based work is wide-ranging, spanning across legal classifications, to include workers that are in an employment relationship as well as those who are independent, self-employed workers. While the legal definition of self-employment can vary between jurisdictions, it is generally associated with individuals who have the economic and managerial independence to carry out their work.[6] This could mean, for example, that they are responsible for bringing the good or service to the market for sale (whether physical or online) and that they decide on the price of the good or service that they produce. Other considerations include whether they initiate the idea for the product or service being offered. Examples include the dentist whose medical office is attached to her home, the hairdresser who receives clients in her home or the own-account worker who prepares food that she then sells on a busy street corner.

Homeworkers are a subset of home-based workers who do not have the "degree of autonomy and of economic independence necessary to be considered as independent workers" in national law. This means that they may be classified as an employee or may be contractually classified as self-employed but, in practice, are nonetheless in a relationship of dependency on an employer or an intermediary. The homeworkers are given instructions on what to do and are frequently given the raw materials necessary to carry out the task. They are often, though not always, paid by the piece. Most importantly, they do not sell the finished good or set its price. They may, however, be responsible for some production costs, including costs related to the workplace, equipment, supplies, utilities and transport, in cases where they need to pick up inputs or deliver finished goods.

Home work does not include independent workers running a business out of their home. Home work is also distinct from unpaid care work in one's own home, paid domestic work or care work in the households of others, or subsistence production for household consumption.

The terms home-based work and home work **do not include:**

- Unpaid care work in one's own home
- Paid domestic work and care work in the households of others
- Subsistence production for household consumption

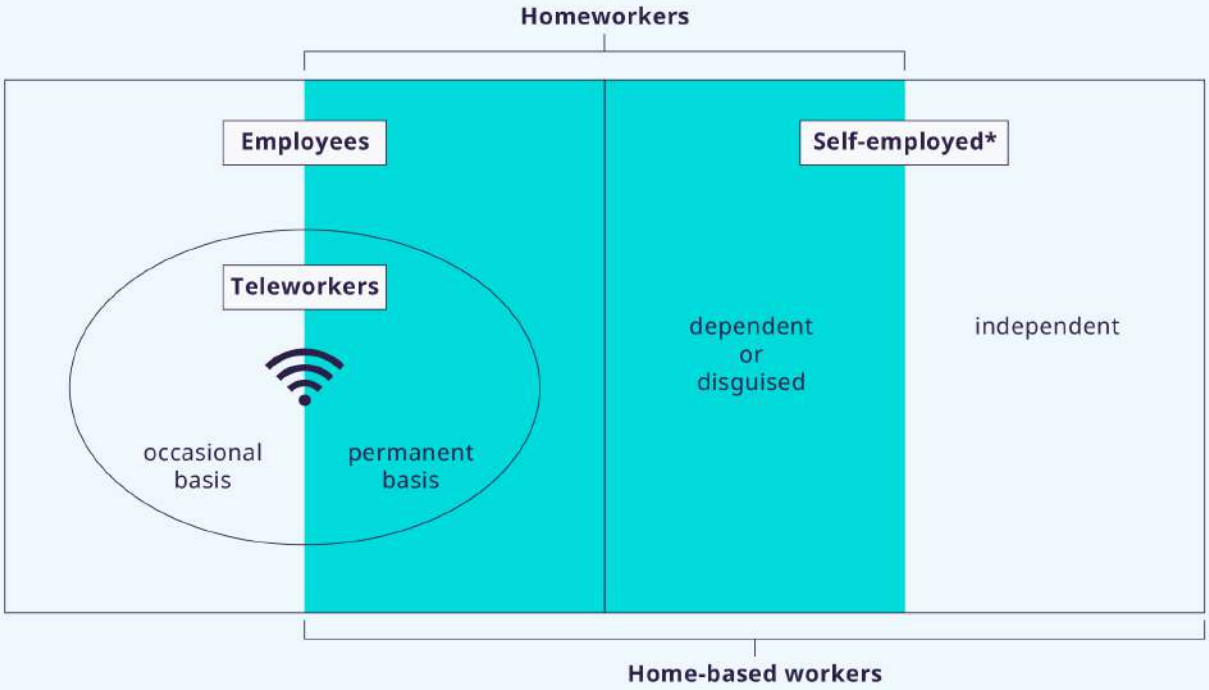
The definition of home work does not extend to the situation of workers who have the degree of autonomy and of economic independence necessary to be considered as **independent workers** in national law

©iStock/filadendron

Some jurisdictions have a specific legal category that covers "dependent self-employed" workers, understood as workers who perform services for a business under a contract different from a contract of employment, but depend on one or a small number of fixed clients for their income and receive direct guidelines regarding how the work is to be done. This legal category is often created as a means to extend protections to these workers that would normally be associated with employee status.[7] In other cases, the worker has been contractually classified as self-employed but is actually in a disguised employment relationship, which according to the Employment Relationship Recommendation, 2006 (No. 198) occurs "when the employer treats an individual as other than an employee in a manner that hides his or her true legal status as an employee" (para. 4). For homeworkers, this would apply to a situation in which a person has been contractually classified as self-employed, but according to national law should be classified as an employee. In other instances, there are grey areas that complicate the legal classification of home work.

Within the legal category of employee, there are workers who work from their homes on a permanent basis and thus fall under the scope of Convention No. 177. Employees who work from their home only occasionally are not considered to be homeworkers. When home-based employees use ICT tools to carry out their work, they are referred to as "teleworkers".[8] Figure 1.1 illustrates the distinction between home-based workers and those who are homeworkers under Convention No. 177, as well as their contractual classification.

Figure 1.1 Working from home: The distinction between home-based workers, homeworkers and teleworkers



*Refers to the contractual classification.

One of the difficulties in the legal (and statistical) classification of home work is that many workers alternate between independent home-based work and home work, sometimes over the course of a single day. In Ghana, for example, intermediaries will hire farmers who harvest cassava to process it into *garri*, a flour derived from cassava.[9] Similarly, workers on digital labour platforms may spend part of the day performing work that fits within the definition of home work under Convention No. 177 (for example, performing tasks such as verifying accounts on social media, delivered through a platform under tight supervision) in-between other projects that they undertake for clients as part of their own, independent business.[10]

Given its long history, home work goes by many different names that are used synonymously, including "outwork", "industrial home work" or the "putting-out system" (known in German as the *Verlagssystem*). These names reflect the long history of the use of home work in goods

production. Home work is also common in the production of handicrafts. For simplicity, in this report, we refer to all home work involved in goods production as "industrial home work".

Home work is also common in the service sector, with its use growing along with technological developments. While there are historical records of clerical work being outsourced to homeworkers as early as the 1880s, it was the invention of the typewriter, followed by the word processor, the personal computer and the internet, as well as the lowering of ICT costs, that have driven the use of home work in services. Some of these workers are hired as employees and, assuming they use ICT tools to carry out their work, would be considered teleworkers. Nevertheless, there are also many home-based service workers classified as self-employed but who are in a relationship of economic dependency. They may have begun working for a client as an independent "freelancer" only to end up relying on just the one client, and are increasingly asked to work during set hours or to download monitoring software that tracks the work they perform, shifting into a grey area of dependent work. Since the mid-2000s, many technology companies have come to rely on crowdworkers to perform tasks such as data annotation in order to ensure the smooth functioning of online stores or to train artificial intelligence systems.[11] These crowdworkers work through online digital labour platforms, many of which operate similarly to traditional home work, in that the platforms disperse the work at a fixed price to their pool of workers, the work is completed and submitted by the workers according to the specifications of the platform and the worker is paid upon the successful completion of the task.[12] These workers are contractually classified by the platforms as self-employed, but many do not have the autonomy and economic independence necessary to be considered an independent worker in national law, meaning that they would fall under the scope of Convention No. 177.

©Unsplash/C. Deluvio

▶ 1.2 Gender and home work

> "I am a stay-at-home mom and we needed to supplement our household income but not pay the extremely high prices of childcare."

– Amazon Mechanical Turk worker, United States, 2015

This quote of an American homeworker on the Amazon Mechanical Turk crowdsourcing platform about why she prefers to work from home reveals the centrality of gender to the study of home work. As the home is the workplace, it cannot be understood without consideration of the gendered division of labour in the household and its implications for engaging in paid work.

To this day, women across the world are commonly expected to be responsible for the care and maintenance of the household. In 2018, women dedicated 4 hours and 25 minutes per day on unpaid care work compared with 1 hour and 23 minutes for men (3.2 times more hours than men). The unpaid care work gap exists in all countries of the world, though it is more pronounced in some regions than others (women spent 4.7 times more hours than men in the Arab States compared with 1.7 times more hours in the Americas). And while men's contribution to unpaid care work has increased in some countries, the overall gender time gap has barely budged, declining by only seven minutes between 1997 and 2012 in the 23 countries with available time series data.[13]

In places where care services are non-existent or inaccessible – for either practical or financial reasons – home work presents itself as a viable alternative to paid work outside the home. In more extreme instances, women may be stigmatized for working outside the home or even prohibited from doing so. Some countries have laws limiting the free mobility of women in public spaces, making working from home the only viable option for them to earn income. In 2020, according to the World Bank's Women, Business and the Law database, women faced legal restrictions against leaving their homes in 16 countries and territories, while more than 30 per cent of economies restrict women's freedom of movement in at least one way.[14]

In many countries, women's unequal position in the home and in society creates an available but segmented pool of labour that cannot compete with workers who can engage in traditional waged work outside the home. This is also true of workers with disabilities, who may face difficulties or discrimination in accessing work outside the home. As will be analysed in Chapter 5, the earnings of homeworkers tend to be lower, as their pay is affected by their constrained opportunities in the wage labour market and their lower position in the social structure of many countries. Many homeworking women are isolated and have little or no other options for earning an income. They engage in home work as a means to earn an essential supplement for the family income and are thus "more likely to be concerned with 'target earnings' than with fair recompense for their labour".[15] In addition, while earning an income may in some instances empower them and elevate their status in the household, their continued presence in the home can also reinforce traditional gender roles.

The importance of gender – how it creates a pool of available labour – and how businesses have used women homeworkers over time in different sectors and occupations, as well as the implications for women of engaging in home work, is a recurring theme in the report.

▶ 1.3 The objective and structure of the report

This report seeks to improve understanding of home work as well as to advance guidance on policies that can support decent work for homeworkers.

As working from home is likely to expand in the future, it is important to appreciate the implications of home work for workers and employers and to give it visibility. With the exception of Chapter 2, which presents statistical information on home-based work, the focus of this report is on home work, as defined legally by Convention No. 177 and Recommendation No. 184. Three categories of home work are addressed in this report:

1. **industrial home work**, which is defined broadly to include all goods production undertaken by homeworkers for local and international markets. Some of this work is "industrial" in that it is often one step, outsourced to a homeworker, of a production process that otherwise occurs in a factory, but production can also be artisanal;

2. **telework**, which is when employees use ICT tools to perform their work remotely. Following the delineation of Convention No. 177, the focus is on teleworkers who work at their home (or another location of their choosing) on a regular or permanent basis; and

3. **home-based, digital platform work,** which refers to service-sector tasks performed by crowdworkers according to the specifications of the employer or intermediary, in situations in which the workers do not have the autonomy and economic independence to be considered an independent worker in national law.

There are many differences among homeworkers within these three categories. At one end are some of the poorest workers in the world of work (such as the 2.5 million women rolling beedi cigarettes in India), while at the other end are the well-educated and highly paid employees of leading corporations working remotely from their home. The working (and living) conditions among these workers could not be more different, yet they may both struggle balancing their care responsibilities with their work and they may both suffer from social isolation. Since the largest decent work gaps affect the poorest and most vulnerable – the so-called industrial homeworkers – much of the analysis and policy discussion in this report is directed at this group of workers. Nevertheless, many of the findings and policy lessons are also applicable to service-sector homeworkers, including crowdworkers and teleworkers.

Following this introductory chapter, Chapter 2 presents the first global estimates of the number of home-based workers and homeworkers around the world, with their characteristics. Measuring home work in labour force surveys has long been neglected, compromising the amount of information available. Nevertheless, there have been some important advances in the statistical identification of homeworkers that will facilitate their identification in future labour force surveys.

Subsequent chapters analyse the use of home work in the production of goods (Chapter 3) and services (Chapter 4), documenting their evolution over time and space, the motivations of businesses for relying on home work and some of the consequences for management. Chapter 5 turns to the implications of home work for workers. Drawing on primary data analysis

of labour force surveys in which information is available on homeworkers, the chapter analyses the working conditions of homeworkers with respect to wages; working time; work-life balance; gender equality and women's empowerment; training and career prospects; freedom of association and collective bargaining rights; occupational safety and health; and social protection. Chapter 6 reviews the provisions of Convention No. 177 and Recommendation No. 184. It also provides the latest information available on labour laws around the world with respect to homeworkers, including teleworkers. Finally, Chapter 7 advances a series of recommendations aimed at ensuring decent work for homeworkers, drawing on international labour standards and best practices from different countries around the world.

The report draws on an array of primary and secondary sources, including household labour force surveys, which have been processed to provide descriptive statistics (Chapter 2) and used in econometric analyses of different working conditions (Chapter 5). In addition, the ILO commissioned four country studies – covering Brazil, Ghana, the Philippines and Turkey – of industrial and service-sector home work, on which most of the chapters draw. This information complements the existing academic and policy literature on home work, which is also referenced in the report. The report relies on information from ILO projects directed at homeworkers, both past and ongoing – covering Chile, India, Indonesia, Nepal, Pakistan and Thailand – which provide primary evidence on the experience of homeworking, the engagement of governments and social partners in this area and policy best practices. As home work was the subject of a standard-setting item at the 82nd and 83rd sessions of the International Labour Conference (1995 and 1996), there is a wealth of ILO material that provided critical inputs into this study, including more recent ILO documents on the implementation of the Convention. In addition, the report summarizes existing national legislation on the different forms of home work in order to provide an up-to-date analysis of legal protections and gaps (Chapter 6).

Employees who work from their home only occasionally are not considered to be **homeworkers**

A clear finding of the report is the importance of the type of occupation in shaping working conditions. Since professional and managerial teleworkers are more prominent in high-income countries and industrial homeworkers are more prominent in low and middle-income countries, there is a strong relationship between a country's level of economic development and decent work deficits for homeworkers. However, lying back and waiting for economic development to change the occupational profile is not the solution; instead, policies are need to transform home work into a source of decent work, regardless of where it takes place or the type of activity undertaken. Such improvements benefit not only workers but their families, the economy and society at large. Yet the success of such an agenda requires the commitment and effort of government and social partners. This report will document experiences that have been at least partially successful in reducing decent work deficits, while outlining remaining policy challenges and ways forward.

Working from home will **undoubtedly** take on greater relevance in the future

▶ Endnotes

1 ILO, "*Working from Home: Estimating the Worldwide Potential*", Policy Brief, 2020.

2 ILO, *Home Work*, ILC.82.V(1), 1995, p. 5.

3 Netherlands, Direct Request, Convention No. 177, 2014.

4 A similar amendment had been withdrawn during the first discussion. The Workers' Group had pointed out that, in many countries, the question of equipment was crucial, since some workers were not considered as homeworkers because they used their own equipment, although this fact did not make them independent.

5 However, there is a statistical definition of home-based workers as "workers whose main place of work is their own home. Among workers in employment, they may be employers, independent workers without employees, dependent contractors, employees or contributing family workers". See ILO, Resolution concerning statistics on work relationships, 20th International Conference of Labour Statisticians, 2018, para. 110.

6 See ILO, "The Employment Relationship: An Annotated Guide to ILO Recommendation No. 198", 2007, for a discussion of how different national jurisdictions distinguish between employees and self-employed.

7 See ILO, *Non-Standard Employment around the World: Understanding Challenges, Shaping Prospects*, 2016, for an in-depth discussion of jurisdictions with "dependent self-employment" as a legal category and the rights extended to these workers.

8 Some academics make the distinction between teleworkers as individuals who work "from home", whereas other home-based workers are considered to work "at home". In this report, we do not distinguish between working "from home" and working "at home" and consider all home-based workers to be working from home.

9 Akosua Darkwah and Dzodzi Tsikata, "Home-Based Work and Homework in Ghana: An Exploration" (ILO, 2020).

10 Mariya Aleksynska, Anastasia Bastrakova and Natalia Kharchenko, *Work on Digital Labour Platforms in Ukraine: Issues and Policy Perspectives* (ILO, 2018).

11 Janine Berg, Marianne Furrer, Ellie Harmon, Uma Rani and M Six Silberman, *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World* (ILO, 2018).

12 Janine Berg, "Contemporary Digital Homework: Old Challenges, Different Solutions?", in *The Factory in the Living Room: Homebased Work and Homebased Workers 1800-2018*, ed. Jane Barret, Indrani Mazumdar, Silke Neunsinger and Malin Nilsson (Brill, 2021).

13 ILO, *Care Work and Care Jobs for the Future of Decent Work*, 2018.

14 See World Bank, Women, Business and the Law website, https://wbl.worldbank.org. Countries are coded as restricting freedom of movement if permission, additional documentation or the presence of a husband or guardian are needed for women to travel domestically; if a women must justify her reasons for leaving her home; or if leaving the home without a valid reason is considered disobedience with legal consequences, such as loss of her right to financial maintenance.

15 Jill Rubery and Frank Wilkinson, "Outwork and Segmented Labour Markets", in *The Dynamics of Labour Market Segmentation*, ed. Frank Wilkinson (Academic Press, 1981), p. 127.

2 Measuring home work and home-based work

©iStock/Z.Rakic

The ILO estimates that there were about

260 million

home-based workers in the world in 2019, representing

7.9% of global employment

The invisibility of home work is a problem that has long plagued the **collection of statistics** on home work

©iStock/ Chalffy

Home work has always existed, but because it takes place in someone's private home and is carried out disproportionately by women, it has long been invisible.

Much of this invisibility stems from the absence of questions to identify home work in household labour force surveys and labour registries. Although there has been progress in the measurement of home-based work as well as in the development of standards for the measurement of home work, the new standards have not yet been incorporated in labour force and other household surveys. Thus, there continues to be a lack of statistical information on homeworkers. As a result, researchers often turn to ad hoc surveys of homeworkers to learn more about the characteristics of these workers, the work they do and their working conditions. While certainly useful, such surveys do not reveal how common homeworking is or how it has evolved over time, nor do they allow for adequate comparisons between those for whom their home is their place of work and those for whom it is not.

Chapter 1 analysed the legal definition of home work; this chapter explains the statistical definition of home work, as well as the recent advances that will allow for a better identification of homeworkers in future household surveys. While legal definitions provide the foundation of workers' rights, accurate statistics are also important as they allow the monitoring of employment and working conditions and can be used to advocate for legislative changes and other policy initiatives. The shortcomings of measuring home-based work and home work have become apparent during the COVID-19 pandemic, as wide swathes of the working population have shifted from the office to the home to join the millions who were already working at home. A few labour force surveys were already equipped with adequate questions on home work and telework, but most were not and have struggled to uncover what has been going on in the world of work during the pandemic.

This chapter will address the measurement of home-based work and home work in household surveys, in particular how home-based work and home work can be identified in labour force surveys and the existing limitations to their identification. It then presents data on home-based work and home work for different regional and country-income groups and for different types of workers, including workers with disabilities and child workers.

2.1 The difficulty of capturing home work in statistics

In the late 1970s, the ILO's Rural Employment Policies Branch funded field research in the developing world with a view to designing technical cooperation projects that could assist poor rural women – the most impoverished strata of the world's labour force.

One of the studies that emerged from this project was *The Lace Makers of Narsapur: Indian Housewives Produce for the World Market*, by Maria Mies, which documented the working lives of the approximately 100,000 women engaged as homeworkers in the lace-exporting industry in Andra Pradesh, India.[1] Mies' groundbreaking study revealed how an extensive network of male agents, traders and exporters benefited from an invisible female labour force, who despite producing the goods for sale were not recognized as real workers or compensated accordingly. As she explained,

> "There is no factory, no workshop, they are not concentrated in a certain street or quarter like other craftsmen, but live as wives and daughters in their houses, scattered over about 200 villages. As no men are representing this craft, the women remain in the category of housewives, who are defined as non-workers by the Censuses. The lace workers of Narsapur taluk [quarter] are hidden among the 237,720 non-workers returned in the 1971 census. Their production appears as the natural manifestation of their housewife role" (p.49).

For Mies, the invisibility of women's work was directly related to the patriarchal culture that viewed women's labour as subsistence work – a natural product of their duties as housewives. As she explained, "the general opinion, voiced by lace exporters and traders as well as by government officials, is that these women are only housewives who do this work only in their leisure time and as a hobby" (p. 48). Mies referred to this practice as the "housewifization" of labour. To reinforce her argument, she cites at length a 1961 census monograph on handicrafts in Andhra Pradesh, which states,

"Usually, in the afternoon, the women of two or three neighbouring households sit on the verandahs in front of their homes and carry on their lace-making while chit-chatting with each other. Thus the industry has the social effect of bringing in the neighbours nearer to each other. In this way, the leisure of the women is employed for earning money which can be a profitably used either by themselves or to augment the family incomes."[2]

What Mies so effectively documented in her study was how, by negating the contribution of women, by not considering home work as real work, and because it was done at the home, it became invisible. The invisibility of home work is a problem that has long plagued the collection of statistics on home work.[3] Indeed, Convention No. 177 provides that "[a]ppropriate measures shall be taken so that labour statistics include, to the extent possible, home work" (Article 6). The accompanying Recommendation No. 184 states that "[d]etailed information, including data classified according to sex, on the extent and characteristics of home work should be compiled and kept up to date to serve as a basis for the national policy on home work and for the measures adopted

to implement it. This information should be published and made publicly available" (para. 4).

One of the reasons for the undercounting of home work is that many women have internalized the narrative that the hours they spend on their homeworking activities do not constitute real work. As a result, when asked about their economic activity by survey enumerators, women homeworkers often state that they are "housewives" as opposed to answering affirmatively to questions about whether they work for pay or profit.[4] Another obstacle has been the difficulty of translating the legal definition of home work into workable questions in household surveys.

In 1993, the Fifteenth International Conference of Labour Statisticians (ICLS) adopted the International Classification of Status of Employment (ICSE-93). The ICSE-93 designated five main statuses of employment: (1) employees; (2) employers; (3) own-account workers; (4) members of producers; cooperatives; and (5) contributing family workers. The ICSE-93 provides that "[t]he basic criteria used to define the groups of the classification are the type of economic risk (to which the job holder is exposed), an element of which is the strength of the attachment between the person and the job, and the type of authority over establishments and other workers which the job incumbents have or will have".[5] The Fifteenth ICLS also provided the definition that "[o]utworkers are workers who: (a) hold explicit or implicit contracts of employment under which they agree to work for a particular enterprise, or to supply a certain quantity of goods or services to a particular enterprise, by prior arrangement or contract with that enterprise; but (b) whose place of work is not within any of the establishments which make up that enterprise".[6] It was nonetheless difficult to capture "outworkers" within ICSE-93, because their employment status is not always straightforward. With outwork (or home work) the nature of the work means that, even though such workers' economic dependency on an establishment may be strong, the control that it has on their day-to-day work is weak. Indeed, outworkers have some of the characteristics of employees and of the self-employed. As a result, under ICSE-93, outworkers could have any employment status (employee, own-account, employer or contributing family worker) and no guidance was advanced to resolve the issue. Given the problems of operationalizing these criteria into valid survey questions, the ILO did not provide practical recommendations to measure outworkers.

Nevertheless, the Fifteenth ICLS did recommend that national statistical offices collect statistics on "type of workplace", thereby allowing the identification of home-based work.[7] This recommendation was further supported by the International Expert Group on Informal Sector Statistics (Delhi Group)[8] in August 2000. A "place of work" variable had been common in household surveys in Latin America but was not widespread in other parts of the world.

In the mid-2010s, discussion began on a possible revision of the ICSE-93 to better capture the diversity of employment arrangements that had proliferated throughout the world. Many labour force surveys were unable to capture new trends in the labour market, such as "zero-hour" contracts or work in the platform economy, or even to effectively capture temporary agency work or independent and dependent home-based work that had existed for decades. Therefore, a Working Group for the Revision of the ICSE-93 was convened, which then presented a draft set of international standards for statistics on work relationships to be considered by the 20th ICLS in October 2018.

The 20th ICLS discussed the proposal and adopted a revised International Classification of Status in Employment (ICSE-18). The ICSE-18 classifies jobs in employment for pay or profit into ten detailed categories based on the concepts of type of authority (ICSE-18-A) and type of economic risk (ICSE-18-R). It does not provide a definition for "outworkers" but it introduces the concept of "dependent contractor", which is defined as:

> "workers who have contractual arrangements of a commercial nature (but not a contract of employment) to provide goods or services for or through another economic unit. They are not employees of that economic unit, but are dependent on that unit for organization and execution of the work, income, or for access to the market. They are workers employed for profit, who are dependent on another entity that exercises control over their productive activities and directly benefits from the work performed by them."[9]

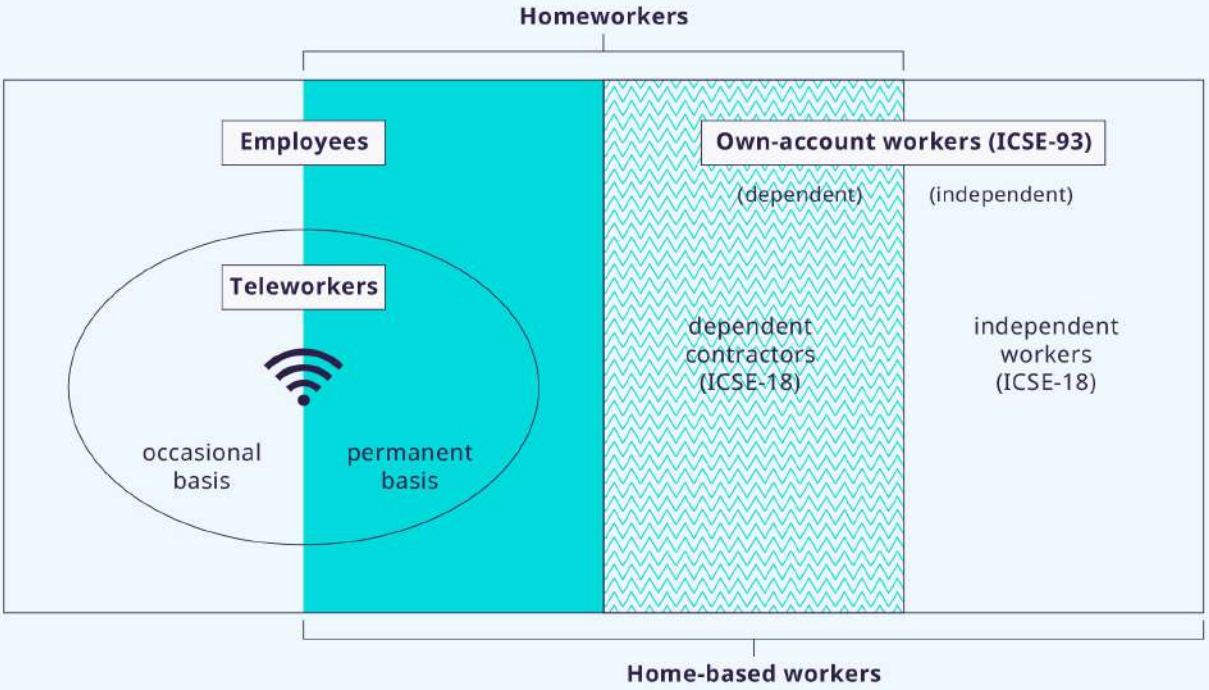
In addition, the resolution specifies the following characteristics that may be relevant for the identification of dependent contractors in national statistics:

> "(a) their work is organized or supervised by another economic unit as a client, or as an entity that mediates access to clients;
>
> (b) the price paid for the goods produced or services provided is determined by the client or an intermediary;
>
> (c) access to raw materials, equipment or capital items is controlled by the client or an intermediary;
>
> (d) their actual working arrangements or conditions closely resemble those of employees."[10]

The introduction of the "dependent contractor" concept is expected to improve the identification of homeworkers in future household surveys, especially as the ILO has prepared practical recommendations for this purpose. It should be noted, however, that not all dependent contractors are homeworkers (or vice versa), given that some dependent contractors may work on the premises of the enterprise that hires them and that dependent contractors are not employees even if they satisfy the criteria (a) to (d) above. Still, the ICSE-18 definition clearly categorizes dependent contractors under the higher-level grouping of "dependent workers" in the classification hierarchy based on authority, along with employees and contributing family workers. In addition, the 20th ICLS resolution also includes a definition of home-based workers as "workers whose main place of work is their own home. Among workers in employment, they may be employers, independent workers without employees, dependent contractors, employees or contributing family workers".[11]

Figure 2.1 provides a visualization of the improved measurement of home work based on ICSE-18. Currently, under ICSE-93, labour force surveys with a place of work question allow for the identification of homeworkers that are classified as employees. Such a question does not, however, allow for the capturing of homeworkers who are in a relationship of dependency as defined by Convention No. 177. Rather, all self-reported own account workers – whether dependent or independent – would fall under the broader statistical category of home-based workers under ICSE-93. Under ICSE-18, home-based dependent contractors (figure 2.1, zig-zag panel) will be identifiable as homeworkers under Convention No. 177.[12] Notwithstanding the introduction of ICSE-18, it will take some time for labour force surveys around the world to redesign their questionnaires to reflect the new guidelines. For the time being, most surveys are based on ICSE-93, which also forms the basis for the statistics on home-based work and home work presented in section 2.3 below.

Figure 2.1 From ICSE-93 to ICSE-18: Advances in the identification of homeworkers in labour force surveys



Note: For simplicity, two other employment status categories of home-based workers are excluded: "contributing family workers" and "employers".

Two other categories of homeworkers for which limited statistical information exists are teleworkers and home-based platform workers. Teleworkers are employees who use information and communication technology (ICT) tools to carry out their work remotely, at their home or in another place of their choosing, other than their employer's premises or work site.[13] In order to identify teleworkers in labour force surveys, there is a need to include questions on the frequency of working from home and on the use of ICTs. Collecting statistics on platform workers is even more complicated, because currently there is an absence of internationally agreed terminology and standard definitions of platform work and related concepts (box 2.1).[14]

Box 2.1 Digital platform workers: How many are there?

Limited statistical information is available on the number of home-based digital platform workers. Some countries and regions have included special modules or run ad hoc surveys in an attempt to measure the size of this labour force, but the numbers are difficult to capture because platform work can include a variety of activities, including taxi and delivery work (which are not home-based), as well as other activities such as selling goods on online marketplaces or renting rooms. As a result, depending on how the question is framed (range of activities included and reference period invoked), estimates can differ significantly.

In Europe, a study by the Joint Research Centre of the European Union found that about 2 per cent of the working age population (16–74) in 14 Member States worked on a digital labour platform as their main job.[15] In 2017, Statistics Denmark included a special module on the digital economy in its annual household survey, including specific questions on income earned from digital labour platforms in the previous year. It found that just 1 per cent of Danes earned income through labour platforms.[16] In Ukraine, an ILO study estimated that approximately 3 per cent of the labour force worked on digital labour platforms.[17] In the United States, the Bureau of Labor Statistics estimated that 1 per cent of the labour force earned income from electronically mediated work. For all these estimates, however, transport and delivery workers make up the largest share (usually about two thirds) of digital platform workers, so that the percentages of home-based workers are much lower.

Nevertheless, data on the growth of online home-based work points to the continued growth of the sector. Since 2016, the Oxford Internet Institute has been tracking activity on five key English-language online labour platforms in an attempt to better understand the characteristics and evolution of online work. They find that activity on the platforms expanded by one third between 2016 and 2019.[18] Moreover, these figures are likely to further increase given the interest of Fortune 500 companies in scaling up platform sourcing,[19] as well as the shift to working from home as a result of the COVID-19 pandemic.

In addition to labour force surveys, whose questions on home work will be analysed in detail in section 2.2, another important source of labour market information are labour registries. These are administrative records of workers usually kept for social security or tax purposes, though by definition they are limited to those workers who are declared. Few countries maintain up-to-date registries of homeworkers.

▶ 2.2 Identifying home-based work and home work in labour force surveys

For its global estimates of home-based workers and homeworkers, the ILO used national household surveys of 118 countries, representing 86 per cent of global employment.

In order to be identified as a home-based worker and homeworker, the individual must first self-identify as an active member of the labour force ("working"). Then, two additional questions are combined: the first question identifies persons who usually work at home ("place of work") and the second question identifies whether they are employees, employers, own-account workers or contributing family workers ("status in employment")(see Annex 4, figure 2.A.1). The question on "place of work" can be asked in a variety of ways in the different surveys and can be grouped into five main types of questions (see box 2.2). As a result, the estimates are not perfectly comparable across countries. The question on "status in employment" obtains information as self-reported by the respondent. The categories used correspond to ICSE-93. Because the various surveys refer to different years, in order to arrive at global estimates for 2019 national figures were extrapolated based on shares, using employment figures for 2019. These global estimates were then disaggregated by income group and by region (see Annexes 2 and 3, respectively, for the corresponding classifications) and refer to the following two groups of workers:

- **Home-based workers:** persons employed during the reference period who declare that in their main job they work in their own home or in a structure attached to their home, usually or always. They can fall under any of the status in employment categories.
- **Homeworkers:** home-based workers who reported they were employees.

It is important to bear in mind that because the calculation of homeworkers is limited to employees, the estimates given in section 2.3 of the number of homeworkers are underestimated, because the following situations are not included:

- Homeworkers who report they are self-employed but who do not have the "degree of autonomy and of economic independence necessary to be considered an independent worker in national law" are not included, even though they are considered to be homeworkers under Convention No. 177. These are the "dependent contractor" workers in the zig-zag panel of figure 2.1.
- Homeworkers who engage others to work with them on the production of the homeworking good or service and who as a result are classified as employers are not included, even if they lack autonomy and economic independence.
- Homeworkers who do not work in their home (or in a structure attached to their home) but nevertheless choose where they want to work – for example, if they work in a co-working space – are not included. So long as they do not work at their employer's premises, they would be covered under Convention No. 177. However, they cannot be identified from responses to the questions described above.

To address the underestimation of homeworkers, section 2.4 provides additional analysis for three countries, using a proxy to capture homeworkers who were classified as self-employed but in a situation of dependency. The household surveys of Argentina and Mexico include a variable on the "number of clients" that is derived from a question asked of own-account workers and employers on the "number of clients" for whom they work. This is as a proxy for dependency among this category of workers. The number of homeworkers identified in this way includes – in addition to self-reported employees who work at home – self-reported own-account workers who work at home for only one client. This provides an improved estimate of homeworkers. Section 2.4 also provides additional information for India that includes as homeworkers the home-based workers who are engaged in the occupations of beedi (cigar) roller and embroiderer which, when carried out at home, are considered homeworking occupations.

Few countries maintain **up-to-date registries** of homeworkers

©iStock/ RyanJLane

Box 2.2 Five types of questions used by surveys to identify workers who work at home

The first and most common type of question is used in 76 regular or ad hoc labour force surveys or general household surveys for different years. It enquires about the usual "place of work" and typically reads:

In what type of place do you usually work?

- **At home**
- **Structure attached to the home**
- At the client/employer's home
- At an office, shop, factory or other fixed place of work
- Fixed stall in market/street
- Land, forest, sea
- Without fixed location/mobile
- Construction site
- Other

Those who qualify for inclusion as home-based workers are those who respond that they work either "at home" or in a "structure attached to the home".

The second type of question, used by 11 countries in the 2015 survey of the International Social Survey Programme,[20] reads:

How often do you work at home during your usual working hours?

- **Always**
- Often
- Sometimes
- Hardly ever
- Never

Those who qualify as home-based workers are those who answer "always".

The third type of question, included by 28 countries in the 2016 European Labour Force Survey, reads:

Which of the following characterizes your working at home status?

- **Person usually works at home**
- Person sometimes works at home
- Person never works at home

Those who qualify for inclusion as home-based workers are those who respond "person usually works at home".

The fourth type of question is used in the European Union's 2015 Working Conditions Survey to gather statistics for 3 countries. It reads:

How often have you worked in each of the following locations?

[during the last 12 months in your main paid job]

- Your employer's/your own business' premises (office, factory, shop, school, etc.)
- Clients' premises
- A car or another vehicle
- An outside site (e.g. construction site, agricultural field, streets of a city)
- **Your own home**
- Public spaces such as coffee shops, airports etc.

Possible answers

- **Daily**
- Several times a week
- Several times a month
- Less often
- Never

To qualify as a home-based worker, the respondent must answer "own home" and "daily".

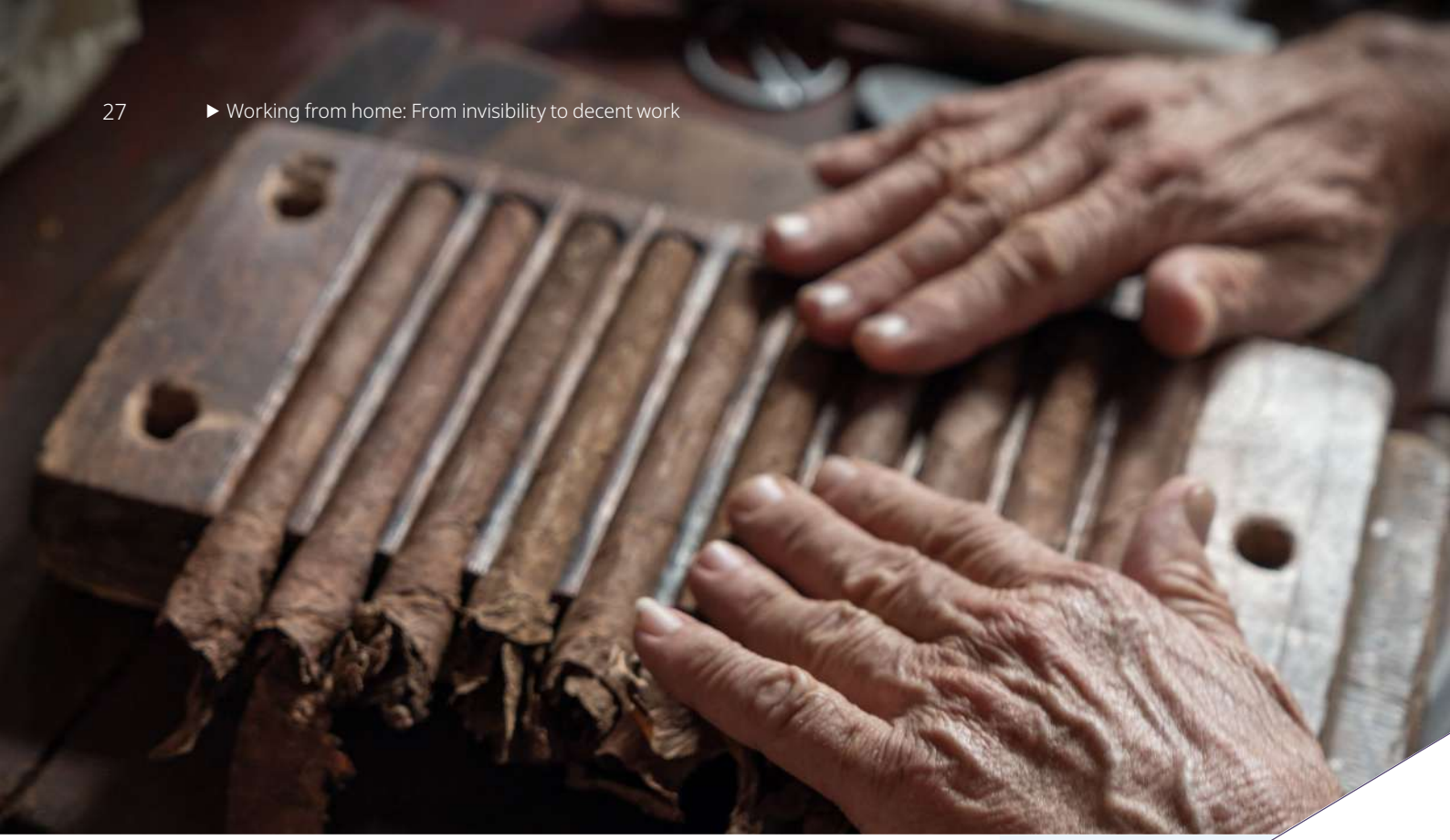
A final way to identify home-based workers is through the commuting question that is used, for example in the American Community Survey. The question reads:

How did you usually get to work LAST WEEK?

- Car, truck, or van
- Bus or trolley bus
- Streetcar or trolley car
- Walked
- **Worked at home**

This is the least desirable formulation as it reduces home-based work to a single answer of a question on another subject, and thus does not induce the person to think about where he or she works while answering the question.

The list of surveys used by the countries and territories covered and the year to which the data refer are provided in Annex 1.



©iStock/ Arsgera

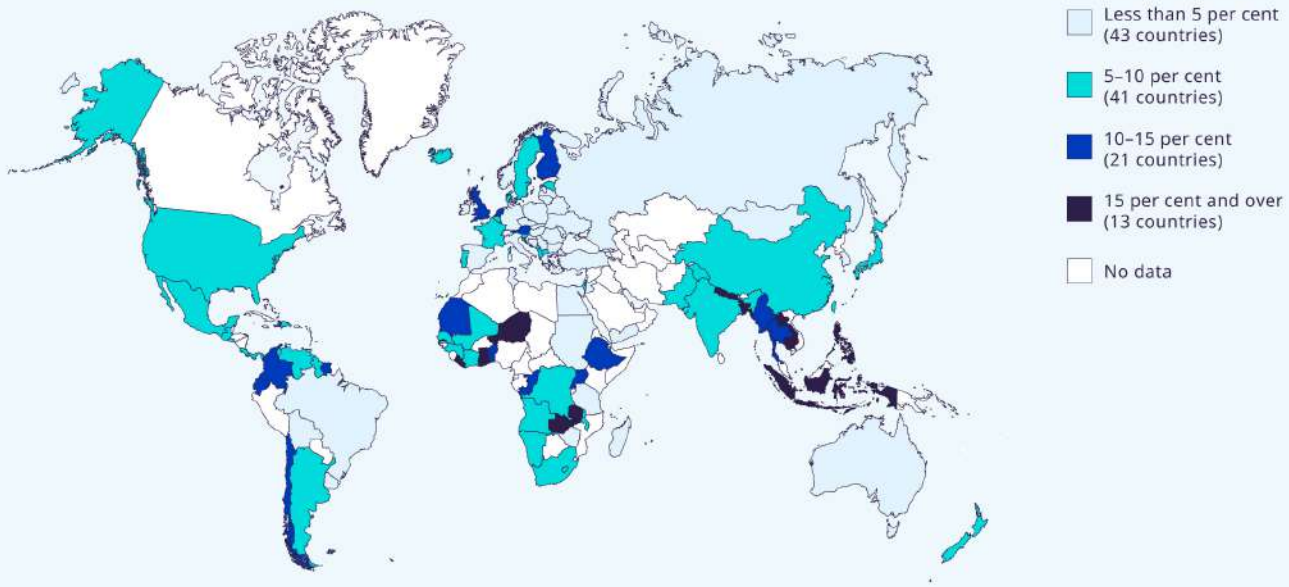
▶ 2.3 Home-based workers around the world

The ILO estimates that there were about 260 million home-based workers in the world in 2019, representing 7.9 per cent of global employment.

This, of course, was before the COVID-19 pandemic. Unless major changes in household survey questionnaires are made to identify why someone is working from home, those working from home due to COVID-19 will be indistinguishable from those working from home for other reasons. As a result, when the 2020 home-based worker numbers are finally tallied, it is expected that they will far surpass the 2019 figures.

The share of home-based workers in total employment varies significantly among countries (see figure 2.2). In most countries for which data are available, home-based workers made up less than 10 per cent of all employed persons; but in 13 countries, home-based workers accounted for more than 15 per cent of the workforce. Most home-based workers (more than 166 million) lived in Asia and the Pacific, which accounted for close to 65 per cent of all home-based workers in the world in 2019. Since 58 per cent of all workers live in Asia and the Pacific, home-based workers are over-represented in that region. In Europe and Central Asia, the opposite is true: home-based workers were slightly under-represented (21 million or 8 per cent of home-based workers versus 11 per cent of total workers). In Africa and the Americas, with 40 million and 30 million home-based workers, respectively, the share of home-based workers and of other workers was similar. Preliminary estimates also suggest that home-based work will increase more in high-income countries than in low-income ones as a result of the COVID-19 pandemic.[21]

Figure 2.2 Percentage of workers who are home-based, 2019



Source: ILO calculations based on household surveys in 118 countries

When the 2020 home-based worker numbers are finally tallied, it is expected that **they will far surpass** the 2019 figures

A total of 152 million own-account home-based workers comprised 59 per cent of all home-based workers and 14.3 per cent of all own-account workers. Employees were the second largest group of home-based workers, comprising about 49 million workers, 19 per cent of all home-based workers and 2.9 per cent of all employees (see figures 2.3 and 2.4).

Figure 2.3 Distribution of home-based workers, by status in employment, 2019

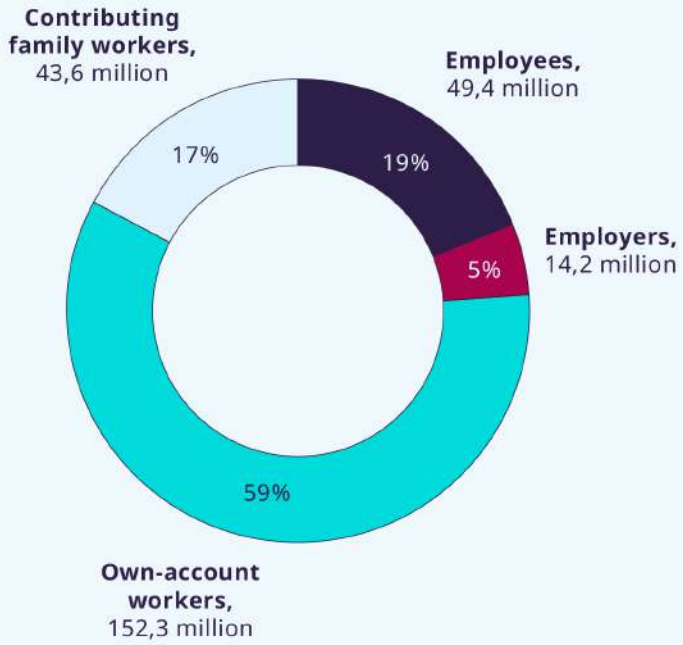


Figure 2.4 Percentage of workers who are in home-based work, by status in employment (%), 2019

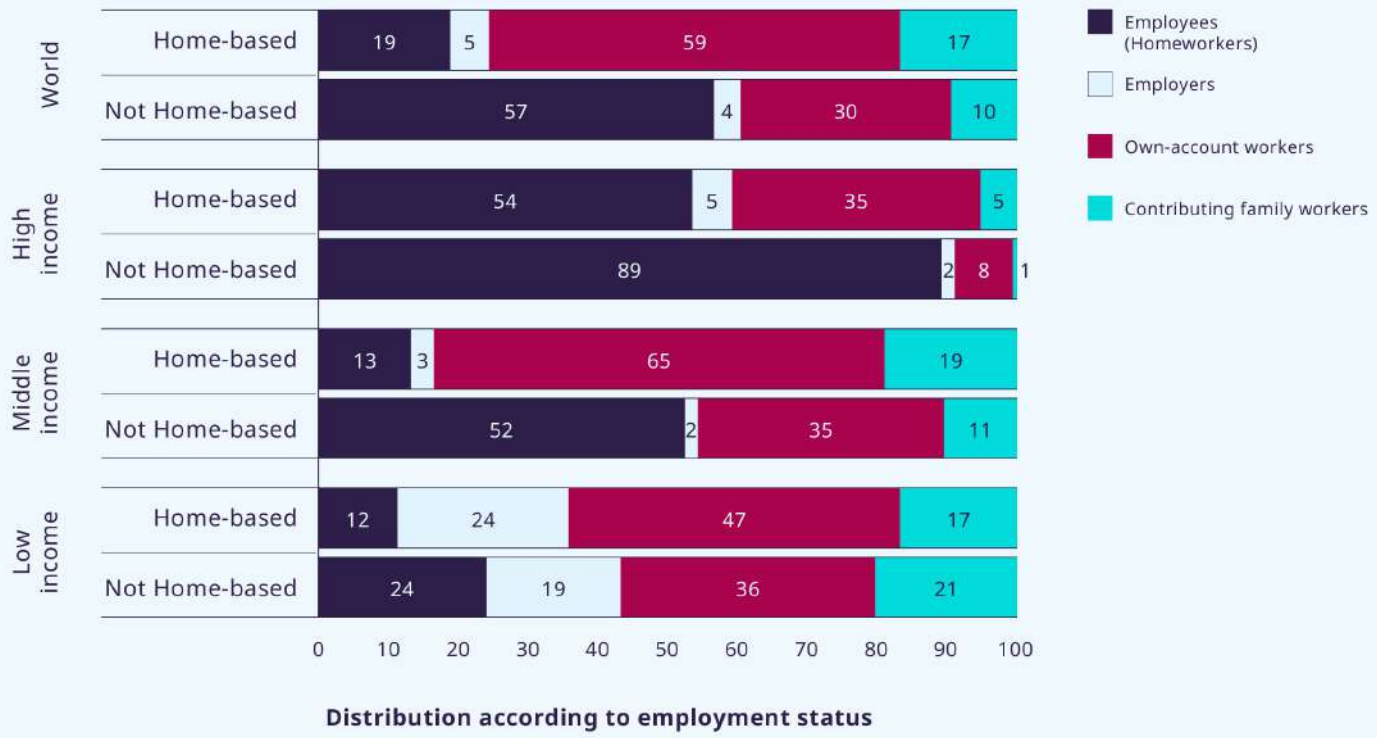
Source: ILO calculations based on household surveys in 118 countries.

Throughout this section, home-based workers who declare themselves as employees will be considered as being the same as homeworkers, notwithstanding the concerns and limitations discussed in sections 2.1 and 2.2 above. There are, nevertheless, conceptual limitations to this approach.

For comparison purposes, the distribution of home-based workers and non-home-based workers, by status in employment and country-income group, is shown in figure 2.5. Most home-based workers in low- and middle-income countries were own-account workers, but in high-income countries, employees were the largest group. Own-account workers represented 47 per cent of all home-based workers in low-income countries and 65 per cent in middle-income countries, but only 35 per cent in high-income countries. By contrast, homeworkers (home-based workers who are employees) represented 54 per cent of all home-based workers in high-income countries, compared to 12 and 13 per cent, respectively, in low- and middle-income countries.

These differences are not surprising given the occupational differences across countries based on their level of economic development. While managerial, professional and technical occupations make up 53 per cent of total employment in high-income countries, the corresponding percentages in middle- and low-income countries are 31 and 12 per cent, respectively. Conversely, 31 per cent of workers in low-income countries are in elementary or craft occupations (whether or not conducive to home work), such as agricultural labourers, street vendors or garment workers, compared to only 13 per cent in high-income countries.[22]

Figure 2.5. Distribution of home-based workers, by status in employment and country-income group (%), 2019



Source: ILO calculations based on household surveys in 118 countries.

Women **outnumber** men in home-based work in all country-income groups

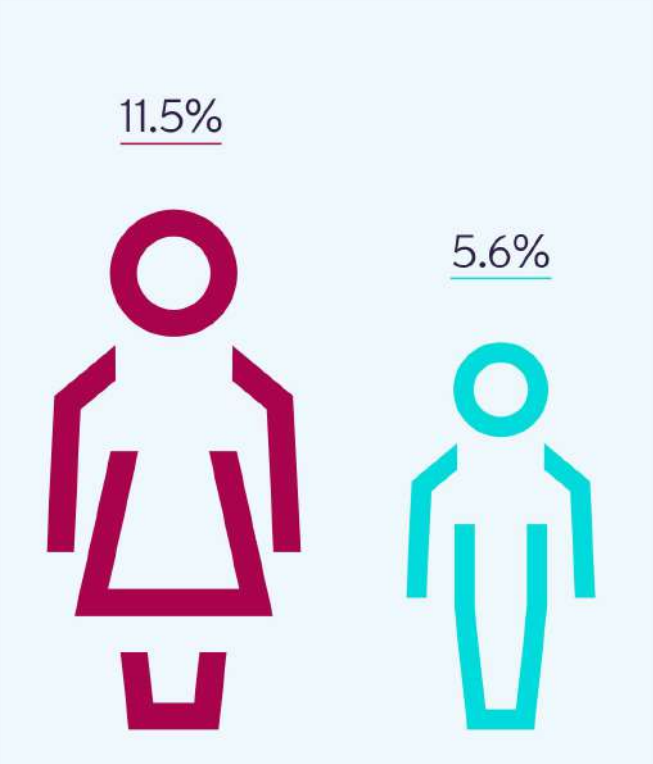
2.3.1. Home-based workers by sex

It is a well-established fact that most home-based workers are women. According to ILO estimates based on 118 household surveys, 147 million women and 113 million men worked from home in 2019, so that women represented 56 per cent of all home-based workers. As shown in figure 2.6, the propensity of women to work from home (11.5 per cent) is so much higher than that of men (5.6 per cent) that it more than offsets the lower labour market participation of women and the net result is that women outnumber men in home-based work.

Moreover, women outnumber men in home-based work in all country-income groups. They make up 65 per cent of home-based workers in low-income countries and 56 per cent in middle-income countries (figure 2.7).[23] In high-income countries, there are slightly more women than men but figure 2.7 gives their share at 50 per cent due to rounding. The fact that women are a majority among home-based workers is strongly related to gender roles that result in women shouldering most of the burden of unpaid care work, as well as other cultural norms that make it hard for women to leave the home for work.

©iStock/ merteren

▶ **Figure 2.6. Percentage of working women and men who worked from home, 2019**



147 million women

and

113 million men

worked from home

Source: ILO calculations based on household surveys in 118 countries.

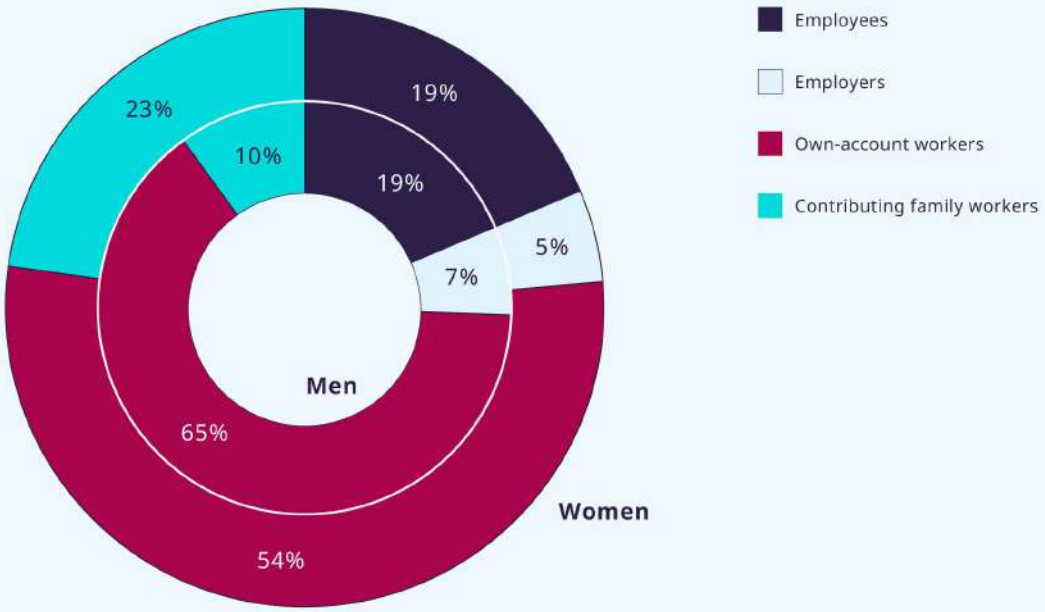
Figure 2.7 presents the share of women among home-based workers (compared to not home-based workers) as a whole as well as for the three different groups of home-based workers (homeworkers; self-employed home-based workers; and contributing family, home-based workers). The second panel shows that women were more numerous than men among homeworkers: there were about 29 million women homeworkers compared with about 21 million men. Women comprised most of the homeworkers in all country-income groups. Among home-based workers, women were a majority in every employment status except for self-employed home-based workers. Women represented the overwhelming majority of contributing family workers (whether home-based or not).

Figure 2.7. Percentage of home-based workers and non-home-based workers who are women (%), by employment status and country income group, 2019

Source: ILO calculations based on household surveys in 118 countries; independent home-based workers includes all own-account workers and employers.

Figure 2.8 shows that most home-based workers were own-account workers and this finding holds for both men and women. Employees represented 19 per cent of both women and men home-based workers. By contrast, the share of women among contributing family workers was much larger than the share of men (23 per cent versus 10 per cent). The gendered division of labour and other social norms related to gender are the likely explanations for these differences.

Figure 2.8. Distribution of home-based workers, by status in employment and sex (%), 2019

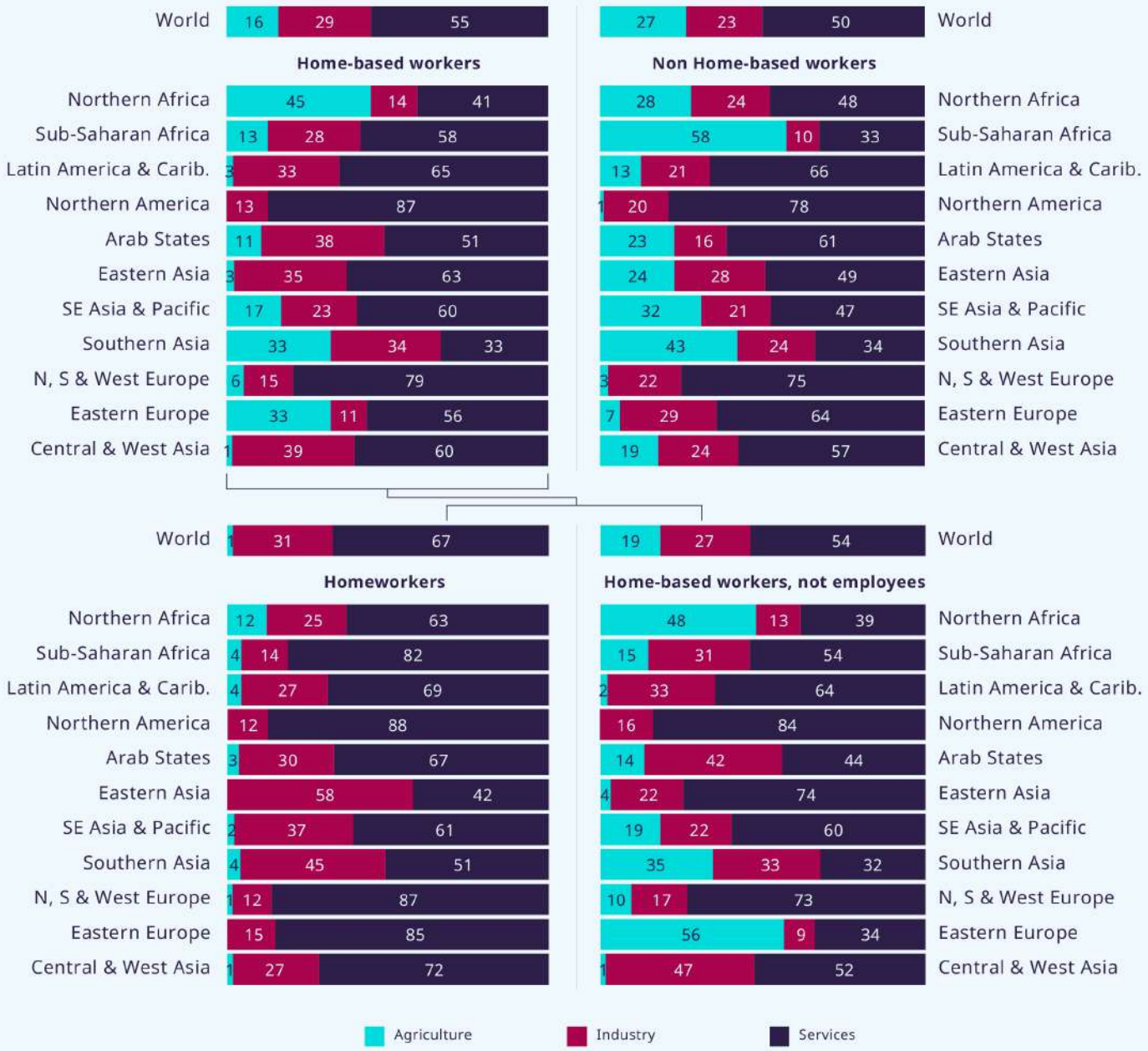


Source: ILO calculations based on household surveys in 118 countries.

2.3.2 Home-based work by economic sector

More than half of all home-based workers worked in services, while about one third worked in industry[24] and the rest (16 per cent) in agriculture. By contrast, agriculture and industry engage a larger share of non-home-based workers (27 and 23 per cent respectively) (see figure 2.9, upper panel).

Figure 2.9. Distribution of home-based workers, non-home-based workers, homeworkers and non-home-based employees, by sector and region (%), 2019



Note: in the lower panel, "Home-based workers, not employees" includes independent home-based workers (home-based own-account workers and employers) and contributing family home-based workers.

Source: ILO calculations based on household surveys in 118 countries.

The dominance of services in home-based work holds true in all regions of the world except Southern Asia, where more than one third of home-based workers are in industry, and Northern Africa, where 45 per cent of home-based workers are in agriculture.

A word about agriculture is in order. It may seem curious that in sub-Saharan Africa, only 13 per cent of home-based workers were employed in agriculture, compared to 58 per cent of non-home-based workers. All the numbers in this report were calculated using questions on place of work in labour force surveys. Many farmers work small plots of land adjacent to their homes, although strictly speaking these plots are outside their homes and therefore they do not report that they work at home. In some countries, particularly in Africa, the question about place of work includes categories such as "Plantation/fields/pond/river", which were often selected by farmers and thus these farmers would not be recorded as home-based workers. However, where the processing of agricultural products takes place in the home (transforming milk into cheese or processing cassava into *garri*), their activities may be recorded as home-based.

The employment of homeworkers by sector (figure 2.9, lower panel) is significantly different from that of other home-based workers. Agriculture almost exclusively concerns other home-based workers (independent and contributing family home-based workers). Among homeworkers, the prevalence of services is even more pronounced at the global level (67 per cent) and in all regions except Eastern Asia, where industrial home work employed the majority of homeworkers. Home work in industry and services will be analysed in the following chapters of this report.

2.3.3. Home-based workers by education

Globally, home-based workers and homeworkers had a lower level of education than other workers, but this varies according to country-income level. The top pairs of bars in figure 2.10, which represent the entire world, show that 39 per cent of home-based workers and 26 per cent of homeworkers have either no education or only primary education. The corresponding proportions are 28 per cent and 16 per cent, respectively, for all workers and employees who work outside the home. By contrast, the proportion of workers with secondary and higher education are lower for home-based workers and homeworkers.

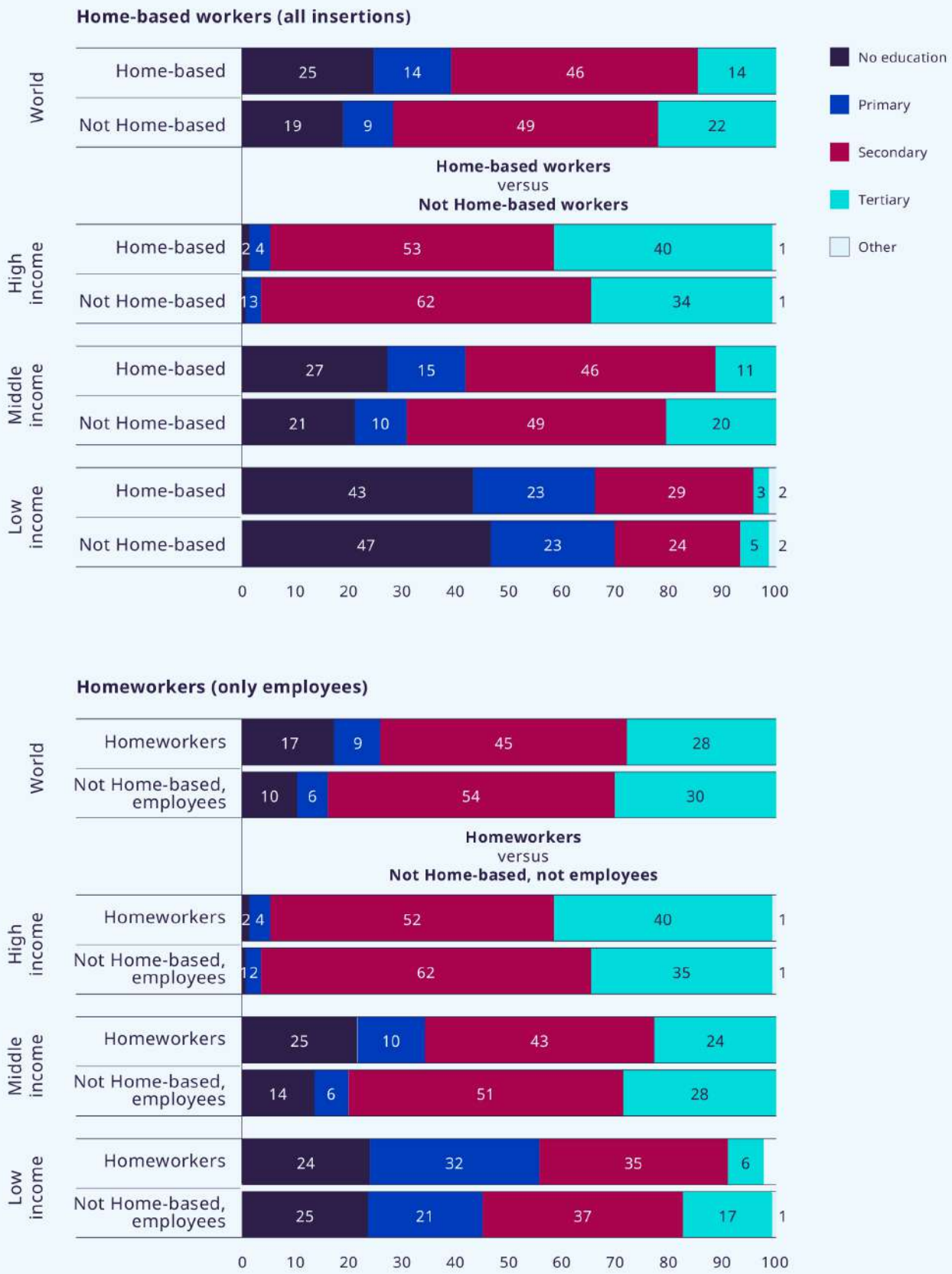
This educational disadvantage does not hold for high-income countries, in which 40 per cent of home-based workers and homeworkers had a tertiary education, compared to 34 per cent of non-home-based workers and 35 per cent of non-home-based employees.

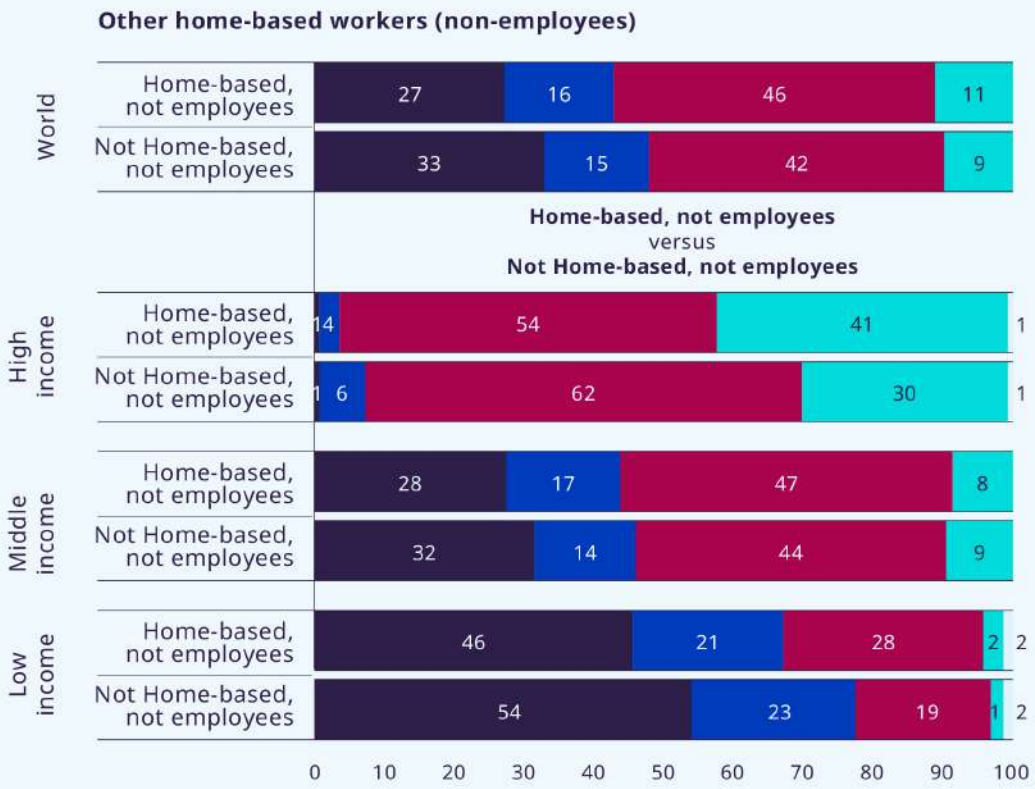
A majority of all workers in low-income countries had low education levels: 67 per cent of home-based workers had completed only primary schooling or less, but the number for those who work outside the home was similar at 70 per cent. The situation of home-based workers who are not employees (the majority of home-based workers in low-income countries) is similar. In low-income countries, high-skilled, home-based work also exists although its importance is limited (only 3 per cent of home-based workers had tertiary education). Likewise, in middle-income countries, home-based workers are less educated than other workers.

Homeworkers (self-identified as employees, leaving out dependent contractors) are relatively more educated than other home-based workers. Figure 2.10 shows that 28 per cent of homeworkers had tertiary education, compared to 11 per cent of other home-based workers. At the other end of the education spectrum, 17 per cent of homeworkers worldwide had no education, compared to 27 per cent of other home-based workers. This pattern can be observed in all country categories: the share of workers with no education among other home-based workers is always higher than the share among homeworkers.

Education by gender among home-based workers depends upon country-income level. Though not shown in figure 2.10, in low-income and lower-middle-income countries, 31 per cent of home-based men had no education versus 50 per cent of home-based women. In upper-middle-income countries, the situation is reversed and there were more home-based men with no education than home-based women (32 versus 18 per cent) and more home-based women with tertiary education than home-based men (17 versus 11 per cent). In high-income countries, the educational advantage of women is even higher. Worldwide, home-based women workers had lower levels of education than men: 27 per cent of women had no education versus 22 per cent of men, while 13 per cent of women had tertiary education versus 16 per cent of men.

▶ Figure 2.10. Distribution of home-based workers and homeworkers, by level of education and income group (%), 2019





Note: The comparison group for home-based workers is workers in all labour market insertions (employees, self-employed, employers and unpaid family workers), for homeworkers it is non-home-based employees and for other home-based workers (independent and contributing family home-based workers) it is all workers other than employees.

Source: ILO calculations based on household surveys in 118 countries.

2.3.4. Home-based workers: hours worked per week

Figure 2.11 shows that only about one third of home-based workers worked "short hours" (less than 35 hours per week), while another third worked "normal hours" (35 to 48 hours) and the final third worked "long hours" (more than 48 hours per week). More non-home-based workers worked "normal hours" (42 versus 34 per cent for home-based workers) and about the same proportion of them worked "long hours" (39 versus 37 per cent for home-based workers). Few non-home-based workers worked "short hours".

There are three possible reasons for these differences in hours worked per week:

- workers who work from home do so precisely because they have more control over their time and how many hours they choose to work;
- home-based workers need to balance unpaid care work and this does not allow them to work normal hours for pay;
- on a less positive note, many home-based workers either cannot get enough work or else get work in a very irregular way, with intermittent periods of no work and too much work.

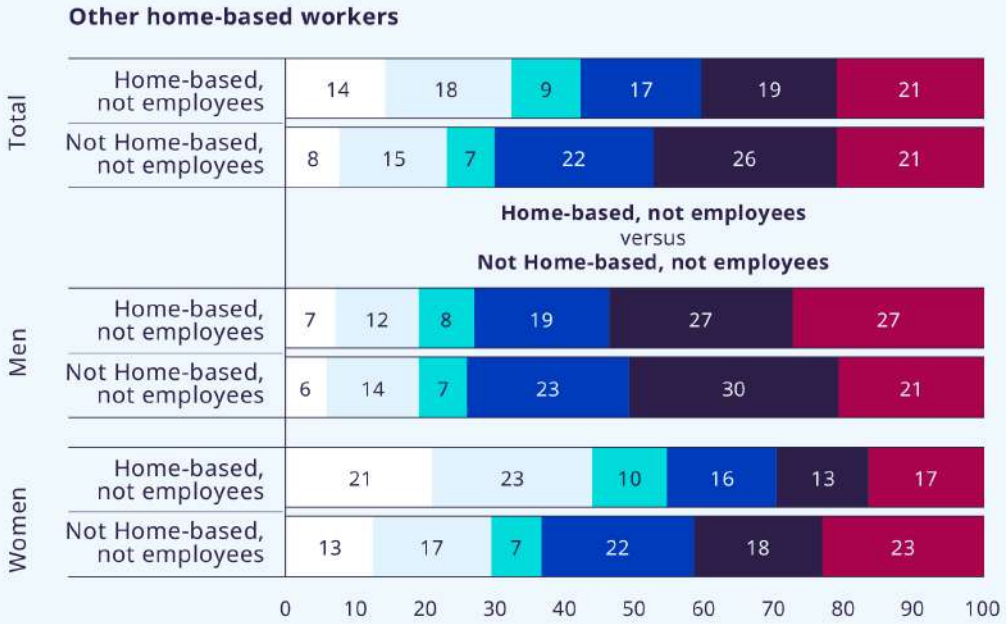
There is also a possible reason for bias in the other direction: since home-based workers often make less per hour than other workers, this could lead them to work more hours in order to attain target earnings. However, this does not appear to be supported by the aggregate numbers for home-based workers. In any case, the distribution of hours suggests that for two thirds of homeworkers, home work is not a supplementary occupation but rather their main, full-time economic activity.

More homeworkers worked "normal hours" than other home-based workers. This is not surprising since they declare themselves to be employees and are therefore more likely to have set hours. Fewer homeworkers work "short hours" and "long hours" than other home-based workers. The working hours of homeworkers were quite similar to those of employees who worked outside the home, except that slightly fewer homeworkers work "long hours" (26 versus 33 per cent) and slightly more work "short hours" (19 versus 16 per cent).

Since hours worked by women and gender roles are closely related, it makes sense to compare hours for men and women. Fewer women worked "long hours" than men and more women worked "short hours" than men. A total of 22 per cent of home-based men worked more than 60 hours per week, compared to 13 per cent of women; while about 18 per cent of home-based women worked less than 20 hours per week, compared to 6 per cent of men.

Fewer female homeworkers also worked "normal hours" than male homeworkers. As with home-based workers, this is due to fewer women working "long hours" and more women working "short hours" than men, because of the greater number of hours that women across the world dedicate to unpaid care work.[25]

▶ Figure 2.11. Distribution of home-based workers and homeworkers, by hours worked per week and gender (%), 2019



Note: The comparison group for homeworkers is employees who work outside the home.

Source: ILO calculations based on household surveys in 118 countries.

Finally, in contrast with other home-based workers, about the same proportion of female homeworkers worked "normal hours" as other women employees (52 versus 51 per cent). In contrast, more male homeworkers worked "normal hours" than other male employees (58 versus 51 per cent). This is largely due to fewer male homeworkers working "long hours" (29 versus 37 per cent).

Working hours and their distribution will be further investigated in this report. Meanwhile, it is clear that defining how long one works for pay is affected by the interplay between the hours of work carried out at home, the possibility of choosing these hours or intertwining them with unpaid care work, and the cultural norms establishing who is charged with taking care of the household.

In low-income and middle-income countries, almost **all home-based workers** (90 per cent) **worked informally**

2.3.5. Home-based work and informality

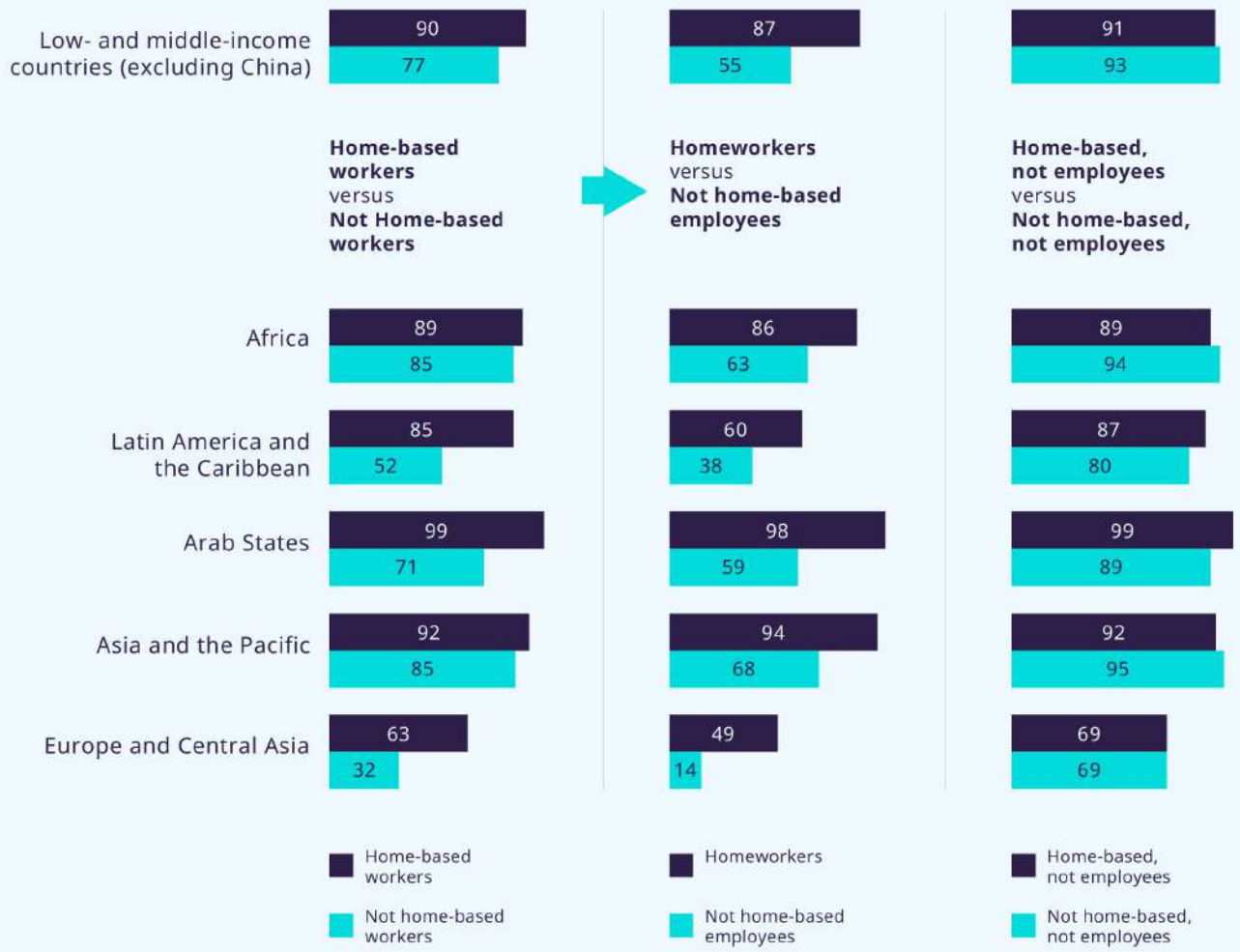
In low-income and middle-income countries,[26] almost all home-based workers (90 per cent), comprising both homeworkers (87 per cent) and other home-based workers (93 per cent) worked informally. Most non-home-based workers were also in informal employment,[27] albeit to a lesser extent, especially for non-home-based employees (55 per cent).

In low- and middle-income countries, the share of home-based workers in informal employment varies significantly by region. At one extreme are the Arab States, where virtually all home-based workers were informal. Informality was the lowest in Europe and Central Asia, where "only" 63 per cent of home-based workers were not registered (see figure 2.12).

Compared to home-based workers, those who work outside the home were less informal in all regions, although the magnitude of the difference depended on the region. For example, the difference was considerable in Latin America and the Caribbean, where only 52 per cent of those who work outside the home were informal, compared to 85 per cent of home-based workers. Similarly, in Europe and Central Asia only 32 per cent of those who work outside the home were informal versus 63 per cent of home-based workers. In Asia and the Pacific, by contrast, the difference was modest because both figures were very high (92 versus 85 per cent).

Homeworkers face lower informality rates than other home-based workers, though again the difference varies by region. For example, in Latin America and the Caribbean, 60 per cent of homeworkers worked in the informal economy versus 87 per cent for other home-based workers. But even homeworkers suffered from considerably higher informality than their comparison group, non-home-based employees. In Africa and Asia and the Pacific, for example, 86 and 94 per cent of homeworkers were in the informal economy, respectively, as opposed to 63 and 68 per cent of other employees.

Figure 2.12. Share of home-based workers in informal employment in low and middle-income countries (excluding China), by region (%), 2019



Source: ILO calculations based on household surveys in 69 low- and middle-income countries (excluding China).

In all low- and middle-income countries, women home-based workers suffer more from informality than men (informality by gender is not shown in figure 2.12). This was true in all regions, most strikingly in Europe and Central Asia, where 78 per cent of home-based women were informal versus only 35 per cent of men. Globally, 92 per cent of women working at home were informal versus 88 per cent of men.

Women homeworkers were also informal to a larger extent than men, again in all regions of the world, again most strikingly in Europe and Central Asia, where 64 per cent of women homeworkers were unregistered versus only 11 per cent of men. Taking all regions together, 83 of men homeworkers worked informally versus 90 per cent of women.

2.3.6. Home-based work and workers with disabilities

Home work provides workers with disabilities with mixed opportunities. On the one hand, working from home may allow workers with disabilities to work from a space that is more adapted to their needs, given that public spaces, factories, stores and offices still lag behind in accommodating the needs of people with disabilities. On the other hand, working from home may compound invisibilities. The home is by definition removed from the public sphere and there is a risk that people with disabilities who work from home will be out of sight and out of mind.

There appears to be little doubt that home-based work and home work provide workers with disabilities with more opportunities than work outside the home. In all seven labour force surveys that had questions allowing the identification of both disabilities and place of work used in this report, the proportion of workers with disabilities working from home outstrips that of workers with no disabilities, sometimes by wide margins.

©iStock/ AnnaStills

Working from home is likely to be **positive for workers with disabilities** if it is indeed a choice and not the only option left open by a society that ignores or dismisses their needs

Figure 2.13. Percentage of home-based workers, by disability condition

The difference between home-based workers with disabilities and those without disabilities ranges from a modest 0.8, 1.8 and 3.7 percentage points in Egypt, Zimbabwe and Lebanon, respectively, to a very considerable 6.7, 7.7 and 11 percentage points in Ghana, Costa Rica and Mongolia. In Rwanda, Costa Rica and Mongolia, the percentage of workers with disabilities working from home is almost double that of those with no disabilities.

Home-based workers with disabilities do not need to navigate transportation systems, which are often designed without their needs in mind, to get to work. Their workspace is more likely to be adapted to their disability than a workspace in an anonymous factory, office or store. These differences in accessibility are likely to explain the gaps in figure 2.13 and also make home work a more attractive option. On the other hand, leaving home for work is an opportunity to socialize and staying at home to work may increase the isolation already faced by workers with disabilities.

The promise and risks of home-based work for workers with disabilities is further exemplified by responses from a survey of crowdworkers carried out by the ILO. An Amazon Mechanical Turk crowdworker in India stated that the reason she chose to work from home was that she was "disabled due to spinal cord injury and [had] limited mobility". Also poignant were the words of a clickworker in the United Kingdom:

> "I have Autism Spectrum Disorder which limits my social skills and ability to interact with others. By working from home these problems do not affect my ability to complete tasks successfully."[28]

In short, as with so many labour market situations, working from home is likely to be positive for workers with disabilities if it is indeed a choice and not the only option left open by a society that ignores or dismisses their needs.

A related issue is that of caretakers for people with serious disabilities. Attending to a seriously disabled person, particularly with limited help from the state, often means that the caretaker cannot be absent from the home for extended periods of time. While this report presents no labour force survey statistics on the issue, these results are evident in an ILO crowdworker survey.[29] A total of 10 per cent of male and almost 30 per cent of female crowdworkers stated that the main reason they stayed at home was "Caring for children, a disabled person or an elderly adult". While many were caring for young children with no disabilities, several were caring for people with disabilities. In the words of a Serbian crowdworker: "I have a sick child (autism and cancer) and he needs all day care". Home-based work and home work allow these caretakers to make money and still provide care.

2.3.7. Home-based work and child labour

Historically, child labour has been prominent in home-based work, a phenomenon that persists to the present day (see figure 2.14). In all six countries covered, the percentage of child labour among children in households with at least one adult home-based worker is always higher – sometimes substantially so – than among children in households with no adult home-based workers. While definitely regrettable, this result is not unexpected.

The data reveal that some of the incidence is associated with children who are 15 years or older and thus likely above the minimum age in their country; nonetheless, there are children engaged in home-based work under the age of 15. Furthermore, some common homeworking activities, such as beedi rolling, are considered hazardous as they involve the manipulation of tobacco leaves.

Descriptive statistics are the objective of this section and thus the numbers do not reveal the full context. This issue will be further addressed in Chapter 5.

Historically, child labour has been **prominent** in home-based work, a phenomenon that persists to the present day

Figure 2.14. Percentage of children working, by presence in household of adult home-based workers, selected countries

Source: ILO calculations based on household surveys

▶ 2.4 Identified and probable homeworkers

The previous sections provide an overview of the global and regional situation of homeworkers around the world based on questionnaires that correspond to ICSE-93.

As such, the estimates leave out workers who report their status as own-account workers or employers yet fall under the scope of Convention No. 177 because they are in a dependent relationship with their client, who controls the work being carried out. Currently, most national surveys do not include the questions needed to identify such probable but not identified homeworkers. As countries adapt their household surveys to reflect the recommendations of ICSE-18, these estimates will become more accurate.

This section focuses on two countries – Mexico and Argentina – whose surveys include questions that allow proxy measurements of "probable homeworkers" and therefore provide for a more complete estimation of total homeworkers. It also provides an estimate of probable homeworkers for India using a different approach. The objective is to compare the characteristics of probable homeworkers with those of workers identified by standard questions (referred to here as "identified homeworkers") in order to assess the importance of their undercounting in labour force surveys.

In Mexico and Argentina, probable but not identified homeworkers were defined as workers who, during the reference period, reported themselves as "own-account workers" or "employers", who worked in their own home or in a place attached to their home and worked for only one client (see Annex 4, figure 2.A.2).[30] While some of these workers may not be in an employment relationship (and some may even be in a dependent relationship with two clients), the case study literature suggests that single-client home-based workers are often in a dependent relationship with the client and hence could be considered as homeworkers. Overwhelmingly, their work is carried out within a set time frame under the specifications of an employer or intermediary, who also specifies quality and price.

The Indian Periodic Labour Force Survey contains no questions on number of clients, but the case study literature suggests that probable homeworkers can be identified through questions about the sector of work. The literature on home-based workers in the beedi or embroidery industry indicates that these workers have relationships that are akin to employment. Therefore, probable homeworkers were defined as workers who, during the reference period, reported themselves as "own account workers" or "employers" who worked in their own home or in a place attached to their home and worked in beedi manufacturing or embroidery (see Annex 4, figure 2.A.3).[31]

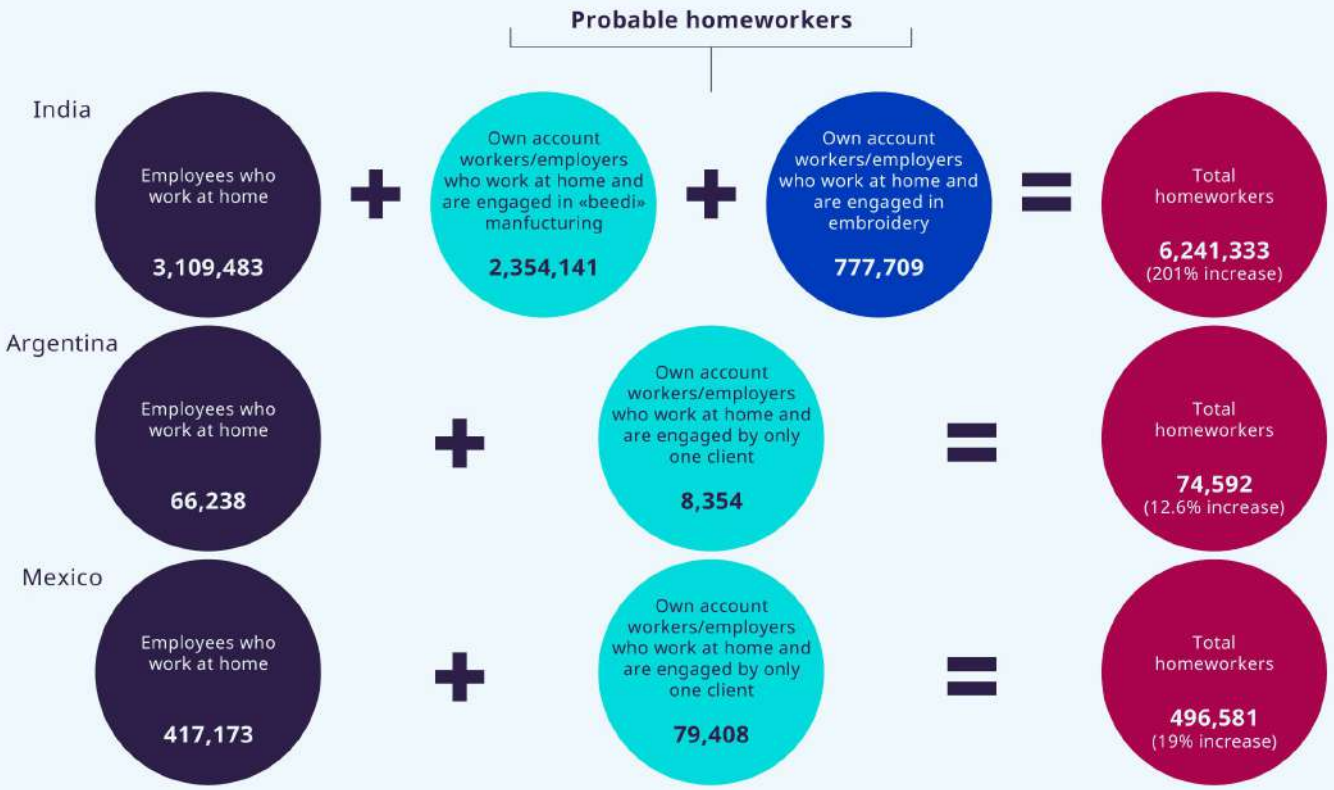
The effect of including probable homeworkers in Argentina, Mexico and India

Based on the data obtained from Mexico, Argentina and India, the under-reporting of homeworkers is a phenomenon whose magnitude differs from place to place. In Mexico, for example, reclassifying home-based own account workers or employers working for only one client resulted in a 19 per cent increase in the number of homeworkers. In Argentina, the reclassification resulted in a 13 per cent increase in the number of homeworkers.

But it is in India that the numbers are impressive. According to the Periodic Labour Force Survey, there were about 35 million home-based workers representing 9.8 per cent of employment in 2018, of whom 3.1 million were identified homeworkers.

When 2.35 million home-based beedi rollers and almost 800,000 home-based embroiderers are recast as probable homeworkers,[32] the increase in the number of homeworkers is a dramatic 201 per cent (see figure 2.15).

Figure 2.15. The effect of adding probable homeworkers to the total number of homeworkers, Mexico, Argentina and India



Note: There are 2,651,611 and 869,614 home-based beedi and embroidery workers, respectively, according to the 2017/2018 Periodic Labour Force Survey, using Prof G. Raveendran's procedure for calculating weights. The numbers in the first row are slightly lower because some beedi rollers and embroiderers declared themselves as employees and are thus included under identified and not probable homeworkers.

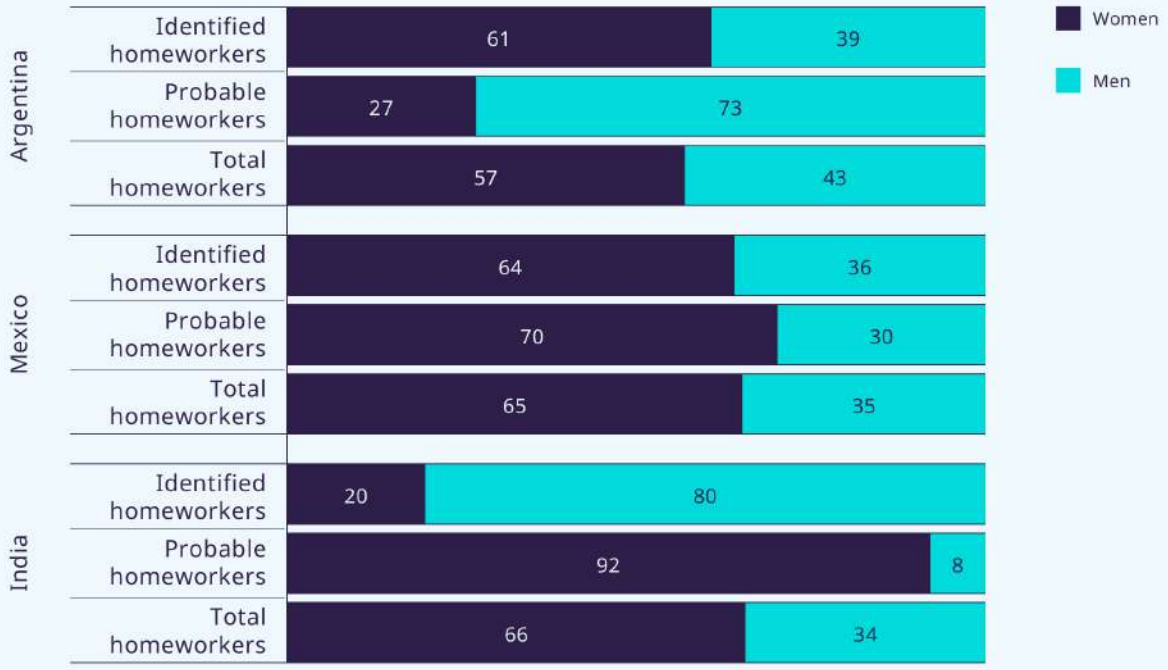
Source: India, Periodic Labour Force Survey; Mexico, National Household Survey; Argentina, Permanent Household Survey.

These probable homeworkers had different characteristics than previously identified homeworkers: they tended to be female, older, worked less hours and were more often engaged in industry. As such, their inclusion shifted the distribution of homeworkers.

In terms of gender, probable and identified homeworkers had similar profiles in Mexico, but quite different ones in Argentina and India.

Probable homeworkers were more likely to be male in Argentina, but the numbers there are not impressive. In India, probable homeworkers were overwhelmingly female and their inclusion as homeworkers changes home work from a predominantly male to a predominantly female activity (see figure 2.16). A total of 80 per cent of identified homeworkers in India were men, but with the inclusion of probable homeworkers that percentage drops to 34 per cent.

Figure 2.16. Homeworkers (identified and probable) by gender (%), Argentina, Mexico and India



Note: Total = identified + probable.

Source: India, Periodic Labour Force Survey; Mexico, National Household Survey; Argentina, Permanent Household Survey.

These probable homeworkers were also older on average than their identified counterparts in all three countries (see figure 2.17). This was especially the case in Argentina, where 69 per cent of probable homeworkers were over 35 years old, compared to 48 per cent of previously identified homeworkers.

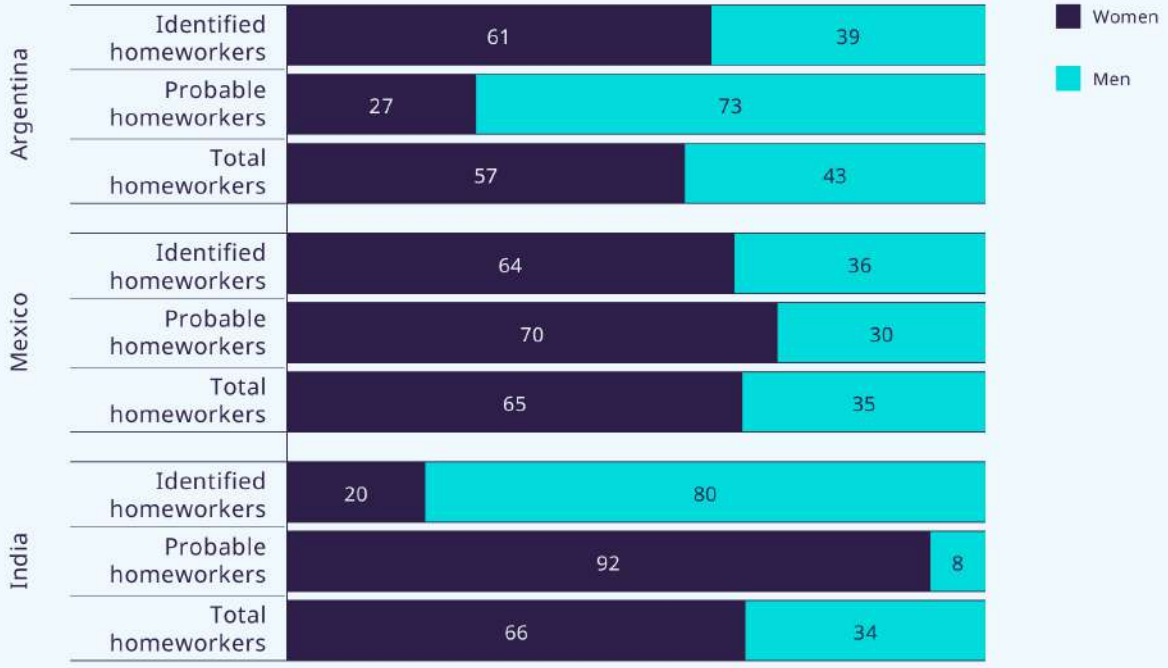
Figure 2.17. Homeworkers (identified and probable) by age group (%), Argentina, Mexico and India

Note: Total = identified + probable.

Source: India, Periodic Labour Force Survey; Mexico, National Household Survey; Argentina, Permanent Household Survey.

Probable homeworkers also worked shorter hours than identified homeworkers (see figure 2.18). For example, in India, 38 per cent of probable homeworkers worked less than 35 hours, compared to only 5 per cent of identified homeworkers, while only 27 per cent worked more than 49 hours, compared to 77 per cent of identified homeworkers.

Figure 2.18. Homeworkers (identified and probable) by weekly hours categories (%), Argentina, Mexico and India



Note: Total = identified + probable.

Source: India, Periodic Labour Force Survey; Mexico, National Household Survey; Argentina, Permanent Household Survey.

Probable homeworkers also differed from identified ones with respect to the occupations they performed (figures 2.18). The profiles are the same in Argentina, but in Mexico and India probable homeworkers are overwhelmingly in crafts and related trades whereas identified homeworkers are spread across all occupations.

Figure 2.19. Homeworkers (identified and probable) by occupation (%), Argentina, Mexico and India

Note: Total = identified + probable.

Source: India, Periodic Labour Force Survey; Mexico, National Household Survey; Argentina, Permanent Household Survey.

▶ 2.5 Working from home and the COVID-19 pandemic

One of the responses to the COVID-19 pandemic has been the massive increase in the number of people working from home.

Although there have been initiatives responding to the COVID-19 pandemic involving industrial homeworkers (they will be discussed at the end of the section), most of the discussion has been about the increase in teleworking as a result of the COVID-19 pandemic. Prior to the pandemic, survey data reveal that teleworking was relatively limited.[33]

In the United States, according to the American Time Use Survey, 29 per cent of wage and salary workers could work from home, but only 4 per cent replied that they had jobs that required them to do so.[34] In France, 3 per cent of salaried workers teleworked once a week and just 0.9 per cent did so three days or more per week. Moreover, the practice was mainly limited to managerial and professional staff.[35]

The ILO estimates presented in this chapter that state that home-based work accounts for 7.9 per cent of the world's workforce date from 2019, before the COVID-19 pandemic that shut down most parts of the world and led to an unprecedented experiment in working from home. As a result, working from home went from a practice that was widely discussed – but not so commonly practiced – to something that large segments of the working population were doing or at least attempting to do. Since the beginning of the pandemic, there has been a remarkable volume of research on the potential for home-based work as a crisis response.

At the onset of the COVID-19 lockdown, the ILO estimated that approximately 15–18 per cent of the world's employed population could work from home, with figures ranging from one in three workers in Northern America and Europe to one in six in sub-Saharan Africa.[36] As this report is being written, labour force survey data are beginning to confirm elevated percentages of both home-based work and home work.

In Brazil, 13 per cent of workers interviewed in a special round of the National Household Sample Survey declared in May 2020 that they were working from home to avoid getting ill or because of lockdowns. A total of 25 per cent of these were professionals, 19 per cent were teachers and 8 per cent were managers. By comparison, only 5 per cent of the total workforce were professionals, 4 per cent were teachers and 3 per cent were managers. Therefore, the type of occupation influences not only who can potentially work from home but also who can effectively do so.

In the Italian Labour Force Survey, an estimate can be made of home work in March 2020 (it is an estimate because the survey covers the 1st quarter of 2020 and not March exclusively): 13 per cent of workers were home-based workers and 8 per cent were homeworkers, compared to 4 and 1 per cent, respectively, in the 4th quarter of 2019. About 50 per cent of these homeworkers were in professional and another 25 per cent in technical occupations; the corresponding figures among all workers are 15 and 18 per cent.

In India, the Department of Telecommunications has given IT workers an exemption that allows them to work from home. This has led to 90 per cent of India's 4.3 million strong IT workforce shifting to full-time telework.[37]

But teleworking is not the only response to the pandemic that involves homeworkers. In some countries, homeworkers have organized to produce personal protective equipment for local use much faster than industries. The Sindicato Unico de la Aguja in Uruguay organized reusable mask production among its homeworking members, completing 30,000 masks for the Montevideo Police Union, 20,000 for the judiciary to be used in trials and hearings, another 100,000 for the Montevideo municipal government and 300 kits containing surgical robes, masks, caps and shoes for the country's air force.[38] The non-profit research and advocacy group WIEGO (Women in Informal Employment Globalizing and Organizing) has documented similar instances of how home-based workers in Bulgaria, Ethiopia, Kenya, Uganda and Uzbekistan, have responded to mask requirements by pulling together, usually through self-help groups or cooperatives, to produce masks for sale in local markets.[39] At the same time, there also indications that many home-based workers, especially those involved in the production of products for export markets, have been affected by the cancellation of orders in global supply chains and the shutting down of factories.[40]

As new surveys become available, statistics on both teleworking and industrial home-based work will more clearly reveal the extent of working from home as a mitigation measure for dealing with the pandemic and its lockdowns, as well as the impact of the economic crisis on home-based workers.

Prior to the COVID-19 pandemic, survey data reveal that teleworking was **relatively limited**

©iStock/ RuslanDashinsky

2.6 Conclusion

Sorting out who is and who is not a homeworker using labour force surveys is not a straightforward task.

Labour force and other household surveys have not been structured in the best way to identify homeworkers or even home-based workers. Although most – but far from all – labour force surveys include a "place of work" question, the wording of such questions could be made more consistent and complementary questions that can probe the nature of the employment relationship are also needed.

The ICSE-18 will bring about improvements in the classification of employment status, but it has not yet been implemented. It is expected that, by providing a wider array of employment status classifications, the ICSE-18 will more comprehensively capture dependency in work relationships. More accurate statistics can help to advocate for regulatory and other policy changes that protect homeworkers and to monitor

trends in employment and working conditions. Nonetheless, it is important to keep in mind that statistical definitions do not supersede legal definitions, which are the basis for worker rights. Until the widespread implementation of the ICSE-18, it is worth reiterating the existing limitations of the statistical identification of home work. To begin with, many home-based workers may not self-identify as workers and may therefore be counted as inactive in labour force surveys. In addition, they may not understand the concept of employment status and may be unregistered, working without a written contract or in other informal employment arrangements. Therefore, even when they do self-identify as economically active, they may self-report as own-account workers because they do not see themselves as employees and are not treated as such, even if the nature of their work relationship falls under Convention No. 177. The question on number of clients allows many such home-based workers to be reclassified as probable homeworkers, but even this question is imperfect (and not widely used). Some own-account workers with a single client may be independent, whereas some homeworkers with two clients may have subordinate relationships with both clients and may be a probable employee with two jobs. Nevertheless, the use of this question sheds light on probable homeworkers and reveals how they are different from identified homeworkers. Overall, it is fair to say that the estimates of home-based workers presented in this chapter are more accurate than those for homeworkers, which should be considered as a lower bound estimate. Despite these difficulties, the 118 available household surveys with "place of work" questions provide a picture of a far larger workforce in home-based work than had previously been recognized. They also point to many policy-relevant findings.

The most striking characteristic that jumps out from the statistics is that women are over-represented in home-based work. Gender roles are a defining issue when home is the workplace. A second striking characteristic is informality. Except in high-income countries, where informality is low and rarely measured, home-based workers and homeworkers are much more likely to be informal than those who work outside the home. Home-based work also appears to provide greater opportunities for workers with disabilities. It is also associated with greater child labour, including for children under 14.

Other important takeaways are that there are differences among countries. The educational profile of homeworkers in high-income countries differs from their profile in low and middle-income countries; the former are more highly educated (relative to their non-home-based peers) than the latter. Home-based workers and homeworkers are disproportionately more numerous in services, but this is not the case in all regions. In South Asia and East Asia, work in the industrial sector is more prevalent among home-based workers and homeworkers than among those who work outside their homes.

Following the wide-ranging statistical overview provided in this chapter, the next two chapters will delve deeper into industrial and service-based home work, their evolution over time and in different places and the nature of such work.

▶ Endnotes

1 Maria Mies, *The Lace Makers of Narsapur: Indian Housewives Produce for the World Market* (ILO, 1980).

2 India, "Selected crafts of Andhra Pradesh: Census of India, 1961"; cited in Mies, p.48.

3 Martha Chen, Jennefer Sebstad, and Lesley O'Connell, "Counting the Invisible Workforce: The Case of Homebased Workers," *World Development* 27, No. 3 (1999): 603–10.

4 Renana Jhabvala and Jane Tate, "Out of the Shadows: Homebased Workers Organize for International Recognition" (Population Council, 1996).

5 ILO, Resolution concerning the International Classification of Status in Employment, Fifteenth International Conference of Labour Statisticians, 1993, para. 2.

6 ILO, Resolution concerning the International Classification of Status in Employment, para. 14(h).

7 ILO, Resolution concerning statistics of employment in the informal sector, Fifteenth International Conference of Labour Statisticians, 1993, paras 30 (2), 30(3), 35(i1)(iii) and 36(ii).

8 For more information, see United Nations Statistics Division, "Delhi Group on Informal Sector Statistics".

9 ILO, Resolution concerning statistics on work relationships, 20th International Conference of Labour Statisticians, 2018, para. 35.

10 ILO, Resolution concerning statistics on work relationships, para. 36.

11 ILO, Resolution concerning statistics on work relationships, para. 110.

12 With "dependency" understood as workers who do not have the "degree of autonomy and of economic independence necessary to be considered an independent worker in national law".

13 In statistical terms, this is referred to as the "default place of work" since it can include the employer's premises, the client's premises, a construction site, a farm or a workshop. Because of the interest of governments in obtaining data on the use of teleworking during the COVID-19 pandemic, the ILO has developed a guide on collecting teleworking statistics; see ILO, "COVID-19: Guidance for Labour Statistics Data Collection", technical note, April 2020.

14 See ILO, Eurofound, European Commission and OECD, "Handbook on Measuring Platform Work and Employment", forthcoming (expected publication date: 2021).

15 Annarosa Pesole, Cesira Urzi Brancati, Enrique Fernández Macías, Federico Biagi and Ignacio González Vázquez, *Platform Workers in Europe: Evidence from the COLLEEM Survey* (European Union, 2018).

16 Anna Ilsøe and Louise Weber Madsen, *Digitalisering af arbejdsmarkedet: Danskernes erfaring med ditgital automatisering og digitale platform* (University of Copenhagen, 2017).

17 Mariya Aleksynska, Anastasia Bastrakova and Natalia Kharchenko, *Work on Digital Labour Platforms in Ukraine: Issues and Policy Perspectives* (ILO, 2018).

18 Otto Kässi and Vili Lehdonvirta, "Online Labour Index: Measuring the Online Gig Economy for Policy and Research", Technological Forecasting and Social *Change* 137 (2018): 241–248.

19 Greetje Corporaal and Vili Lehdonvirta, "Platform Sourcing: How Fortune 500 Companies are Adopting Online Freelancing Platforms" (Oxford Internet Institute, 2017).

20 See International Social Survey Programme website, http://w.issp.org/menu-top/home/.

21 ILO, "Working from Home: Estimating the Worldwide Potential", Policy Brief, April 2020.

22 ILO calculations based on household surveys in 118 countries.

23 Women are more numerous than men in all regions of the world except three – the Arab States (39 per cent), North, South and West Europe (45 per cent) and Eastern Europe (44 per cent) – where women were a minority among home-based workers.

24 At the level of aggregation used, the "industry" sector includes mining and quarrying; manufacturing; electricity, gas, steam and air conditioning supply; water supply; sewerage, waste management and remediation activities; and construction.

25 ILO, *Care Work and Care Jobs for the Future of Decent Work*, 2018.

26 Estimates in this section are based on data for 69 developing and emerging countries, representing 73 per cent of total employment in these income groups (excluding China).

27 The definition of informal employment differs depending on employment: (i) employees, (ii) employers and own-account workers, and (iii) contributing family workers.

Employees (homeworkers and other employees) are considered to have informal jobs if their employment relationship is, in law or in practice, not subject to national labour legislation, income taxation, social protection or entitlement to certain employment benefits. The main operational criteria used is the employer's contribution to social security on behalf of the employee.

Independent workers (employers and own-account workers) are considered to be in informal employment when their economic units belong to the informal sector (a subset of household enterprises not constituted as separate legal entities, independent of their owners that produce goods or services for sale in the market, and that do not have a complete set of accounts and/or are not registered under national legislations.

Contributing family workers are, by definition, informally employed.

28 See Janine Berg, Marianne Furrer, Ellie Harmon, Uma Rani and M Six Silberman, *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World* (ILO, 2018).

29 See Berg et al.

30 The surveys and exact definitions used are described in Annex 4.

31 In India, workers engaged in "beedi" manufacturing and embroidery are well known to be in work relationships that are dependent on one enterprise. However, many of these workers report themselves as self-employed and are not covered under "visible" home work as measured. The surveys and exact definitions used are described in Annex 4.

32 Indrani Mazumdar, *Homebased Work in 21st Century India*, Occasional Paper No. 64 (Centre for Women's Development Studies, 2018).

33 Jon C. Messenger, ed., *Telework in the 21st Century: An Evolutionary Perspective* (Edward Elgar Publishing and ILO, 2019).

34 United States Bureau of Labour Statistics, "Job Flexibilities and Work Schedules, 2017–2018: Data from the American Time Use Survey", news release, 24 September 2019.

35 France, Ministry of Labour, «Quels sont les salariés concernés par le télétravail?» DARES Analyses, No. 51 (November 2019).

36 ILO, "Working from Home: Estimating the Worldwide Potential", Policy Brief, 2020.

37 See The *Economic Times*, English Edition, 23 July 2020.

38 See WIEGO, "Home-based Workers Face a New Kind of Isolation".

39 See Leslie Vryenhoek and Laura Morillo, "Innovation and Unity: How Home-based Workers are Adapting to the COVID-19 World", WIEGO Blog (blog), 11 May 2020.

40 Mark Anner, "Abandoned? The Impact of Covid-19 on Workers and Businesses at the Bottom of Global Garment Supply Chains", research paper, Pennsylvania State University, March 2020; and Anuradha Nagaraj, "India's 'Hidden' Home Garment Workers Feared Losing out on Coronavirus Aid", Reuters, 7 April 2020.

▶ Annex 1. Surveys included in Chapter 2

Household surveys (76 countries/territories)

Albania	Labour Force Survey, 2013
Angola	Integrated Population Welfare Survey, 2009
Argentina	Permanent Household Survey, 2018
Austria	Labour Force Survey, 2018
Bangladesh	Labour Force Survey, 2017
Benin	Modular Integrated Household Survey, 2011
Bolivia (Plurinational State of)	Household Survey, 2017
Bosnia and Herzegovina	Labour Force Survey, 2019
Brazil	National Household Sample Survey, 2018
Brunei Darussalam	Labour Force Survey, 2014
Burundi	Household Survey, 2014
Cambodia	Labour Force Survey, 2012
Chile	National Employment Survey, 2018
Colombia	Global Integrated Household Survey, 2018
Comoros	Employment and Informal Sector Survey, 2014
Congo	Employment and Informal Sector Survey, 2009
Cook Islands	Labour Force Survey, 2019
Costa Rica	National Household Survey, 2018
Côte d'Ivoire	Labour Force Survey, 2016
Democratic Republic of the Congo	Employment and Informal Sector Survey, 2012
Dominican Republic	Permanent Labour Force Survey, 2018
Ecuador	National Employment, Unemployment and Underemployment Survey, 2019
Egypt	Labour Force Survey, 2017
El Salvador	Multipurpose Household Survey, 2018
Ethiopia	Labour Force Survey, 2013
Fiji	Employment and Unemployment Survey, 2016
Gambia	Labour Force Survey, 2012
Georgia	Labour Force Survey, 2018
Ghana	Labour Force Survey, 2015
Guatemala	National Employment and Income Survey, 2018 (Q2)
Guinea	Integrated Regional Employment and Informal Sector Survey, 2019

Guyana	Labour Force Survey, 2017
Haiti	Household Survey, 2012
India	Employment and Unemployment Survey, 2018
Indonesia	National Labour Force Survey, 2018 (Q3)
Jamaica	Labour Force Survey, 2014
Jordan	Labour Market Panel Survey JLMPS, 2016
Kyrgyzstan	Labour Force Survey, 2017
Lao People's Democratic Republic	Labour Force Survey, 2017
Liberia	Labour Force Survey, 2010
Madagascar	National Employment and Informal Sector Survey, 2015
Malawi	Labour Force Survey, 2013
Mali	Modular Permanent Household Survey, 2018
Mauritania	Integrated Regional Employment and Informal Sector Survey, 2017
Mauritius	Labour Force Survey, 2018
Mexico	Labour Force Survey, 2019 (Q2)
Mongolia	Labour Force Survey, 2018
Myanmar	Labour Force Survey, 2018
Namibia	Labour Force Survey, 2018
Nepal	Labour Force Survey, 2017
Niger	Integrated Regional Employment and Informal Sector Survey, 2017
Pakistan	Labour Force Survey, 2018
Panama	Labour Market Survey, 2018
Republic of Moldova	Labour Force Survey, 2018
Republic of Korea	Labour and Income Panel Survey, 2016
Rwanda	Labour Force Survey, 2018
Samoa	Labour Force Survey, 2017
Senegal	National Employment Survey, 2015
Serbia	Labour Force Survey, 2018
Seychelles	Labour Force Survey, 2019 (Q2)
Sudan	Labour Force Survey, 2011
Thailand	Informal Employment Survey, 2018
Timor-Leste	Labour Force Survey, 2013
Togo	Integrated Regional Employment and Informal Sector Survey, 2017
Tonga	Labour Force Survey, 2018
Trinidad and Tobago	Continuous Sample Survey of Population, 2016
Tunisia	Labour Market Panel Survey, 2014

Turkey	Labour Force Survey, 2017
Uganda	Labour Force and Child Labour Survey, 2017
United Kingdom	Labour Force Survey, 2018
United Republic of Tanzania	Labour Force Survey, 2014
Uruguay	Permanent Household Survey, 2018
Venezuela (Bolivarian Republic of)	Household Sample Survey, 2017
Yemen	Labour Force Survey, 2014
Zambia	Labour Force Survey, 2017
Zimbabwe	Labour Force Survey, 2014

European Labour Force Survey, 2017 (28 countries/territories)

Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland.

ISSP 2015 (11 countries/territories)

Australia, China, Israel, Japan, New Zealand, Philippines, Russian Federation, South Africa, Suriname, Taiwan (China), United States.

EU Working Conditions Survey, 2015 (3 countries/territories)

Germany, Montenegro, North Macedonia.

▶ Annex 2. Classification of countries/territories by income group (per capita gross national income)

Developing (low-income: $1,005 or less)

Afghanistan
Benin
Burkina Faso
Burundi
Central African Republic
Chad
Comoros
Democratic People's Republic of Korea
Democratic Republic of the Congo
Eritrea
Ethiopia
Gambia
Guinea
Guinea-Bissau
Haiti
Liberia
Madagascar
Malawi
Mali
Mozambique
Nepal
Niger
Rwanda
Senegal
Sierra Leone
Somalia
Togo
Uganda
United Republic of Tanzania
Zimbabwe

Emerging (middle-income/ lower-middle-income: $1,006 to $3,955)

Angola
Armenia
Bangladesh
Bhutan
Bolivia (Plurinational State of)
Cabo Verde
Cambodia
Cameroon
Congo
Côte d'Ivoire
Djibouti
Egypt
El Salvador
Eswatini
Georgia
Ghana
Guatemala
Honduras
India
Indonesia
Jordan
Kenya
Kyrgyzstan
Lao People's Democratic Republic
Lesotho
Mauritania
Mongolia
Morocco
Myanmar
Nicaragua
Nigeria
Occupied Palestinian Territory
Pakistan
Papua New Guinea
Philippines
Republic of Moldova
Sao Tome and Principe
Solomon Islands
Sri Lanka
Sudan
Syrian Arab Republic
Tajikistan
Timor-Leste
Tunisia
Ukraine
Uzbekistan
Vanuatu
Viet Nam
Western Sahara
Yemen
Zambia

Emerging (upper-middle-income: $3,956 to $12,235)

Albania
Algeria
Argentina
Azerbaijan
Belarus
Belize
Bosnia and Herzegovina
Botswana
Brazil
Bulgaria
China
Colombia
Costa Rica
Croatia
Cuba
Dominican Republic
Ecuador
Equatorial Guinea
Fiji
Gabon
Guyana
Iran (Islamic Republic of)
Iraq
Jamaica
Kazakhstan
Lebanon
Libya
Malaysia
Maldives
Mauritius
Mexico
Montenegro
Namibia
North Macedonia
Panama
Paraguay
Peru
Romania
Russian Federation
Saint Lucia
Saint Vincent and the Grenadines
Samoa
Serbia
South Africa
Suriname
Thailand
Tonga
Turkey
Turkmenistan
Venezuela (Bolivarian Republic of)

Developed (high-income: $12,236 or more)

Australia
Austria
Bahamas
Bahrain
Barbados
Belgium
Brunei Darussalam
Canada
Channel Islands
Chile
Cyprus
Czechia
Denmark
Estonia
Finland
France
French Polynesia
Germany
Greece
Guam
Hong Kong (China
Hungary
Iceland
Ireland
Israel
Italy
Japan
Kuwait
Latvia
Lithuania
Luxembourg
Macau (China)
Malta
Netherlands
New Caledonia
New Zealand
Norway
Oman
Poland
Portugal
Puerto Rico
Qatar
Republic of Korea
Saudi Arabia
Singapore
Slovakia
Slovenia
Spain
Sweden
Switzerland
Taiwan (China)
Trinidad and Tobago
United Arab Emirates
United Kingdom
United States
United States Virgin Islands
Uruguay

▶ Annex 3. Classification of countries/territories by region

Africa

Northern Africa

Algeria
Egypt
Libya
Morocco
Sudan
Tunisia
Western Sahara

Sub-Saharan Africa

Central Africa

Angola
Cameroon
Central African Republic
Chad
Congo
Democratic
Republic of the Congo
Equatorial Guinea
Gabon
Sao Tome and Principe

Eastern Africa

Burundi
Comoros
Djibouti
Eritrea
Eswatini
Ethiopia
Kenya
Madagascar
Malawi
Mauritius
Mozambique
Rwanda
Somalia
Uganda
United Republic of Tanzania
Zambia
Zimbabwe

Southern Africa

Botswana
Lesotho
Namibia
South Africa

Western Africa

Benin
Burkina Faso
Cabo Verde
Côte d'Ivoire
Gambia
Ghana
Guinea
Guinea-Bissau
Liberia
Mali
Mauritania
Niger
Nigeria
Senegal
Sierra Leone
Togo

Americas

Latin America And The Caribbean

The Caribbean

Bahamas
Barbados
Cuba
Dominican Republic
Haiti
Jamaica
Puerto Rico
Saint Lucia
Saint Vincent and the Grenadines
Trinidad and Tobago
United States Virgin Islands

Central America

Belize
Costa Rica
El Salvador
Guatemala
Honduras
Mexico
Nicaragua
Panama

South America

Argentina
Bolivia (Plurinational State of)
Brazil
Chile
Colombia
Ecuador
Guyana
Paraguay
Peru
Suriname
Uruguay
Venezuela (Bolivarian Republic of)

Northern America

Canada
United States

Arab States

Bahrain
Iraq
Jordan
Kuwait
Lebanon
Occupied Palestinian Territory
Oman
Qatar
Saudi Arabia
Syrian Arab Republic
United Arab Emirates
Yemen

Asia and the Pacific

Eastern Asia

China
Democratic People's Republic of Korea
Hong Kong (China)
Japan
Macau (China)
Mongolia
Republic of Korea
Taiwan (China)

South-Eastern Asia and The Pacific

Pacific Islands

Australia
Fiji
French Polynesia
Guam
New Caledonia
New Zealand
Papua New Guinea
Samoa
Solomon Islands
Tonga
Vanuatu

South-Eastern Asia

Brunei Darussalam
Cambodia
Indonesia
Lao People's Democratic Republic
Malaysia
Myanmar
Philippines
Singapore
Thailand
Timor-Leste
Viet Nam

Southern Asia

Afghanistan
Bangladesh
Bhutan
India
Iran (Islamic Republic of)
Maldives
Nepal
Pakistan
Sri Lanka

Europe and Central Asia

Central and Western Asia

Central Asia

Kazakhstan
Kyrgyzstan
Tajikistan
Turkmenistan
Uzbekistan

Western Asia

Armenia
Azerbaijan
Cyprus
Georgia
Israel
Turkey

Eastern Europe

Belarus
Bulgaria
Czechia
Hungary
Poland
Republic of Moldova
Romania
Russian Federation
Slovakia
Ukraine

Northern, Southern and Western Europe

Northern Europe

Channel Islands
Denmark
Estonia
Finland
Iceland
Ireland
Latvia
Lithuania
Norway
Sweden
United Kingdom

Southern Europe

Albania
Bosnia and Herzegovina
Croatia
Greece
Italy
Malta
Montenegro
North Macedonia
Portugal
Serbia
Slovenia
Spain

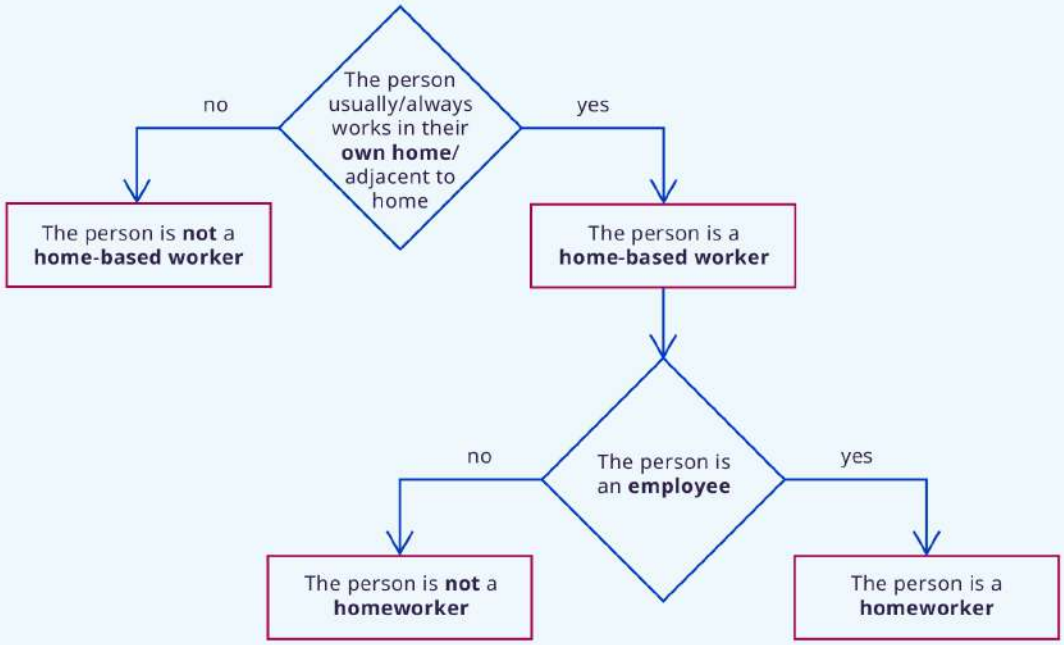
Northern, Southern and Western Europe

Austria
Belgium
France
Germany
Luxembourg
Netherlands
Switzerland

▶ Annex 4. Identifying homeworkers through labour force surveys

For its global estimates of home-based workers and homeworkers, the ILO used national household surveys of 118 countries. To identify home-based workers and homeworkers, two questions are combined: the first question identifies persons who usually work at home ("place of work") and the second question identifies whether they are employees, employers, own-account workers or contributing family workers ("status in employment"). Figure 2.A.1 is a flowchart illustrating how the estimate is derived for each survey.

▶ Figure 2.A.1 Estimating home-based workers and homeworkers using labour force surveys



Argentina and Mexico

In Argentina, the 2019 Permanent Household Survey (Encuesta Permanente de Hogares, ECH) was used; in Mexico, it was the 2019 Labour Force Survey (Encuesta de Ocupación y Empleo, ENOE), 4th quarter. For these two countries, a more accurate estimate of homeworkers was produced that, in addition to all employees who work at home, included all "own account workers" and "employers" who work at home and who work for only one client. The questions used in Mexico and Argentina are similar and are asked to all persons who reported that they were "own account workers" or "employers", as follows:

Mexico

Do you offer your products or services to ...

1. A single enterprise, business or an intermediary?
2. Several enterprises, businesses or intermediaries?
3. The public directly?
4. Do you produce farm products for own consumption?
5. Do not know

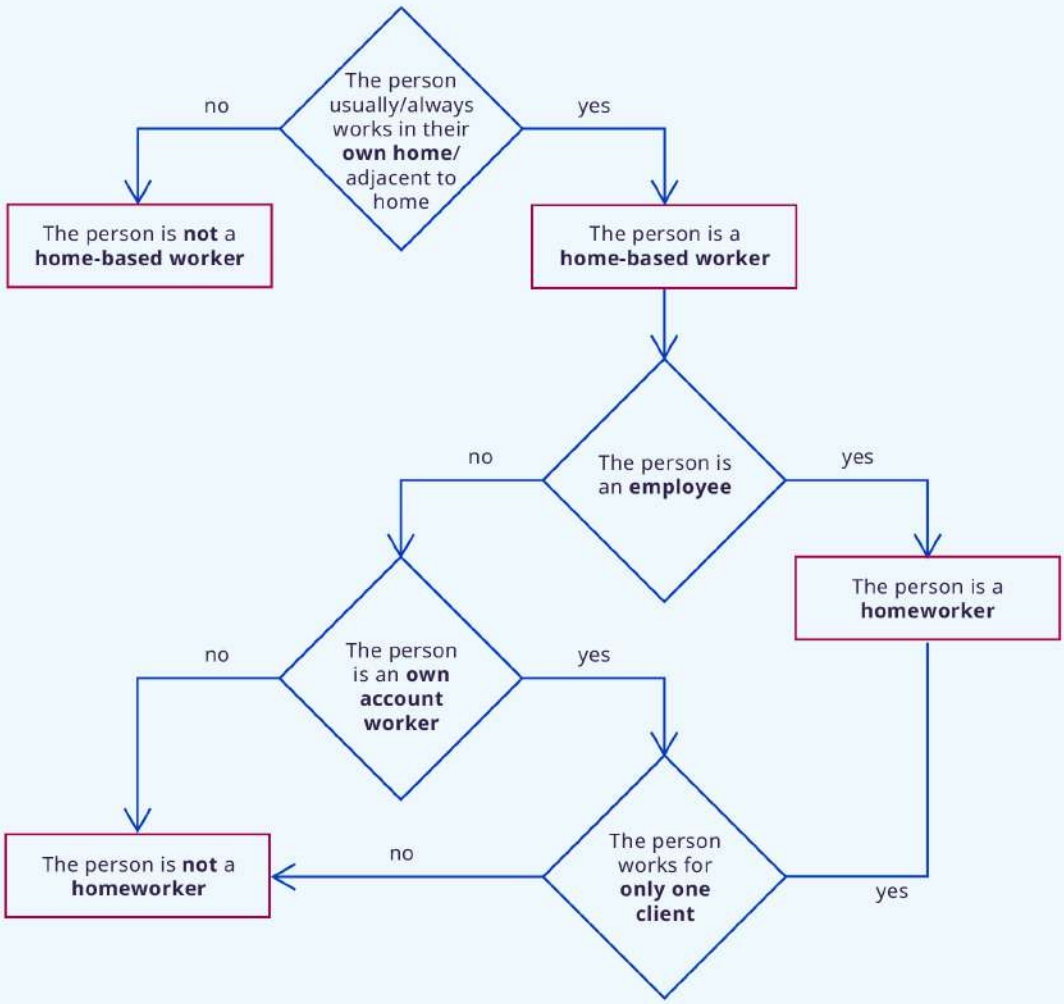
Argentina

This business/enterprise/activity usually works for ...

6. Only one client? (person, enterprise)
7. Various clients? (includes public in general)

There is an additional question that inquires whether the client is a household or an enterprise. Only those who work at their own home are considered, therefore domestic workers are excluded. On the other hand, a seamstress who works from her home sewing clothes for one single family is considered a homeworker. The way the various variables are combined to arrive at the number of homeworkers is illustrated in figure 2.A.2.

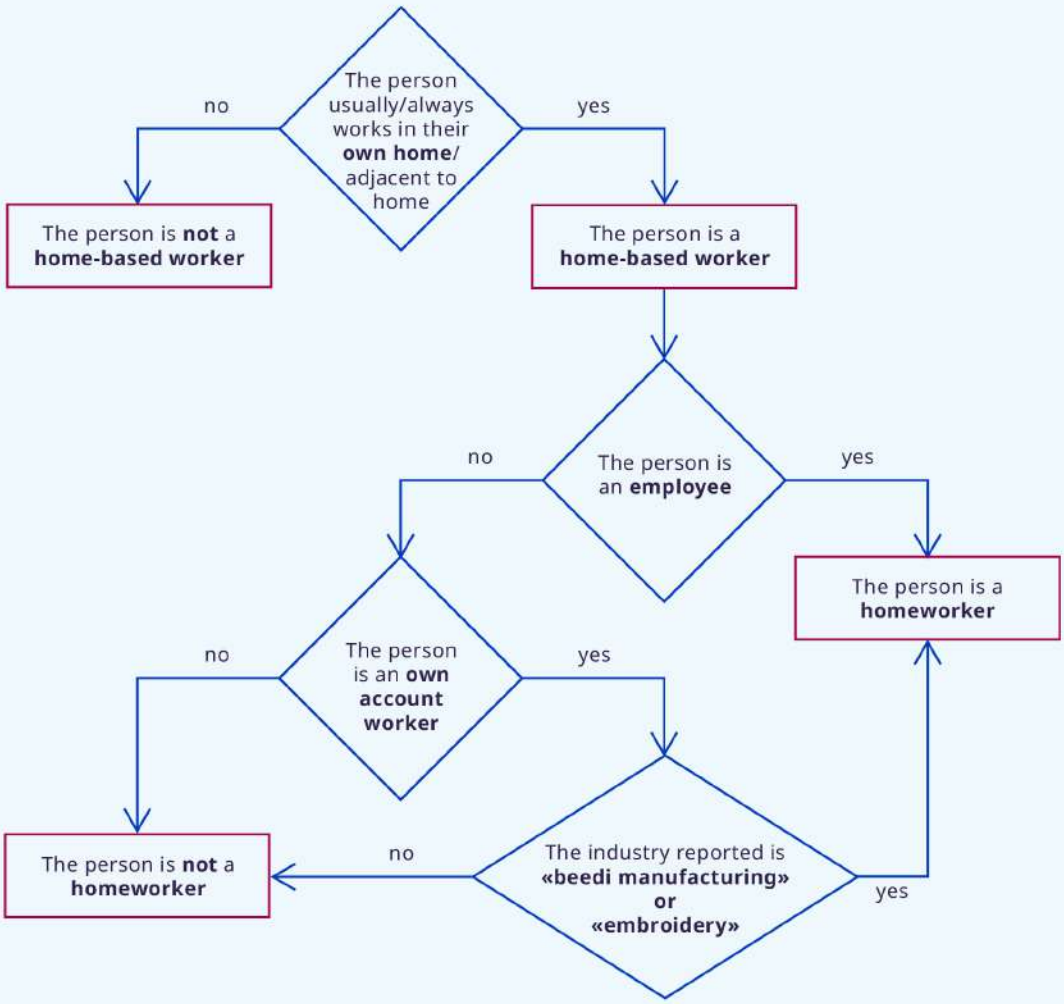
▶ Figure 2.A.2 How variables are combined to estimate homeworkers in Argentina and Mexico



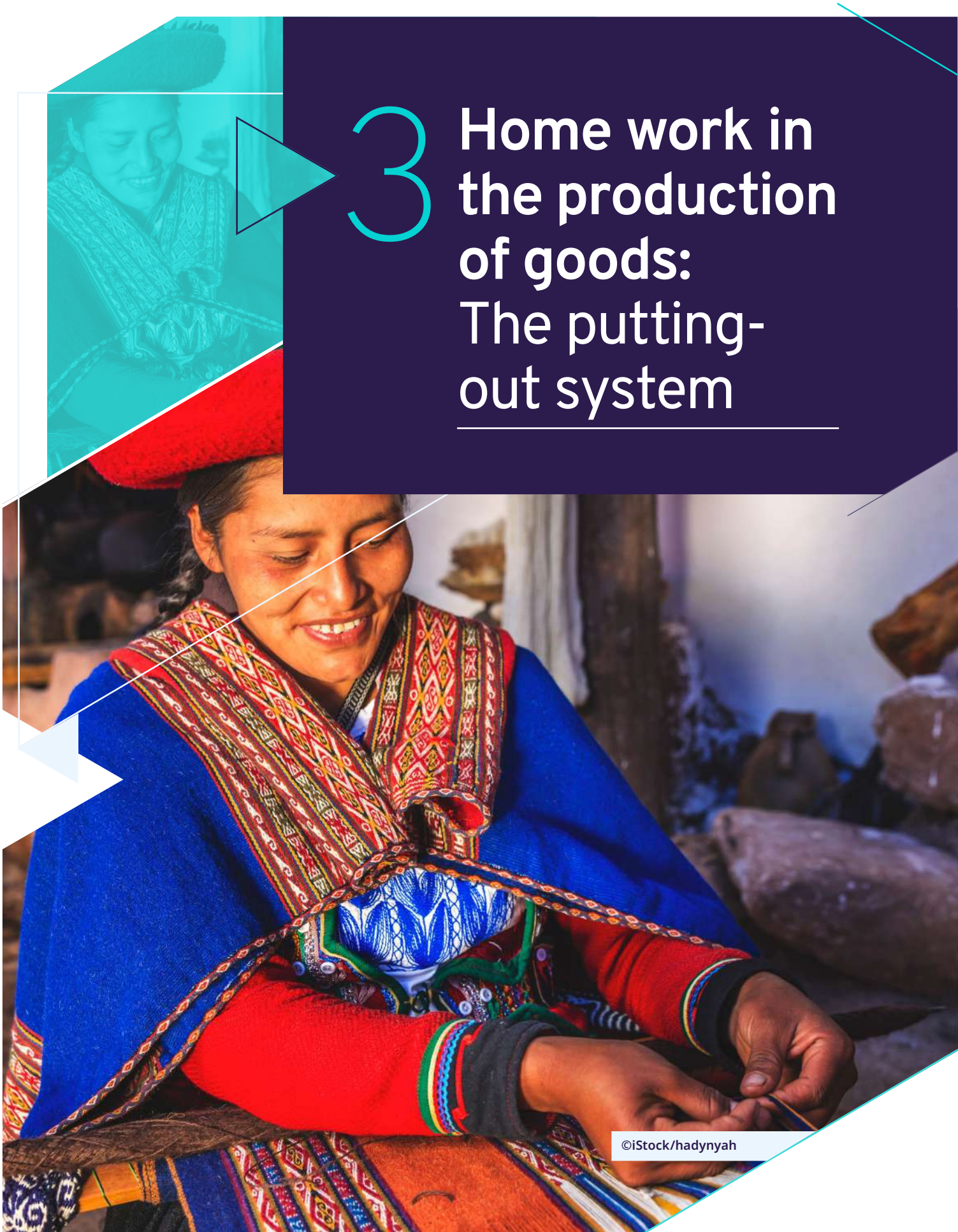
India

In India, the 2018 Employment and Unemployment Survey (Periodic Labour Force Survey) was used. Persons who manufacture beedi cigarettes or who are engaged in embroidery, in their own home or in a place attached to their homes, are well known to be working under homeworking arrangements. However, many of these workers report to be "own account workers" or "employers" and therefore are excluded as homeworkers when only self-reported employees are considered, as was the case in the estimates produced in Chapter 2 (using figure 2.A.1 as the basis for identification). For India, a more accurate estimate of homeworkers was produced that, in addition to employees who work at home, also included "own account workers" and "employers" who reported working at home and that their industry was "beedi" manufacturing or "embroidery". The combination of variables is illustrated in figure 2.A.3.

▶ Figure 2.A.3 How variables are combined to estimate homeworkers in India



3 Home work in the production of goods: The putting-out system



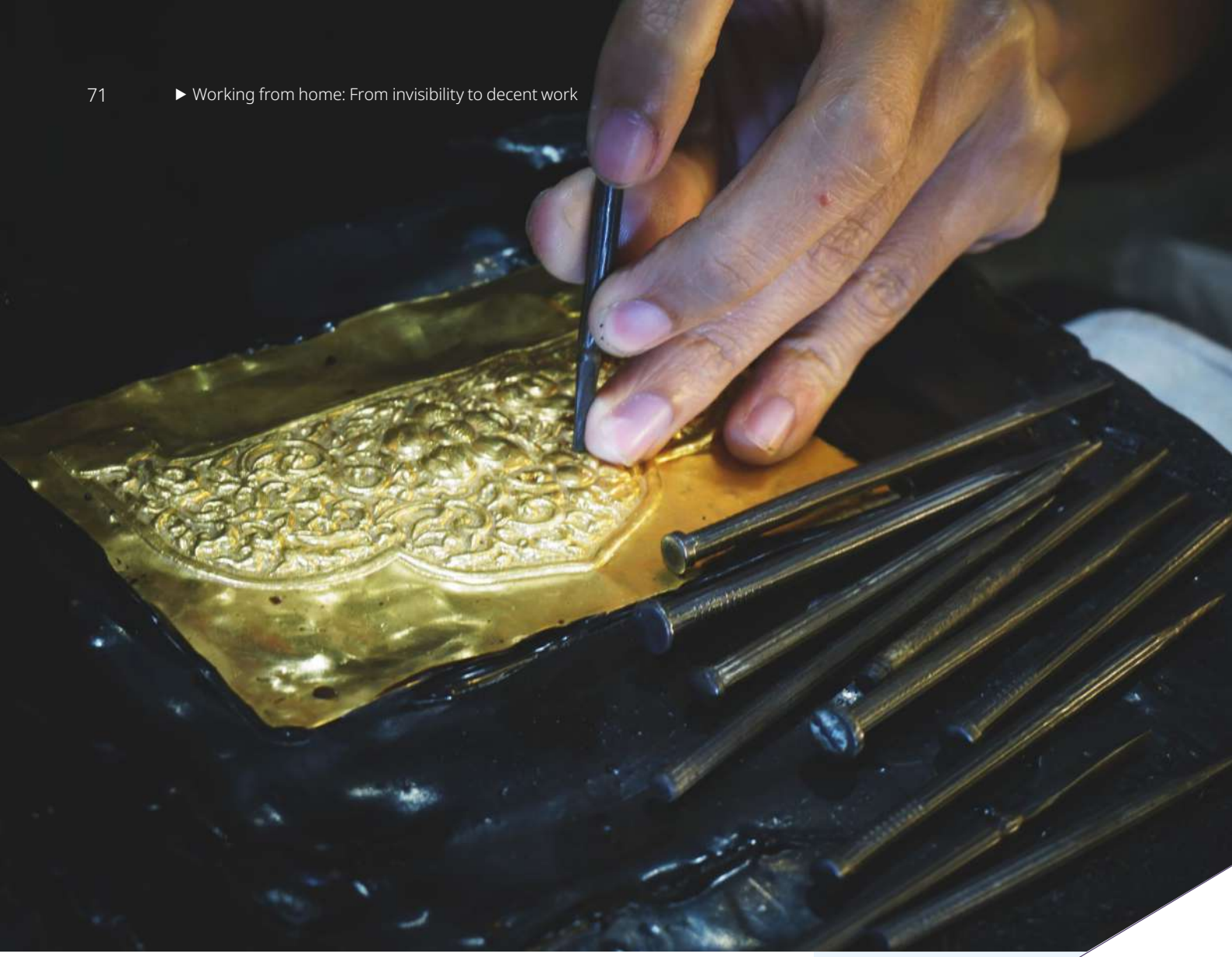
©iStock/hadynyah

Home work

is **not** an

anachronistic method of production

of a bygone era



©iStock/ Supersmario

The putting-out system proved hardier than might have been expected. It dragged on unconscionably in those trades where the technological advantage of power machinery was still small (as in weaving) or where the home artisan could build a rudimentary power device (as in nail-making and other light metalwork). And it often survived in symbiosis with the factory; many manufacturers found it profitable to install only so much machinery as would supply a conservatively estimated normal demand, relying on a reserve pool of dispersed labour for additional output in time of prosperity.[1]

In much economic theory, home work and specifically industrial outwork or the "putting-out" system was considered a pre-industrial form of production that would disappear with economic progress. Yet this did not occur. Rather, home work endured, evolving along with industrial and post-industrial advances, in concert with other changes in the world of work and societies, including social conventions. This pattern can be found in all regions of the world – from the most industrialized countries, to countries where industrial activities are still an underdeveloped feature of the economy, to so-called post-industrial countries. Home work is thus a form of production that has survived several industrial and technological revolutions. And while the magnitude of its use fluctuates, it has grown both in times of economic expansion and in times of crisis.[2]

Unlike in Chapter 2, where statistics on home-based work are presented, this chapter is focused on home work, as defined by the Home Work Convention, 1996 (No. 177). As explained in Chapter 1, this definition includes "work carried out by a person … (i) in his or her home or in other premises of his or her choice, other than the workplace of the employer; (ii) for remuneration; (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used" (Article 1); it does not extend to persons who have "the degree of autonomy and of economic independence necessary to be considered as independent workers under national laws, regulations or court decisions". Moreover, this chapter concerns the development and presence of home work in the production of goods, which for simplicity is referred to as "industrial home work". It begins with a discussion of home work production before the factory system (proto-industrial) and then turns to analysing its development as part of the factory system. Home work in services is the subject of Chapter 4.

What is clear in the experience of home work in both manufacturing and services is that home work persists whenever, and wherever: (1) the production process can be disassembled into discrete tasks, (2) the capital needed for production – sewing machines, personal computers – is accessible at a relatively low cost, and (3) there is an available labour force. The availability of this labour force – often women who combine home work with domestic and care responsibilities – is highly dependent on gender roles in both the household and society.

Industrial home work is most associated with the production of clothing and much of the literature on home work is on the apparel industry. In 2019, the global apparel industry was valued at over US$1 trillion, with world exports amounting to US$0.5 trillion.[3] Bangladesh, China, India, Indonesia, Turkey and Viet Nam are the world's top apparel exporters, directly employing 15 million (registered) workers.[4] The continued importance of homeworking in the apparel industry stems from the labour-intensive production process, which imposes limits on what can be automated. The constantly evolving nature of fashion and the consumer desire for uniqueness means there will always be a need for someone to hand-stitch beads or embroidery, and to do so quickly. As noted by one scholar writing about the apparel industry, "economies of scale become secondary to economies of timing".[5]

Nevertheless, it would be incorrect to think that home work is limited to apparel production. It is used for the production of many other consumer goods, from artificial flowers to electronic assembly to stitching footballs, and is also prominent in the production of handicrafts.[6] This chapter will highlight some of these other uses.

3.1 The long and enduring history of home work

For most of history, the production of goods took place in the home, usually for family consumption, though homemade goods were sometimes bartered or sold for the consumption of other goods.

In Europe, as well as in China and India, home-based production was firmly established on a par with production in workshops before the industrial revolution.[7] During the transition from feudalism to factory industrialization in Europe between the sixteenth and nineteenth centuries, domestic industries began to integrate home work into their production, thereby transforming the nature of home-based production.[8] As such, the emergence of home work in Europe during this time was primarily demand-driven, in some cases stemming from the development of a world market for the goods being produced.[9] But labour supply considerations also played an important role in motivating industry decisions. The guild system limited the pool of available workers in towns and prompted merchant capital to turn to the rural labour force. At the same time, declining rural incomes pushed families, especially women, to shift from land-intensive agrarian production to labour-intensive craft production, either on a part-time or full-time basis.[10]

Technological breakthroughs such as the sewing machine further propelled these trends. Analysing the London clothing trades from the 1860s, Schmiechen (1984) showed that the introduction of the sewing machine accelerated the use of home work in production:

> Early predictions that the sewing machine would encourage the centralization of production in the factory turned out to be unfounded: most machine-made clothes were not made in a factory. Other machines were developed for high-speed stitching, band-stitching, machine-felting, collar-padding, buttonholing, cutting, lacemaking, and embroidery, but with few exceptions these, too, were machines for the home and small workshop, "no larger than a neat small work-box, very portable and convenient". (p. 26)

Similarly, in the lacemaking industry of Nottingham, the emergence of the factory system was associated with the expansion of home work assigned to women, who took on these tasks to support the household income. As Rose (1988), who analysed samples of households from the 1851 to 1881 censuses, explains, the mechanization of the production process "generated work for thousands of women and children who clipped, scalloped, pearled and mended

lace in their own homes, or the homes of nearby middlewomen. Domestic industry, home work, and labour-intensive handwork were integral to the development of numerous industries in the last half of the nineteenth century".[11]

This finding was not lost on Marx (1886), who noted the distinction between the "new" and "old" forms of production in the home:

> This modern "domestic industry" has nothing, except the name in common with the old-fashioned domestic industry, the existence of which presupposes independent urban handicrafts, independent peasant farming, and above all, a dwelling-house for the worker and his family. That kind of industry has now been converted into an outside department of the factory, the manufacturing workshop, or the warehouse. Besides the factory, the workers engaged in manufacture, and the handicraftsmen, whom it concentrates in large masses at one spot, and directly commands, capital also sets another army in motion, by means of invisible threads: the outworkers in the domestic industries, who live in the large towns as well as being scattered over the countryside (p. 591).

Home work-dependent industries were central to France's economic development. In the mid-1800s, small-scale household and industrial production was estimated to account for 60 per cent of French industrial output and nearly three quarters of employment.[12] Industrial production centred on home-based work in a putting-out relationship, as employment relations evolved with changes in capitalist production. Technological innovations influenced this evolution, such as the Jacquard loom that was introduced in the early 1800s and came to dominate the silk-weaving industry of Lyon and neighbouring regions. As it was based on the use of "programmable" punch cards, intricate patterns could be woven in a much shorter time. But looms were expensive, forcing weavers to purchase the looms on credit extended by merchant capitalists. This led to greater economic dependence on the part of the weavers on the capitalists that loaned them money. Moreover, the loom engendered a separation between conception and production, as weavers were given cardboard punch cards with preset designs, leading to the subsequent deskilling of weavers.[13] Home work continued into the twentieth century, with the heavy involvement of women in apparel production. A 1906 census counted 850,000 women and girls involved in home work.[14]

Across the Atlantic, there were similar trends in the use of homeworkers for the burgeoning industrial sector. In the United States in the eighteenth century, merchant manufacturers would put out work to rural families. However, from the early nineteenth century the home work system increasingly became tied to industrial capital in urban areas and home work was distributed to working-class families in the cities, who could not rely on a farming, subsistence household economy but were increasingly dependent on waged labour.[15] From the late 1800s until the Depression, the demographics of homeworkers remained fairly constant: childbearing and childrearing women from immigrant families and women over 50.[16] They were engaged in a myriad of production activities, from garments to lampshades, costume jewellery, bags, toys, paper boxes, powder puffs and more.[17]

In Scandinavia, home work was an integral part of production before and during industrialization.[18] From the interwar period onwards, the ready-to-wear standardized clothing industry expanded with the use of new technologies and assembly-line-based production, but parts remained labour-intensive and subcontracted to private homes. Business censuses indicate that the share

of homeworkers in light industries expanded along with industrialization in both Sweden and Finland between the 1930s and 1950s, through a complex web of subcontracting with piece-rate-remunerated homeworkers at the bottom .[19]

Some companies also emerged from home work, such as the Nesna shoe company founded in 1955 in the town of Nesna in Norway, which at the time was dominated by fishing, farming and other primary activities. The Nesnalobben shoe, which was created originally by a family for its own use and later developed into a production cooperative, was made from felt and reinforced with rote patterns sewed by homeworkers, mostly women in Nesna and the outlying districts. Though the company had a factory in Nesna, where administration and parts of the production were located, the main work was done in private homes.[20] At the onset, it was decided that production would be best organized through the use of homeworkers given the transportation difficulties in the region. It would also permit women to "take care of their children and animals in the farms and still do their job."[21] The carding, felting, drying and cutting was done at the factory; women only sewed and they were paid by the piece.[22]

In Latin America and the Caribbean, there is a long history of home work, both prior to and parallel with mass-scale industrialization.[23] In the aftermath of the Chilean war of independence in the first half of the 1800s, the expansion of the manufacturing industries – especially within the garment sector – provided newly arriving rural-to-urban migrant women with opportunities for wage employment. Many clothing companies hired seamstresses to work both in their factories and from home and continued to organize production around home work throughout the twentieth century.[24] Further industrialization did not lead to the disappearance of home work in either Chile or Latin America and the Caribbean more broadly, but rather perpetuated the practice. In Mexico, for instance, contrary to the assumptions of modernization theorists, the influx of foreign capital and establishment of large-scale industries beginning in the 1960s did not replace local smaller companies and factories. On the contrary, the large-scale industry subcontracted to these smaller agents who had long made use of homeworkers.[25] In Puerto Rico, 18,000 out of 27,000 apparel workers worked from home in the 1950s.[26] As in other parts of the world, home work in Latin America and the Caribbean accompanied and supported industrialization.

The examples above show that industrial home work continued, worldwide, through two centuries of industrial and technological revolutions. Often performed by women hidden in their homes, home work was critical to the success of the more visible, yet male-dominated factory production.

3.1.1 State support of home work

The role of the state in supporting or dissuading home work has varied across the world, with important consequences for the prevalence of home work. In some countries, such as the United States, industrial home work was viewed negatively as undermining labour conditions for factory workers and impeding women from performing their "natural roles" as mothers.[27] As such, the focus of regulatory efforts was on its prohibition, with the Fair Labor Standards Act of 1938 banning home work in specified industries, particularly those whose unions could levy greater political pressure.

In other countries, however, the government viewed homeworking positively and directly promoted the practice of subcontracting work to homeworkers. In Switzerland, in the early twentieth century, public institutions were created to facilitate the distribution of home work to rural populations, who – because of the mountainous character of the country – could not sustain themselves on farming and needed other sources of income.[28] The Swiss government considered home work the best solution for generating work in remote areas and thus preventing the depopulation of mountainous areas, which would result in a loss of "the nation's life". As such, home work was framed as crucial to the preservation of the Swiss national identity.[29]

In Taiwan (China), the authorities launched the "Living rooms as factories" community development programme in the late 1960s and 1970s to support their efforts to expand export-led growth. The authorities conducted surveys to establish the numbers and whereabouts of "idle women" in local communities. Based on these surveys, they provided loans to families so that they could purchase the equipment needed to engage in home work. Under the "Living rooms as factories" programme, homeworkers formed part of an extensive satellite factory system, receiving subcontracted work from small factories in exchange for piece-rate wages. The programme helped create a flexible production system that relieved companies of labour shortages without having to expand the waged workforce.[30]

Home work is thus a form of production that has **survived** several industrial and technological revolutions

Other governments, sometimes under the tutelage of international organizations, including the ILO, sought to use home work as a means to sustain and develop domestic handicraft industries, as they could support local communities without interfering with grander projects aimed at developing a modern, industrial sector.[31] The support of handicraft production was driven by views of gender and domesticity that cast women as the custodians of national traditions: "the custodians of crafts, which are part of the cultural life of the people and have been passed down from mother to daughter".[32] Developing the handicraft sector was seen as a means to allow women to partake in income-earning activities, "while continuing to perform their vital role in the home".[33]

©iStock/luchbm

▶ 3.2 Contemporary industrial home work

While home work never disappeared in Europe and North America – but rather resurged in different forms – much home work in manufacturing, and particularly of apparel, shifted to developing countries along with the relocation of manufacturing.

In Germany, for example, the number of registered homeworkers in clothing and textile production dropped from 80,000 in 1957 to just under 10,000 in 2000, as German clothing producers outsourced production to lower-wage European Union (EU) countries and the developing world.[34] Shifts in manufacturing or deindustrialization – as opposed to greater industrialization or automation – explain the fall in industrial homeworking in the latter half of the twentieth century in Europe and North America. Countries that have increased the size of their apparel and footwear industries – such as Bangladesh, Cambodia, India, Turkey and Viet Nam – have also increased their use of homeworking. Moreover, case studies reveal the continued presence of home work in some pockets of production in the "post-industrial" countries of the world.

An ILO survey of 3,000 homeworkers in 297 villages in six Indonesian provinces in 2015 found home working in a wide range of industries, both domestic and international, including food processing (vegetables, seafood), garments, electronic assembly and sports equipment.[35] A related study of Indonesian enterprises that engaged in homeworking found enterprises using homeworkers in the garment, footwear, batik and furniture sectors.[36]

In addition, many developing countries rely on home work for the production of handicrafts, especially if they have important tourism sectors. Home work is also prominent in certain domestic industries – such as beedi rolling in India – and also in agricultural processing. Home work forms the bottom layer of numerous global production chains, whereby supplier factories outsource specific, labour-intensive tasks to homeworkers, such as in apparel production, basket weaving or rattan furniture production, especially when production demands overwhelm internal production capacity.

3.2.1 Handicrafts and other manual production

Homeworking is prominent in production processes that are labour-intensive and rely on traditional skills, craftsmanship and indigenous raw materials (for example, rattan, bamboo, coconut shells, sea shells, abaca or other fibres) that can be disassembled into small segments. Such handicraft production may be produced for either domestic or international markets. It may be carried out as independent, home-based work or it may be produced as part of the putting-out system, with homeworkers given the materials and designs and paid, generally by the piece, for each item produced. Homeworkers' degree of control over the design and production of the product is indicative of their independence. The less control they have, the more likely it is that they are dependent on an intermediary or employer. For example, in one case reported in Mies's *Lacemakers of Naspur*, women were given a simple design to produce, usually a flower (chetipani) or a small pattern. The system was organized as an invisible assembly line, with different sets of women, and sometimes even whole

villages, producing specific flowers or patterns that were part of the design. These parts were then collected by agents and brought to other women who would join the various flowers together into one piece. By organizing production in this way, the exporters could prevent the women from producing and selling finished products in crafts markets.[37]

In Ghana, home work is prominent in four major arts and crafts sectors: woven fabrics, baskets and wood and leather artefacts. Kente is a hugely popular, colourfully patterned handwoven cloth fabric associated with Ghana. It is primarily woven by men as a result of long-standing cultural taboos that segregated men and women's productive activities, though these divisions of labour are starting to change. Handicraft production is sometimes organized as home work with tasks controlled by intermediaries, but it may also be done independently, with some workers simultaneously performing both types of production. George, a 28-year-old man from the town of Bonwire, began learning kente weaving when he was 8 years old. After completing his basic education, he began to weave kente for mostly one employer but also worked for others when his workload from his main employer was light. His employer receives orders for specific types of kente from local and international patrons. The employer then passes on the order to him in return for remuneration on delivery. He earns all his income from kente weaving, to which he devotes his entire work time. The commissions he receives vary and can take him a few days or up to five months to execute. He earns the equivalent of US$6 for one day's worth of work. When there is an overload of work with approaching deadlines, the community of weavers share the workload, receiving US$6 for each day's worth of work. This is done without the need for a written contract. When there is a contract covering the agreement between "offtaker" (intermediary) and homeworker, it tends to be oral, with a third person brought in as a witness/guarantor.

Some homeworkers prefer working with an intermediary as opposed to working independently and selling their products directly in the market. Sixty-year-old Sara, a basket weaver, observes:

> When we compare producing for the offtaker with selling in the open market, we will say that working with the offtaker is better. Sometimes when you take the basket to market and unfortunately the rain falls on it, you lose the beauty and strength of the basket so you will not be able to sell it or get a good price for it, so selling to offtakers who contract us helps to avoid these risks.

In the Lao People's Democratic Republic, handwoven silk and cotton cloth is produced for domestic and foreign markets, often with imported yarn. Production is sometimes organized in urban workshops with workers who reside on the premises, but it is more typically organized using semi-rural and rural homeworkers. Studying the evolution of the industry during the 1995–2015 period, Ohno (2020) describes how retailers and their intermediaries procure handwoven cloth using different contractual arrangements, depending on the cost of raw materials and exchange-rate fluctuations. These include either paying a piece-rate wage or selling yarn to the homeworker on credit, with the homeworker then receiving the balance of what she is owed upon delivery, conditional on the product being of sufficient quality. Sometimes, advance-order contracts are used, whereby the retailer guarantees the purchase of cloth from a weaver at an agreed-upon price; these contracts involve lower-quality yarn, as the weaver must procure the yarn at her own expense.[38]

High-end cloth is usually contracted under a putting-out contract to highly skilled weavers. In this Lao sector, unlike other types of piece-rate work, the retailers guarantee that the worker will receive a wage for the work being done, and thus the retailers must ensure that the weaving is of sufficient quality. As such, the work is monitored, with intermediaries visiting the houses of weavers twice a day to ensure the quality of their work. These contracts are

commonly used for the weaving of high-end silk yarn. Lower-quality cloth is usually contracted using yarn-on-credit contracts. During periods of economic shock and exchange-rate devaluations, retailers and master weavers who subcontract to other weavers prefer yarn-on-credit contracts, as the yarn is mostly imported; they thus avoid the exchange-rate losses. Nevertheless, the putting-out contracts are more profitable for retailers and intermediaries, offering a profit rate of 45 per cent compared with 22 per cent under the yarn-on-credit contracts. Weavers also often prefer the piece-rate wage (20,000 Lao kip (KN) per piece) even if it is lower than earnings from yarn-on-credit contracts (KN35,886 per piece) because it is guaranteed, which is not the case with yarn-on-credit contracts in which work can be rejected.[39]

In India, the rolling of beedi cigarettes has existed for over 100 years, though initially it took place in small factories or workshops. Since the 1970s, beedi manufacturers have increasingly shifted the work into households; by 2000, only about 10 per cent of beedi manufacturing took place in the organized factory sector.[40] In 2017–2018, there were an estimated 2.96 million workers employed in the beedi industry, 90 per cent of whom worked from home (2.65 million), of whom 2.5 million were women.[41] Despite a dramatic growth of outwork in garment manufacturing in the 2000s and 2010s in India, beedi manufacture continues to be the single largest employer of women homeworkers in India, accounting for nearly one quarter of women's home-based work.[42] Beedi rolling is a particularly problematic occupation due to the occupational safety and health risks of handling tobacco; it is also plagued by abysmally low earnings, estimated at approximately 17 per cent of the annual wages of workers in other manufacturing sectors.[43]

To produce a beedi, the homeworker dampens and cuts the tendu leaf to size, fills it with tobacco, rolls the leaf and ties the rolled beedi with a thread – all according to the specifications of the contractor. A beedi roller is generally provided with 575 to 700 grams of tendu leaves and 225–280 grams of tobacco (depending on the quality of leaves and size of beedis to be rolled) for rolling 1,000 beedis. They are all paid at piece rates. The other stages of beedi production usually take place in workshops or depots and include the workers who wrap and label the products; the beedi checkers, who sort and check the quality of the rolled beedis; and the furnace operators (sekaiwala). Though some are paid by the piece, most are treated as wage employees. In addition, there are the clerical staff (including cashiers and accountants) and the raw material distributors who distribute the requisite quantity of tobacco and tendu leaves by weight to the contractors; these workers are male and work at the establishment premises.

A 2001 study of the beedi value chain found that out of the retail price value of 100.00 Indian rupees (Rs), the cost of inputs was Rs20.00 and homeworkers' wages were Rs17.10. The share received by contractors and subcontractors was Rs0.18; of manufacturers was Rs41.90; and of distributors, wholesalers and retailers was Rs19.3. This means that the profit margin for beedis is about 35–40 per cent of their price before taxes, since the wage bill at the manufacturing level is limited given the small share of tasks done. In a production process that is almost purely based on manual labour, the differential between the beedi roller's earnings (17 per cent of retail price) and the manufacturer's earnings (35–40 per cent of retail price) is striking.[44] This share in profits is similar to that earned by Lao woven cloth traders.

3.2.2 Home work in the garment industry

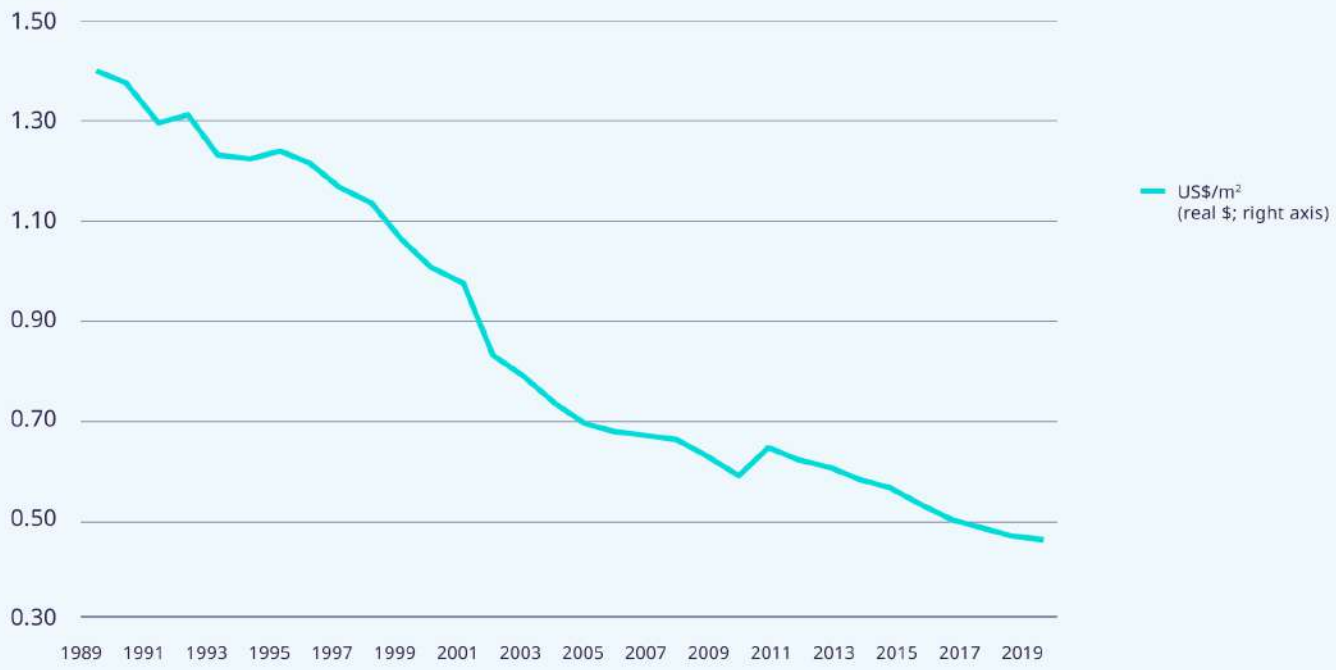
Homeworking is often associated with images of women sewing, knitting or threading in their homes. Depending on their design, many garments require labour-intensive steps in production. These production requirements, coupled with short product cycles and lead times for the ordered goods, mean that clothing manufacturers, whether big or small, must rely on networks of subcontractors, including homeworkers, to fulfil orders on time and to the required specifications.

Some garment production continues to take place in industrialized countries, particularly for higher-end products, such as in Italy in order to obtain the coveted "Made in Italy" production tag. But the majority of the world's garment production is scattered across the developing world in Latin America, parts of Africa, Eastern Europe, South Asia (Bangladesh, India and Pakistan) and China – the world's leading garment exporter.

The global dispersion of apparel production has been accompanied by shifts in the fashion industry, particularly the rise of "fast fashion", characterized by an increasing demand for (often perishable) clothes items that are designed and purchased to be worn for only a short period of time – and thus, from the perspective of the consumer, expected to be cheap. This expectation has increased pressure to contain labour costs.[45] It has also given lead firms an upper hand in negotiations with suppliers.

Studies of manufacturing suppliers reveal the enormous pressure faced by manufacturers throughout the world. A 2016 ILO/Ethical Trading Initiative survey of nearly 1,500 manufacturing suppliers from 87 countries found that among textile and clothing suppliers, 52 per cent had accepted orders below the cost of production. Only 17 per cent of suppliers considered that they had sufficient lead times to fulfil their orders. Moreover, 75 per cent reported that their main buyer accounted for over half of their production.[46] Another study of garment suppliers in India found that 39 per cent of suppliers reported accepting orders below cost during the previous year in order to maintain a business relationship and in the hope of receiving future orders from the buyer.[47] While making it difficult for suppliers to operate, these trends have nonetheless been effective in containing costs and producing an ever-expanding array of products. Indeed, between 1989 and 2019 there was a 67 per cent decline in the real price of apparel imports into the United States, reflecting the outcome of the cost-containment strategies employed by the fashion industry (figure 3.1).

Figure 3.1 Real price per m² of all apparel imported to the United States (US$), 1989–2019

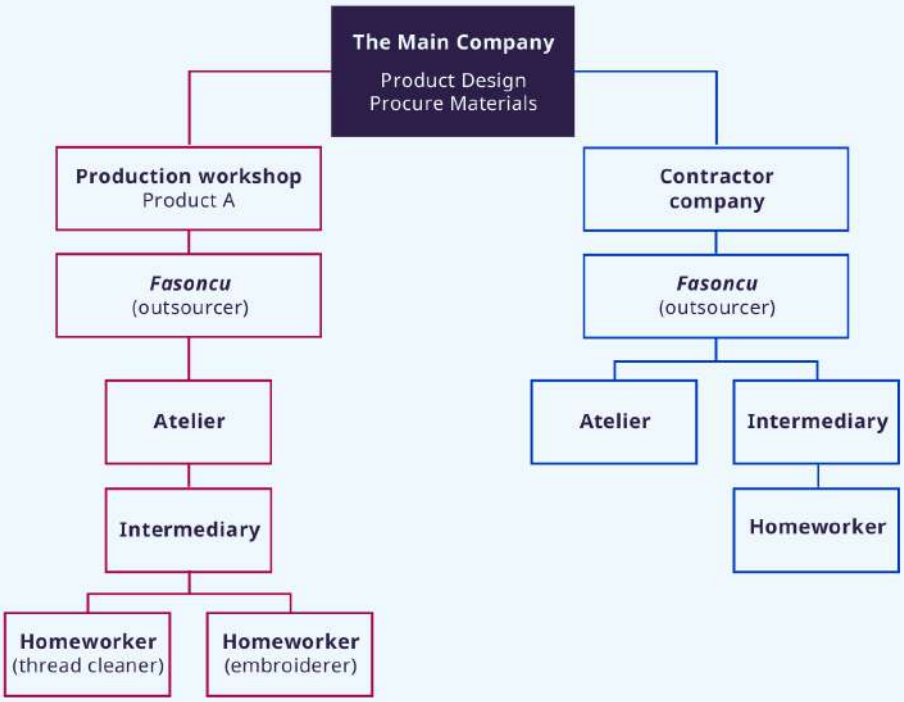


Source: Anner (2019), based on United States Office of Textiles and Apparel and Bureau of Labor Statistics data.

In Turkey's garment industry, large apparel companies develop the product design and decide on the types of fabrics to be used. These specifications are then passed to a factory or contracting company that assumes responsibility for procuring the material and ensuring the timely delivery of the product. If it is a factory, they may produce part of the product but also work with smaller workshops (ateliers) that are specialized in specific production activities. Typically, the sewing ateliers subcontract yarn-cleaning, ironing and packaging operations to homeworkers. If the product is given to a contracting company to organize production, it will often use the services of a *fasoncu* (outsourcer), who then distributes different activities among workshops. Typically, intermediaries are used to subcontract work to homeworkers. Figure 3.2 illustrates the types of subcontracting chains identified in a study of Turkey's garment industry.[48]

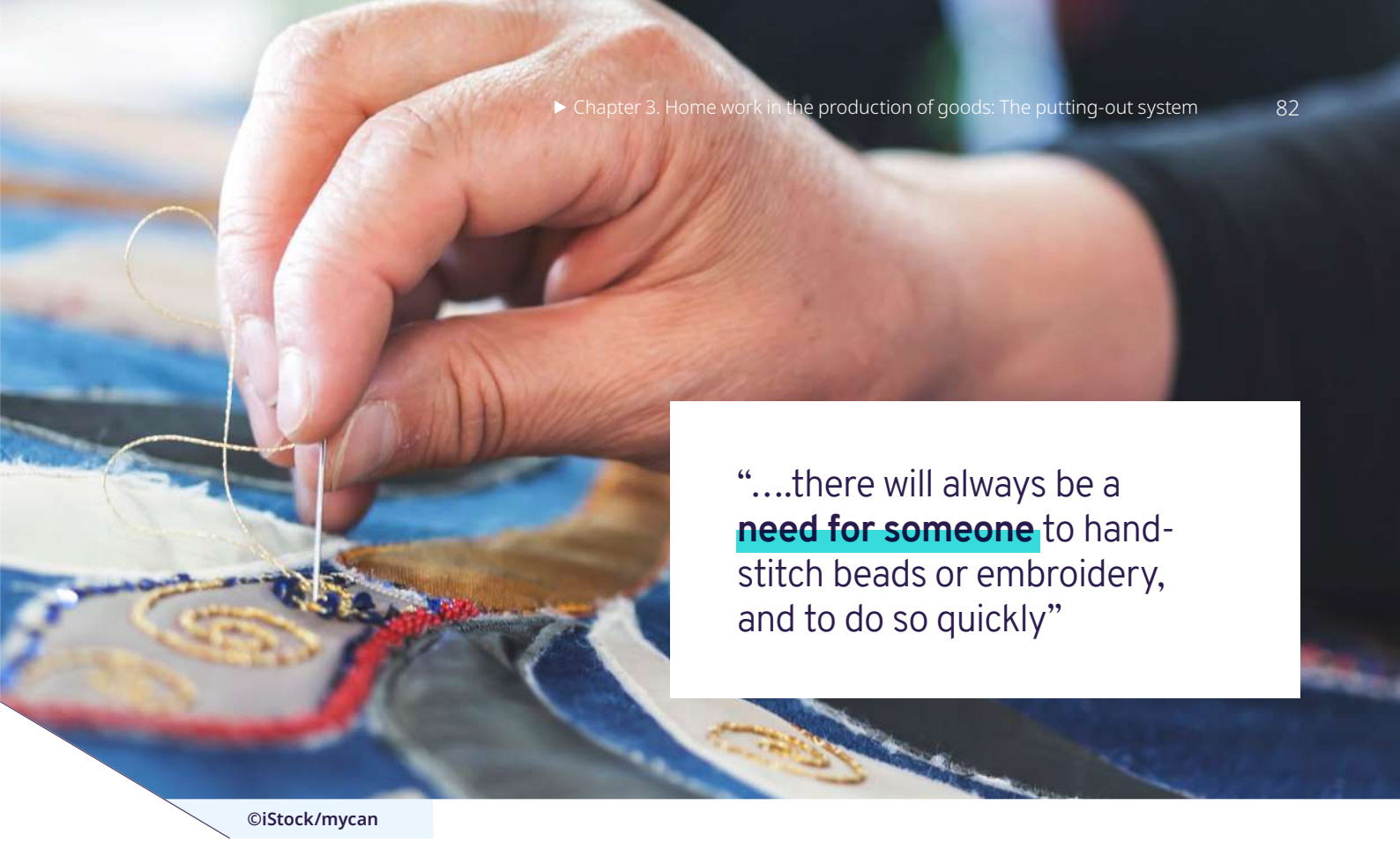
Garment ateliers are the mediators for large-scale factories in distributing garment pieces to homeworkers, as distribution is time-consuming. Nevertheless, some factories that specialize in designer and high fashion production have direct relations with homeworkers, since the tasks require highly delicate and skilled handicraft such as embroidery or making ornaments for garments. In order to find the right women for the work, factories establish an efficient network of subcontracting though the use of intermediaries. The homeworking women, in case of surplus work and time pressure, may rely on neighbours to help with the work, paying them for their labour. This practice of collaboration among women generates further flexibility in the organization of home work; moreover, it shifts the responsibility of finding new subcontractors from intermediaries to homeworkers.[49]

Figure 3.2 Subcontracting chains in Turkey's garment industry



Note: Data collected during fieldwork undertaken during the summer of 2019.

Source: Dedeoğlu, 2019.



"....there will always be a **need for someone** to hand-stitch beads or embroidery, and to do so quickly"

©iStock/mycan

Subcontracting, whether to smaller factories or to homeworkers, is not in itself problematic. What is important is whether labour standards are being respected along the subcontracting chain. Are firms externalizing production to benefit from the expertise of skilled workers, such as in high-end embroidery, or as a means to secure extra labour during high-intensity work periods? Or is outsourcing only taking place as a means to cut costs? When pursued solely for cost-reduction purposes, outsourcing can worsen labour conditions.

The experience of the Italian knitwear industry of Modena in the 1990s offers a nice counter-example of a model of networked production that benefits from flexible external specialization. In knitwear production in Modena, the industry embraced a "modern, putting-out system, composed of interlinked microfirms" that was compatible with high living standards and organizational efficiency.[50] Each firm in the network would only undertake a few tasks that constituted a small link in the external production chain. In this respect, the relationship was best described as a putting-out system since the putting-out firm did not make a finished product and worked to the explicit instructions of manufacturer. Most putting-out "firms" were microenterprises: 23 per cent had no employees, 22 per cent had only one and 25 per cent had three to five. The employees, where they existed, were covered in large measure by the same contract as employees in industrial firms, though firms did rely on (unpaid) family labour to avoid paying overtime.[51]

While the experience of Modena in the 1990s is a positive one, it is not clear whether conditions continue to be as positive or if they exist in other regions of the country where unemployment is higher and a large percentage of the workforce operates informally. Unregulated homeworking has been found, for example, even within the country's luxury goods industry.[52] In many instances, homeworkers have been forced by contracting firms to enrol in the register of artisans as a condition for continuing to receive work, allowing client companies to circumvent labour legislation. The homeworkers are classified as self-employed, even though they often have only one client and have no autonomy in the execution of tasks. In other instances, homeworkers are engaged off the books.[53]

▶ 3.3 A flexible form of production

> "People call my factory big not because I have twenty-some workers. It is because in the peak season, I can manage to produce twenty thousand pieces of jewellery boxes every month by using others' labour."

– Factory owner, Taiwan (China)[54]

That home work has survived into the twenty-first century attests to its ability to offer enterprises a flexible and efficient means to organize production. Home work has not disappeared with technological progress – nor should it necessarily do so since technological progress can in some cases facilitate the fragmentation of tasks, making them more prone to piece-rate work done by homeworkers. The sewing machine, the Jacquard loom and the personal computer (see Chapter 4) are just three examples of how technological inventions have propelled the use of homeworking.

Technology, however, is just one of many variables considered when enterprises decide whether or not to outsource to homeworkers. Other important considerations include whether the work needs to be supervised; if it is amenable to piece-rate payments (the preferred method of payment in home work); the costs of equipment and real estate; fluctuations in demand for the product being produced; the availability of home-based labour; the regulatory environment; and the possibility of collective action by the workforce.[55] Products for which demand is irregular or seasonal, or where there is continuous change in specifications (such as fashion) that requires changes in the labour process, benefit from the flexibility permitted by home work.[56] For this reason, small-firm industrial clusters can compete in the international economy by specializing in small batch production for niche markets, as well as by splitting up production between large numbers of smaller units, including to homeworkers, that are located within a narrowly defined geographical area, as demonstrated by the examples given above.

Outsourcing to home-based workers can save employers costs on real estate, equipment, electricity and water. For example, a study of garment manufacturing in the Yangtze River Delta in China found that some managers preferred to outsource to home-based workshops precisely to benefit from the lower electricity rates charged to households. As one manager explained,

> Clothes can be produced at much lower costs in home-based workshops. Let's take electricity as an example. The home-based workshops and standard factories are charged at different rates for electricity consumption. As the skilled workshop workers produce garments in home settings, they only have to pay electricity bills at prices for domestic consumers, which are far less than industrial electricity prices. Also, the self-employed status of workshop workers greatly reduces their public pension expenditures.[57]

The above quotation also demonstrates how by classifying the homeworker as self-employed, regardless of the homeworker's actual degree of dependency, the enterprise saves on social security and other welfare benefit payments that they would need to pay if the homeworker were registered as an employee.[58] Engaging homeworkers also allows enterprises to recruit workers from a larger geographical area than would otherwise be feasible due to commuting distances, and to benefit from their particular skills without having to offer full-time employment.[59]

With few exceptions, industrial home work is remunerated at piece rates, whereby workers are paid for each item they assemble or produce (see Chapter 5). Although piece rates also exist in factory and other work settings, they are used overwhelmingly in home work as they provide a standard for compensating labour without having to monitor working time. Workers are compensated for what they produce, however long it takes, which means that the productivity of an individual worker is not a concern for the enterprise or contractor, as long as the worker delivers the item on time. Table 3.1 gives an example of piece rates paid for a myriad of homeworking activities in Indonesia in 2015, based on an ILO study. The study revealed that over 90 per cent of homeworkers were paid using a piece-rate system that amounted to one third of the wage of regular employees engaged by the interviewed enterprises (an average of 1 million Indonesian rupiah (Rp) per month for factory-based workers (US$72) compared with Rp340,000 (US$25) for home-based workers), based on an average work week of 51 hours per week.[60] Homeworkers were informed in advance of the rate that they would receive per piece and rarely negotiated their level of pay. The enterprises surveyed in the Indonesian study stated that sometimes, if there was a rush order, they might also pay a bonus to the homeworkers for timely completion.[61]

If, however, there is a minimum pay rate that employers must abide by, then productivity does become a concern for enterprises and may prompt enterprises to automate production rather than rely on homeworkers, assuming they have the funds to invest in the capital equipment and the production process permits it. Regulation can thus spur automation and labour productivity growth. For example, a study that compares the football stitching industry in India and Pakistan (where the process is done by hand using workshop and home-based labour) with China (where the process has been automated) demonstrates clear labour productivity gains from automation. The hourly productivity of machine-based Chinese stitchers in a large export-oriented factory working in teams was approximately 6.9 times higher than Pakistani hand-stitchers and 7.8 times higher than that of Indian hand-stitchers. Nevertheless, the Pakistani firms were specialized in the niche production of high-quality hand-stitched balls, which could not be replicated using machine production.[62] For some production processes, therefore, there may be a trade-off that enterprises will need to assess to determine whether it is beneficial to use homeworkers in production.

When pursued solely for cost-reduction purposes, outsourcing can **worsen labour conditions**

Table 3.1 Examples of piece-rate payments for different homeworking activities in Indonesia, 2015

Activity	Piece-rate pay	Approximate time to complete
Cleaning fish	About Rp3,000 per kg (US$0.22)	Homeworkers can finish 10–15kg in 4–8 hours per day, and receive Rp30,000–45,000 (US$2.17–3.26)
Peeling shrimp	Rp2,700 per kg (US$0.20)	Homeworkers can finish 1 kg in 2 hours
Sewing upper soles of shoes	Rp25,000 per 1 dozen pair of shoes (US$1.81)	Homeworkers can finish 1 dozen pair of shoes per day
Making dumplings in Bandung	Rp600 per pack (US$0.04)	Homeworkers can finish 30–50 packs in a day and receive Rp18,000–30,000
Twisting cable fibres of cellular telephone chargers	Rp100 per bundle of cables (US$0.007)	Each bundle contains 100 pieces of cable fibre. Homeworkers can finish about 10–15 bundles per day and receive Rp10,000–15,000
Wrapping straws	Rp5,000 per 5 packs (0.36)	Homeworkers can finish 5 packs in 6 hours
Making batik	Rp5,000 per unit (0.36)	Homeworkers can finish 1 unit in 3 hours
Working on industrial wood, articles of wood and cork (excluding furniture) and goods woven from bamboo and rattan	Rp500 per unit (0.04)	Homeworkers can finish 1 unit in about 30 minutes
Working on industrial clothes	Rp1,500 per cloth (US$0.11)	Homeworkers can finish 1 cloth in 45 minutes
Stringing badminton rackets	Rp2,500 per dozen (US$0.18)	Homeworkers can finish 12 rackets in 2 hours
Cutting sandal straps	Rp7,000 per dozen pairs (US$0.51)	Homeworkers can 5–6 dozens per day and receive Rp35,000–42,000
Assembling pan lids	Rp1,000 per sheet of pan lids (US$0.07)	Homeworkers can finish 20–50 sheets of pan lids in 8–10 hours per day, with help from family members, and receive Rp20,000–50,000
Thread disposal from shirts	Rp115 per shirt (US$0.008)	If homeworkers can finish 100 shirts in one day, they receive Rp11,500
Thread disposal from T-shirts	Rp60 per T-shirt (US$0.004)	Homeworkers receive 30–60 T-shirts in one day to finish and receive Rp1,800–3,600 per day

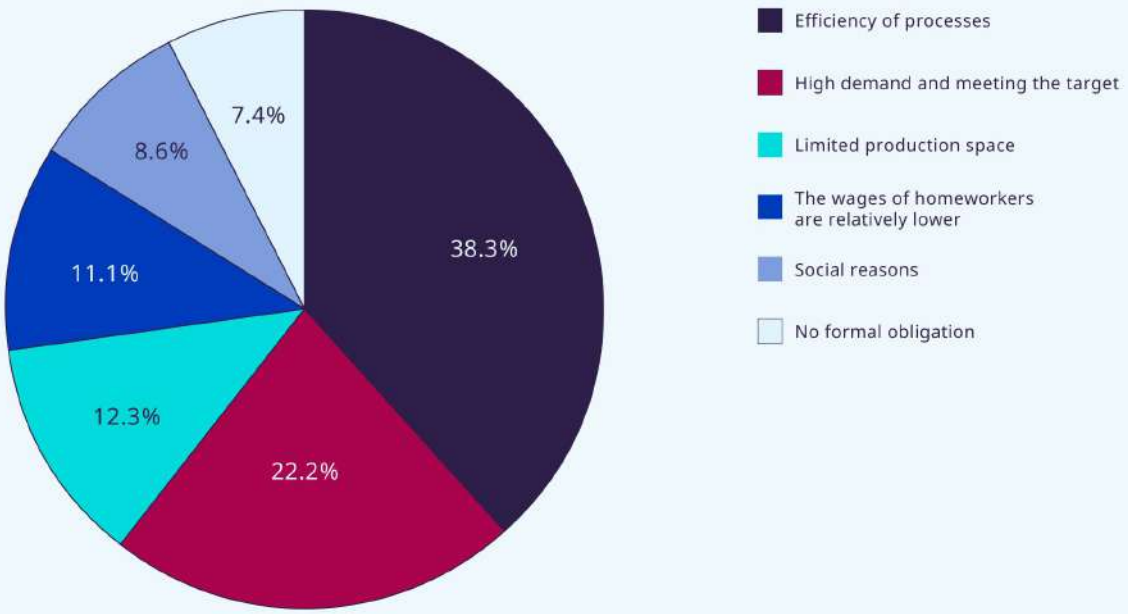
Note: At the time of the survey (2015), US$1 was equivalent to approximately Rp13,800.

In 2014, the simple national average of provincial minimum wages was Rp1,494,100. Nevertheless, there is considerable disparity in the level of minimum wages across Indonesia, with Central Java having the lowest minimum wage (Rp910,000) and Jakarta the highest (Rp2,441,301) in 2014.[62]

Source: ILO (2015a).

According to enterprises surveyed in the ILO homeworking study in Indonesia, the most compelling reasons for engaging homeworkers were organizational efficiency (38.3 per cent) and product demand (22.2 per cent) (figure 3.3).[63] By using homeworkers, employers could efficiently respond to fluctuations in labour demand. Labour savings were less important than production considerations but they still influenced decisions (11.1 per cent of employers indicated lower wage costs and 7.4 per cent indicated "no formal obligation" towards the homeworker). Another 8.6 per cent cited "social reasons", meaning that sometimes homeworkers were engaged as a means to provide a source of income to people in need, such as widows.

Figure 3.3 Main reason stated by enterprises for engaging homeworkers, Indonesia, 2015

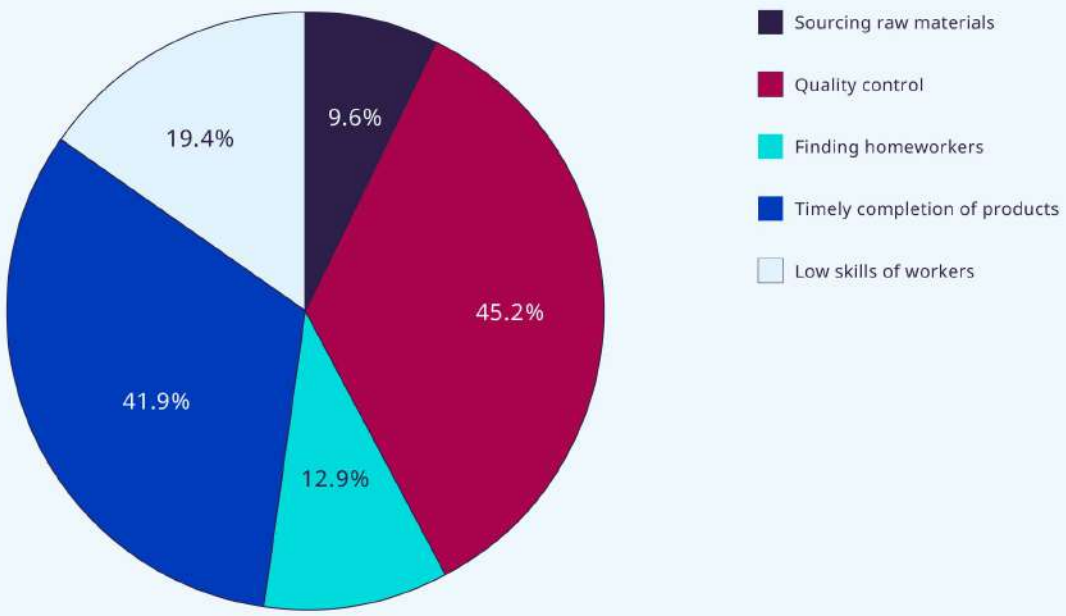


Note: The survey was of 45 employers who engaged homeworkers; multiple responses were allowed.

Source: ILO and APINDO (2015).

Nevertheless, the decision by enterprises to engage homeworkers must be weighed against its disadvantages. For the Indonesian employers in question, the greatest challenges faced in using homeworkers were quality control (45.2 per cent) and timely completion of work orders (41.9 per cent) (figure 3.4).[64] Although payment would be withheld if homeworkers failed to complete tasks to quality specifications or on time, there was nonetheless a loss for the enterprises, both in time and money. Enterprises also ran the risk of damage to the reputation of the firm if they failed to deliver the orders or delivered orders of poor quality.

Figure 3.4 Challenges in working with homeworkers, Indonesian enterprises, 2015



Note: The survey was of 45 employers who engaged homeworkers; multiple responses were allowed.

Source: ILO and APINDO (2015).

Historically, enterprises that used the putting-out system were concerned about workers embezzling raw materials, such as yarn used for knitting, or engaging in other fraudulent practices such as exchanging poor wool for good wool or wetting wool so that it would weigh more when they delivered the product.[65] In the Indonesia study, some employers indicated that homeworkers sometimes copied the model of a product patented by the buyer/customer of the employer and supplied it to other companies, or that homeworkers used the capital provided to purchase raw materials for personal purposes.[66] These occurrences were likely to be rare, however, as the enterprises did not list them as significant obstacles. Quality control, on the other hand, continues to be of great concern. Workers can also be a source of innovation in production. With homeworking, innovation is less likely to occur as homeworkers have little contact with other workers or managers, although this downside is more relevant for services than it is for simple manual tasks.

Another challenge that enterprises face is how to organize the distribution of work. While some enterprises engage with homeworkers directly, most often there is an intermediary who manages the work of homeworkers.[67] An intermediary is known by many names, including "trader", "agent", "offtaker", "middleperson", "broker", "contractor" or "subcontractor", and their roles and responsibilities vary widely. Some intermediaries commission work from homeworkers on behalf of a company or customer on a commission basis, whereas others only deliver materials and pick up finished products without having much decision-making power, such as to set the rate of payment. Box 3.1 illustrates how one factory in Turkey designated one of its employees to organize its work with homeworkers.

In general, the tasks of an intermediary include most or all of the following:

1. establishing contact between homeworkers and the buyers/sellers of the goods to be produced by them;
2. discussing the specifications of the product and providing instructions to homeworkers;
3. organizing the production of goods with homeworkers;
4. negotiating the production and sale of goods produced by homeworkers;
5. temporarily storing the goods produced by homeworkers;
6. transporting raw materials and finished products between employers and homeworkers.

The decision by enterprises to **engage homeworkers** must be weighed against its disadvantages

Box 3.1 Managing subcontracting relations with homeworkers in Istanbul, 2019

One garment factory in Istanbul designated one of its employees as responsible for managing and organizing production with the homeworkers. She worked with the van driver, also a factory employee, who was in charge of carrying the garments. The work was distributed to homeworkers who lived in neighbourhoods close to the garment factory; they were all women and were paid by the piece. The factory employee demonstrated to the women what should be done to the new pieces and kept records of the garments distributed and the payments each worker should receive. She could decide independently how many pieces were to be subcontracted and to whom. This woman, Serpil, who was 35 years old and the mother of two children, told the following story of how she became the intermediary for the factory.

"I am good at maths and also a high-school graduate. Most of my colleagues are primary school graduates and I was quick to learn every job at the factory. So, our manager (*müdür*) asked me to do this job when they decided to subcontract some tasks to women instead of doing them in the factory. Now, we have 50 women in different *mahalles* around here and some of these women have been working for more than eight years. What I do is very difficult because if a piece is missing or something is wrong with the quality of the work, I am responsible. I try to work with women whom I trust and have known for a long time. In the beginning, there were just a few women whom I reached through my own personal contacts and mostly from my own family and neighbourhood. We need to make sure that women have skills to do the job. Even though most women have sewing and embroidery skills it is more important to follow the designs and be precise, clean and on time."

Although Serpil was an ordinary worker in the factory, she was a de facto manager of the homeworkers, making decisions about the allocation of work, providing guidance on how it should be done, ensuring the timely completion of tasks and processing payments. For the homeworkers, maintaining a good relationship with Serpil was necessary for ensuring regular access to piecework.

Source: Dedeoğlu (2019).

There are few empirical studies of intermediaries, though in 2015, as part of the Indonesian study, the ILO carried out a survey of 41 intermediaries working in the manufacturing sector, including textiles, wearing apparel, footwear, wood and other light industries. Two thirds of the intermediaries were women. Intermediaries had higher levels of education than the average for the labour force and that of homeworkers, but they also stated that they worked as intermediaries because they had limited opportunities to secure employment in the formal economy. About 55 per cent considered themselves to be own-account workers or employers, whereas the remaining 45 per cent identified themselves as employees.

The intermediaries typically cooperated with only one enterprise, for which on average they had been working for six years. Most intermediaries worked in the absence of formal work agreements, with an employment relationship based on trust. They described their job as to provide a coordination mechanism between homeworkers and enterprises. The intermediaries worked an average of 4 to 5 hours per day for 5 to 6 days per week. They tended to work in split shifts, whereby they delivered materials to homeworkers in the morning and collected finished products in the evening. Their working hours were highly dependent on the number of homeworkers under their coordination and the production capacity of the homeworkers. The intermediaries interviewed worked with an average of 20 homeworkers (ranging between 5 and 50).

The income of intermediaries was usually based on commission or a margin based on the number of items or volume of goods that were produced by the homeworkers. Most intermediaries determined their rates of remuneration themselves (43.9 per cent) or together with the enterprise for which they worked (31.7 per cent). As such, they had a substantial degree of self-determination and bargaining power in determining their rates of remuneration.

Intermediaries reported that they faced challenges in their work from both enterprises and homeworkers. With respect to enterprises, intermediaries reported that the main challenges faced were the uncertainty of orders from enterprises, product defects and rush orders. With respect to homeworkers, the main challenges were the timely completion of products, quality control and the low skill level of homeworkers.

▶ 3.4 Summary

Although technological advances can replace the need for homeworkers, they can also spur their use.

Home work is not an anachronistic method of production of a bygone era; rather, it has shifted to new geographical locations along with shifts in economic activity. Hence, the garment and shoe producers who worked in Scandinavia and the United States in the early and mid-twentieth century now work in garment and shoe production centres in the developing world. And as we will see in Chapter 4, new types of economic activity have been accompanied by the development of new forms of home work in North America, Europe and other regions of the world.

Still, the reasons for incorporating homeworkers into production (or not) vary from country to country and product to product, and also depend on social and cultural considerations. Homeworking is a highly gendered form of production that relies, in most instances, upon an available supply of women to do the work. As women gain more opportunities for engaging in work outside the home – because economic opportunities increase, because they have better qualifications or because affordable, quality childcare becomes available – it may become more difficult for enterprises to rely on homeworkers. The role of the state in supporting or discouraging homeworking – either directly as in the above-mentioned case of Taiwan (China) or indirectly through the provision of public day care – has a bearing on the use of this form of production. States may also come to support homeworking as a means to mitigate environmental degradation and congestion, or as demonstrated in the COVID-19 pandemic, as a means to protect public health.

As described above, homeworking is a highly flexible form of production that allows enterprises to respond swiftly to shifts in product demand and reduce costs. But this flexibility can come at a high price for homeworkers, who bear the brunt of decisions made by employers to reduce or suspend production. When retailers in the United States were forced to temporarily close their doors as a result of COVID-19 lockdowns, many of them cancelled orders with suppliers in Bangladesh. That abrupt cancelling of orders has meant that homeworkers are no longer receiving tasks and worse, there are reports of homeworkers not being paid for completed tasks.[68]

Although home work's demise has been heralded many times, it is clear that industrial homeworking will be with us for the foreseeable future. The social and economic implications of home work and the regulatory challenges they pose – will likewise be with us for a long time. Understanding its use by enterprises, in both manufacturing and services, is critical for forging the policies necessary to ensure that in the twenty-first century, home work can support sustainable enterprises and decent work.

▶ Endnotes

1 David S. Landes, *The Unbound Prometheus: Technological Change and Industrial Development in Western Europe from 1750 to the Present* (Cambridge University Press, 2003), pp. 118–119.

2 Rowbotham Sheila, and Jane Tate, "Homeworking: New Approaches to an Old Problem", in *Women, Work and the Family in Europe*, ed. Eileen Drew, Ruth Emerek, and Evelyn Mahon (Manchester University Press, 1998), 112–130; "La renaissance du travail à domicile dans les économies développées", *Sociologie du travail* 25, No. 3 (1983): 313–35.; Radhika Balakrishnan, *The Hidden Assembly Line: Gender Dynamics of Subcontracted Work in a Global Economy* (Kumarian Press, 2002).

3 For value of apparel industry, see Sheng Lu, "Market Size of the Global Textile and Apparel Industry: 2015 to 2020", FASH455 Global Apparel &Textile Trade and Sourcing (blog); WTO trade data gives global garment export (cost of production) in 2018 at US$494 billion.

4 David Kucera and Fernanda Bárcia de Mattos, "Automation, Employment, and Reshoring: Case Studies of the Apparel and Electronics Industries", *Comparative Labor Law & Policy Journal* 41, No. 1 (2020).

5 Mark Lazerson, "A New Phoenix?: Modern Putting-Out in the Modena Knitwear Industry", *Administrative Science Quarterly* 40, No. 1 (1995): 34–59.

6 See, for example, Peter Lund-Thomsen, "Labor Agency in the Football Manufacturing Industry of Sialkot, Pakistan", *Geoforum* 44 (2013): 71–81; and Jamie Faricellia Dangler, *Hidden in the Home: The Role of Waged Homework in the Modern World-Economy* (State University of New York Press, 1994).

7 Kenneth Pomeranz, *The Great Divergence: China, Europe, and the Making of the Modern World Economy* (Princeton University Press, 2000).

8 Franklin F. Mendels,"Proto-Industrialization: The First Phase of the Industrialization Process", *The Journal of Economic History* 32, No. 1 (1972): 241–61.

9 Hans Medick, "The Proto-Industrial Family Economy: The Structural Function of Household and Family during the Transition from Peasant Society to Industrial Capitalism", *Social History* 1, No. 3 (1976): 291–315.

10 Medick.

11 Sonya O. Rose, "Proto-Industry, Women's Work and the Household Economy in the Transition to Industrial Capitalism", *Journal of Family History*, 13, No. 1(1988): 181–193.

12 Ronald Aminzade, "Reinterpreting Capitalist Industrialization: A Study of Nineteenth-Century France", *Social History* 9, No. 3 (1984): 329–50.

13 Aminzade.

14 Chantal Rey, "Travail à domicile, salarié ou indépendant. Incidence des nouvelles technologies de l'information et de la communication", *Innovations* 13, No. 1 (2001): 173–193.

15 Eileen Boris and Cynthia R. Daniels, *Homework: Historical and Contemporary Perspectives on Paid Labor at Home* (University of Illinois Press, 1989).

16 Eileen Boris, *Home to Work : Motherhood and the Politics of Industrial Homework in the United States* (Cambridge University Press, 1994).

17 Matthew W. Finkin, "Beclouded Work, Beclouded Workers in Historical Perspective", *Comparative Labor Law & Policy Journal* 37, No. 3 (2016): 603–18.

18 Ekholm, Laura. "The Garment Industry and Home-Based Industrial Work in the Swedish and Finnish Business Censuses", paper presented at a conference on the theme "Long-term perspective on home-based work", Stockholm, 2018.

19 Ekholm.

20 Ann Kristin Klausen, *The Shoe Nesnalobben and Why It Was Made by Homeworkers* (2018).

21 Klausen, p. 4.

22 In 2003, production of the shoe moved to a factory in Estonia, in part because of the difficulty of finding workers to do the job; see Klausen.

23 ECLAC/ILO, "The Future of Work in Latin America and the Caribbean: Old and New Forms of Employment and Challenges for Labour Regulation", *Employment Situation in Latin America and the Caribbean*, No. 20 (May 2019).

24 Gabriel Salazar, "La Mujer de 'bajo pueblo' en Chile: Bosquejo Histórico", *Proposiciones*, No. 21 (1992), 99–101.

25 Faranak Miraftab, "Space, Gender, and Work. Home-Based Workers in Mexico", in *Homeworkers in Global Perspective: Invisible No More*, ed. Eileen Boris and Elisabeth Prügl (Routledge, 1996); Lourdes Benería and Martha Roldán, *The Crossroads of Class and Gender* (University of Chicago Press, 1987).

26 ILO, "Hours of Work in the Clothing Industry", *International Labour Review* 72, No. 1 (1955): 303–29, 326.

27 Eileen Boris, "Regulating Industrial Homework: The Triumph of 'Sacred Motherhood'", *The Journal of American History* 71, No. 4 (1985): 745–763.

28 Alice Zimmermann, "Home Work in Switzerland", *International Labour Review* 62, No. 3–4 (1950), p. 242.

29 Zimmermann, p. 250.

30 Ping-Chun Hsiung, *Living Rooms as Factories. Class, Gender, and the Satellite Factory System in Taiwan* (Temple University Press, 1996).

31 Elisabeth Prügl, *The Global Construction of Gender: Home-Based Work in the Political Economy of the 20th Century* (Columbia University Press, 1999).

32 Jasleen Dhamija, "Handicrafts: A Source of Employment for Women in Developing Rural Economies", *International Labour Review* 112 (December 1975): 460; cited in Prügl.

33 Dhamija, p. 464.

34 Mireia Baylina and Michaela Schier, "Homework in Germany and Spain: Industrial Restructuring and the Meaning of Homework for Women", *GeoJournal* 56 (2002): 295–304.

35 ILO, "Homeworkers in Indonesia: Results from the Homeworker Mapping Study in North Sumatra, West Java, Central Java, Yogyakarta, East Java and Banten", 2015.

36 ILO, "Indonesia: Homework and Enterprises - Survey Findings", 2015.

37 Maria Mies, *Housewives Produce for the World Market: The Lace Makers of Narsapur* (ILO, 1980).

38 Akihiko Ohno, "Relational Contracting for Rural Artisanal Products: The Case of the Lao Handweaving Industry", *The Developing Economies* 58, No. 1 (2020): 3–29.

39 Ohno.

40 ILO, "Making Ends Meet: Bidi Workers in India Today: A Study of Four States", Sectoral Activities Programme Working Paper, 2003.

41 Calculations based on Periodic Labour Force Survey, using weights of Prof. G. Raveendran.

42 Indrani Mazumdar, *Homebased Work in 21st Century India*, Occasional Paper No. 64 (Centre for Women's Development Studies, 2018).

43 The OSH risks and earnings of beedi rollers will be discussed in Chapter 5.

44 Ratna M. Sudharshan, Shanta Venkataraman, and Laveesh Bhandari, "Sub-contracted Home Work in India – A Case Study of Three Sectors", in *Asian Informal Workers: Global Risks Local Protection*, ed. Santosh K. Mehrotra and Mario Biggeri (Routledge, 2007); cited in Mazumdar.

45 Barbara Mihm, "Fast Fashion In A Flat World: Global Sourcing Strategies", *International Business & Economics Research Journal (IBER)* 9, No. 6 (1 June 2010); Mark Anner, "Predatory Purchasing Practices in Global Apparel Supply Chains and the Employment Relations Squeeze in the Indian Garment Export Industry", *International Labour Review* 158, No. 4 (2019): 705–27.

46 ILO, "Purchasing Practices and Working Conditions in Global Supply Chains: Global Survey Results", INWORK Issue Brief No. 10, June 2017.

47 Anner.

48 Saniye Dedeoğlu, "Homeworkers in Turkey: Home Bounded – Global Outreach", study commissioned by the ILO, 2019.

49 Dedeoğlu.

50 Lazerson, p. 34.

51 Lazerson.

52 Elizabeth Paton and Milena Lazazzera, "Inside Italy's Shadow Economy", *The New York Times*, 20 September 2018.

53 Toffanin, Tania, *Fabbriche invisibili: storie di donne, lavoranti a domicilio* (Ombre Corte, 2016).

54 Hsiung.

55 Jill Rubery and Frank Wilkinson, "Outwork and Segmented Labour Markets", in The *Dynamics of Labour Market Segmentation*, ed. Frank Wilson (Academic Press, 1981).

56 PIACT and DOLE, "Asian Subregional Tripartite Seminar on the Protection of Homeworkers" (ILO, 1988), pp. 40–41.

57 Chris Tilly, Rina Agarwala, Sarah Mosoetsa, Carlos Salas and Hina Sheikh, "Final Report: Informal Worker Organizing as a Strategy for Improving Subcontracted Work in the Textile and Apparel Industries of Brazil, South Africa, India and China" (United States Department of Labor, 2013), p. 89.

58 ILO, *Home Work*, ILC.82/V(1), 1995, p. 16.

59 PIACT and DOLE, p. 40.

60 ILO and APINDO, "A Study on the Practices of Employers in Engaging Homeworkers in West Java and Central Java Provinces", 2015.

61 ILO, "Indonesia: Homework and Enterprises - Survey Findings", 2015.

62 Peter Lund-Thomsen, Khalid Nadvi, Anita Chan, Navjote Khara and Hong Xue , "Labour in Global Value Chains: Work Conditions in Football Manufacturing in China, India and Pakistan", *Development and Change* 43, No. 6 (November 2012): 1211–37.

63 ILO and APINDO.

64 ILO and APINDO.

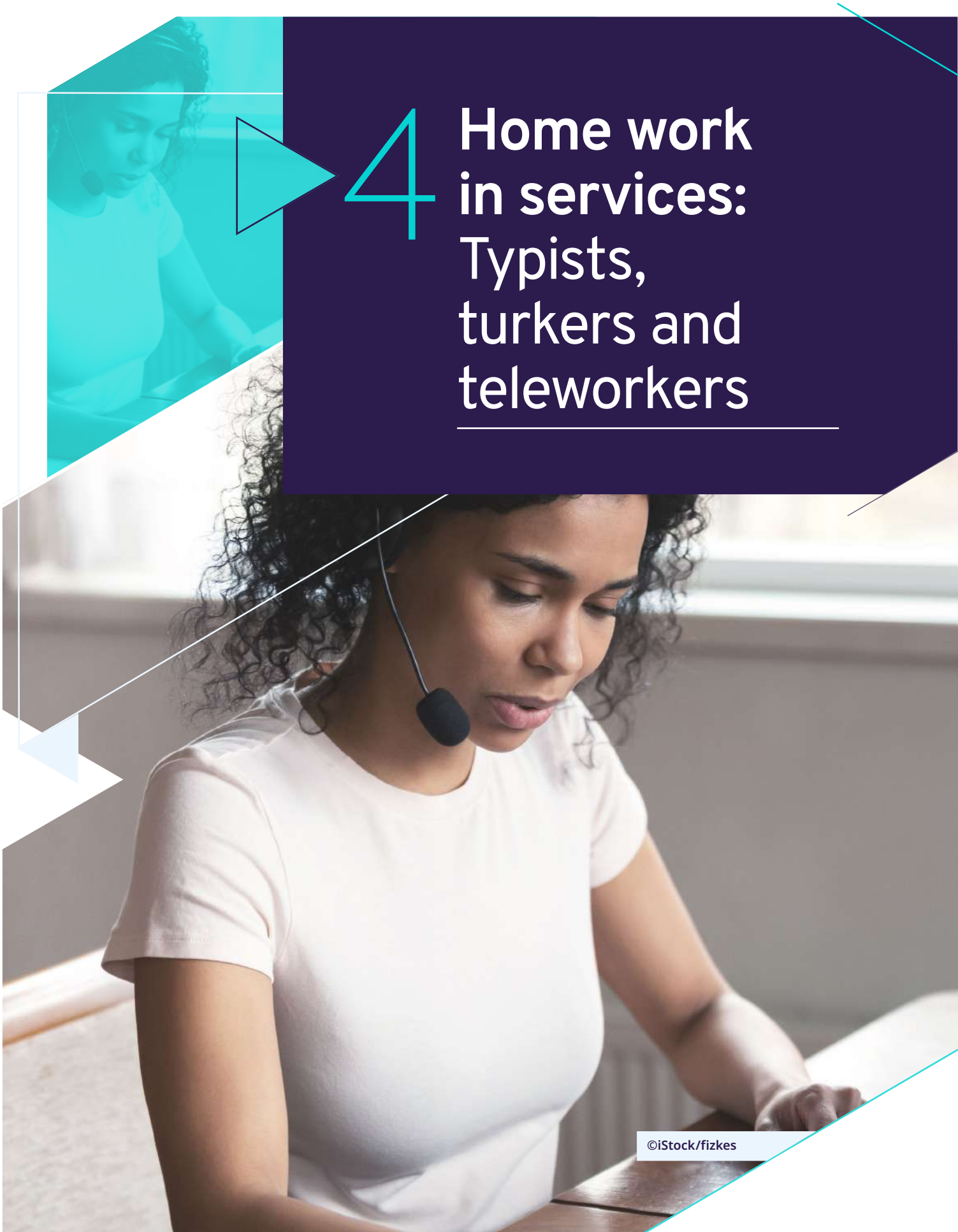
65 Finkin.

66 ILO and APINDO.

67 This section draws heavily on ILO, "Indonesia: Homeworkers and Intermediaries – Survey Findings", 2015.

68 Marlese von Broembsen, "The World's Most Vulnerable Garment Workers Aren't in Factories – and Global Brands Need to Step up to Protect Them", *WIEGO Blogs* (blog), 21 April 2020.

4 Home work in services: Typists, turkers and teleworkers



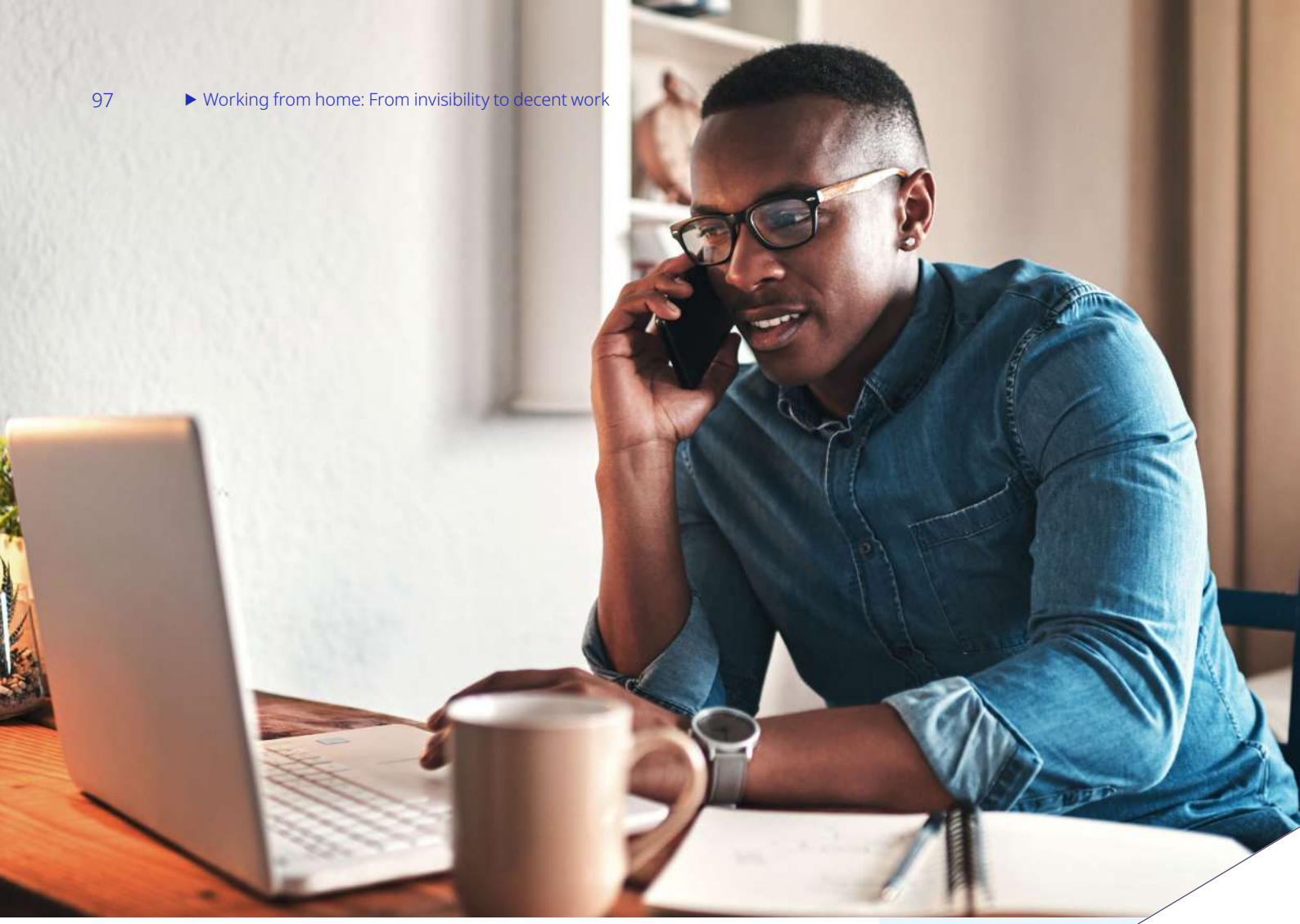
©iStock/fizkes

Working from home has jumped to

20-30 per cent

of the labour force

depending on the country



©iStock/Ridofranz

Although home work has been traditionally associated with light manual work, in many parts of the world it is more prevalent in the services sector. Technological developments, beginning with the typewriter, followed by the personal computer, the internet and cloud computing, have over time opened up new possibilities for working from home. But it is also true that while technology has been critical for the development and geographical dispersion of home work in services, in some instances pencils were the only tools needed. As in industrial home work, the degree of outsourcing to the home has rested on the ability to fragment tasks and permit work to be carried out with limited supervision – or to find new methods of supervision based on output rather than labour input or through different forms of technological monitoring. Yet because of the wide range of service activities, home work in the services sector encompasses a wider range of skill levels than industrial home work and is often performed by professional and managerial workers.

The lockdowns associated with the COVID-19 pandemic have created new interest in the consequences for organizations and their workers of working from home. From a relatively limited practice – accounting for approximately 3 per cent of employees prior to the pandemic – working from home has jumped to 20 or 30 per cent of the labour force, depending on the country.[1] As such, it is of interest to better understand how home work in the services sector has evolved over time and the potential implications for enterprises and other organizations of relying on this form of work.

▶ 4.1 Typists: Early home work in services

The earliest account of home work in services date from the 1880s, prior to the invention of the typewriter, when "deserving" widows in the United States would receive copy work to do at home, usually from government agencies.[2]

In the United States in 1940s, a shortage of typists, particularly during the Second World War, coupled with an expanding direct mail industry, led employers to turn to outwork as a means to address labour shortages, irregular work flows and bottlenecks arising at the typing stage. Homeworkers would reproduce letters by hand or machine, prior to addressing and mailing them. Typists produced three and four-line addresses for work that was characterized by the contractors as "dull, repetitive and not too stimulating".[3] By the early 1950s in New York, the direct mail industry had 114 employer permits and 7,337 homeworker certificates, as opposed to 579 permits and 5,586 certificates for all other industries, indicating the extent of home clerical work at the time. [4]

The French printing and publishing industries also began to rely on homeworkers for typing beginning around the 1930s.[5] In Germany, however, few enterprises engaged clerical homeworkers despite important labour shortages, especially in the 1960s. Married women were instead encouraged to perform part-time work on the premises, often with temporary contracts of just a few months. Such part-time, short-term contracts were viewed as a means to permit married women to more easily balance work with domestic responsibilities, foreshadowing the development of private employment agencies.[6]

Clerical homeworking was also prominent in Australia, expanding in the second half of the twentieth century. Data from the 1981 census showed that there were 69,000 women working as clerical homeworkers, amounting to just under one third of women homeworkers, leading researchers to conclude that the home-based clerical workforce was at least as large as the number of apparel homeworkers.[7] Similarly, in the United Kingdom, the 1968 homeworking survey revealed a trend in homeworking away from manufacturing and towards white-collar services jobs. In the early 1980s, a national survey estimated that there were 330,000 homeworkers in England and Wales, half of them in clerical fields.[8] As in other countries, homeworking was common for tasks such as typing, addressing envelopes, punching computer cards and collating survey data.[9]

Prompted by the potential gains from homeworking and advances in technology, scores of well-known corporations undertook experiments in the 1970s and 1980s, sometimes involving clerical homeworking but also aimed at professional occupations and managers. Tasks included key-punching, stock analysis, computer programming, billing and the making of airline reservations and involved industries as diverse as banking, insurance, airlines and telecommunications. Many of the "cottage keyers" and "telecommuters", as they were

referred to in the projects, were drawn from the companies' own internal staff, though sometimes new workers were recruited.[10] Among the large American companies experimenting with homeworking were Montgomery Ward, Arthur D. Little, Blue Cross-Blue Shield, Standard Oil of Indiana and the First National Bank of Chicago.[11] Yet for F International, a British IT company founded in the early 1960s, homeworking was not an experiment but at the core of its organizational strategy (see box 4.1).

As many corporate experiments were featured in the popular press,[12] government agencies in the United States,[13] the United Kingdom[14] and Australia[15] were prompted to commission studies of the trend. In the United States, the rise of clerical homeworking renewed long-standing regulatory debates, as some employers opted for engaging homeworkers as independent contractors (see box 4.2). Others, however, hired their workers as home-based employees, though usually as part-time workers to avoid the payment of additional benefits.

In the early 1980s, the Wisconsin Physicians Services Insurance Corporation, a mid-sized insurance firm, hired home-based women to work as typists, coders and claims adjusters. The women were hired as part-time employees, thus making them exempt from medical, pension, sick leave and vacation pay; they also received lower pay then the on-site unionized staff. One of the motivations, as explained by a manager at the company, was "to expand outside the union … [to eliminate unions] staff without having to go through the hassles with the union", given that "there was never a good atmosphere at WPS in terms of unions versus management".[16] The homeworkers would receive the claims on their doorstep in the late afternoon, four days per week. The amount of work varied depending on work flow. The homeworker had 24 hours to complete the work except for the Thursday night delivery, when they had until Monday. Until 1984, the insurance claims were processed manually, but in the mid-1980s the company began to provide personal computers to some of the homeworkers. Contact with management was sporadic, though the homeworkers were sent monthly audit reports on productivity and error rates, on which pay raises were based. Most of the homeworkers were married with children and "middle class", but still felt a need for additional income. The homeworkers also viewed the job as a way to retain their ties to the labour market and still be home for their children. Nonetheless, as is common with working from home, most of the workers came to realize that that they could not perform their work and take care of their children at the same time, and instead worked early in the morning or at night when their children were asleep, or at other times when their children were occupied.[17]

As with apparel and other light manufacturing, the clerical work that was first outsourced to homeworkers would later be outsourced to developing countries, as advances in communication technologies permitted the seamless distribution of service tasks across borders. The rise of digital labour platforms, which is discussed below, has added a new twist to outsourcing. Whereas at first outsourcing was to the home, but in the same country, it then shifted overseas to back-office entities or subcontractors located abroad in the form of work performed on-site (commonly known as "business process outsourcing"). The latest development reintroduces the homeworker – but one who is located across borders.

Box 4.1 F International: Women homeworkers and information technology

A pioneer in IT homeworking was F International, a British information technology company founded in 1962 with the specific objective of providing work for computer professionals with family responsibilities. The founder, Mrs "Steve" Shirley, had worked as a senior programmer at a large computer manufacturer but left this position upon childbirth. Knowing that there were many female programmers who did not want to abandon their careers, particularly in a fast-changing IT service industry, but also wanted more flexibility to accommodate their family life, she founded the company based on a homeworking model.[18]

By the mid-1980s, the company had grown to have a workforce of around 1,000 workers in Europe and North America, with revenues of 10 million US$.[19] Ninety-five per cent of the workforce were women and less than 10 per cent of the company was office-based, with the rest working from home or at the clients' premises. As the company provided IT services, work was organized around projects, with "panel members" called as assignments became available. To be hired as a panel member, candidates had to show that they had at least four years' experience as a programmer, analyst or consultant and be prepared to work at least 20 hours a week, including two days outside the office at the clients' premises. Panel members could stipulate periods they did not wish to work and also decline assignments.

An elaborate system of project management ensured control of the work. At the beginning of a project, a dedicated project manager would estimate the number of hours of work needed and contract a project team to complete work within the allotted time span, with each individual team member agreeing to the number of hours needed to complete her part of the job. This was deemed essential for monitoring purposes and accurate costing. Once the project was under way, regular progress reports kept track of schedule.

According to management, pay rates compared favourably with those for equivalent full-time work carried out in a traditional setting; but as most of the workers were contractually classified as self-employed, they were not eligible for employment-related benefits such as paid leave. Essential equipment was provided by the company and the company also offered extensive training courses, through individual home-study packs and weekend courses. Participating in training, however, was not compensated. In the late 1980s, 35 per cent of the workforce had more than five years of tenure and 53 per cent had more than three years.

Box 4.2 Clerical home work: The resurgence of legal debates

Because the United States had a long history of banning home work, the rise of homeworking in the clerical professions renewed long-standing debates on the issue, particularly about whether it should be allowed and how workers should be legally classified. In the 1950s and 1960s, some courts ruled that "persons who address envelopes and labels in their homes were employees under the FLSA and that advertising agencies, addressing services, and insurance companies were not the kinds of retail or service industries exempted from the wage and hour law".[20]

Nevertheless, the practice by enterprises of classifying clerical homeworkers as independent contractors, coupled with reports about low earnings and concerns over the potential deterioration of working conditions of on-site workers, led the American union federation, the AFL-CIO, to call for the ban of clerical home work, similar to the bans imposed on certain types of industrial home work.[21] As stories of the increasing practice of clerical home work gained attention in the 1980s, the United States Government conducted research and held hearings to surmise the situation of home-based clerical work in the country, with regulation figuring prominently in the discussion.[22] The committee noted how,

> Most homeworkers are paid on a piecework basis, whether measured by pages typed, claims processed or computer strokes recorded. And most homeworkers are paid considerably less than their office counterparts … another major factor is the absence of benefits, such as health insurance, vacation and sick leave … Clerical homeworkers are frequently labelled "independent contractors" by their employers, whether they transfer from on-site status or are hired initially to work at home. All of the witnesses at the hearing were of the view that this description is in most cases inaccurate and confusing. (p.3)

The committee nonetheless concluded that,

> The potential and even the known dangers of exploitation of the vulnerable group of clerical homeworkers are not sufficient to justify a total ban on home office work. The mixed blessing which home work provides for thousands of women at some stages of their lives is a legitimate option, but one which requires protection through legislation, enforcement programs and enlightened employer attitudes end practices. (p.8)

It recommended that "employers comply with legal definitions of 'employee' and 'independent contractor' and follow requirements for treatment of their employees at home as well as on-site and without regard to whether they are paid on a piece-rate basis" (p. 9), including by removing "safe haven" provisions in the United States tax code, which, under certain conditions, exempt employers from needing to reclassify their workers if they are found to be employees.[23]

4.2 Turkers: Homeworking on digital labour platforms

> "At Pinterest, we have a growing dataset of billions of ideas, and we're tasked with showing the right idea to the right user at the right time. Taking advantage of Amazon Mechanical Turk's powerful crowdsourcing platform, we built a high-quality human evaluation system that could scale with our needs."

– Veronica Mapes, Technical Program Manager for Human Computation, Pinterest[24]

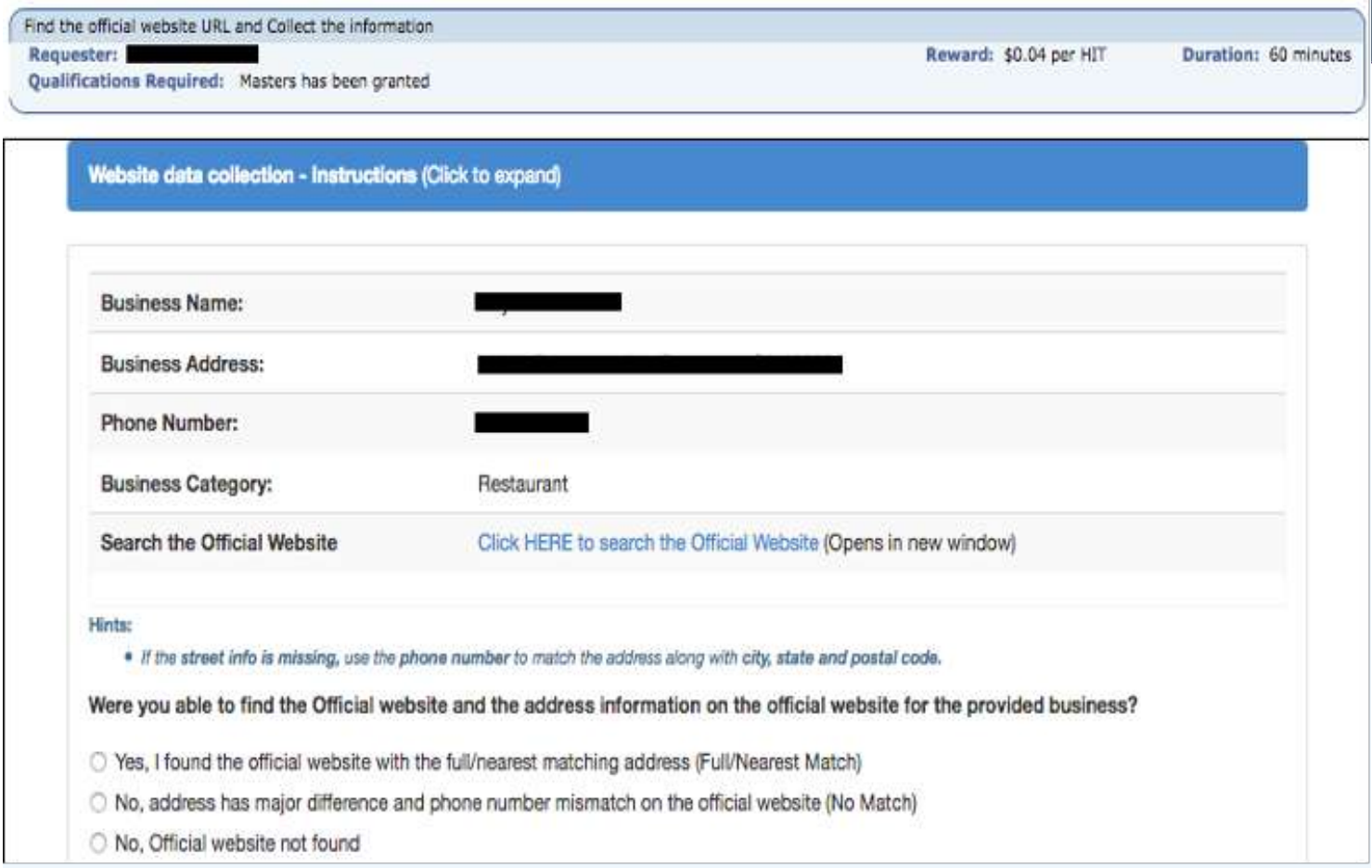
In the early 2000s, the online retailer Amazon was struggling with duplicate entries on its growing online marketplace. Because it offered products from multiple vendors – and each vendor entered product information separately – the catalogue would repeat product listings, but with names and descriptions that did not perfectly match. As a result, searches would return multiple slightly different entries for the same product up for sale. Amazon was unable to devise a computational solution that could recognize and filter out duplicates – although such identification would be trivially simple for a human. Therefore, it created an internal website for employees to catalogue entries and mark the duplicates during their "spare time".[25]

Recognizing the power of this tool, Amazon decided to open the platform to external clients – and external workers – for a wider variety of tasks beyond the identification of duplicate product entries.[26] It described its service as "artificial artificial intelligence", "an on-demand, scalable, human workforce to complete jobs that humans can do better than computers, for example, recognizing objects in photos".[27] Today, a wide variety of tasks that are currently unable to be computationally automated can be completed in mere minutes by a "global, on-demand, 24 x 7 workforce", [28] known as "turkers" working on the Amazon Mechanical Turk (AMT) platform.

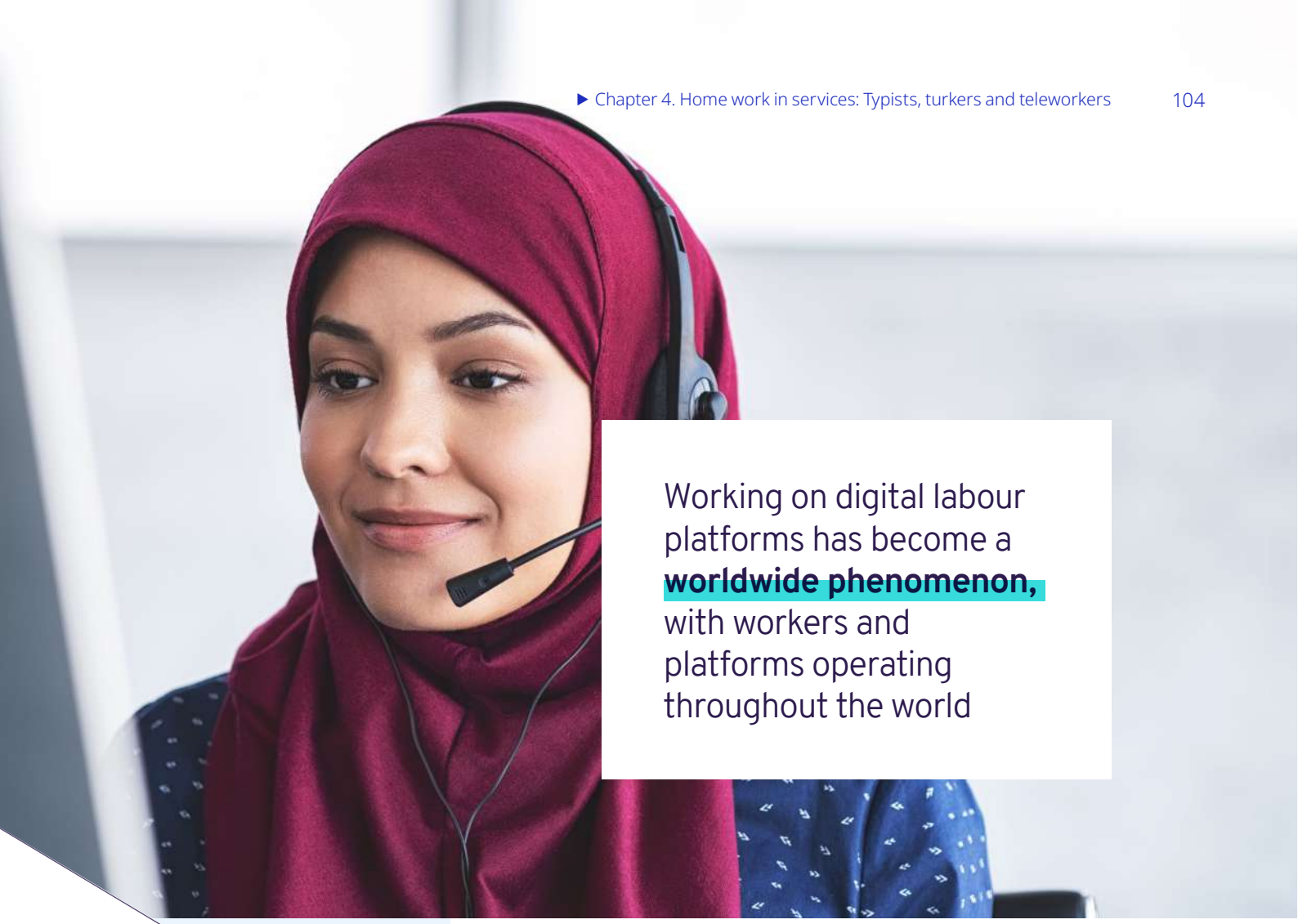
AMT is just one of many micro-task platforms in existence; other prominent micro-task platforms include the German Clickworker platform or the Australian Appen platform. Common tasks on micro-task platforms include product categorization; verifying and validating data (such as verifying a Twitter account is for a real person or tagging photos to train autonomous vehicle software); copywriting and other forms of content creation for websites; visiting websites or downloading apps to increase traffic and search optimization ("content access"); content moderation (the removal of pornography or violent images before they are uploaded on social media accounts); writing (fake) reviews, text or audio transcription; and filling out surveys, either for market research or academic purposes.[29] On the AMT platform, every hour approximately 10,000 new tasks are published and 7,500 are completed.[30]

Yet while the number of "requesters" (businesses or individuals using the platform) has grown, it is also true that on AMT as on other micro-task platforms, there is heavy use by a few requesters. Indeed, the top 0.1 per cent of requesters on AMT account for 30 per cent of activity (measured in the dollar value of tasks) and 1 per cent of requesters post more than 50 per cent of dollar-weighted tasks.[31] This is not surprising given that many platforms are being used by the tech industry to ensure the smooth operation of their systems.[32] Figure 4.1 gives an example of a "verification and validation" task undertaken to improve the quality of information on specific websites. This simple task pays US$0.04 to complete and is in line with the pay of most tasks. One study of the AMT platform found that 25 per cent of tasks paid U$0.01, 70 per cent paid US$0.05 or less and 90 per cent paid less than US$0.10.[33] Average earnings on the AMT platform, based on a plug-in that tracked the worker log data of approximately 2,500 workers over two years, was US$3.13 per hour, while the median hourly wage was around US$2 per hour. Only 4 per cent of the workers earned above the United States federal minimum wage of US$7.25 per hour.[34]

Figure 4.1 Example of a task for verification and validation



Source: Screenshot of a task on the AMT website, https://worker.mturk.com/; cited in Berg et al., 2018.



Working on digital labour platforms has become a **worldwide phenomenon,** with workers and platforms operating throughout the world

©iStock/ PeopleImages

While there are differences among platforms, in general they function as follows. Clients post tasks on the platform, either directly using an application programming interface or through the platform company, which breaks up the work into micro-tasks and then uploads it onto the platform. Workers see the task posted and as long as they have the right qualifications (usually a minimum threshold for their rating and experience, though they may also be required to pass unpaid qualification tests) and can access the job, complete it and submit it. Prices are set by the client or platform and there is no negotiation. The client pays a fee to the platform for the service rendered. The platform is thus an intermediary, similar to the subcontracting factory or broker in the garment industry discussed in Chapter 3.

"Micro-task workers" could thus be considered to be contemporary homeworkers.[35] As in traditional home work, they absorb many of the costs and risks of production, including paying for their computers, internet connection and electricity. They are paid by the piece or "task" and bear the risk of fluctuations in demand. The jobs often involve performing a fragmented task that is part of a larger final product in which they are not involved. But their work differs from traditional home work in that the process is highly automated, with little or no contact between the digital homeworker and the persons running the platform or their clients. Moreover, the workers are scattered across the globe, performing tasks for platforms and their clients some of whom may be located at the opposite end of the planet.

As the work involves the processing of online data, the system is highly automated and the workers are managed "algorithmically".[36] Workers sign up to the platform by agreeing to the terms of service; prior to receiving jobs, they usually have to take unpaid qualification tests that screen workers for basic skills and provide them with badges, qualifications or specific ratings that can allow them to access work. Tasks are posted on the platform and workers must monitor the platform, selecting jobs as quickly as possible as they are allocated to whoever grabs them first. Workers perform the task and submit the work. If the platform or client accepts the work, then the worker will receive a rating for the specific task and receive payment in their account, usually within 30 days, with the worker responsible for all bank fees. Sometimes the work is reviewed by a computer programme, who will accept the work if the answers coincide with the majority and reject if not. As in industrial home work, workers are not paid for rejected work. In a survey of 3,500 workers conducted by the ILO on five leading micro-task platforms, almost nine out of ten workers stated that they had had work rejected or payment refused. Only 12 per cent of respondents stated that all their rejections were justifiable.[37] Because the systems are automated, workers face difficulty in contesting such decisions, which is problematic given that rejections affect the workers' ability to get new tasks or even lead to workers being deactivated automatically (in effect fired) from the platform when a certain threshold of rejections is reached. For example, on AMT a standard criterion used to attribute work on the platform is an approval rate of at least 95 per cent. On the Microworkers platform, workers whose approval rate or "temporary success rate" falls below 75 per cent are prevented from performing jobs for the next 30 days. The rating systems also serve as a means to retain workers on an individual platform, as it takes time to acquire certain rankings and these rankings are not transferable to other platforms.

An ILO survey of crowdworkers, which was posted on five United States and European platforms in 2015 and again in 2017, found workers from 75 different countries. Most were highly skilled, with the majority having completed university studies and 20 per cent with postgraduate degrees. Unlike traditional industrial home work, there was a strong presence of men. In industrialized countries, the proportion of men and women was roughly similar, but in developing countries only one out of five workers were women. Analysing the motivations for performing crowdwork nonetheless revealed gender influences that were similar to industrial home work. Men were more likely to undertake crowdwork as a way to complement their income, whereas for women it was more likely to be their main job. Fourteen per cent of women reported that they crowdworked because they could only work from home, compared with just 5 per cent of men. Among Americans working on the AMT platform, 47 per cent of women compared to 24 per cent of men had children at the time of the survey, a huge gap of 23 percentage points.[38]

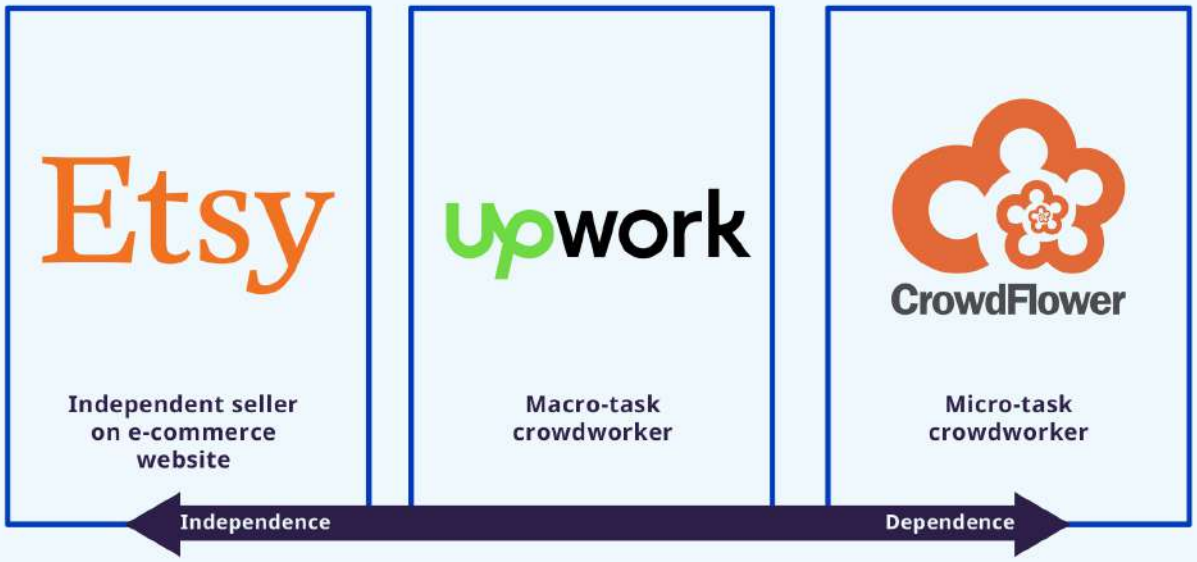
There were other similarities with industrial home work, particularly with respect to the intermittency of work, but also differences stemming from the geographic reach of the platforms, which ensured a readily available pool of workers. Among survey respondents, 88 per cent stated that they would like to do more work; 58 per cent stated that the reason they could not do more work was the insufficient amount of tasks available on the platform; and 17 per cent stated that they could not find sufficient well-paying tasks. Nonetheless, the majority of respondents regularly worked at least six days per week and many worked during the night (10 p.m. to 5 a.m. – 43 per cent)) or evening (6 to 10 p.m. – 68 per cent), either in response to task availability (often due to time zone differences) or because of other commitments. On average, in a typical week workers spent 24.5 hours doing crowdwork, of which 18.6 hours were paid and 6.2 hours were unpaid (time spent looking for tasks, completing qualification tests and so on).

In addition to micro-task platforms, there are other types of digital labour platforms that rely on home-based workers. Some of these are online, e-commerce marketplaces (such as Etsy, Ebay and Mercado Libre) in which independent artisans can sell their products. They decide on the price, negotiate the transaction and the platform earns a fee; they are not homeworkers but rather independent workers who typically work from home. Another category of platforms consists of "macro-task" platforms, on which workers offer their professional services in fields such as graphic design, IT programming,

statistical analysis, translation and other services, completing tasks that can take anywhere from a few minutes to a few months.[39] Well-known macro-task platforms include Upwork, Freelancer.com and Jovoto, though there are scores more, operating in different languages and markets and specializing in particular fields. Most of these platforms are designed so that workers set up individual profiles, indicate their expertise and their rate, with the final price for their work set via a bargaining process with clients. Clients can pay per project or hourly; if hourly, the platform facilitates the monitoring of the work through special software that counts keystrokes and takes random screenshots using the worker's webcam. The platform charges a fee, typically ranging from 10 to 25 per cent; depending on the platform, the fee is charged either to the worker or the client.[40]

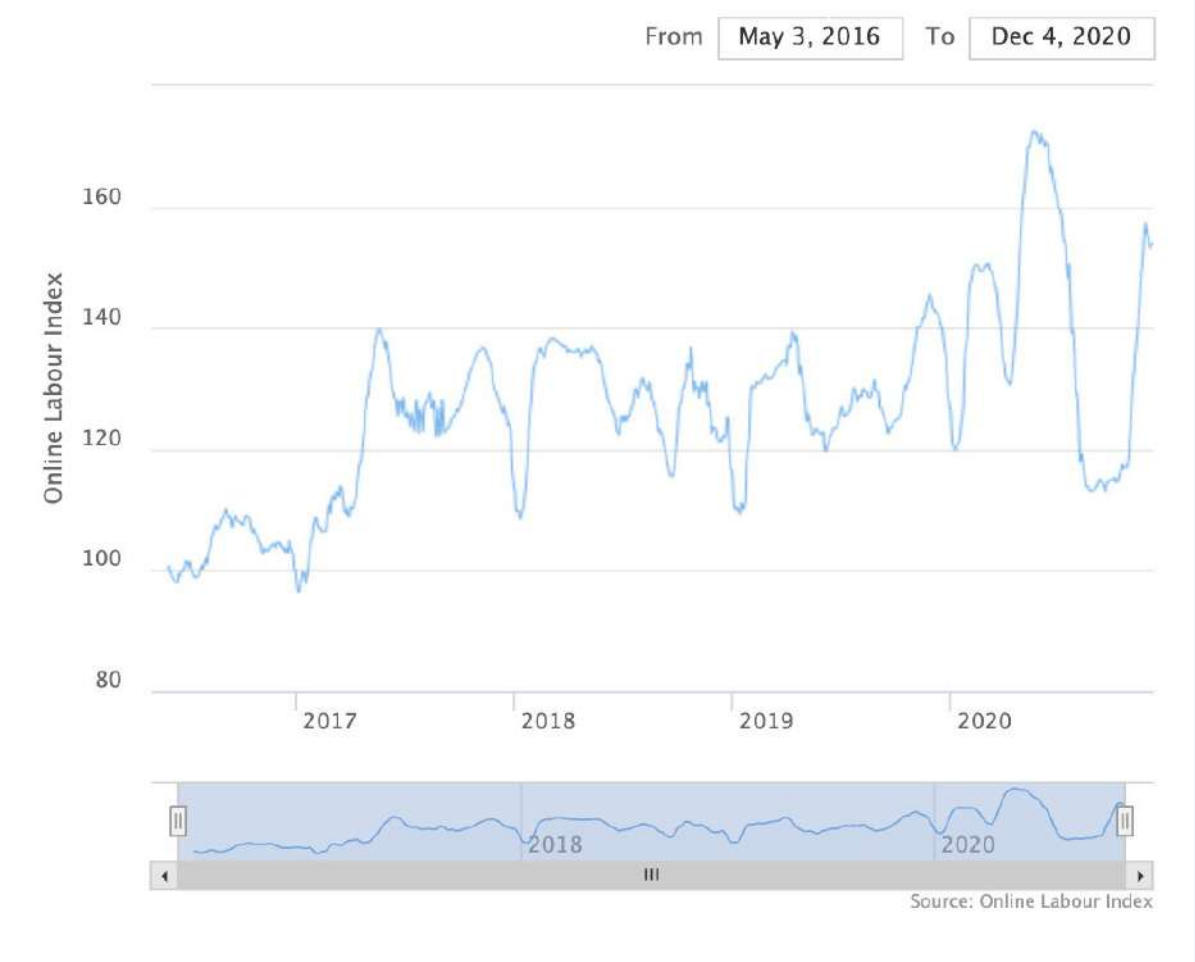
Though "macro-task" platform workers exercise greater independence than micro-task workers and, in principle, can negotiate rates for their services, they are at times subject to high levels of monitoring and control and may work exclusively for one client for months at a time. Moreover, they have limited access to capital, limited control in commercial transactions and are acutely aware of global competition from workers with similar skill sets. Like micro-task platforms, there is an excess supply of labour, with fierce competition from workers around the world. According to data from Upwork, in April 2019 there were 2.1 million workers registered on the platform but only 8.8 per cent had earned money through it, while only 5.9 per cent had earned more than US$1,000 from their time on the platform.[41] Figure 4.2 illustrates the spectrum of dependency existing on digital labour platforms, ranging from independent artisans selling their products to highly dependent, price-taking micro-task workers being paid by the task. Macro-task workers fall in the middle of this spectrum. In some instances, they are independent, but in other circumstances they may fall into a grey area of either dependent self-employment or even disguised self-employment, particularly when their work becomes heavily monitored and controlled by one "client".

Figure 4.2 Spectrum of dependency among home-based workers on digital labour platforms



Working on digital labour platforms has become a worldwide phenomenon, with workers and platforms operating throughout the world. The Online Labour Index of the Oxford Internet Institute tracks work posted onto the five largest English-language online labour platforms (both macro-task and micro-task platforms), according to the workers' location and the type of professional service offered. During the first few months of the COVID-19 pandemic, traffic increased sharply as demand for IT professionals surged;[42] it later fell during the northern hemisphere's summer months (see figure 4.3). On the five platforms tracked by the Online Labour Index, workers span all regions of the world, with an important concentration in Asia, irrespective of the professional service offered (see figure 4.4). In October 2020, the top ten countries with workers on the five platforms, in order of importance, were India, Pakistan, Bangladesh, the United Kingdom, the United States, Ukraine, the Russian Federation, the Philippines, Egypt and Indonesia.[43]

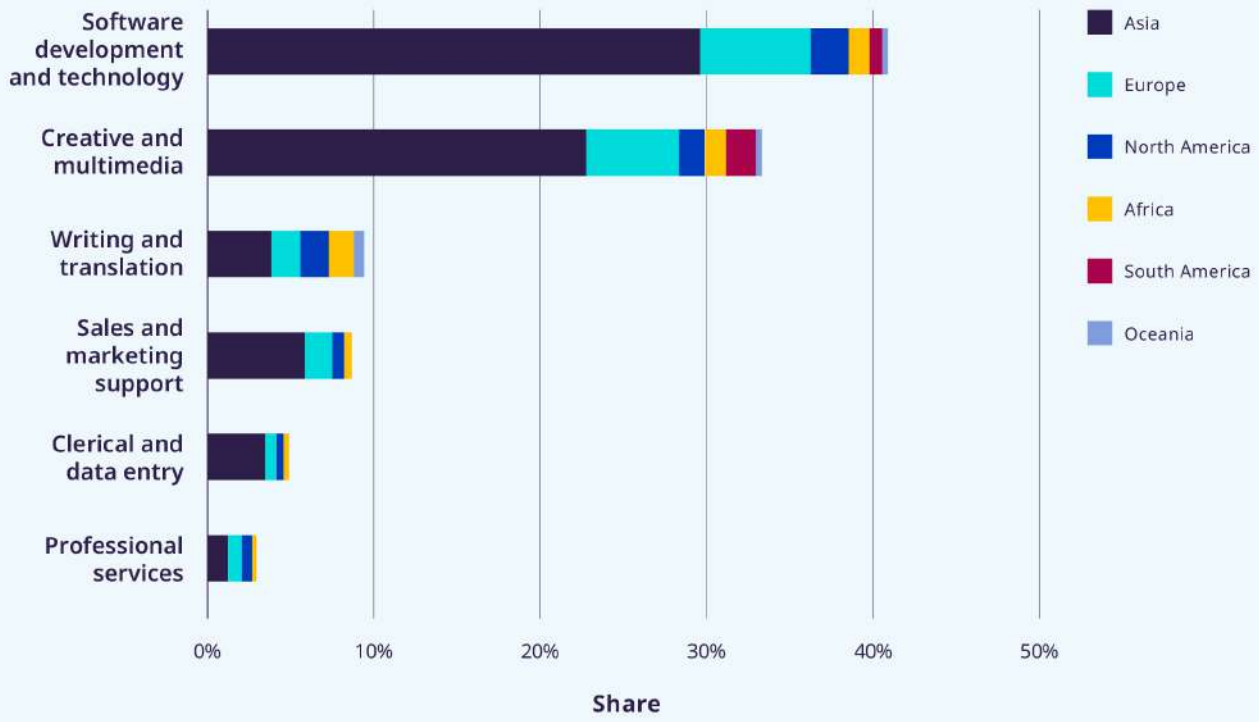
Figure 4.3 Growth in projects on online labour platforms, May 2016–September 2020



Note: The index is normalized so that 100 index points on the y-axis represents the daily average number of new projects in May 2016. Data is scraped from five largest English-language online labour platforms. Professional services include expertise such as marketing or accounting.

Source: Online Labour Index.

Figure 4.4 Geographical distribution of platform workers according to the services provided



Source: Online Labour Index.

The Online Labour Index tracks English-language platforms, yet there are many more platforms operating in different languages and with particular specializations. An ILO study of platform workers in Ukraine, for example, found that workers were working on over 40 different platforms serving post-Soviet, Russian-speaking markets, as well as international markets.[44] By 2016 in Ukraine, nearly every fifth Ukrainian white-collar office worker had tried work on digital labour platforms and expressed a desire to switch to it fully, while nearly half viewed it as a potential additional source of income.[45] Between 2012 and 2017, nearly 180,000 Ukrainians registered on the Upwork platform alone, earning $262 million over the same period.[46]

China has its own booming domestic online labour platform industry, boosted by demand from its e-commerce market, which in 2018 was already double the size of the United States market and was predicted to double again by 2020.[47] E-commerce has triggered demand for design, website programming and website maintenance for online businesses and has bolstered a need for online marketing services. ZBJ.com, the country's largest online labour platform, covers six industry categories, including brand creativity; product/manufacturing; software development; corporate management; corporate marketing; and personal life services. More than 600 different job and task categories are listed on the platform,[48] which includes craft and assembly work (though in just

a tiny proportion of the work offered). While such work exists in the West through individual websites or direct contact with companies, it has not been found in studies of Western platforms. Common types of craft and assembly work offered include beading, cross-stitching, fabricating hand-made dolls, printmaking, LED light assembly and electronic device assembly. After the task is accepted the materials are shipped to the worker, who assembles the products and returns them when completed, usually by mail, to the client. The craft and assembly work is paid per unit, with the fee determined by the client. This work is industrial outwork but is mediated through a digital labour platform.[49]

In addition to posting tasks on platforms, some companies engage home-based workers directly, often across international borders. These work relationships may originally initiate through contact on a platform, but the working relationship goes off platform. In Ukraine, one third of respondents stated that they had worked directly with a client, bypassing the platform through which initial contract was established. Focus groups with platform workers in Ukraine also revealed the incidence of what they describe as "closed" platforms that could only be accessed by invitation. To be accepted, workers have to prepare their application and pass through several interview stages that are conducted over communication software. Once admitted, workers receive a constant stream of work and pay and are requested to be available for work at regular times.[50] Their working relationship is similar to that of an employee, but they have been contractually classified by the platform as an independent contractor.

An ILO survey of 300 online home-based workers in the Philippines found that 14 per cent worked directly for clients, often as "virtual assistants". The top countries of origin of their clients are the United States, the Philippines, Australia and Canada. Forty per cent of online direct workers surveyed had one client, 42 per cent worked for 2 to 3 clients at the same time and the rest had more clients. Workers are able to handle multiple clients by combining part-time and full-time clients; clients who require different schedules; and clients who do not require a fixed schedule or track working hours. They also subcontract to another person to accomplish some of the tasks or outputs, as is sometimes done in industrial outwork. The job is usually time-based and may be full-time (usually 40 hours a week, 160 hours a month) or part-time, with either fixed or flexible hours. However, even with flexible schedules, there is generally agreement on the minimum hours to be devoted to the job or minimum outputs to be produced daily.

Most online direct workers have a written agreement with their clients, including provisions pertaining to the worker's tasks and payment terms (pay rate, frequency and manner of payment), the number of working hours and a specification that the worker is an independent contractor. Fifteen per cent of workers, however, report that their clients only use verbal agreements. The Virtual Coworker online platform, a recruiting platform for virtual assistants, states that all home-based staff engaged through the agency are considered "independent contractors", without the applicable employee compensation structure, benefits such as leave credits, 13th month pay or social security.[51] However, it also states that full-time contractors are required to "be logged on for a total of 9 hours per day which includes a 1-hour lunch break, and two 10-minute breaks", while part-time contractors "work a minimum of 4 hours with one 10-minute break". In addition, they are required to log on the agency's time-tracking management system, which captures the screen randomly every few minutes and is used to record attendance and prepare payroll.

The use of software to monitor working time is common in home-based service work as establishing pay rates is not always straightforward. It can be difficult for a client to know in advance how long a particular task might take to do; alternatively, hourly pay is used as a means to ensure that the worker is available when the client needs. Control and monitoring of working time are exercised by the client or platform through various means. The most stringent of these measures is software (such as Time Doctor), which the worker must download to their computer and which tracks the hours worked, records keystrokes and takes random screenshots. Other means include requiring that the worker stay active on Skype while at work.

Using technology to track time is not new to the digital age. Already in the early 1980s, home-based clerical workers worked on machines that could monitor keystrokes per minute, the number of commands executed and error rates. In France, this monitoring system was referred to as "spies".[52] Table 4.1 shows how the majority of online workers in the Philippines survey were found to be subject to different forms of monitoring from all or some of their clients. What is ironic about such monitoring is that digital platform workers are classified by online labour platforms as self-employed, who in principle have independence in work processes.

Table 4.1 Extent and types of monitoring of working time

If clients monitor workers' working hours	
Yes, this happens always with all clients	27.2%
Yes, this happens with some clients	38.9%
No	33.9%
If clients require worker to submit a daily time record	
Yes, this happens always with all clients	22.2%
Yes, this happens with some clients	33.9%
No	43.9%
If client requires screenshots of work done or installation of software on workers' computer that takes screenshots	
Yes, this happens always with all clients	26.8%
Yes, this happens with some clients	39.1%
No	34.1%
If clients require worker to be available during specific hours	
Yes, this happens always with all clients	28.1%
Yes, this happens with some clients	46.1%
No	25.8%

Note: Based on survey of 288 online workers, 2019.

Source: Amelita King-Dejardin, "Homeworking: Bad Job? Good Job?", ILO working paper, 2021.

The perceived inability to monitor workers has been a bottleneck for some employers in adopting working from home programmes, as discussed below.

▶ 4.3 Teleworkers

In 1980, the futurist Alvin Toffler predicted that progress in telecommunication technologies, coupled with rising costs associated with commuting, would usher in the era of the "electronic cottage", whereby work would return to the home, where it had been for much of civilization.[53]

In 2019, nearly four decades later, the global share of employees who teleworked on a permanent basis was just 3 per cent. It took the COVID-19 pandemic and its associated lockdowns for the levels of teleworking predicted by Toffler to be reached. Though we do not know whether "the great working from home" experiment will endure in a post-COVID-19 world, it is nonetheless critical to understand the possible consequences for enterprises in terms of productivity, innovation and management. Chapter 5 will discuss the consequences for working conditions.

As explained in Chapter 1, teleworkers are employees who use ICT tools to perform their work at home or in another location outside of the employers' premises. The scope of Convention No. 177 and Recommendation No. 184 includes "teleworking" when it is carried out as a continuous or permanent arrangement, either on a full-time or part-time basis, and thus is more narrow in its concern as it does not include on-site workers who occasionally take work home to complete after the end of working hours or who work occasionally from their homes. The inclusion of permanent teleworkers within the scope of Convention No. 177 and Recommendation No. 184 likely reflects concerns over the potential risks of unequal treatment of workers who are not physically present.

Prior to the COVID-19 pandemic, most teleworking was occasional and often in addition to the hours already worked on-site, serving to extend working hours.[54] In Australia, 43 per cent of workers who reported that they worked at home in 2017 stated that they did so to "catch up on work". In the United States, 25 per cent of wage and salary workers worked at home at least occasionally in 2017–2018, but only 2 per cent did so five days a week. In Japan, a 2016 government survey of 2032 enterprises with more than 100 employees found that only 13.2 per cent of companies had adopted any sort of teleworking system, with mobile work constituting two thirds of cases. For nearly half the firms, fewer than 5 per cent of employees teleworked. In Japan, teleworking tends to be informal, and as a means for workers to complete work outside of normal office hours.[55] Likely as a result, Japanese firms had difficulty in adapting to teleworking during the COVID-19 pandemic. A survey conducted by the Japan Association for Chief Financial Officers of 577 chief financial officers and finance directors prior to the 7 April 2020 announcement of the state of emergency found that 31 per cent of companies were unable to adopt teleworking because paperwork was not yet digitized and internal rules and procedures necessary for teleworking were not ready.[56]

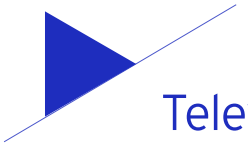
Like industrial and clerical homeworking, teleworking lends itself to occupations where work can be carried out autonomously, with little direct supervision and where the workers can be managed based on results.[57] There are occupations, across the skill spectrum, that fit this characterization. Yet as suggested above, there are important variations across countries in the degree to which they adopt teleworking. One study of teleworking practices across Europe, for

example, found that national variation explained the largest proportion of the variance in the level of telework.[58] While some of this is due to legal constraints, it also reflects differences in organizational practices and cultural predispositions.[59]

Teleworking is often viewed as something that benefits workers rather than the organization, with managers fearing a loss of control over subordinates.[60] In the United Kingdom's Workplace Employment Relations Study, managers considered working from home to be a flexible working arrangement, along with other workplace policies such as compressed work weeks and flexible hours. With 77 per cent of managers agreeing or strongly agreeing with the statement that it was "up to individuals to balance work and family responsibilities,"[61] it is not surprising that when solely viewed as a policy of benefit to workers so that they can better manage work-life conflicts, teleworking was not adopted widely prior to the COVID-19 pandemic.

Moreover, the literature on teleworking, while mostly positive about its benefits,[62] has suffered from a lack of robust analysis. The management literature often draws on case studies and thus the results may not be viewed as transferable to one's organization. With the exception of a few studies, most of the literature is also based on perceptions by managers or employees of the impacts without offering clear benchmarks for evaluating success and without adequate control groups for assessing differences. There are also problems with the causality as the relationship between the self-reported positive performance of the firm and the use of teleworking may be more indicative of a relationship between these two variables – with high-performing workplaces more likely to adopt teleworking – rather than teleworking resulting in greater productivity or output.[63]

In addition, some studies have documented negative impacts for the colleagues who remain in the office. Office-based employees may have to respond to ad hoc request that teleworkers are unavailable to handle, and may become resentful of the perceived workload increase, leading to tensions among employees.[64] Adding to these difficulties is the tendency for managers to be more likely to telework than their subordinates



Teleworkers are employees who use **ICT tools** to perform their work at home or in another location outside of the employers' premises

and the possible negative effects on employees whose managers telework. One study of 11,000 enterprises found that where the manager was away from the office full-time, the perceived work experiences and outcomes for subordinates were less positive; where the manager spent only a portion of the week away from the office, the negative impact was reduced. The findings were, however, modest in magnitude.[65]

One landmark study of a work-from-home experiment that entailed a randomly assigned control and treatment group of workers did reveal positive results, to the surprise of management.[66] The experiment involved call centre employees of a large Chinese travel agency. Employees who volunteered to work from home were randomly assigned to either the control (office-based) or treatment (home-based) group for nine months. The office workers and homeworkers used the same IT equipment, faced the same work order flow from a common central server and were compensated under the same pay system, which included an element of individual performance pay. Thus, the only difference between the two groups was the location of the workers. The experiment found a 13 per cent performance increase for workers who worked from home, of which 9 per cent derived from working more minutes per shift due to fewer breaks and sick days and 4

per cent from more calls per minute, which the homeworkers attributed to the quieter working environment. The results were homogenous among workers, meaning that gender, commuting time, age, prior work experience and living arrangements did not have any statistically significant effects on the workers' outcome. Also, the performance of workers who remained in the office was not negatively affected by having some of their colleagues work from home.

Approximately half of the employees in the division were interested in working from home, particularly those who were married, had children and faced long commutes to work. Of these, half were qualified to take part in the experiment as the requirements included having at least six months' tenure, broadband access and a private room at home in which they could work. Interestingly, many employees changed their minds about working from home at the end of the experiment, with 50 per cent of the home-based group and 10 per cent of the office-based group switching their preferences. Some employees reported feeling lonely after working from home for a few months; there were also concerns about promotions. These concerns were warranted, as the experiment revealed that promotion rates for homeworkers vis-à-vis on-site colleagues reduced by approximately 50 per cent.

Overall, the firm estimated that it saved about $2,000 per year per employee working at home, leading it to offer the option to work from home to the entire firm. The finding has implications for the call centre industry, which has not been systematic in its use of homeworking. For example, in the United States prior to the COVID-19 pandemic, call centre employees of Jet Blue Airlines worked from home, whereas American Airlines did not allow any home work and United Airlines had a mix of practices.[67] In Brazil, Gol Airlines used homeworkers for its call centre.[68]

Another study evaluating the productivity impacts of working from home is a study on the work-from-anywhere (WFA) policy of the United States Patent and Trade Office that involved patent examiners, whose job is characterized as independent, routine and repetitive, though requiring scientific knowledge.[69] The WFA policy, which was driven by negotiations between managers and the patent examiners' union, expanded a previous work-from-home (WFH) policy that had been limited to working from home within a 50-mile radius of the office and coming in once a week to the office. Both the WFH and WFA policies were open to employees with a minimum of two years of tenure. The researchers found that the work output of examiners under the WFA policy increased by 4.4 per cent compared to the output of workers under the WFH policy, without any measurable effects on quality. They attribute the finding to the ability of workers to relocate to lower cost-of-living locations, which resulted in an increase in real incomes and thus greater motivation and commitment on the part of the workers. The researchers estimate the benefits of the WFA programme at $132 million, based on the ability for the organization to process more patent applications (which are charged a fee for processing), as well as a one-time reduction of $0.7 million in hiring costs and a continuing annual cost savings of $2.75 million.[70]

The examples given above are of work that can be done independently and with measurable outputs. For work that involves collaboration with colleagues and outputs that are less measurable, working from home can be a challenge for managers. Indeed, the Society for Human Resource Management reported that 71 per cent of employers were struggling to adjust to remote work imposed by the COVID-19 lockdowns.[71] Some managers have turned to monitoring software as a tool to ensure that workers who have been shifted to home-based work during the pandemic are on their computers.[72] Nevertheless, such tools risk eroding trust between managers and subordinates, which experts agree is the foundation for successful teleworking;[73] they also do not account for offline time dedicated to work, thereby potentially undercounting working hours. The software also raises concerns with respect to workers' data privacy, particularly given that the workers are being tracked at their home. In addition, some of the concerns of managers may not be warranted as the preliminary literature analysing working hours during the COVID-19 lockdowns indicate an extension of working hours by their employees.[74]

▶ 4.4 Conclusion

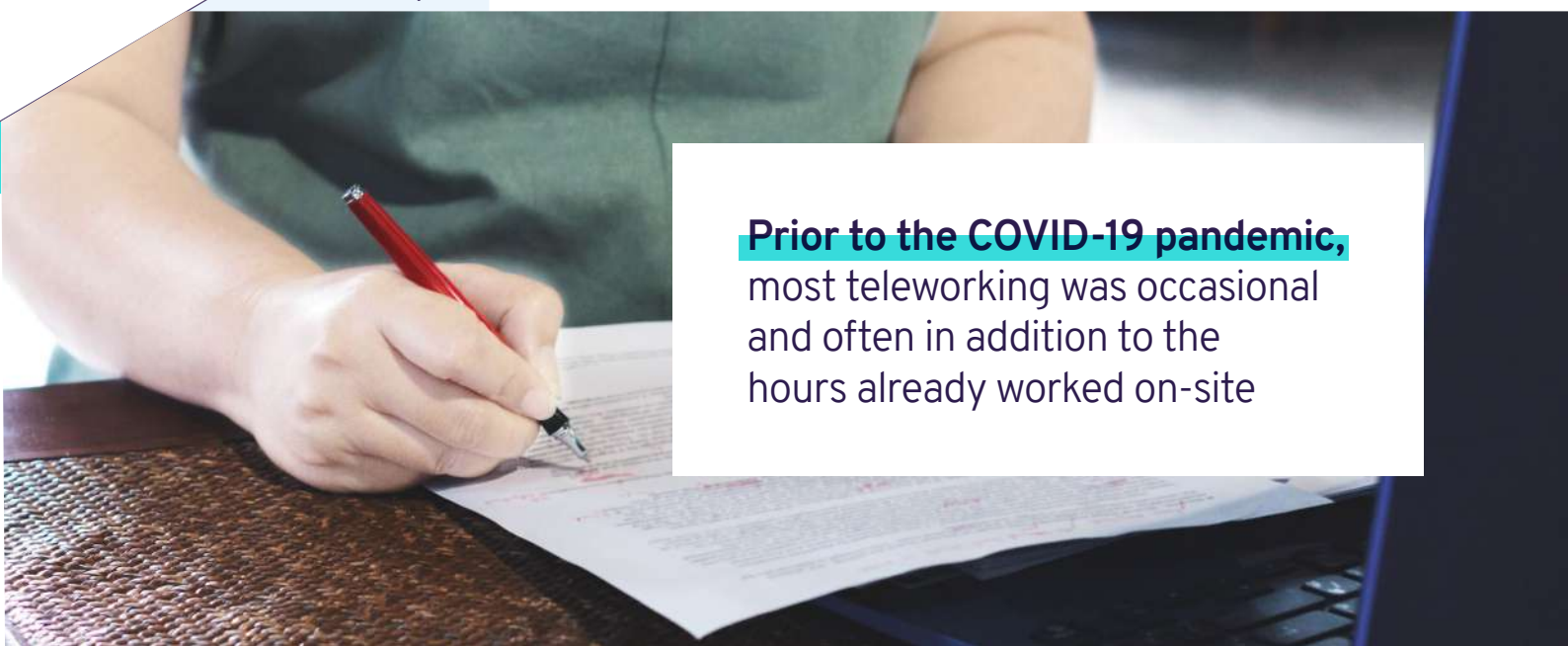
Homeworking in services has a relatively long history; as in goods production, it has evolved along with changes in the type of services needed and their geographical location.

Like in goods production, there are important similarities with how workers are legally classified by businesses, with many clerical workers and most workers on digital labour platforms being classified as independent contractors performing task-based work, whereas teleworkers are, by definition, employees. The ease of outsourcing service work has also seen a similar evolution to that of goods production: first work is outsourced to the home, then abroad to lower-cost locations and finally to the home in these lower-cost locations.

Industrial home work is most commonly associated with piece-rate payments, rendering labour productivity less important for the enterprise or intermediary, as workers are paid by output and not by the time necessary to achieve such output. For wage and salaried employment (and also for regulations and social norms on working time limits), productivity is critical because it determines how much output can be produced in a given time by a given worker, the associated costs and, ultimately, the profit of the business. Some service work can be easily fragmented and organized for task-based pay, such as work on micro-task platforms, but other work is less easy to fragment and calculating the time necessary to accomplish the work is not straightforward. This has led some managers of teleworkers as well as managers of workers on digital labour platforms to turn to monitoring software as a means to track working hours. The use of such software is not without controversy as it can erode trust in labour relations and may infringe on workers' data privacy.

Although monitoring should not be confused with management, for some managers it is critical and the difficulties of monitoring were an impediment to the widespread use of working from home among employees prior to the COVID-19 pandemic. While preliminary evidence of the experience for both employers and workers during the pandemic has generally been positive, it remains to be seen how enterprises will view this practice in a post-COVID-19 world.

©iStock/Lamaip



Prior to the COVID-19 pandemic, most teleworking was occasional and often in addition to the hours already worked on-site

▶ Endnotes

1 Based on preliminary estimates of the potential to work from home, as well as initial analysis of independent surveys and newly released labour force surveys. See ILO, "Working from Home: Estimating the Worldwide Potential", Policy Brief, 2020; and Alexander Bick, Adam Blandin and Karel Mertens, *Work from Home after the Covid-19 Outbreak*, CEPR Discussion Paper No. DP15000, 2020.

2 Eileen Boris, *Home to Work: Motherhood and the Politics of Industrial Homework in the United States* (Cambridge University Press, 1994).

3 Boris.

4 Boris.

5 Chantal Rey, "Travail à domicile, salarié ou indépendant. Incidence des nouvelles technologies de l'information et de la communication", *Innovations* 13, No. 1 (2001): 173–193.

6 Christine von Oertzen, *Teilzeitarbeit und die Lust am Zuverdienen Geschlechterpolitik und gesellschaftlicher Wandel in Westdeutschland, 1948 – 1969* (Vandenhoeck & Ruprecht, 1999).

7 Australia, Department of Employment, Education and Training, *When She Goes to Work, She Stays at Home: Women, New Technology and Home-Based Work*, 1989.

8 Catherine Hakim, "Homework and Outwork: National Estimates from Two Surveys", *Employment Gazette* (United Kingdom Department of Employment, January 1984), 7–12.

9 Shelley Pennington and Belinda Westover, *A Hidden Workforce: Homeworkers in England, 1850–1985* (Macmillan, 1989).

10 Caria Lipsig Mummé, "La renaissance du travail à domicile dans les économies développées", *Sociologie du travail* 25, No. 3 (1983): 313–35.

11 Some of the case studies are documented in United States National Research Council, *Office Workstations in the Home* (National Academy Press, 1985).

12 Andrew Pollack, "Rising Trend of Computer Age: Employees Who Work at Home", *The New York Times*, 12 March 1981.

13 United States National Research Council.

14 Ursula Huws, *The New Homeworkers: New Technology and the Changing Location of White-Collar Work* (Low Pay Unit, 1984).

15 Australia, Department of Employment, Education and Training.

16 Cited in Cynthia Costello, "The Clerical Homework Program at the Wisconsin Physician Services Insurance Corporation", in *Homework: Historical and Contemporary Perspectives on Paid Labor at Home*, ed. Eileen Borris and Cynthia R. Daniels (University of Illinois Press, 1989), p.199.

17 Costello.

18 Pam Evans, "Women Homeworkers and Information Technology — the F International Experience", in *Women and Information Technology*, ed. Marilyn J. Davidson and Cary L. Cooper (Wiley), 227–242.

19 United States National Research Council.

20 Boris, p. 305.

21 On numerous occasions throughout the mid–twentieth century, the AFL-CIO called for bans on clerical homeworking. This position continued into the 1980s following the advent of "computer home work", with the resolution adopted by the 15th Constitutional Convention of the AFL-CIO, held in Hollywood, Florida, 3–6 October 1983, calling "for an early ban on computer homework by the Department of Labor as a measure of protection for those workers entering the market for the fastest-growing occupation in the United States".

22 United States House of Representatives, "Home-based Clerical Workers: Are They Victims of Exploitation?", H.R. Report No. 99–677 (99th Congress, 2nd Session, 1986).

23 United States House of Representatives. Section 530 of the Revenue Act of 1978, Pub. L. No. 95-600, was made permanent by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), Pub. L. No. 97–248, §269(c) and is still in existence. The purpose of Section 530 is to prevent the United States Internal Revenue Service from retroactively reclassifying workers from independent contractor status to employee status, if the employer meets certain tests. The statutory prohibition against retroactive classification of workers from independent contractor status to employee status does not speak to the actual status of workers, but merely relieves employers of liability for employment taxes even when the true status of the workers is that of employees.

24 See Amazon Mechanical Turk website, https://www.mturk.com/

25 Janine Berg, Marianne Furrer, Ellie Harmon, Uma Rani and M Six Silberman, *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World* (ILO, 2018).

26 Michael Six Silberman, "Human-Centered Computing and the Future of Work: Lessons from Mechanical Turk and Turkopticon, 2008–2015" (PhD thesis, University of California, Irvine, 2015).

27 See Amazon Web Services, "Amazon Mechanical Turk API Reference".

28 See Amazon Web Services, "Amazon Mechanical Turk: Access a Global, On-Demand, 24x7 Workforce".

29 Berg et al.

30 Ujwal Gadiraju, Gianluca Demartini, Ricardo Kawase and Stefam Dietze, 2015, "Human beyond the Machine: Challenges and Opportunities of Microtask Crowdsourcing", *IEEE Intelligent Systems* 30, No. 4 (2015):2–6.

31 Panagiotis G. Ipeirotis, 2010, "Analyzing the Amazon Mechanical Turk Marketplace", *XRDS* 17, No. 2 (2010): 16–21.

32 Paola Tubaro, Antonio A. Casilli and Marion Coville, "The Trainer, the Verifier, the Imitator: Three Ways in Which Human Platform Workers Support Artificial Intelligence", *Big Data & Society* 7, No. 1 (2020): 1–12.

33 Ipeirotis.

34 Kotaro Hara, Abi Adams, Kristy Milland, Saiph Savage, Chris Callison-Burch and Jeffrey P. Bigham, "A Data-Driven Analysis of Workers' Earnings on Amazon Mechanical Turk", *ArXiv*:1712.05796 (2017).

35 Janine Berg, "Contemporary Digital Homework: Old Challenges, Different Solutions?", in *The Factory in the Living Room: Homebased Work and Homebased Workers, 1800-2018*, ed. Jane Barret, Indrani Mazumdar, Silke Neunsinger and Malin Nilsson (Brill, 2020).

36 Min Kyung Lee, Daniel Kusbit, Evan Metsky and Laura Dabbish, "Working with Machines: The Impact of Algorithmic and Data-Driven Management on Human Workers", in *Proceedings of the 33rd Annual ACM Conference on Human Factors in Computing Systems* (ACM Press, 2015), 1603–12.

37 Berg et al.

38 Abi Adams-Prassl and Janine Berg, "When Home Affects Pay: An Analysis of the Gender Pay Gap among Crowdworkers", SSRN research paper (October 2017).

39 For an in-depth analysis of the business models of digital platforms, see ILO, "World Employment and Social Outlook 2021: Digital Transformation of the World of Work: The Growing Role of Digital Labour Platforms", forthcoming.

40 Mariya Aleksynska, Anastasia Bastrakova and Natalia Kharchenko, *Work on Digital Labour Platforms in Ukraine: Issues and Policy Perspectives* (ILO, 2018).

41 Data accessed from screenshot posted by Stanislav O on "How Many Active Freelancers Here (Upwork) with Unlocked Profiles?", *Upwork Community Blog* (blog), 5 April 2019.

42 Fabian Stephany, "Pandemic-Proof Jobs? IT Freelancers in High Demand, Other Online Workers Facing Cuts", The ILabour Project website, 19 May 2020.

43 See Oxford Internet Institute, Online Labour Index website, https://livedataoxford.shinyapps.io/1490198815-8pmoe2dwg9r7n6d/

44 Aleksynska et al.

45 *grc.ua*, "Outside the Office: What Attracts Ukrainians to Freelance", 31 October 2016; cited in Aleksynska et al.

46 Katerina Bozhkova, 'How Freelancing has Changed in Ukraine over 5 years: Competition, Specialties, Rates", *ain*, 22 March 2017; cited in Aleksynska et al.

47 Jiayang Fan, "How E-Commerce Is Transforming Rural China", *The New Yorker*, 23 July 2018.

48 Yiu Por Chen, "Online Digital Labour Platforms in China: Working Conditions, Policy Issues and Prospects" (ILO, forthcoming).

49 Chen.

50 Aleksynska el al.

51 "Hire A Virtual Assistant In Philippines and Save Money!", Go Hire Now website; cited in King-Dejardin.

52 Huws.

53 Alvin Toffler, *The Third Wave: The Classic Study of Tomorrow* (Morrow, 1980).

54 Mary C. Noonan and Jennifer L. Glass, "The Hard Truth about Telecommuting", *Monthly Labor Review* 135, No. 6 (2012): 38–45.

55 Akio Sato, "Telework and its Effects in Japan", in *Telework in the 21st Century: An Evolutionary Perspective*, ed. Jon C. Messenger (Edward Elgar Publishing and ILO, 2019).

56 Japan Association for Chief Financial Officers, "Survey on the Impact of Covid-19 on Financial Operations", press release, 6 April 2020.

57 Raghuram, Sumita, Batia Wiesenfield and Raghu Garud, "Technology Enabled work: The Role of Self-Efficacy in Determining Telecommuter Adjustment and Structuring Behavior", *Journal of Vocational Behavior* 63, No. 2 (2003): 180–98.

58 Pascale Peters, Paul E.M. Ligthart, Anne Bardoel and Erik Poutsma, "'Fit' for Telework'? Cross-Cultural Variance and Task-Control Explanations in Organizations' Formal Telework Practices", *The International Journal of Human Resource Management* 27, No. 21 (2016): 2582–2603.

59 Peters et al.

60 Messenger.

61 Brigid van Wanrooy, Helen Bewley, Alex Bryson, John Forth, Stephanie Freeth, Lucy Stokes and Stephen Wood, *The 2011 Workplace Employment Relations Study: First Findings* (United Kingdom Department for Business, Innovation and Skills, 2014).

62 Brittany Harker Martin and Rhiannon MacDonnell, "Is Telework Effective for Organizations? A Meta-analysis of Empirical Research on Perceptions of Telework and Organizational Outcomes", *Management Research Review* 35, No. 7 (2012): 602–616.

63 Angel Martínez Sánchez, Manuela Pérez Pérez, Pilar de-Luis and María José Vela Jiménez, "Teleworking and Workplace Flexibility: A Study of Impact on Firm Performance", Personnel Review 36, No. 1 (1 2007): 42–64.

64 Helen Fogarty, Peter Scott and Steve Williams, "The Half-Empty Office: Dilemmas in Managing Locational Flexibility", *New Technology, Work and Employment* 26, No. 3 (2011): 183–195.

65 Timothy D. Golden and Allan Fromen, "Does It Matter Where Your Manager Works? Comparing Managerial Work Mode (Traditional, Telework, Virtual) across Subordinate Work Experiences and Outcomes", *Human Relations* 64, No. 11 (2011): 1451–1475.

66 Nicholas Bloom James Liang, John Roberts and Zhichun Jenny Ying, , "Does Working from Home Work? Evidence from a Chinese Experiment", *The Quarterly Journal of Economics* 130, No. 1 (2015): 165–218.

67 Bloom et al.

68 Alvaro Mello and Armando Dal Colletto, "Telework and its Effects in Brazil," in Messenger.

69 Prithwiraj (Raj) Choudhury, Cirrus Foroughi and Barbara Larson, "Work-From-Anywhere: The Productivity Effects of Geographic Flexibility", SSRN research paper, 2019.

70 Choudhury et al.

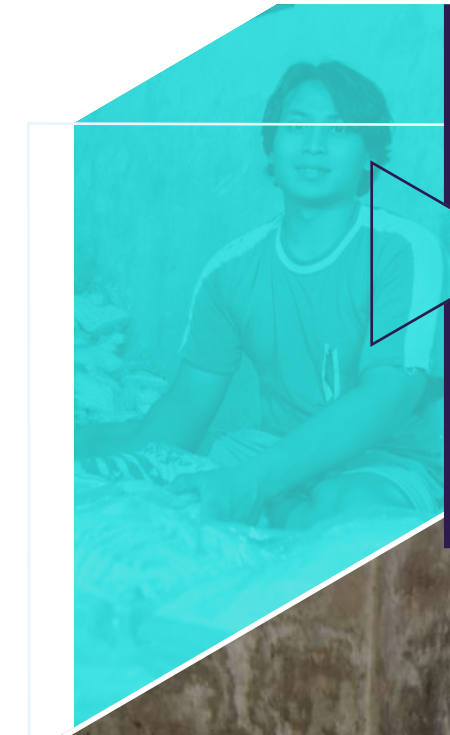
71 Cited in ILO, *An Employers' Guide on Working from Home in Response to the Outbreak of COVID-19*, 2020.

72 Adam Satariano, "How My Boss Monitors Me While I Work From Home", *The New York Times*, 6 May 2020.

73 See ILO, "COVID-19: Protecting workers: 5 Things to know for effective teleworking", 16 March 2020.

74 Jose Maria Barrero, Nicholas Bloom and Steven Davis, "60 Million Fewer Commuting Hours per Day: How Americans Use Time Saved by Working from Home," *VoxEU.org*, 23 September 2020; Evan DeFilippis, Stephen Michael Impink, Madison Singell, Jeffrey T. Polzer and Raffaeella Sadun, *Collaborating During Coronavirus: The Impact of COVID-19 on the Nature of Work*, NBER Working Paper No. w27612, August 2020).

5 Working conditions of homeworkers



©ILO

Homeworkers

range from

impoverished industrial homeworkers

to highly skilled

teleworkers

©World Bank/A.Grigoryan

Home work has consequences for workers, who by choice or lack thereof are engaged in this mode of production. While some of these consequences are common to homeworkers in different countries, others vary from place to place and also depend on the type of work being performed in the home. Homeworkers are a heterogeneous group, whose members range from impoverished industrial homeworkers to highly skilled teleworkers. Everywhere there is a higher proportion of women among homeworkers than in the workforce as a whole, but relative earnings vary from country to country. While the preceding chapters have focused on home work as a method of production in both manufacturing and services, this chapter analyses the working conditions of those who engage in home work. Given the long-standing challenges faced by homeworkers, it is important to assess how they are coping, particularly compared to other workers. In addition, the dramatic worldwide increase in working from home as a result of the COVID-19 pandemic has brought renewed urgency to these questions.

Though the analysis is limited by data availability, the objective here is to cover home work globally. There are knowledge gaps about home work in Africa, the Russian Federation and neighbouring states, and China. The specificities and implications of digitally enabled home work, including telework, have been less thoroughly studied than industrial outwork, which has a much longer history. Nevertheless, thanks to the rapidly growing literature on teleworking, this gap is closing.

In addition to drawing on four ILO-commissioned studies[1] and the case study literature, the working conditions of homeworkers in Argentina, India, Italy, Mexico, South Africa, the United Kingdom and the United States were investigated using labour force surveys. The choice of countries reflects a desire to cover different regions of the world, but it is also limited by data availability.

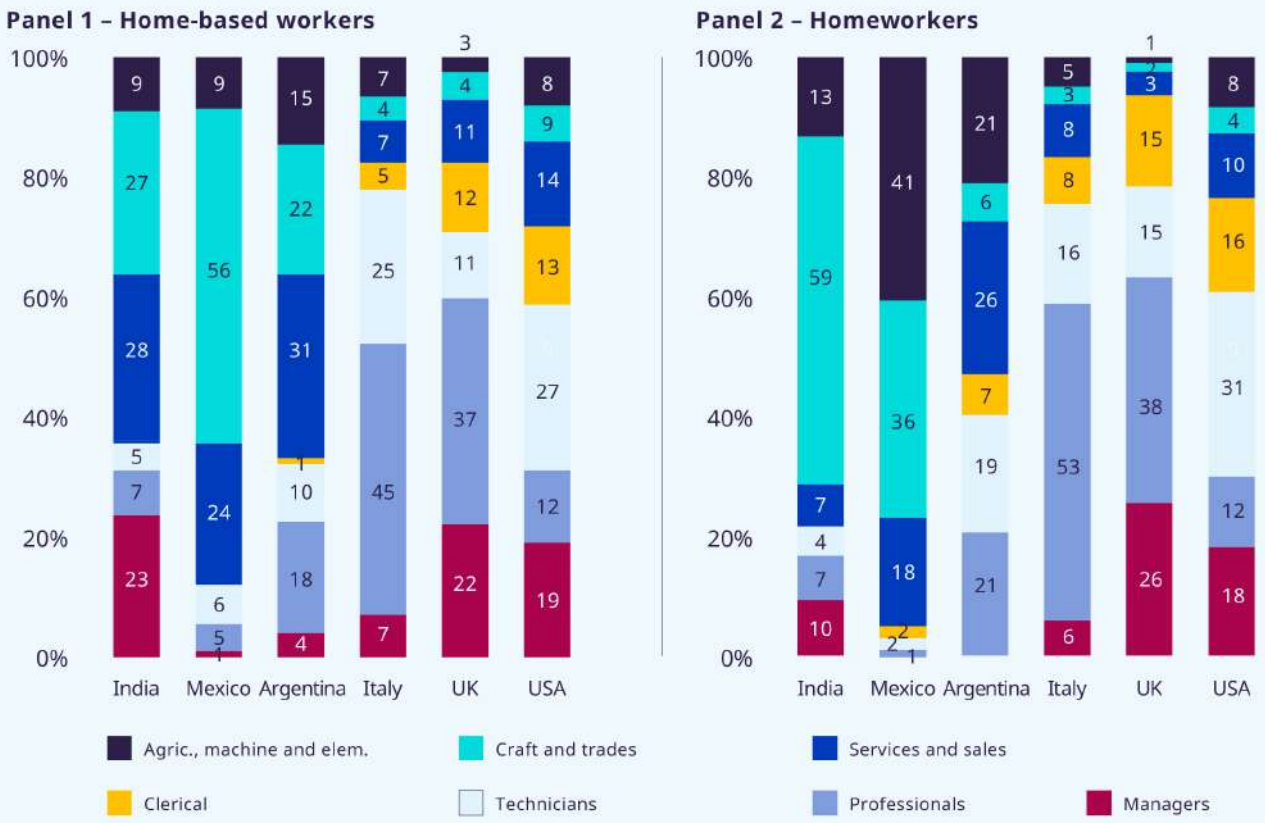
This chapter investigates the working conditions of homeworkers, including their earnings; working hours; work-life balance and gender issues; access to social protection; methods of organization as workers; occupational safety and health (OSH) challenges; and training and career prospects. It will concentrate mostly on comparisons between homeworkers, on the one hand, and home-based workers and workers who work outside the home, on the other.

▶ 5.1 Occupations and earnings

Some people work for fulfilment, but most work to make ends meet. As such, earnings are critical when assessing working conditions and occupations are critical for analysing earnings.

Before going into earnings, this chapter will look at the occupational distribution of homeworkers (as well as other home-based workers, for comparison purposes). Figure 5.1 shows the occupational distribution of home-based work and home work in India, Mexico, Argentina, Italy, the United Kingdom and the United States. The differences are striking: whereas from 60 to 78 per cent of homeworkers in Italy, the United Kingdom and the United States are managers, professionals or technicians, the corresponding numbers for the poorer countries range from 3 per cent (Mexico) to 40 per cent (Argentina). Again, in India 59 per cent of homeworkers are in crafts and related trades, while in the United Kingdom the corresponding number is 2 per cent.

▶ Figure 5.1 Occupational structure of home-based work and home work



Note: The South African General Household Survey has a question on commuting that allows homeworker identification but provides no information on occupation.

Sources: India, Periodic Labour Force Survey, 2018; Mexico, National Labour and Occupational Survey, 4th quarter 2019; Argentina, Permanent Household Survey, 4th quarter 2019; Italy, Labour Force Survey, 4th quarter 2019; United Kingdom, Labour Force Survey, 2018; United States, American Community Survey, 2018.

Clearly, the occupational distribution of home-based work and home work varies from country to country. There are far more professionals, managers and technicians in high-income countries such as Italy, the United States and the United Kingdom (see figure 5.1, light/dark blue bars). Conversely, there are far more home-based workers and homeworkers in crafts and trades occupations in lower-income countries, particularly Mexico and India (see figure 5.1, turquoise bars).

What are the impacts of this occupational structure and other factors upon earnings?

One of the most important characteristics of homeworkers' earnings is how they vary according to the country context. Table 5.1 below shows (i) home-based workers and homeworkers as a percentage of total employment (including self-employment), with positive earnings; and (ii) home-based workers' and homeworkers' earnings as a percentage of non-home-based workers' earnings. Countries are arranged in order of increasing per capita income.

Table 5.1 Homeworkers and their earnings

Country	% of workers with positive wages			Wages as % of non-home-based workers' wages	
	Non-home-based workers	Home-based workers	Homeworkers	Home-based workers	Homeworkers
India	88.8%	11.2%	1.1%	73%	41%
South Africa	88.8%	11.2%	4.2%	71%	64%
Mexico	94.3%	5.7%	0.6%	63%	54%
Argentina	94.0%	6.0%	0.6%	74%	101%
Italy	98.7%		1.3%		125%
United Kingdom	95.6%		4.4%		137%
United States	95.1%	4.9%	3.3%	121%	140%

Note: The table contains only workers with positive (and thus not zero) wages; this means unpaid family workers are not included.

Sources: India, Periodic Labour Force Survey, 2018; South Africa, General Household Survey , 2017; Mexico, National Labour and Occupational Survey, 4th quarter 2019; Argentina, Permanent Household Survey, 4th quarter 2019; Italy, Labour Force Survey, 4th quarter 2019; United Kingdom, Labour Force Survey, 2018; United States, American Community Survey, 2018.

A relationship appears between the income level of each country and the relative earnings of homeworkers. In Italy, the United Kingdom and the United States, homeworkers make from 25 to 40 per cent more than workers who work outside their homes; home work in these countries is dominated by highly skilled teleworkers. In South Africa and Mexico, home to many piece-rate artisans, homeworker earnings amount to 64 and 54 per cent, respectively, of the earnings of other workers. In Argentina, the earnings of the two groups of workers are about the same. In India, where home work is dominated by industrial homeworkers who are paid by piece, homeworkers' earnings are a mere 41 per cent that of workers who do not work from home.

This occupational distribution explains statistically a considerable part of the difference in homeworkers' earnings compared to other workers. If the occupational distribution of homeworkers in India were the same as in the United Kingdom – more managers, professionals and technicians and far fewer crafts and trades and elementary homeworkers – then the earnings of Indian homeworkers would rise to about 87 per cent of the earnings of those who work outside the home, whereas at present it represents less than 50 per cent. Similarly, in Mexico, monthly homeworkers' wages would rise from 54 to 83 per cent of non-home-based wages if their occupation distribution mirrored that of the United States.

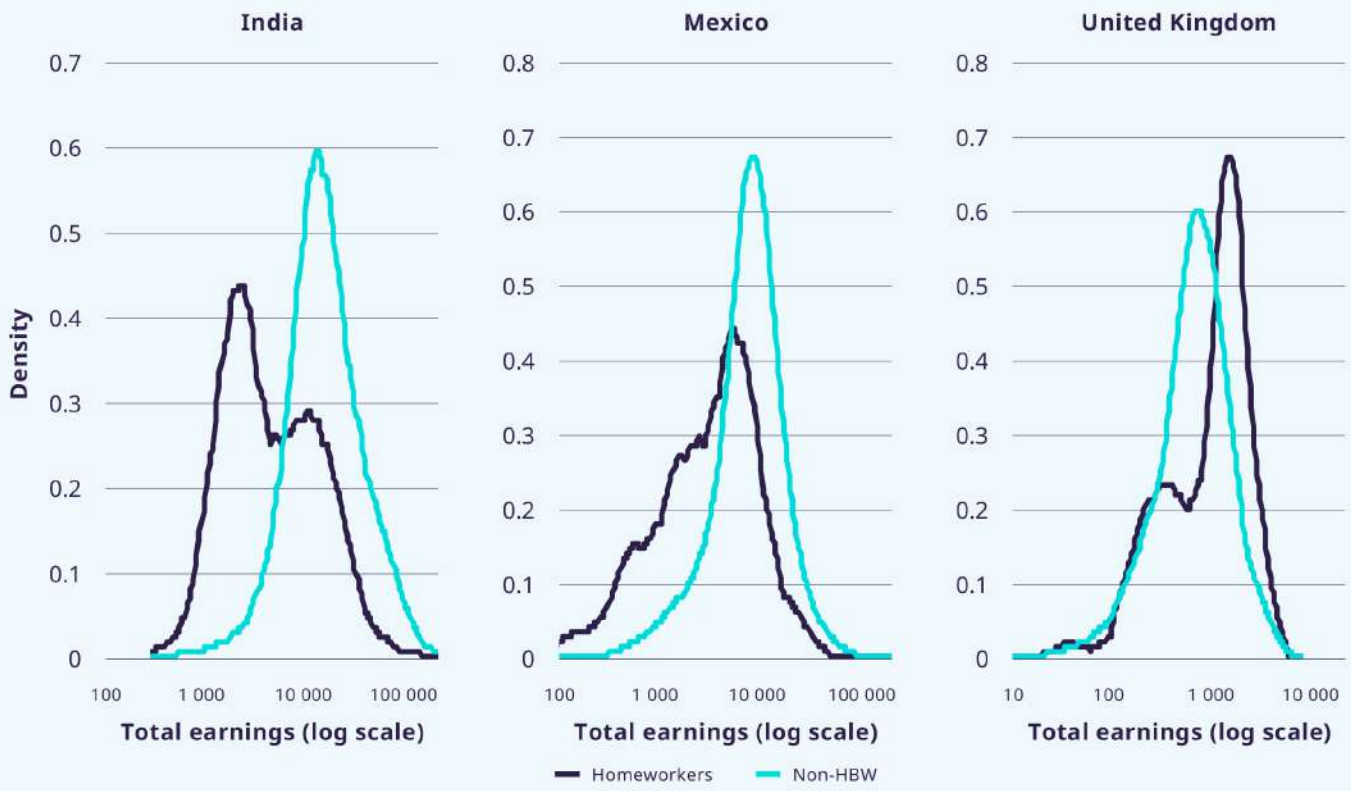
A similar exercise can be conducted by applying the occupational distribution of workers who work outside the home to homeworkers, not in different countries but in the same country. This would increase homeworkers' earnings from 41 to 95 per cent of non-home-based workers in India and from 54 to 78 per cent in Mexico, but would reduce homeworkers' earnings from 125 to 101 per cent of non-home-based workers in Italy and from 137 to 103 per cent in the United Kingdom. It appears, therefore, that perhaps the less favourable position of homeworkers in low- and middle-income countries is in part due to their occupations. Nevertheless, it is possible that a homeworker penalty still exists even when taking occupation into consideration.

One of the most important characteristics of homeworkers' earnings is **how they vary** according to the country context

The low earnings are felt acutely by the homeworkers themselves, but they do not see alternatives other than accepting whatever they are given. As one clerical homeworker in Mexico stated, "In this job we can demand nothing, if we ask for anything additional, they fire us".[2]

This relationship is even more apparent if instead of just the average wage, the whole wage distribution is shown. Figure 5.2 shows the earnings distributions for homeworkers and commuting workers in three countries that (almost) span the GDP per capita chasm in today's world: India, Mexico and the United Kingdom. Each panel shows the density of homeworkers (in dark blue) and those whose workplace is outside the home (in turquoise). The horizontal axis corresponds to earnings (in logarithmic scale) and the vertical axis to the density of workers. The height of the curve can be thought of as representing the number of workers at a given wage level.

Figure 5.2 Earnings densities for India, Mexico and the United Kingdom (total earnings)



Note: Non-HBW = non-home-based workers.
The comparison group in turquoise is non-home-based workers, which consists of all workers who do not work from home, including self-employed and employers.

Sources: India, Periodic Labour Force Survey, 2018; Mexico, National Labour and Occupational Survey, 4th quarter 2019; United Kingdom, Labour Force Survey, 2018.

All three graphs show that there are broadly speaking two types of homeworkers. There is a lower peak showing those who make less than the average wage, which likely corresponds to industrial homeworkers making beedi cigarettes in India, artisan crafts in Mexico and garments in the United Kingdom. But there is also a second peak, which corresponds to professional and managerial teleworkers who earn considerably more than the average wage in the United Kingdom and close to the average in India and Mexico. What changes among countries is the relative share of each type of homeworker in the mix of employees working from home.

There is much to be said in favour of labour force surveys whose large samples, long time series, comparability across years and stable questionnaires make them invaluable in the study of any labour market, but they also suffer from limitations. As discussed in Chapter 2, their questionnaires are conceived for "standard" work and often fall short when investigating atypical work arrangements. For example, earnings for many piece-rate workers are best calculated as the piece rate multiplied by the number of pieces over a given period, but this is not how the question is framed in most labour force surveys.

Case studies provide another window into the universe of homeworkers. Large systematic samples are usually sacrificed for snowball sampling and few if any non-homeworker households are interviewed, thus sacrificing comparability. Nevertheless, their questionnaires are attuned to the type of work being studied and the quantitative case studies are often informed by insights from the qualitative investigation.

Table 5.2 shows average monthly homeworkers' earnings as investigated by seven case studies with some kind of statistical sample. The last three columns provide the average countrywide wages for the same year as the case study, the source of the information and the ratio between mean wages and homeworker earnings.

Table 5.2 Homeworkers' earnings from case studies

Mean homeworker study wage					Mean country wage			
Study	Industry	Sample size	Homeworker wage	Wage data year	Currency	Value	Source	Homeworker to Mean wage ratio
Aleksynska et al. (2018)	Digital platform workers	1,000	1,878	2017	hryvnia	7,746	State Statistics Service of Ukraine	24%
Zhou (2017)	Garment workers	259	8,208 (5,057 with no embroidery)	2016	Pakistan rupee	15,390	ILO *Global Wage Report 2018/2019*	53%
King-Dejardin (2019)		290	2,000 to 6,000	2016	Philippine peso	10,458	ILO *Global Wage Report 2018/2019*	38%
Hirway (2018)	Textile and garment workers	25	1,693	2011–2012	Indian rupee	9,194	ILO *Global Wage Report 2016/2017*	18%
Kalpana (2019)	Appalam workers	60	3,524	2015	Indian rupee	10,885	ILO *Global Wage Report 2018/2019*	32%
Kara (2019)	Garment workers	1,452	2,072	2018	Indian rupee	12,546	ILO *Global Wage Report 2018/2019*	17%
Datta et al. (2018)	Urban homeworkers in chain/zip and decorative item industries	53	1,431	2018	Indian rupee	12,546	ILO *Global Wage Report 2018/2019*	11%
ILO (2015)	Homeworkers in different industries	3,010	377,331	2014	Indonesian rupiah	1,927,994 men 1,403,925 women	Statistics Indonesia, "Labour Force Situation", 2014	20% (men) 27% (women)

Note: The average wage for India for 2018 was calculated using the 2016 wage from the ILO *Global Wage Report 2018/2019* and then applying inflation for 2017 and 2018; for Pakistan, the 2015 average wage was updated to 2016 using inflation.

While these numbers are not entirely comparable due to the various limitations discussed, they do show that homeworkers in these studies invariably earn much less than the average worker in the same country. Particularly striking are the monthly earnings of garment (including embroidery) workers in India, whose monthly earnings are 17 and 11 per cent, respectively, of the average Indian wage.[3] Although part of this difference is due to hours worked, these workers are facing compound disadvantages of sex, caste and region, as well as a home work disadvantage. From any perspective, the numbers are utterly disheartening. In the words of a 30 year-old garment worker in India, "We are slaves to the contractors. They give us less wages, but we have no alternative."[4]

Other case studies do not use statistical samples from which mean earnings can be calculated, but are nevertheless informative. A recent study of working conditions in the Indonesian leather and footwear sector found homeworkers having to work overtime for pay that amounted to less than a quarter of the monthly minimum wage for the area.[5]

©ILO/B. Birla

These workers are facing **compound disadvantages** of sex, caste and region, as well as a home work disadvantage

5.2 Earnings and hours

Any gap in earnings can be decomposed into hours and hourly earnings. All homeworkers –from industrial piece-rate workers to high-skilled teleworkers – are considered in the following analysis.

Table 5.3 Decomposition of homeworker earnings gap

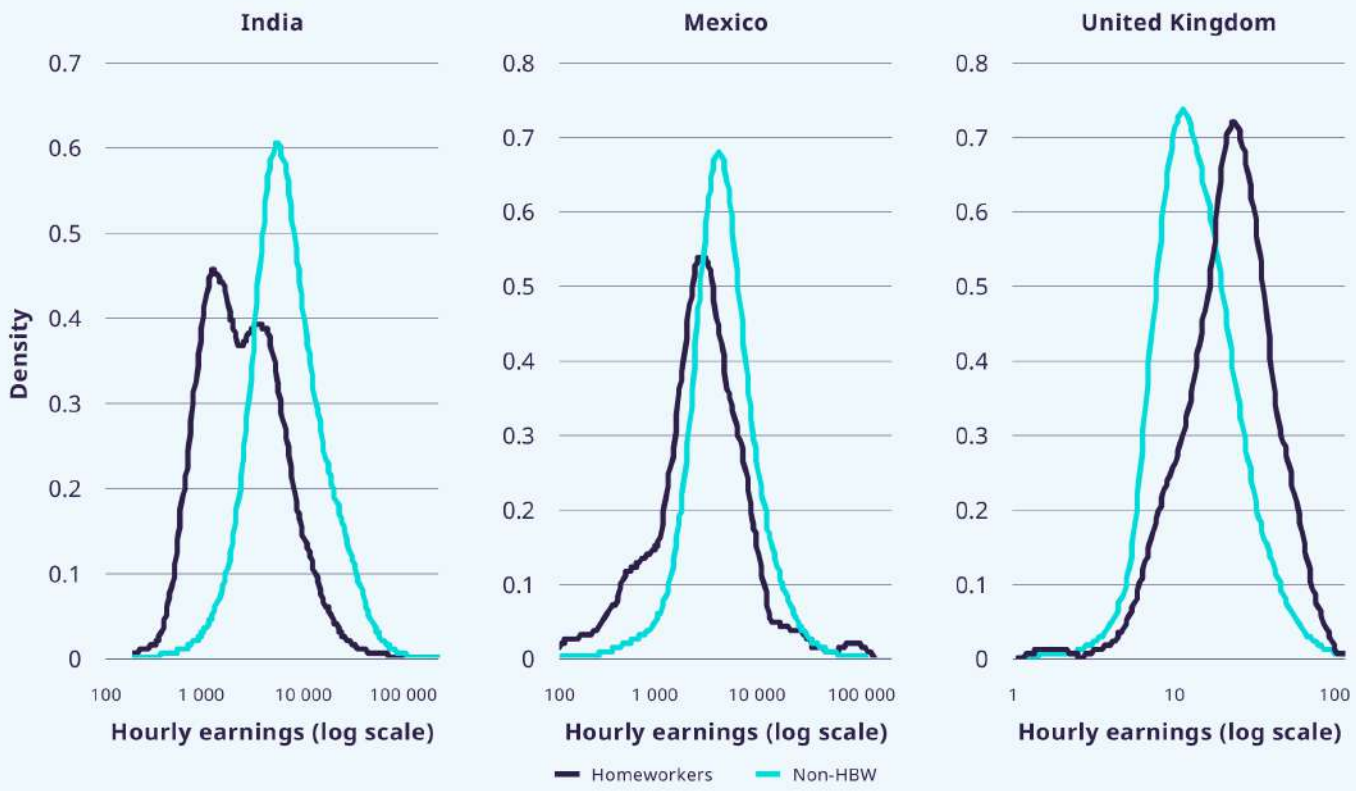
Country	Hours worked per month			Homeworker earnings gap	
	Non-home-based workers	Home-based workers	Homeworkers	Due to hours	Due to hourly earnings
India	231	216	197	18%	82%
Mexico	187	137	137	50%	50%
Argentina	156	125	102		
Italy	147		154	21%	79%
United Kingdom	142		134	-19%	119%
United States	165	160	165	1%	99%

Sources: India, Periodic Labour Force Survey, 2018; Mexico, National Labour and Occupational Survey, 4th quarter 2019; Argentina, Permanent Household Survey, 4th quarter 2019; Italy, Labour Force Survey, 4th quarter 2019; United Kingdom, Labour Force Survey, 2018; United States, American Community Survey, 2018.

A pattern similar to what was seen for monthly earnings can be discerned. In middle and low-income countries, homeworkers both work fewer hours and earn less by the hour. In India, the earnings gap is 18 per cent due to fewer hours and 82 per cent due to very low hourly wages (usually because this "wage" is usually payment by piece). In Mexico, the gap is 50 per cent/50 per cent. In high-income countries, homeworkers have higher hourly earnings but there is no pattern in the gap due to hours (table 5.3).

Figure 5.3 complements the analysis of table 5.3. It shows earnings densities for India, Mexico and the United Kingdom, but unlike figure 5.2 it shows hourly earnings and not total earnings.

Figure 5.3 Hourly earnings densities: India, Mexico and the United Kingdom



Note: Non-HBW = non-home-based workers.

Sources: India, Periodic Labour Force Survey, 2018; Mexico, National Labour and Occupational Survey, 4th quarter 2019; United Kingdom, Labour Force Survey, 2018.

The clear peaks corresponding to better and lesser-paid homeworkers vanish for the United Kingdom but are still quite clear for India, with Mexico somewhere in-between. It is striking how much higher hourly earnings are for homeworkers in the United Kingdom and how much lower they are for India. The occupational distribution is only part of the story, however. In the United Kingdom, homeworkers in management and sales and industrial homeworkers in crafts and trades all make more per hour than their non-home-based counterparts. By contrast, in India homeworkers in all occupational categories are paid less.

Industrial homeworkers in low-income countries display a keen awareness of the importance of both hours and low hourly pay. In the words of a silk weaver in Banaras, India:

> "Nowadays we have to work harder for lower wages. Earlier we could work worth Rs50–60 in four hours. Today we have to work the whole day for the same amount of money. There are people spread-out all over the place, even in the rural areas doing this work. Previously this work was not done in the rural areas. Now the wages for some work say Rs50, then someone will say I can do it for Rs30, why would they go to one asking Rs50?"[6]

Is there a home work penalty?

Another way to analyse the earnings gap statistically is to control for other variables that are intimately related to earnings, such as educational level, sex, age and occupation. There are two ways of doing this: (i) using regression analysis and (ii) reweighting the homeworker sample so that it has the same characteristics as workers who leave their home to go to work.[7] To ensure the consistency of the results, the analysis below is done using both approaches.

The regression analysis in table 5.4 shows that once occupation, age, sex and educational level are taken into account, with few exceptions homeworkers face an uphill battle to make as much as those who leave home for work. Apart from Italy, where homeworkers make about 9 per cent more than non-home-based workers (which is explained by more hours), controlled total earnings are less for homeworkers everywhere. Likewise, apart from the United Kingdom, where homeworkers are paid 13 per cent more by the hour than non-home-based workers, controlled hourly earnings for homeworkers are less than the earnings of those who commute to work.

Although the controlled results are usually less extreme than the uncontrolled results shown in table 5.3, the home work penalties in lower and middle-income countries can still be quite devastating. Even when controlling for occupation, sex, age and educational level, Indian, Mexican and Argentine homeworkers still only earn half of what non-home-based workers earn. In South Africa, they earn a quarter less.

Table 5.4 Regression analysis: Homeworker penalty

Country	Total earnings		Hourly earnings	
	Home-based workers	Homeworkers	Due to hours	Homeworkers
India	79%	50%	87%	58%
South Africa	59%	75%		
Mexico	60%	51%	92%	74%
Argentina	57%	48%	76%	n.s.*
Italy		109%		n.s.*
United Kingdom		87%		113%
United States	78%		88%	

***n.s.** = not significant at 5%.

Note: For explanatory variables, the Mincer equations used the log of total earnings and the log of hourly earnings; control variables were: sex, age, age squared, years of education and two-digit occupation variables; Italy and the United Kingdom do not identify self-employed home-based worker earnings; the United States identifies both home-based workers and homeworkers but the variables are highly colinear; the South African General Household Survey does not report hours; numbers reported are actual percentages (i.e. $1-e^{\beta}$ and not the coefficients themselves).

Sources: India, Periodic Labour Force Survey; South Africa, General Household Survey ; Mexico, National Labour and Occupational Survey; Argentina, Permanent Household Survey; Italy, Labour Force Survey; United States, American Community Survey.

The hourly earnings penalties for home work are 42 per cent in India and 26 per cent in Mexico. In Argentina, the pay bonus for homeworkers vanishes once sex, age, educational level and occupation are controlled for. The Italian homeworking premium of 9 per cent is close to that found in the literature.[8]

These results still hold for the most part when the methodology is changed. Table 5.5 shows the wage gap after reweighting the homeworker sample so that it "looks like" the non-home-based worker sample. The results for low- and middle-income countries are that, apart from Argentina, the home work penalties everywhere are attenuated, but still exist and are still quite large.

Table 5.5 Demographic reweighting adjustment for earnings

Country	Total earnings		Hourly earnings	
	Wage gap	Reweighted gap	Wage gap	Reweighted gap
India	-59%	-36%	-52%	-32%
South Africa	-32%	-32%		
Mexico	-46%	-34%	-27%	-18%
Argentina	1%	30%	55%	78%
Italy	25%	14%	20%	10%
United Kingdom	37%	25%	47%	25%
United States	40%	-36%	40%	-32%

Note: Reweighting was undertaken using ten-year age categories, four educational categories, sex and three occupational categories; the South African General Household Survey does not report hours.

Sources: India, Periodic Labour Force Survey; South Africa, General Household Survey; Mexico, National Labour and Occupational Survey; Argentina, Permanent Household Survey; Italy, Labour Force Survey; United Kingdom, Labour Force Survey; United States, American Community Survey.

For high-income countries, the picture is more nuanced. For Italy and the United Kingdom, there is still a home work bonus, albeit attenuated, rather than a penalty. For the United States, the bonus becomes a penalty (and quite a large one). The interpretation would be that many homeworkers in high-income countries are high-wage workers in high-wage occupations, who nevertheless pay a penalty for working from home.

Digitally enabled home work

Before concluding, a word is necessary about digital platform workers. Home-based digital platform workers are usually paid by the piece, or more precisely by the task. Some tasks, such as IT programming, are well paid, but other tasks such as copywriting and data annotation, which are common to micro-task platforms, are less well paid. As noted in Chapter 4, one comprehensive study that used a plug-in to track the worker log data of approximately 2,500 workers over two years on the AMT platform found average wages of US$3.13 per hour, with median hourly wages at US$2 per hour.[9]

The issues mentioned above – low pay, not enough hours – also apply to platform workers, but there are other issues. Platform workers are often required to perform unpaid work in order to access paid opportunities (such as taking unpaid qualification tests) and must spend significant portions of time searching for work (18 minutes per hour according to an ILO survey). As mentioned in Chapter 4, non-payment is also an issue.

What are the takeaways of this section?

In high-income countries, homeworkers have higher earnings than workers who work outside the home; but in most of those countries, this premium becomes a penalty once occupation and demographics are controlled for. One could argue that this penalty is partly justified. Homeworkers do not have to pay for transportation or meals away from home. They can afford to live further from work and perhaps pay less rent. On the other hand, they often have to pay for the electricity, machinery or other materials they use for their work. They also have to pay for the workspace in their homes. These compensating differentials may or may not justify the difference in earnings. This is clearly an area in which more work is needed before strong conclusions can be drawn.

In low- and middle-income countries, however, the picture is much clearer. Homeworkers pay a penalty for not commuting to work. They work fewer hours (perhaps by choice, though the following section will probably cast this choice into doubt) and earn less per hour (hardly any choice here). This penalty is attenuated when sex, age, level of education and occupation are taken into consideration, but it remains a large penalty. Furthermore, the massive penalties paid by homeworkers in poorer countries (36 per cent in India, 35 per cent in Mexico and 32 per cent in South Africa) are far beyond the realm of compensating differentials.

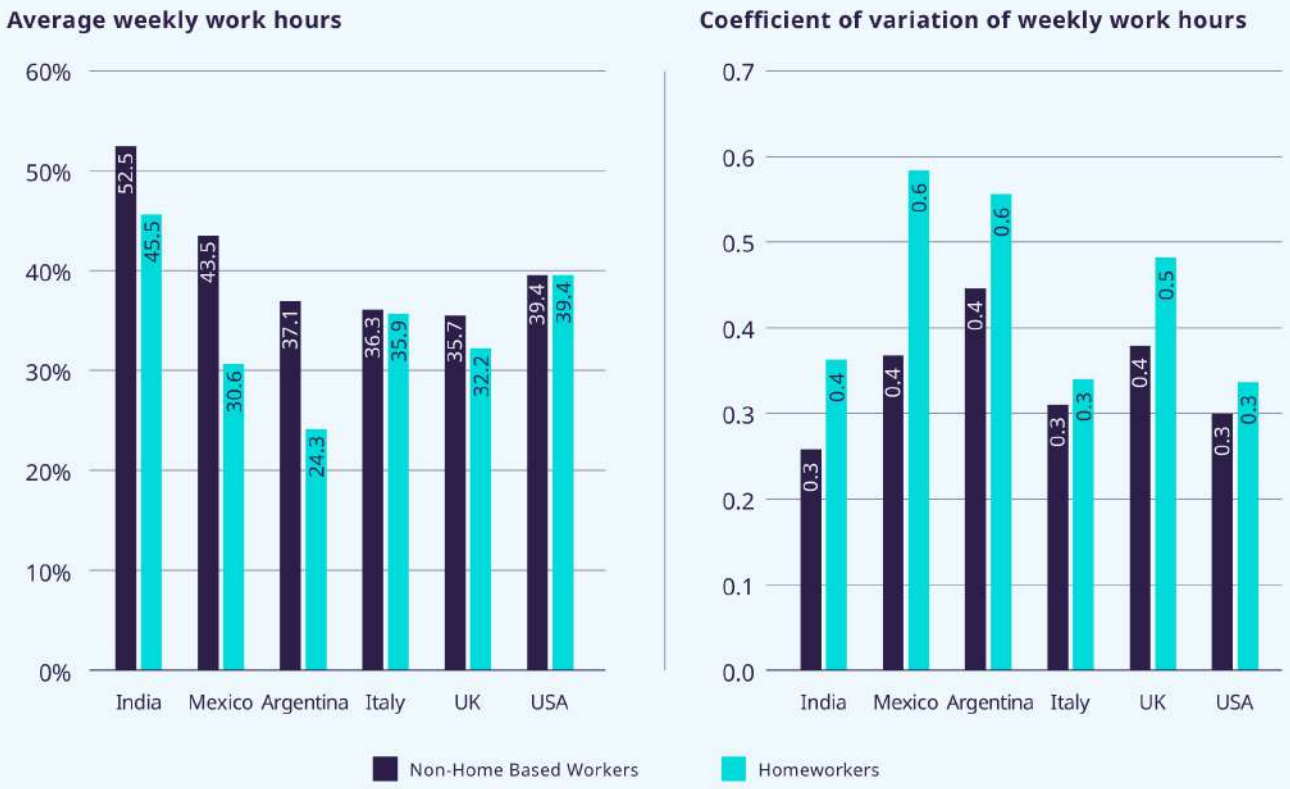
Many homeworkers in high-income countries are high-wage workers in high-wage occupations, who nevertheless **pay a penalty** for working from home

▶ 5.3 Working time

Both Chapter 2 and the previous section indicated that homeworkers usually work fewer hours than other workers.

The length of the homeworker's workday depends on many factors: family responsibilities, whether home work is the main or a secondary occupation and of course the availability of work. Whereas in some sectors and work functions there is a steady flow of tasks and the worker can decide how many hours to work, in other sectors the availability of work is seasonal or for other reasons is unsteady. Companies outsource production to homeworkers to protect themselves against the risks of fluctuating demand, drawing upon homeworkers' labour when demand is high and ceasing to do so when demand is low.[10] The risks of fluctuations in demand are thus transferred from firms to individual workers.

▶ Figure 5.4 Average hours worked per week and their coefficient of variation



Note: The numbers may slightly differ from those in table 5.3, because in table 5.1 only workers with positive earnings were included whereas in figure 5.4 all workers with positive hours are included.

Sources: India, Periodic Labour Force Survey; Mexico, National Labour and Occupational Survey, 4th quarter 2019; Argentina, Permanent Household Survey; Italy, Labour Force Survey;United Kindgom, Labour Force Survey; United States, American Community Survey.

The first panel of figure 5.4 shows the average number of working hours for non-home-based workers and homeworkers. The second panel of figure 5.4 shows the coefficient of variation for the hours worked. The coefficient of variation is a measure of the dispersion of working hours (the coefficient of variation is the standard error divided by the mean), so that a high value means that homeworkers putting in many hours coexist with others putting in relatively few. Strictly speaking, it measures the dispersion of hours among workers, but a high coefficient of variation may also mean that there is a high variability of hours worked by individual workers, and it can therefore be thought of as an imperfect measure of worktime insecurity.

Although not shown in figure 5.4, the percentage of workers working "normal" hours (normal is defined as workweeks that are more common in each country) is also lower among homeworkers. For example, in Italy 57 per cent of those who work outside their homes have 30 to 40 hour workweeks, whereas only 48 per cent of homeworkers have such a workweek. In Mexico, the corresponding percentages are 35 and 11 per cent, while in India they are 51 and 42 per cent.

Case studies shed light on homeworkers' working hours as well. A recent study of industrial homeworkers in the Philippines showed that they devote variable hours a day to completing a job order: some work 2–3 hours daily, others 4–6 hours. These hours are distributed between the time spent preparing meals, sending children to school, doing housework and going to church, as well as after the family has gone to bed. When the job order is big and turnaround time for delivery is short, women work through the night with little rest, sometimes for several nights in a row. They may also delegate household chores to their older children and/or spouse. This occasional overload of work may be followed by several months without any work at all. A study for India shows that average workdays vary from 12 hours or more during the peak season to 4–6 hours during the lean season.[11]

In the Turkish garment and textile industry, it is not unusual for homeworking women to put in 12 or even 16–18 hours of piece-rate work per day in times of high demand, while during other periods of the year they may not have any job orders at all.[12] In Thailand, majorities of both male (75 per cent) and female (65 per cent) home-based workers put in more than 40 hours per week.[13]

©ILO/M.Crozet

In Bulgaria, the average number of hours that homeworkers work per day is about 5.6 hours for 6 days per week; however, more than one third have other jobs, which means that their real working hours are substantially higher. A total of 62 per cent of interviewees complained that their workflow is irregular.[14]

For homeworkers who perform digitally enabled work through platforms, the promise of the platform is often the flexibility of work hours. Some studies suggest that this flexibility is especially attractive to millennial workers.[15] In the words of a Ukrainian platform worker:

> "It's always been very difficult for me to go to work, to wake up in the morning. And I've always dreamt, I've looked for ways out, to avoid doing that. For 7 years now, I don't go to work and I have a free schedule."[16]

The same is echoed by a Ghanaian homeworker:

> "I used to work in the government sector, but we relocated to our own house which is very far from the city centre. Considering traffic in and out of town, it was too much. I would leave the house by 4.30 a.m. and get home at 9 p.m. It started taking a toll on me and the family as well. By the time I got back from work, the kids were asleep. I had to wake up at dawn to fix their supper before I left for work. It was all taking a toll on me. And considering how much I was paid, it was not worth it. I was wasting all my energy on the road and not in the office or the house. So I thought of something I can do to make money, have time to rejuvenate, and then when the traffic situation improves, I can go back to the office."[17]

However, as discussed in the previous chapter, for some platform and other digitally enabled homeworkers, their working hours are strictly supervised and workers are often required to be available at certain hours and for a certain number of hours. Working hours may be monitored through keeping a daily time record and installing tracking software on the homeworkers' computers.[18] As one Ukrainian "freelancer" put it, "I am not planning my holiday time, everything is planned for me".[19]

The use of monitoring software appears to have increased with the widespread use of teleworking as a result of the COVID-19 pandemic. One Florida-based company specializing in employee monitoring and analytics, with more than 2,000 clients, reports that interest in their products has tripled as a result of the pandemic.[20] The software can measure the time employees spend on different windows, allowing managers to play back or live-stream a view of an employee's screen and record his or her every keystroke. It can also raise a flag if certain predetermined words are typed.

While homeworking – whether industrial, cognitive or service-related – offers flexibility in various ways, the demand for work can outpace supply, especially among platform workers,[21] which severely affects the actual work time flexibility. It is difficult to disentangle the effects of choice from the lack of choice, but workers may wish for either more or less hours than they work. Among 4,700 workers surveyed by the ILO on both micro- and macro-task online digital labour platforms, 86 per cent expressed a desire to take on more online work, while 45 per cent reported that the unavailability of work was their primary reason for not doing so. On micro-task platforms, an additional 18 per cent of workers reported that the main reason they did not take on more online work was the lack of well-paying tasks; on macro-task platforms (also known as freelancing platforms), 41 per cent of workers reported that they could not find clients.[22]

Table 5.6 suggests that home-based workers and homeworkers are generally less satisfied with their working hours than non-home-based workers. This appears to be particularly true in middle-income countries. In Mexico and Argentina, 15 and 38 per cent, respectively, of home-based workers would like more hours, compared to only 7 and 21 per cent of those who work outside the home.

Table 5.6 Satisfaction with working hours

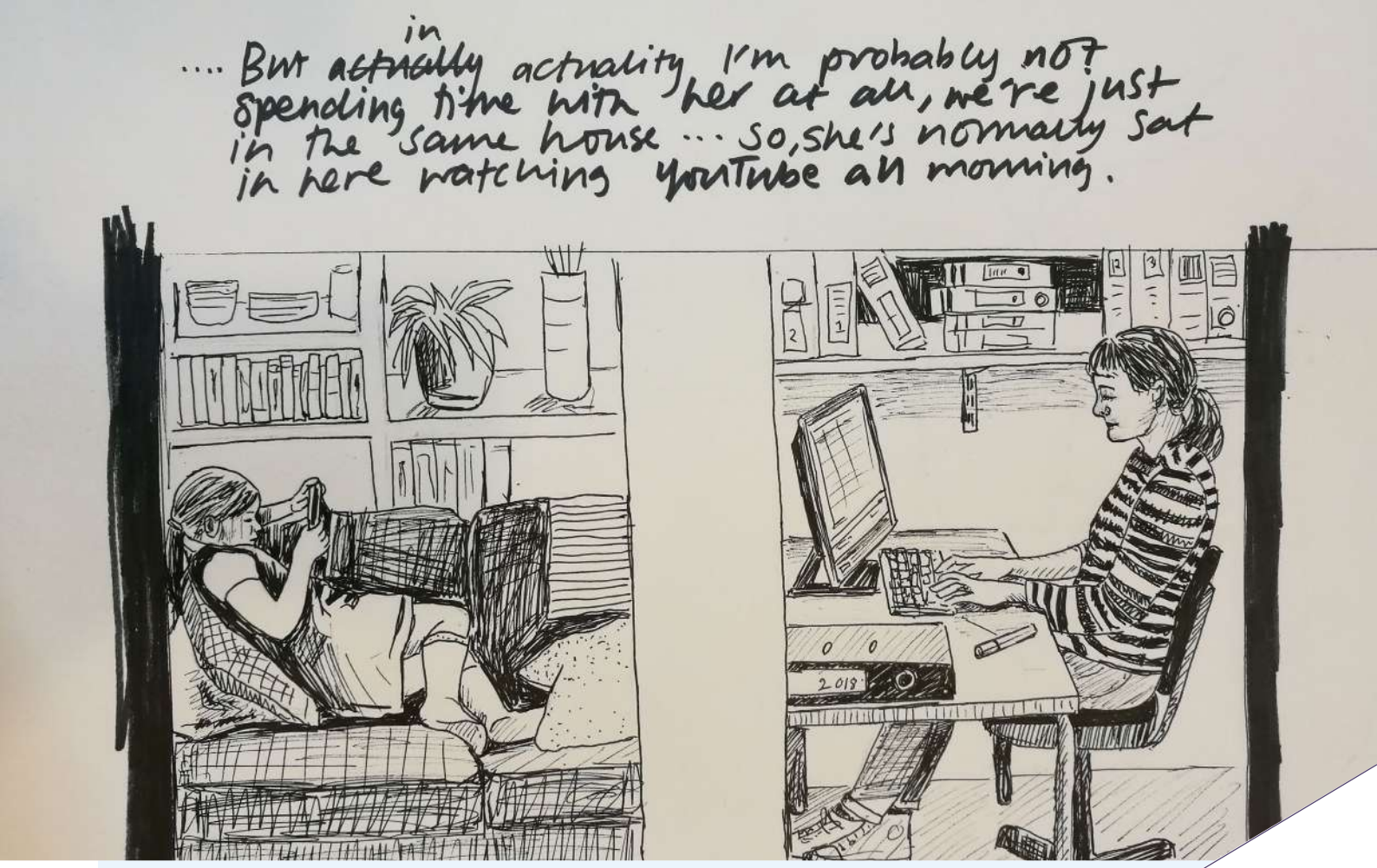
	Would like to work more hours				Would like to work less hours	
	Mexico	Argentina	Italy	United Kingdom	Italy	United Kingdom
Non-home-based workers	7%	21%	4%	12%	2%	13%
Home-based workers	15%	38%	3%	11%	7%	11%
Homeworkers	8%	25%	2%	8%	4%	13%

Sources: Mexico, National Labour and Occupational Survey, 4th quarter 2019; Argentina, Permanent Household Survey, 4th quarter 2019; Italy, Labour Force Survey, 4th quarter 2019; Labour Force Survey (United Kingdom, 2018). The surveys in Mexico and Argentina ask only if workers would like to work more hours.

In conclusion, it appears that, particularly in middle- and lower-income countries, hours are an issue. Home-based workers and homeworkers work fewer hours. This is partly by choice, but the relatively high percentages of workers who say they would like more hours in both labour force surveys and case studies suggests that this is also due to the lack of work available. The same holds true for the variation in hours worked, which is a possible indicator of insecurity in the size of the workweek.

Among teleworkers, given their employee status insufficient hours are not the concern. Rather, the concern is about the blurring of work and personal life and the risk that work will result in extended and asocial hours. A study of teleworkers in the United Kingdom[23] prior to the COVID-19 pandemic revealed that, while full-time home-based teleworkers expressed higher satisfaction with their jobs and working hours than either occasional teleworkers or those who never teleworked, they also pointed to the blurring or erasure of the boundaries between work and personal life. Other studies[24] point to the same problem in other countries.

Cultural norms **segment** the labour market



Jennie Temple (2018), produced as part of the 'Juggling Work Home and Family in the Gig Economy' project by Professor Al James, Newcastle University (funded by The British Academy). For the full set of images from the project see: https://geogworklives.com and https://jennie-temple-words-and-pictures.org/

5.4 Work-life balance: Relations between the work and family spheres

Human beings are not machines and work is but one sphere in our lives.

Family life, personal life and work all influence each other, often in ways that are not clear at first glance. If family life and work are interdependent even for those who leave home to earn an income, it is even more true when the home is the workplace. This section analyses how family life and work intersect for home-based workers and homeworkers and how the gender dimension is central to this analysis, whether for industrial homeworkers or high-skilled teleworkers. It will also look at how gender roles define who can or must work from home; the gender wage gap in home work as compared to work outside the home; and whether income from home-based work in turn affects those gender roles.

Home-based work is largely but not exclusively feminine

The importance of gender in home-based work is a recurrent theme throughout this report. More than half (57 per cent) of the world's 260 million home-based workers are women and almost two in three (60 per cent) homeworkers are women. Given that 75 per cent of all those employed in the world are men, this female dominance shows the vital relevance of gender in everything that pertains to home work. The statistics of the same seven countries whose data has been followed throughout this chapter (table 5.7) will be used again, this time to quantify the relevance of gender.

Table 5.7 Share of women in home-based work and home work

Country	Women			Increase in home-based work probability for women	
	Non-home-based workers	Home-based workers	Homeworkers	Home-based workers	Homeworkers
India	13%	31%	63%	27%	8%
Mexico	36%	70%	61%	17%	2%
South Africa	42%	45%	48%	14%	2%
Argentina	41%	61%	58%	13%	1%
Italy	45%	52%	52%	4%	2%
United Kingdom	45%		53%		5%
United States	47%	52%	53%	6%	4%

Sources: India, Periodic Labour Force Survey, 2018; South Africa, General Household Survey, 2017; Mexico, National Labour and Occupational Survey, 4th quarter 2019; Argentina, Permanent Household Survey, 4th quarter 2019; Italy, Labour Force Survey, 4th quarter 2019; United Kingdom, Labour Force Survey, 2018; United States, American Community Survey, 2018.

While in India most home-based workers are men and in South Africa men are a majority of both home-based workers and homeworkers, in the other five countries women are majorities in both categories. Mexican women make up 70 per cent of home-based workers and Indian women 63 per cent of homeworkers. In all seven countries, the percentage of women increases drastically when we move from non-home-based work to home-based work or home work.

The last two columns show how much more likely women are than men to be home-based workers and homeworkers, using a statistical model to control for other variables such as age and education.[25] In India, working women are 27 per cent more likely to be home-based workers than working men. The numbers in these last two columns show that even in the few situations where men outnumber women in home-based work or home work, it is because they outnumber women in the general workforce by even greater margins. The smallest gender effects are in Argentina, where working women are only 1 per cent more likely to be homeworkers than their male counterparts.

The obvious reasons for the numbers above are gender roles regarding unpaid care work in the household. As mentioned earlier in the report, women perform 76 per cent of total unpaid care work, worldwide. On average, women dedicate four hours and 25 minutes to unpaid care work as opposed to one hour and 23 minutes for men.[26] Intensities vary from men putting in a mere 9 per cent of unpaid care work in India to 36 per cent in the United Kingdom (43 per cent in Sweden). Nevertheless, that the burden of unpaid care work falls predominantly on women's shoulders everywhere has been central to gender and feminist literature for many decades.

While an individual may choose to work from home for many reasons, if she must also carry most of her household's chores and these chores

are inter-spaced throughout the day, working from home becomes much more attractive. In addition, there are many cultures in which a woman working outside the home is a source of shame or dishonour, making working from home not only more attractive but, sometimes, the only possibility for gainful employment.

Surprisingly, working from home is not so strongly related to having small children in the home. The same statistical models that showed that women were far more likely to work from home also showed that having children aged six or less (and thus not going to school) affected the probability of working from home an order of magnitude less than being a women. This suggests that gender roles subtly or not so subtly keeping women at home are as important as the actual volume of unpaid care work. Other studies point to the same conclusion: the actual volume of unpaid care work appears to be relevant, yes, but less important than the social norms binding women to the household.[27]

All this being said, there are still many men in home-based work and they put in many hours of home work; more research is needed on how they balance work and family life.

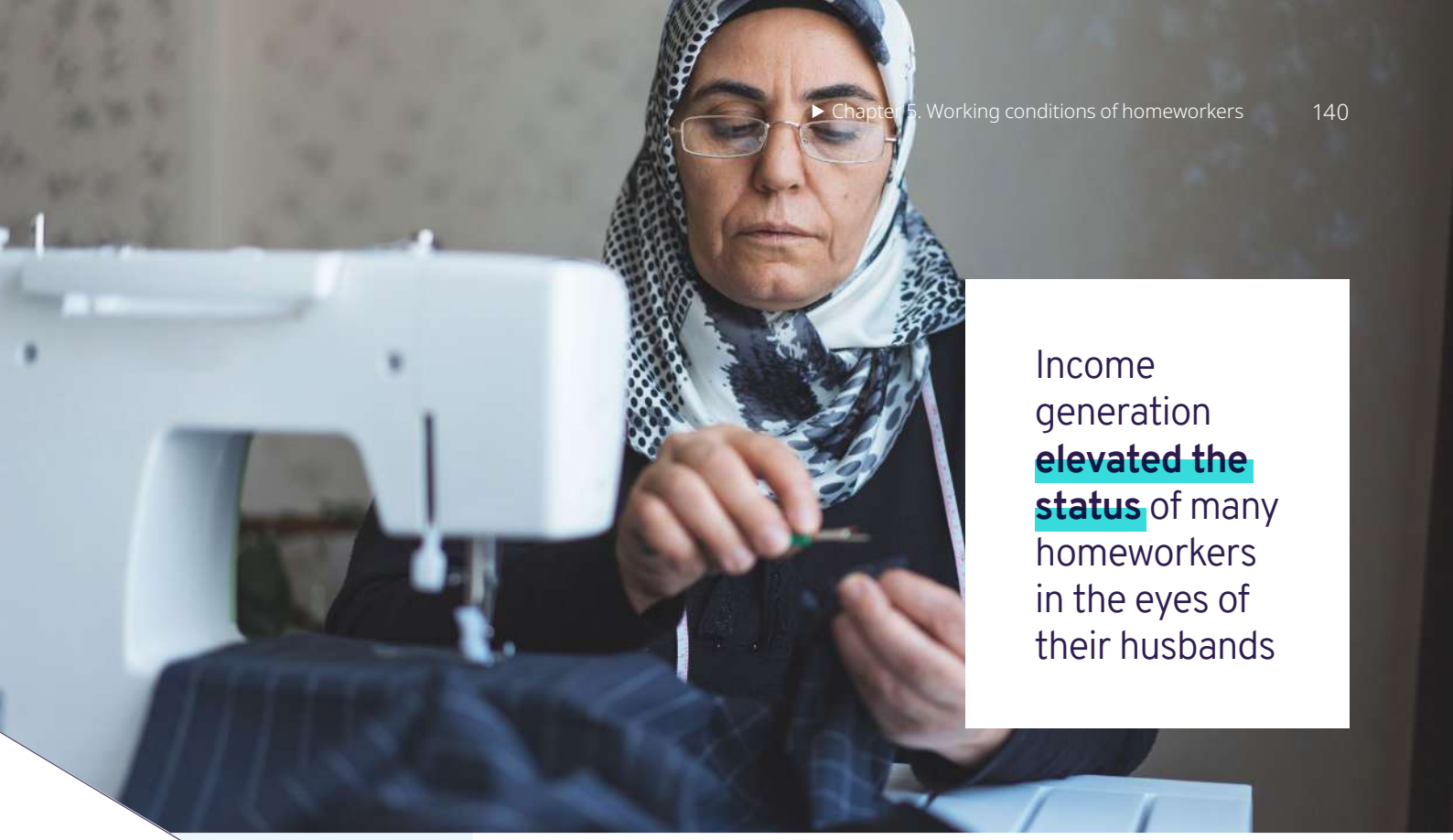
Does the gender division of labour segment the labour market?

The interdependence between paid work and unpaid care work may help explain the very low earnings of some home-based workers. Table 5.2 shows that in India the hourly earnings of homeworkers are only half the already low earnings of those who work outside the home. There are nevertheless some paradoxes surrounding these abysmally low earnings.

One example concerns beedi rollers. Between 1997 and 2010, the number of beedi homeworkers increased even as demand for beedis fell from 1998 onward.[28] This led to stagnant or even falling wages for beedi workers at the same time that wages strongly increased in India: women's wages rose 20 per cent from 1993–1994 to 2004–2005 and a further 60 per cent from 2004–2005 to 2011–2012.[29] These increases have been even larger in the unorganized sectors of the Indian economy. The wages of craft workers (including beedi workers fall) lagged somewhat behind those of other occupations but nevertheless increased by 12 per cent from 1993–1994 to 2004–2005 and then 34 per cent from 2004–2005 to 2011–2012.

The usual economic explanation for the paradox of earnings that remain stagnant in one sector even as they rise rapidly elsewhere is segmentation. Absent some type of segmentation, workers in the stagnant sector would be expected to migrate to the dynamic one. But what could explain this segmentation? Unorganized and casual workers still earn much less than regular and organized workers in India, but their wage increases were higher. This means that the explanation is unlikely to be segmentation in the labour market outside the home, which leaves segmentation between home-based work and work outside the home as the most likely explanation.

To investigate the origins of this segmentation, econometric models for (i) participation in the labour market and (ii) working from home (given that women work) were estimated for adult women. The results show that variables which most strongly impede participation in the labour market – such as belonging to a Muslim household, being married and having small children – are the same variables which lead to working from home for working women.



Income generation **elevated the status** of many homeworkers in the eyes of their husbands

©iStock/ hsyncoban

Table 5.8 Probit regressions for adult women (India)

	Participation in labour force		Working from home	
	Number of observations = 154,476		Number of observations = 22,452	
Variable	Coefficient	P-value	Coefficient	P-value
Hindu	-0.145	0%	0.048	20%
Islam	-0.458	0%	0.870	0%
Married	-0.078	0%	0.170	0%
No. of small children	-0.153	0%	0.006	72%
Education	0.001	46%	-0.003	10%
Age	0.000	57%	0.000	81%
_cons	-0.820	0%	-1.186	0%

Source: India, Periodic Labour Force Survey, 2018.

These results strongly suggest that cultural norms segment the labour market. Many women cannot work outside their homes because their religion prevents it, they have small children or they are married. This means that the booming labour market is beyond their reach. They can see it from the window but cannot reap its fruits. Locked inside their houses by cultural norms, these women have no alternative to home-based work. Employers and intermediaries are aware of this and offer survival earnings, knowing well that these homeworkers are short on choices.

The same analysis can be undertaken in Brazil, where evangelical Christians are considered the group with the most traditional values.

Table 5.9 Probit regressions for adult women (Brazil)

	Participation in labour force		Working from home	
	Number of observations = 725,231		Number of observations = 349,164	
Variable	Coefficient	P-value	Coefficient	P-value
Education	0.074	0%	-0.021	0%
Age	0.100	0%	-0.021	0%
Age squared	-0.001	0%	0.000	0%
Evangelical	-0.059	0%	0.069	0%
Other religion	-0.021	3.5%	0.020	16.8%
Small children	-0.232	0%	0.069	0%
_cons	-1.993	0%	-0.614	0%

Note: Omitted religion category is Catholic; "Other religion" includes the Spiritualist, Muslim, Jewish and Afro-Brazilian faiths, among others.

Source: Brazil, Urban Demographic Census for the state of Minas Gerais (2010).

The results for women`s work and home-based work in Brazil match the results in India. All variables switch signs from one statistical model to the next and the traditional religious affiliation (evangelical Christian) leads women both to work less and to work from home more given that they work. Yet the homeworking penalty in Brazil is only 11 per cent as opposed to 42 per cent in India. This shows that the cultural norms segmenting the female labour market are not enough to lead to very low wages. A market structure with firms ready and capable to take advantage of this segmentation is also a necessary condition, which exists in India but not in Brazil.

A similiar interpretation of the impact of cultural norms on work location is made by Islam and Kotikula, who model the three labour market states for adult Bangladeshi women: remain out of the labour force, work from home and work outside the home. They then analyse which factors are driving women's occupational status from 2003 to 2015 to work from home.[30] Their surprising conclusion is that the "rising wealth of Bangladeshi households is the primary reason why women are choosing to work from home". Their interpretation is that as "Bangladeshi households became richer, the traditional norms of women remaining in 'purdah' or seclusion made a reoccurrence in society".

It should be emphasized that religion is only one determinant of the cultural norms that keep women at home. The generation that women and their husbands were born into, their education, whether they live in a rural area or even their political affiliation may also affect these social norms.

Moreover, the cultural norms that affect women's work may make themselves felt outside the home. Some studies have found that, depending on the context, factories will not accept married women as workers or they may be harassed or intimidated if they are seen to be stepping outside cultural bounds. A progressive husband does not necessarily cure all ills springing from gender roles.

Much of the case study literature also goes in this same direction. A 26 year-old garment worker near Shahjahanpur, India, puts it clearly:

> "In our culture, women are not allowed to leave the home. What else can I do but this work?"[31]

Much in the same vein, a garment worker in Istanbul states that:

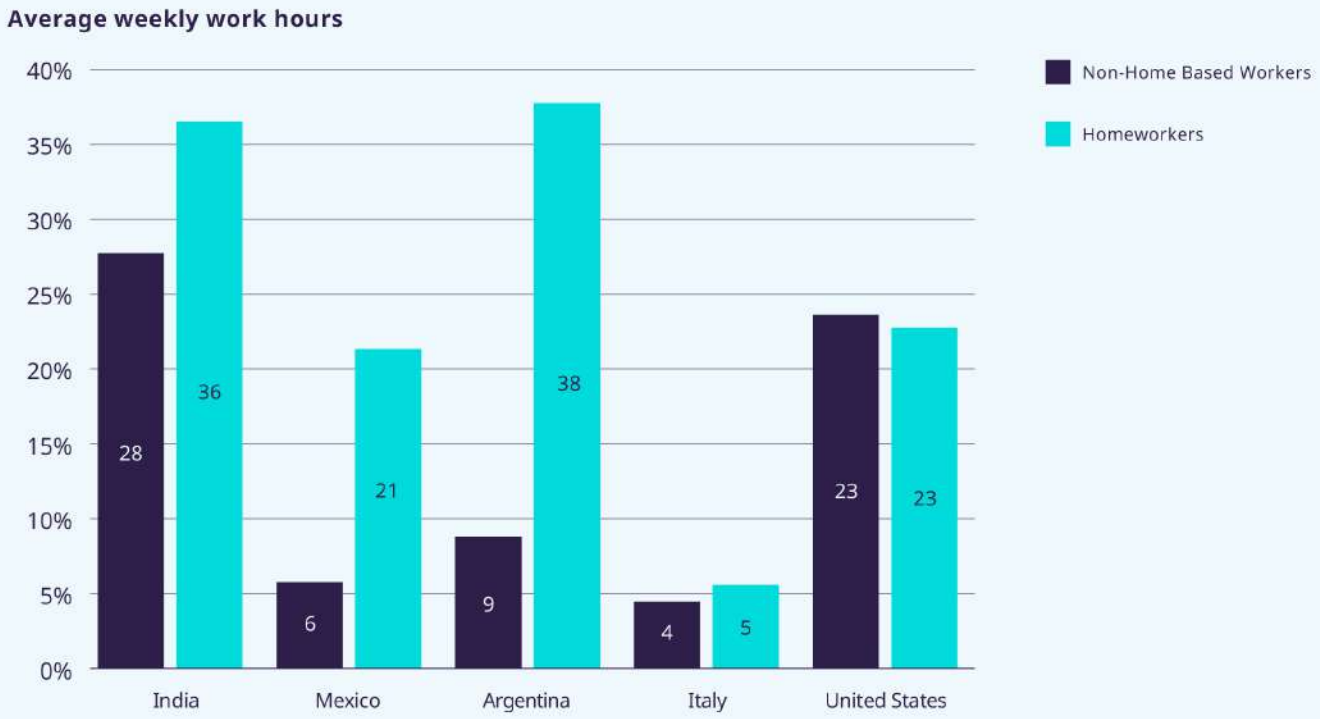
> "How could I go out to work? I have two small children and my husband works all day and comes back late in the evening. I do not have anybody from my family who can look after my children while I work. My husband's family is far from where we live now. So I am doing piecework and looking after my children at the same time. We live in a one-room flat which was transformed from a kind of storage room or *dükkan* (shop), so it is hard for me to have a relative with us to look after my children."[32]

A study of Muslim women in Turkey concludes: "women's homebased, income-producing activities in Istanbul, combined with the more traditional labour of housewifery and motherhood, are being viewed in the community as an expression of their identity as ''good'' and hard-working Muslim women. As women emphasize their gender identity in order to gain financial security and membership in the low-income neighbourhoods, they provide a low-cost labour source for production in the global market."[33] Undoubtedly, the same may be true of low-income women of other faiths and in other countries.

Wage gaps in home work

When gender relations and labour markets are discussed, the wage gap immediately comes to mind. Figure 5.5 shows the wage gap controlled for education, age and single digit occupation. As with many issues in this chapter, the results depend strongly on country-income level. In the United States and Italy, which are high-income countries, the wage penalty for being a woman is more or less the same among homeworkers as it is among employees who work outside the home. By contrast, the gender wage gap is higher (or much higher) among homeworkers in India, Mexico and Argentina, which are low- or middle-income economies. The (non-home-based employee) wage gaps shown here roughly agree with those found in the literature. The exception is the United States, where most of the literature points to wage gaps close to 15 per cent, although some estimates are closer to the 23 per cent found here.[34]

Figure 5.5 Gender wage gap among employees, by place of work



Note: The wage gap was estimated using an earnings equation in which a "female" indicator variable was estimated using age, education and one-digit occupation. The numbers in figure 5.5 are calculated using the following formula: $1 - e^{(female)}$, in which *female* is the coefficient of the indicator variable having the value 0 when the person is male and 1 when she is a female.

Sources: India, Periodic Labour Force Survey , 2018; Mexico, National Labour and Occupational Survey, 4th quarter 2019; Argentina, Permanent Household Survey, 4th quarter 2019; Italy, Labour Force Survey, 4th quarter 2019; United States, American Community Survey, 2018.

Even though occupation controls were used in the estimation, the difference between the two types of countries likely stems from the difference in the home work profile. While home work in India and Mexico is dominated by industrial homeworkers, home work in Italy and the United States is dominated by managerial or technical occupations in which the gender gaps are not necessarily smaller but may be the same for homeworkers and those who work outside the home.

Do labour market earnings change gender relations?

The interdependence between family and labour market spheres goes the other way, as well. The same cultural norms that lock women inside their homes can also be softened by home work and its earnings.

A study of Kerala, India,[35] points out that many of the women gain influence and higher status in the family through a cash contribution to the household economy. In India, 36 per cent of the women homeworkers in a survey said that taking up paid subcontracted work had increased their decision-making power in the home and this effect was stronger among married women: 38 per cent of women homeworkers said that they decide which family needs were going to be fulfilled with their income.[36] However, in terms of gender roles in the home – who does the cooking, cleaning and child care – the survey showed that taking up paid work had little impact. Men rarely took over more of these tasks when their wives took up waged home work.[37] So increased influence came at the cost of an extension in working hours.

Recasting gender relations occurs also in high-income countries. Jennifer, a South Asian immigrant working in garment production from her home in Canada, states that:

> "See initially my husband never took me seriously. He thought it's just something for short time. But I am serious; I am working and contributing whatever to family income. I told him that."[38]

Unfortunately, increased influence and status within the family resulting from home work is not universal. Pakistani female homeworkers reported that their families would typically be so poor that women could save nothing out of their wages and subcontracted work built on already established gender stereotypes and hierarchies. Instead, what home work led to was a very long work day, since they remained responsible for unpaid reproductive labour.[39] The homeworking women said that engaging in waged work was not a strategy of empowerment but of simple survival.

Another limitation to home work changing gender roles in a positive way is that the type of work done by female homeworkers may reinforce the gendered division of labour. Training for future home work is something that is incorporated in the upbringing of Turkish girls: embroidery, knitting, needlework, crochet and sewing skills are known as elişi and are learned as part of growing up. Making elişi has always been the basis of earning cash for low-income women and also builds a bridge to the labour market,[40] but these skills continue to confer a low status. As the labour historian, Eileen Boris, explains: "Together, home work and domestic labor formed a self-contained circle, sharpening certain skills to the neglect of others, thus lending weight to the belief that women were perfect handworkers, ideal for home work."[41]

Husbands may also appropriate the earnings of their wives. In Yogyakarta, Indonesia, only 72 per cent of respondents stated that they are paid directly for their home work, while the remaining respondents indicated that their spouses or other family members receive the payments. While this is undoubtedly a less common occurrence, it does suggest that who receives wages from home work may be a relevant issue.

Finally, there may be unwelcome changes in household expenditures by husbands. The Ghana study showed that income generation elevated the status of many homeworkers in the eyes of their husbands, and some of them said that their husbands had started addressing them as "madam" instead of just their first names. Some also said that their husbands had started performing domestic work in recognition of the fact that their wives were occupied with waged activities. However, some of the women interviewed also said that their husbands had stopped contributing economically to the household economy and kept their earnings to themselves, leaving the household expenses to the wife.[42]

Overall, though, it appears that home-based workers relish the idea of earning their own money from home. An ILO survey interviewed full-time homemakers in Sri Lanka, 98 per cent of whom responded that the possibility of working from home would allow them to join or rejoin the labour market.[43] Workers with disabilities, home-based less by cultural norms and more by inadequate infrastructure and their own disabilities, also find opportunities in home work that are not present in work outside.

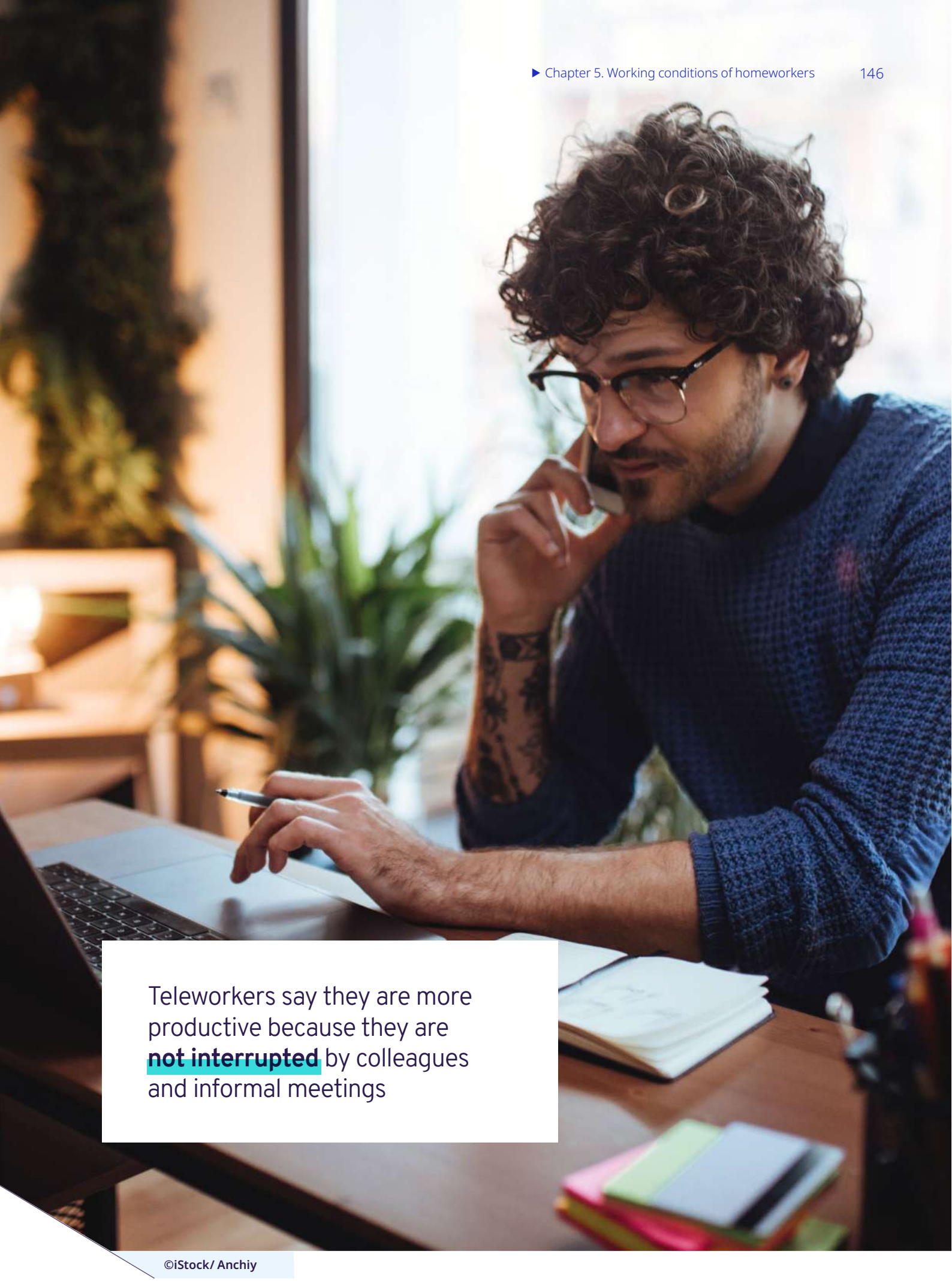
If a conclusion can be drawn, it is that income from home work may well increase women's agency and bargaining power within households, but this is done within the limits set by culture and economic conditions.

Juggling paid and unpaid work

Time use studies reveal that homeworkers start working at very different times and end their workdays at very different times, thus taking advantage of the one of the main positive aspects of working from home – control over one's schedule.

Comparing working times for homeworking men and women, the findings show, unsurprisingly, gender bias. While men contribute 2.4 per cent of their time to household chores, the contribution of women is 32.7 per cent of theirs. Women usually put fewer hours (18.6 per cent of their day) into paid home-based work than men (27.6 per cent of their day). The result is that total paid and unpaid care work hours put in by women amount to 50 per cent of their days, compared to 30 per cent of men's days.

Balancing production demands with care work and household responsibilities is not an easy task, whether for industrial homeworkers or high-skilled teleworkers. A study of industrial homeworkers in India found that women had difficulty managing household chores during times of production peaks, receiving little support or understanding from their husbands.[44] Many women (and some men) turn to teleworking as a means to better balance work with family responsibilities. And while the literature reveals some benefits, there are also consequences in terms of the extension of the working day and interferences with their paid work (box 5.1). Preliminary indications from the COVID teleworking experiment point to unequal consequences, with women undertaking a greater share of domestic and care duties among couples who switched to teleworking from on-site work during the crisis.[45]



Teleworkers say they are more productive because they are **not interrupted** by colleagues and informal meetings

©iStock/ Anchiy

BOX 5.1 COVID-19 and teleworking

Since the term was coined in the 1970s, teleworking or telecommuting raised great expectations that it would change the world of work and the nature of the urban environment. Few of these expectations were realized, however. While the number of teleworkers has grown over the decades, both in Europe and the United States their share of the workforce remained in the low single digits[46] – until the COVID-19 pandemic struck. Post-pandemic telework numbers range from 13 per cent of the workforce in Brazil to more than 33 per cent in Europe[47] and close to 50 per cent in the United States.[48] Since March 2020, teleworking has become an overnight reality for countless workers, particularly in high-income countries.

While there is a reasonable volume of literature on teleworking and its effects upon workers, the overall effect on health is neither well known nor consensual.[49]

Teleworkers report greater influence over how they organize their day and more overall hours to dispose of since they do not spend time commuting. They use this time leverage to extend their working day, get errands done during off-peak hours, exercise or spend more time with their families. Higher morale and job satisfaction are common among teleworkers, but this may be selection bias and not an effect of telework per se.

The negative side of this flexibility is "presenteeism"[50] – the blurring of lines between work and private life. Teleworkers tend to work long and continuous hours and feel they must always be on call. Commuting is not only time lost in transportation but also a ritual to delimit office time from home and personal time. Teleworkers go straight from the breakfast table to the work desk (and indeed the two are often the same), which may lead to stress and overwork. Presenteeism and work flexibility are two sides of the same coin.

Teleworkers say they are more productive because they are not interrupted by colleagues and informal meetings. However, negative consequence include long working hours in front of a computer, a static and constraining posture, repetitive movements and over time the development of musculoskeletal problems in the neck, shoulders, wrist, hand and lumbar regions.

Another benefit reported by teleworkers is the avoidance of undesirable human interactions such as office politics, which are all about access to power. Teleworkers may prefer to focus on performance and care less about office politics. On the other hand, negative consequences may include the social isolation that comes from spending long hours alone without social interaction, while missing out on office politics may lead to slower career development.

Empirical studies report both positive and negative effects, but few convincing cost–benefit analyses have been done.[51] Nevertheless, it may be assumed that if teleworking is freely undertaken by the worker, then the benefits outweigh the costs.

All the above, of course, applies to a world in which people chose to work from home. The COVID-19 pandemic has created a new reality – for every voluntary teleworker, five or six are working from home because they have no choice. These involuntary teleworkers may have had lives that were perfectly adapted to working in an office; may lack adequate workspaces in their homes; may have had 24-hour childcare heaped upon them due to school closures; and may also be suffering from anxiety over possible job loss. This is a completely different set of circumstances from those of the self-selected and voluntary teleworkers of the pre-COVID-19 world.

There are some expected and some surprising conclusions from preliminary research on teleworking since March 2020. Research on teleworking shows that its increased incidence reflects the industrial and occupational structure of the economy more than the intensity of the pandemic.[52] United States state-level data show that although COVID-19 infection rates predict switches to teleworking, states with more people in management, professional and related occupations have been more likely to see large shifts toward working from home and have had fewer people laid off or furloughed. Both United States and European data show that higher percentages of teleworkers are inversely related to unemployment rates, but the effect is stronger in Europe than in the United States.[53]

Managers are satisfied with telework. According to a survey by ClearlyRated, an online satisfaction survey programme used by companies, 56 per cent of hiring managers felt that the shift to remote work as a result of the pandemic had gone better than expected, 33 per cent found that productivity had increased as a result of remote work and 62 per cent said that their workforce would make greater use of remote work going forward.[54] Therefore, even involuntary and evidently improvised telework appears to have led overall to greater productivity and lower costs.

Unfortunately, this rosy view is not entirely shared by employees. The European Quality of Life Survey shows that life satisfaction, happiness and optimism are below usual levels, which is likely due to people living through a pandemic and an unprecedented economic recession. More to the point, 27 per cent of those who work from home as a result of the pandemic state that they work in what should have been their free time to meet the demands of work. Almost 25 per cent of workers living with children under 12 reported difficulties in concentrating on their job, compared to 5 per cent of households with no children and 7 per cent with children aged 12–17.[55] A United Kingdom survey showed that 33 per cent of respondents working from home felt they could not work well while trying to homeschool their children and 34 per cent felt they were not being good parents because of their workload.[56] Finally, a survey among those who turned to telecommuting during the pandemic in the United States shows that 35 per cent of the time saved by not commuting was going into more work on their primary job – more than childcare and exercise combined.[57]

In qualitative interviews, COVID-19 teleworkers declared that they missed the everyday social interactions with colleagues at work, casual conversations at coffee breaks or joking with co-workers. These teleworkers equally emphasized the blurring of boundaries between their work life and their personal life. Temporal boundaries between working and leisure hours during the workday, spatial boundaries between the workplace and the home, and boundaries between workdays and weekends were all partially erased, leading to presenteeism. In the words of a teleworker:

> ”It is very easy to just sit down and work. Before lunch I usually decide where I am going to eat, but now I just sit at the kitchen table working, and then it’s 12.30 and I feel it is time for lunch and I have just been sitting here all day. That would never happen at work.”[58]

On the other hand, participants expressed considerable satisfaction with greater control over how to structure their day and, on the whole, were not negative about teleworking:

> ”I hope more people feel as I do, and that society takes away from this that working from home works very well, that there is more trust that you will perform your work tasks and that people hereafter will have even more freedom to work from home if it suits them.”[59]

It must be emphasized that any results of the impacts of telework on firms and workers are preliminary and need further investigation. Nevertheless, the available data suggest that, overall, employers are more satisfied with telework than their workers. This may in part be due to low initial expectations from employers and anxiety of employees over their confinement as well as the future. It does seem likely, however, that the COVID-19 pandemic will have as one of its lasting effects an increase in telework.

▶ 5.5 Home work and child labour

One of the clear dangers of home-based work and home work is the use of children in the household in the production process.

Given that production takes place in a private space, where labour inspection either cannot enter or does so with difficulty, and also given the lack of a clear boundary between care work and productive work, it is very difficult to both draw and enforce limits to the work of children when home-based workers are present. While the ILO's Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182) are clear about the need for a minimum age for working and provide that children should be protected from hazardous work, there is leeway in the boundaries of what constitutes allowable labour for those under 15.

Figure 2.14 (see Chapter 2) showed that, for a range of countries, children with home-based workers among adult household members were more likely to be engaged in child labour than children without home-based workers among adult household members. Table 5.10 attempts a slightly more in-depth analysis of child labour in India and Mexico, by comparing the magnitude of the various factors associated with child labour. The results should not be interpreted as directly causal. For example, school attendance is both a consequence and a cause of not working. The objective is primarily to show the magnitude of the association between home work and child labour.

©ILO

Table 5.10 Child labour probit, India and Mexico

	India		Mexico	
No of observations		72,557		26,831
Likelihood Ratio	$\chi 2(7)$	175.18	$\chi 2(7)$	29315.12
Variable	Coefficient	P-value	Coefficient	P-value
Self-employed home-based workers in household	0.074	0%	-0.021	0%
Home work in household	0.100	0%	-0.021	0%
Child in school	-0.001	0%	0.000	0%
Years of mother's education	-0.059	0%	0.069	0%
Years of father's education	-0.021	3.5%	0.020	16.8%
Age	-0.232	0%	0.069	0%
Location (urban as base)	-1.993	0%	-0.614	0%
Rural (India)	-1.993	0%	-0.614	0%
Medium city (Mexico)	-1.993	0%	-0.614	0%
Small city (Mexico)	-1.993	0%	-0.614	0%
Rural (Mexico)	-1.993	0%	-0.614	0%
Constant	-0.232	0%	0.069	0%

Note: Child labour follows imperfectly the legal definition of each country. In Mexico, child labour is defined as work by children under 15, with dangerous or degrading work also prohibited for adolescents 15 to 18. In India, child labour is considered work by children younger than 14, with dangerous or degrading work prohibited for children 14 to 18. Due to time constraints and also a lack of consensus as to what occupations constitute dangerous or degrading work, this was not programmed into the analysis.

Source: India, Periodic Labour Force Survey; and Mexico, National Labour and Occupational Survey.

Two types of home-based work variables are used. The first is home-based work by the self-employed and the second is home-based work by homeworkers. Reclassification of likely homeworkers using the methodologies explained in Chapter 2 was undertaken. The definition of child labour used was the legal definition in each country.

The results are significant. In India, the magnitude of the effect on child labour of having homeworkers in the household is the same as ten additional years of parental education, although in the opposite direction. Having a homeworker in the household increases the probability of a child working by twice as much as moving from a fully urban to a rural location in Mexico.

Certainly more work is needed on the subject of child labour and home work. These are only descriptive results that must be interpreted with care. But they do suggest without ambiguity that home-based work, in particular home work in a household, significantly and substantively increases the risk of child labour.

▶ 5.6 Social protection

The state can provide social protection coverage via contributory schemes (usually financed through contributions from employers and/or workers), non-contributory schemes (usually financed from general taxation) or a combination of both.

Convention No.177 states that homeworkers, whether or not they are formally considered employees, are entitled to social security on equal terms with other workers. However, in practice they have historically been excluded from such protection, either due to a legal framework that implicitly or explicitly excludes homeworkers or, more often, because existing laws are not applied. This means that social security, including pensions, health care, maternity protection, sickness benefits, disability benefits, employment injury protection and unemployment protection, is limited for homeworkers, which further aggravates their often already precarious employment status.

In some countries, social protection for homeworkers has been improved by extending social insurance coverage and other legal protections to homeworkers. In addition, homeworkers may benefit from tax-financed schemes, such as such as universal child benefits or social pensions, or from means-tested social assistance schemes targeted towards poor households.[60] Some examples are detailed below, but achieving adequate coverage among homeworkers remains a distant prospect.

India is one of the countries with the longest history of homeworkers' organization and of pressure from NGOs, homeworkers' and self-employed associations and traditional trade unions to extend social rights to homeworkers. As a result, homeworkers enjoy varying legal degrees of social protection. Beedi homeworkers are entitled to social protection under the beedi laws of the late 1960s, which mandated that their employers issue identity cards to enable them to receive welfare benefits. Implementation was largely ineffective and the responsibility for issuing cards was shifted to the government-run Labour Welfare Organization. However, implementation has been decentralized to the states and coverage remains far from universal. The Parliamentary Standing Committee on Welfare of Beedi Workers has reported that because of a chain of subcontractors, most beedi workers remained unregistered and thus not eligible for social protection, even as 75 per cent of them suffer from work-related illnesses. The Committee recommended that a mapping of beedi companies be undertaken, but it was never done. According to the Committee, there are access difficulties even for the registered workers, due to lack of facilities.[61]

In Thailand, where homeworkers represent about 12 per cent of total urban employment, of which nearly 75 per cent is informal, since 2011 the Government has put in place programmes that extend social security coverage to workers in the informal economy, but there are limitations. Not all workers are aware of these programmes; social security schemes are limited for some workers; and the majority of home-based workers in Thailand are classified as self-employed or contributing family workers and thus are not covered by the Homeworker Protection Act.[62]

In several countries, homeworkers can potentially access social protection through universal schemes. But even welfare systems that theoretically are for all are often historically built on traditional employment relationships that raise barriers for homeworkers. In Denmark, for example, freelancers are counted partly

as "employees" and partly as independent contractors, and only the former income counts for purposes of wage compensation if the worker gets sick.[63]

In the Philippines,[64] homeworkers are covered by the national social security and health insurance systems only if employers actively register their workers, which in many cases they fail to do.[65] Other workers have to pay voluntary coverage themselves, unless they are entitled through a government-sponsored programme as indigenous people or under the conditional cash transfer programme. Among the 85 homeworkers interviewed for an ILO-commissioned study in 2019, only 22 per cent were currently covered by the national social security system – mostly because they were covered through a spouse, parent or child. A bigger proportion (60 per cent) were covered by PhilHealth (the national health insurance system). The rest were covered by the Government under a conditional cash transfer programme or other schemes. To pay for emergency needs and in some cases just to make ends meet, homeworkers in the Philippines tend to rely on local microcredit schemes, as well as on loan sharks.[66] More than half of the online homeworkers who responded to the ILO survey were voluntary, paying members of the Social Security System, the state national insurance system for workers in the private sector, and PhilHealth, the state health insurance system.[67] In February 2019, the Universal Health Care Act was adopted to cover all Filipino citizens, but it has yet to be implemented.

In some low- and middle-income countries, social security is limited for all workers. In Ghana most homeworkers, including those in the formal sector, lack benefits, paid leave, health and safety provisions, social security and pensions.[68]

Interviews show that some homeworkers are concerned about the future and others are definitely not concerned, with differences possibly due to the relative generosity of non-contributory schemes in each country, as well as their earnings. In the words of a Ukrainian freelancer: "Everyone will receive the minimum state pension. It's an axiom. If they don't do it, the working class will protest."[69]

Other homeworkers are quite concerned about the future, but have no immediate plans to deal with it. A home-based, Turkish ICT worker puts it clearly:

> "The biggest problem for freelancers is working without a contract and social security. Paying my social security on my own is very expensive; I cannot afford it. I only pay my health insurance premiums for the time being … I don't know what I will do when I am 65 years old!.. I am kind of beginning to worry about my old age security but I don't have a plan to tackle with this issue right now."[70]

In many cases, homeworking by the wife is part of a household earnings strategy in which informality and lack of social security are not seen as a problem since she is covered as a dependent by the formal labour market of her husband (or father or brother). As long as the family ties hold and family members continue to be covered, she is covered and is thus not worried about individual coverage. But even so, coverage is limited: the family may count on access to health services, but income lost due to illness of the homeworker will not be covered.

In Thailand, the lack of social protection means that some homeworkers continue working into old age. As a 65-year-old worker described it:

> "Because I'm the only one in my family that work they are dependent on me, if I get sick I cannot work and wouldn't get paid. I'm not married and taking care of my mother and my three-year-old nephew. I'm 65 years old and my health is not good and I have to see the doctor a couple of times per month. If I don't work, it won't be long before we all will be living on the street."[71]

Table 5.11 revisits what household surveys show about homeworkers' access to social protection. Since the definition of what constitutes social protection coverage varies widely across surveys, the numbers are not directly comparable. In Argentina and Mexico, the survey includes workers with a formal contract who have access to the whole package of social protection; in India, the survey explicitly asks separately who has access to pensions, health care, maternity leave and severance payments, so that there are two definitions – those who have the whole package and those who have at least one element. Homeworkers identified in the Italian survey benefit from universal social security contributions because they are treated as employees.

Table 5.11 Access to social protection

	India partial	India complete	Mexico	Argentina	Italy
Non-home-based workers	14.0%	5.9%	38.1%	54.4%	79.7%
Home-based workers	0.8%	0.1%	0.1%	3.6%	28.8%
Homeworkers	5.8%	0.8%	0.5%	26.9%	99.0%

Note: "India partial" refers to workers who have at least one element of social protection (pensions, health care, maternity leave and severance payments); "India complete" refers to those who have all elements.

Source: India, Periodic Labour Force Survey; Mexico, National Labour and Occupational Survey; Argentina, Permanent Household Survey; Italy, Labour Force Survey.

The main takeaway from this section is that, in countries where social protection is limited, homeworkers are short-changed. They are often classified and treated as independent contractors, and their access to social security tends to be limited unless the country has in place adequate social security provision for self-employed workers. Universal schemes based upon residency can provide a basic level of protection, but in order to reach adequate levels of protection, social insurance coverage is key. Greater inclusion of homeworkers in contributory social security schemes complemented by efforts to strengthen nationally-defined social protection floors can and should be advanced in tandem to specific homeworker social protection schemes. These specific schemes may be more easily accessible by homeworkers, their organizations and their advocates, but they often face challenges in terms of the adequacy of benefits, risk-pooling and sustainability. While there is no one-size fits all solution, more efforts are necessary to ensure universal access to social protection systems, including floors, that provide adequate and comprehensive coverage in a sustainable way and adapted to the situation of homeworkers.

▶ 5.7 Organizing and representation

In recent decades, organizations of homeworkers have been formed in various parts of the world and many of them have been involved in political action in favour of their constituents with a scope ranging from the local and national to the global levels.

In addition, some traditional trade unions have also incorporated and organized homeworkers. Examples of organizations representing home-based workers and homeworkers at different levels include the Self-Employed Women's Association in India; the Union of Embroidery, Tapestry and Craftwork Workers in Portugal; the Textile, Clothing and Footwear Union of Australia (now merged with the Construction, Forestry, Maritime, Mining and Energy Union); the South African Clothing and Textile Workers Union;[72] the Food, Beverages and Catering Union in Germany; and the National Confederation of Textile Workers in Chile.

Nevertheless, homeworker organization faces many practical obstacles, some of which are inherent to home work as the very nature of their work isolates homeworkers from one another. They are often marginalized, not only in the labour market but also socially, within urban structures and sometimes even within their families. Moreover, as they are often at the bottom of subcontracting chains, they have little engagement with enterprises at the top of the production chain that likely have more control over price-setting. Finally, some homeworkers do not identify themselves as workers with common interests.

In addition to the obstacles inherent to the nature of homeworking, organizers may also face direct resistance from employers and intermediaries. For instance, a recent study on homeworkers and factory workers in the leather footwear industry in Tamil Nadu, India, revealed the prevalence of anti-union activities, including inducements and threats to workers and harassment of union activists. In these cases, workers' fear of retribution makes it difficult for unions and NGOs to openly bring homeworkers together. Moreover, worker awareness regarding labour rights, especially trade union rights, has been found to be low.[73]

Fear of organizing has also been found by researchers in India, Pakistan, the Philippines, Sri Lanka and Thailand in the late 1990s and early 2000s. As noted by Radhika Balakrishnan, author of The Hidden Assembly Line:

> "Organizing subcontracted workers at the local level can be very difficult precisely for the reasons why companies prefer this kind of work. Any attempt at organizing is used by the employer to move to another location. In some instances, because the NGO that was helping gather data was well known, workers were afraid to be seen with its organizers for the fear of losing their contract."[74]

Organizing is difficult, but even very preliminary organizations are capable of negotiating wages upward

Lastly, the declaration of the Turkish Union of Home-based Workers shows that home-based workers' organizations may be opposed not only by employers but also by the state.

> "We are organizing for 'decent work', for social security, but by organising we are also striving to win the right to organise. We have organised and launched our union; however, the government has started a legal case to shut it down. Thus, winning recognition for our trade union Ev-Ek-Sen as a trade union will imply the recognition of the right to organise for all homebased workers and more generally for all those who work without being covered by social security. We, homebased workers, are one section of workers who lack social security coverage. Therefore the recognition of Ev-Ek-Sen will be a very important gain not only for our unionisation struggle, but also for that of all precarious workers."[75]

The net result is that in practice, homeworkers are often not organized. The Indonesia case study revealed that only 14 per cent of homeworkers negotiated collectively with other homeworkers, even as 22 per cent negotiated prices independently.[76] Yet collective bargaining, when undertaken, does appear to work: the correlation between average homeworkers' earnings and collective bargaining at the province level in Indonesia is 0.48,[77] so that in provinces where there is more collective bargaining by homeworkers they also earn more. The correlation between attempting to negotiate wages or prices individually is negative, so that in provinces where homeworkers try to negotiate piece rates individually they earn less.

The story is the same as seen in the labour movement throughout history: organizing is difficult, but even very preliminary organizations are capable of negotiating wages upward.

5.8 Occupational safety and health for homeworkers

When work is done in the home, the responsibility of creating a proper work environment, including investing in proper tools and workstations, often falls on the individual worker, leading to OSH risks.

These risks are compounded by the legal and practical difficulties of labour inspection in private dwellings, which is discussed in Chapter 6.

For homeworkers, the workplace must function as a home as well and few homeworkers, especially poor ones, have the capacity to dedicate parts of their home solely to their work. In Mexico and India, only 27 and 16 per cent of homeworkers, respectively, have access to a dedicated workspace. On the positive side, homeworkers often (though not always) have more control over their time than those who work in factories or offices. Those who alternate between unpaid care work and paid home work throughout the day may be able to reduce long uninterrupted hours in the same posture. During a pandemic, working from home is one of the best ways to reduce infection risks.

On the negative side, however, there are many possible ways in which working from home, as opposed to working in an office or factory, can be detrimental to health. The first and most obvious type of negative impact is that workers often work with noxious materials, such as glue, lead or tobacco, in inadequately protective environments. Mercury is used for gold polishing, acid for metal etching and wax for casting brass. Strong dyes and acids are used in producing and washing jeans. Taking on home work in already precarious living situations can make not just the work environment – but also the lives of workers and their families – less safe by reducing the amount of space in the home and by introducing chemicals, fumes or hazardous materials used in the work.[78]

The second type of negative impact is that piece-rate payment puts a strain on homeworkers, who may work longer hours than they would if they were subordinate to an employer who is in any way liable for work accidents. Furthermore, since home work takes place in a private dwelling, labour inspection is often prevented from protecting workers against long hours.

Finally, the social isolation that may come with working from home may make some homeworkers not only prone to depression and other mental health disorders, but also less aware of safety standards.

Studies of the OSH risks faced by teleworkers suggest that they face issues similar to other homeworkers, including ergonomic problems, work intensification and excessive hours, the blurring of boundaries between paid work and private life, and social isolation.[79] On digital labour platforms, an added risk is related to the task of content moderation – the screening of digital materials for violent or pornographic content. Though it may seem that one's photos or videos are magically uploaded, they must first pass the algorithm of the social media site. On YouTube, once a video is flagged by the algorithm, a human content moderator has to verify this decision in order for the harmful content to be removed. These workers may be exposed

to 8,000 potentially violent or pornographic images in a single workday. Not surprisingly, this work has been associated with post-traumatic stress disorder.[80] The difficulty of such work is compounded by the working conditions of the workers, who are typically hired as contractors and often work from home. Many of them have not received training or psychological support for the work they are doing.[81]

Elevated OSH risks for industrial homeworkers

International research on industrial home work has found that it is often associated with increased risk of injury, exposure to hazardous substances (including infectious materials) and occupational violence.[82] In some cases, these OSH outcomes are dramatic.

A representative sample of 1,405 industrial homeworker households and an additional 467 control households in India reveals the prevalence of work-related health problems. A total of 31 per cent of homeworkers making garments (zardosi), 64 per cent of incense stick makers, and 71 per cent and 45 per cent of beedi rollers (in Madhya Pradesh and Tamil Nadu, respectively) stated they suffer some kind of health problem due to their work.[83] A study by the Voluntary Health Association of India found that 75 per cent of beedi workers suffer from multiple illnesses due to continuous exposure to tobacco and other hazardous substances. These numbers are excessive and show that OSH results for industrial home work among the poor in India are worrisome to say the least.

Case studies confirm the dire situation of Indian industrial homeworkers. A study of leather footwear homeworkers in Tamil Nadu documents hand and shoulder strains, back and joint problems, problems with eyesight, headaches and postural problems from poor ergonomic practices and long hours, as well as puncture wounds. The pressure to complete work on time and occasionally excessive orders accentuates these issues.[84] Another recent study on home work in India also points to the lack of adequate facilities in terms of housing, sanitation and provision of basic amenities as conditions that negatively affect OSH. Workers are exposed to various occupational health hazards risks since there is no separation between workspace and living spaces; and because they operate within their homes in the presence of children, their families are also exposed to various health hazards.[85] For the beedi rolling industry, homeworkers – and their families – breath tobacco fumes that expose them to a high risk of contracting asthma, bronchitis and tuberculosis.[86] Epidemiological studies point to the association of long-term exposure to solvents with central nervous system damage. Shoe manufacturing and assembly in the home have been linked to the development of acute and chronic respiratory impairments.[87]

Long working hours also pose a risk to OSH, as shown by a study on homeworkers in the textile industry in Thailand.[88] Physical injuries such as tension, joint pain and poor eyesight caused by long working hours, bad working positions and poor light conditions were common. The study documents 14–16 hour work days; moreover, the crowded slum areas further aggravate OSH risks.

For homeworkers in the Bulgarian clothing industry, time-related stress is a significant factor in creating OSH risks. As one of the workers in a recent study expressed it:

> ”They put us in extremely high stress by the time frame, especially in the final part of the period they put pressure on us. They tell us that if we don’t give them the full order, we will not be paid for anything.”[89]

Among the specific work conditions that pose a risk to health, homeworkers mentioned working with toxic glue and textiles washed with toxic solutions; having to work long hours with needles that cause puncture wounds to the hands; and dealing with asthma and heart problems apart from body pains in the joints and hands.[90]

But OSH is also worrisome for industrial homeworkers in wealthier countries. In addition to low pay and irregularity of work, clothing and footwear homeworkers in Spain and Germany cited the physical conditions of their workplace as the main disadvantage. Dirt and bad smells in the home environment, arm and back pains, allergies and circulatory and eye diseases were among the problems most frequently mentioned, as well as fatigue in periods of high work intensity. Some homeworkers also experience psychological disorders due to isolation, exhaustion and little personal satisfaction with, and control over, their work lives.[91]

These poor results would be mitigated if employers or contractors provided adequate safety equipment. If they fail to provide such equipment, poor (or even not so poor) homeworkers will not do so and will thus expose themselves – and their families – to injury.

Work-related injuries also occur as a result of home-based computer work. Among the long-term problems mentioned are posture disorder, back and wrist pains, eyesight problems and hernia, all resulting from long work hours and poor ergonomic conditions in the home-workplace, for which no employer but only the worker is responsible.[92]

To conclude, table 5.12 shows the percentage of home-based workers and homeworkers who have missed work or worked less due to health issues. This is a very limited indicator and not too much should be read into it. As discussed in Chapter 2, having health problems may be a reason for taking up home-based work in the first place and homeworkers often have limited access to sick days. Nevertheless, this indicator does allow for comparisons between countries using questions that are similarly worded.

Table 5.12 Missed work due to illness

	South Africa	Mexico	Italy	United Kingdom
Non-home-based workers	10%	1%	8%	2%
Home-based workers	15%	4%	5%	3%
Homeworkers	11%	14%	6%	3%

Source: South Africa, General Household Survey; Mexico, National Labour and Occupational Survey, 4th quarter 2019; ; Italy, Labour Force Survey; United Kingdom, Labour Force Survey.

The results mirror those of almost all analysis comparing the countries above. Homeworkers in countries in which industrial home work predominates, such as Mexico and South Africa, have higher injury rates than those in which telework or other service-based occupations predominate. Homeworkers in these latter countries either have lower injury rates, such as in Italy, or the differences are very small, such as in the United Kingdom.

This section shows that while OSH is an issue for all home-based workers, it is most serious for industrial homeworkers. Piece-rate payment, toxic inputs, lack of accountability due to long subcontracting chains and poor regulation all expose home-based workers to excessive health risks in both the short and long terms.

5.9 Training and career prospects for homeworkers

While many homeworkers have or obtain specialized skills within their field, industrial homeworkers commonly have little or no formal education.

In India, homeworkers have on average six years of education, compared to nine for workers in offices, factories or shops. In Mexico and South Africa, homeworkers also have one or two fewer years of education than their peers in offices or factories. In high-income countries, the situation is different and homeworkers, many of whom are high-skilled professionals, have more years of formal education.

Human beings, however, do not look only at where they stand but also at the horizon. Whether well or poorly educated, all workers should have the right to training and career prospects. Yet home work can establish hurdles for workers and their employers regarding training. If the link between workers and employers is weak, as is often the case for homeworkers who are formally self-employed but who have a de facto employer who buys all their production, establishes schedules, provides raw materials and so on, it stands to reason that the employer will not be very interested in providing training. Homeworkers may also lack access to facilities where training may take place on the employer's premises. All this theoretically shifts the burden of training onto the homeworkers themselves.

Home work can establish hurdles for workers **regarding training**

How does this prediction fare when confronted with reality as seen through case studies and labour force surveys?

Labour force surveys vary in the degree of detail of their training questions. Some ask no questions at all, while others have entire sections on the availability of training, its intensity and who pays for it. The United Kingdom's Labour Force Survey is one of the most complete and provides one surprise. The first result is that, as expected, homeworkers are less likely to be engaged in training than other workers – 16 per cent of the former as opposed to 28 per cent of the latter were engaged in some type of training during the three months prior to the most recent survey. In addition, 8 per cent of those who work outside the home received on-the-job training, versus only 4 per cent for homeworkers. This is all as expected. The surprise is that when asked if their employer had offered training, both types of workers answered yes in equal proportions (8 per cent). So the takeaway is that in the United Kingdom, where home work is dominated by highly trained individuals, employers offer training that homeworkers do not accept, possibly due to the logistical difficulties of accessing training that was not conceived for them.

The numbers for Italy are even more surprising. While 41 per cent of homeworkers answered that they had engaged in some type of learning activity for professional reasons (the question is quite broad and includes things like watching an online video or a seminar), only 20 per cent of workers who commute to work did so. In addition, when asked how many had engaged in employer-sponsored learning activity, the numbers were 10 per cent for homeworkers and only 4 per cent for others. When controls for education and age are introduced the difference vanishes and when occupation is controlled for the difference becomes negative. The tentative conclusion is that, while the assumption that homeworkers will have fewer training opportunities is correct and unchallenged, it may be swamped by selection bias: if homeworkers are in occupations that require constant training then the numbers may be reversed, even if it is the homeworkers who bear most of the costs of training.

Finally, Indian data show little training for anyone, but even less for homeworkers. While 2.8 per cent of non-home-based workers stated that they received some kind of training (other than schooling), only 0.5 per cent of homeworkers did so. When asked about hereditary training provided by families, the numbers are similar at 2.3 per cent and 2.4 per cent, respectively. These findings are in line with case studies, though it may be that respondents under-respond to the question on hereditary training (which is not a structured question but a mere response item in a larger question).

Case studies show that homeworkers are indeed often responsible for their own training. A study of garment and textile homeworkers in Karachi showed that more than 40 per cent of homeworkers had received informal training for their tasks, but that with few exceptions this training had been obtained as a form of apprenticeship with a family member or neighbour and was thus not something the work provider had offered.[93] As mentioned previously, in Turkey, where many homeworkers are involved in garment and textile production, young girls are taught the skills of embroidery, knitting, needlework, crochet and sewing, both for home production but also as a future means of earning income.[94]

Online home work

Online home-based work and home work, including work through digital labour platforms, has the potential to provide new employment opportunities, not least in countries where in recent generations the supply of university graduates dramatically exceeds the number of local jobs that matches their educational level or professional aspirations.[95]

However, as stated throughout this report, homeworkers are primarily hired as independent contractors, and while some of them may be legitimately self-employed, in other instances they may be misclassified to avoid employment and social security law obligations.[96] This classification itself is indicative of the weak link between employers and employees, which is likely to inhibit career prospects for online homeworkers. These workers have no formal access to advancement structures and given the oversupply of workers on online platforms, there is scant motivation to contribute to the skill enhancement of digital homeworkers.

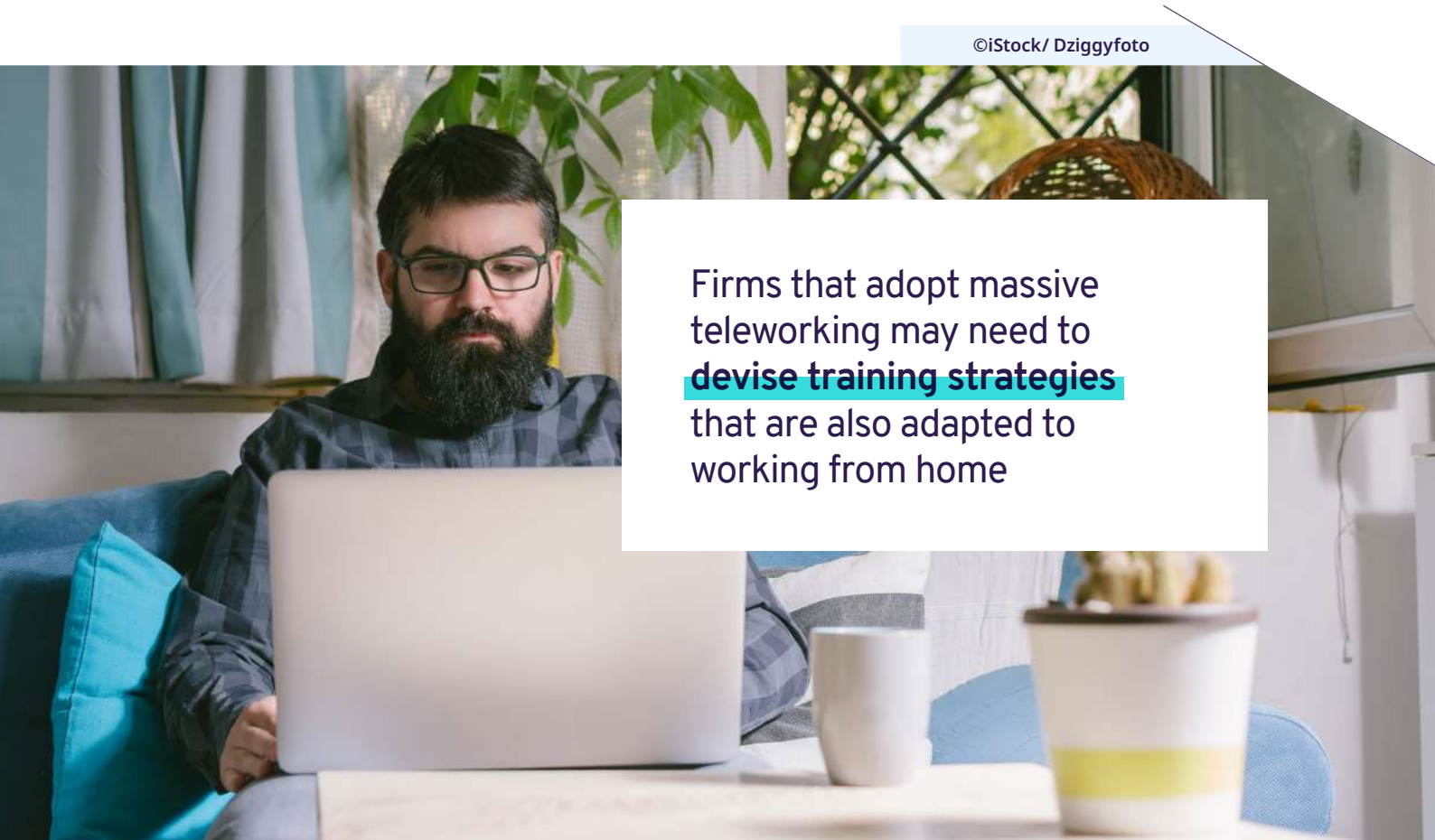
The data suggest that if homeworkers need training to complete their tasks or expand the possibilities of what tasks they can take on, they will search for this training on their own. In the Philippines, more than 40 per cent of the online homeworkers who participated in a survey in 2019 said they had themselves paid to take training courses to better equip themselves for online work. The courses taken by homeworkers, mostly online,[97] ranged widely from training to perform simple tasks, such as data entry and encoding, to training to acquire more technical skills such as programming and web development, social media management and the use of specialized tools such as Adobe Photoshop, Canva and Hive.[98] Studies of platform workers in Ukraine and China reveal similar findings of self-study.[99] Even though both industrial and digital homeworkers are often hired exactly because of their special skills, the career opportunities offered by this type of work are the responsibility of homeworkers to pursue.

Another more positive aspect of this structure is that online home work in practice opens possibilities for people without formal education to access job functions that they might otherwise have been excluded from. Some data suggests that online homeworking allows for higher earnings and a greater variety of work than the educational level of the worker might open up on its own. For instance, the 2020 Freelancer Income Report shows that freelancers with only a high-school level education earn on average more than their peers with a bachelor's degree and only slightly less than those with postgraduate degrees. When it comes to hiring freelancers — as opposed to salaried employees — clients pay closer attention to experience, portfolio and the ratings that freelancers have received from other clients, while formal education appears to play a less significant role in the hiring process.[100]

Digital homeworkers in the Philippines work on a great variety of tasks, primarily those related to data entry, general virtual assistance, IT and micro-tasks. They are generally more highly educated than the broader population: 61 per cent of online workers hold a bachelor's degree, versus only 16 per cent for the working-age population. According to the digital workers interviewed, it is not their educational attainment or college degree that counts in obtaining an online job, but their willingness to learn and their motivation to do the job. However, 40 per cent still think that they need further technical training or English-language training to be able to do all tasks posted online.[101]

The most important conclusion of this section is that there are hurdles to training for homeworkers. In high-income countries, these hurdles exist but may be weaker than the selection bias that determines who becomes a homeworker. In low-income countries, by contrast, these training hurdles are compounded rather than mitigated by this same selection bias.

If the changes brought about by the COVID-19 pandemic become permanent and many workers continue to telecommute even after a vaccine is found, the potential negative impacts on training and human capital that result from working from home should be taken into consideration. Firms that adopt massive teleworking may need to devise training strategies that are also adapted to working from home.



©iStock/ Dziggyfoto

Firms that adopt massive teleworking may need to **devise training strategies** that are also adapted to working from home

▶ 5.10 Conclusion

This chapter has focused on the working conditions of those who work from home.

Because the profile of homeworkers is heterogeneous, their working conditions are heterogenous as well. Industrial homeworkers are more numerous in low and middle-income countries and less so in high-income countries. Teleworkers are more numerous in high-income countries and less so in low and middle-income countries.

The homeworking penalty, when all variables are controlled for, is present in almost all countries and contexts, but is far stronger among industrial homeworkers in India than among teleworkers in the United States.

Home-based workers and homeworkers lag in access to social security everywhere, but again, the difference is higher in India or Mexico than in the United Kingdom or Italy. Training and career prospects are everywhere worse for homeworkers once occupation has been controlled for, but the differences are far greater for industrial homeworkers than for digitally enabled homeworkers. Homeworkers miss more work due to illness, but the difference is higher in Mexico and South Africa than in the United Kingdom and Italy.

The one area in which differences are not apparent is labour organization. Although there are many organizations for IT-enabled home-based workers and homeworkers, the activities of some associations and unions in the industrial home work sector have been noted. No evidence could be found that digitally enabled homeworkers are consistently better organized than industrial homeworkers. Given the greater geographical dispersion of online workers, the likelihood of their being organized may be lower than that of industrial homeworkers located in a concentrated geographical area.

A final observation is the critical interaction between home work and gender roles. Women everywhere are expected to perform a greater share of unpaid care work, which leads home work and other forms of home-based work to be far more female-dominated than other spheres of the labour market. While these cultural gender differences are present everywhere, in some countries they are so strong as to effectively create a barrier to women's work outside the home. This segments the labour market and may lead to abysmally low earnings for industrial homeworkers.

The COVID-19 pandemic has put home work in the limelight as a strategy to prevent mass unemployment. As such, the lessons of this chapter may serve as a guide. The undesirable features of working from home (such as reinforcing traditional gender roles, slowing training and the accumulation of human capital, as well as more and irregular hours) must be weighed against its benefits (such as reduced likelihood of infection and the increased ability to balance work with personal responsibilities).

▶ Endnotes

1 In Brazil, Ghana, the Philippines and Turkey.

2 Octavio Fabián Loyzaga de la Cueva and Verónica Alejandra Curiel Sandoval, "El trabajo a domicilio en México", *Alegatos Revista*, No 88 (2014): 661–690.

3 Siddhartha Kara, *Tainted Garments: The Exploitation of Women and Girls in India's Home-based Garment Sector* (University of California, Berkeley, 2019); Ayesha Datta, Gurpreet Kaur and Rajib Nandi, *Situating the Home, Habitat and Infrastructure: Towards a Better Quality of Life for the Home-Based Worker* (Institute of Social Studies Trust, 2018);

4 Kara, p. 19.

5 Jenna Harvey, *Homeworkers in Global Supply Chains: A Review of Literature*, WIEGO Resource Document No. 11, 2019; and Anton Pieper and Prashasti Putri, *No Excuses for Homework. Working Conditions in the Indonesian Leather and Footwear Sector* (Südwind and INKOTA, 2017).

6 Amit Basole, "Spare Change for Spare Time? Homeworking Women in Banaras", in *Women Workers in Urban India*, ed. Saraswati Raju and Santosh Jatrana (Cambridge University Press, 2016).

7 John DiNardo, Nicole M. Fortin and Thomas Lemieux, *Labour Market Institutions and the Distribution of Wages, 1973–1992: A Semiparametric Approach*, NBER Working Paper No. 5093 (1995).

8 Claudia Pigini and Stefano Staffolani, "Teleworkers in Italy: Who are they? Do they make more?" *International Journal of Manpower* 40, No. 2(2019): 265–285.

9 Kotaro Hara Abi Adams, Kristy Milland, Saiph Savage, Chris Callison-Burch and Jeffrey P. Bigham, "A Data-Driven Analysis of Workers' Earnings on Amazon Mechanical Turk", ArXiv:1712.05796 [Cs] (2017).

10 Harvey, p. 2.

11 Indira Hirway, "Trade Liberalization and Home-Based Workers. Insights Emerging from Time Use of These Workers", presentation at a conference on the theme "Long-term perspectives on home-based work", Stockholm, 2018.

12 Saniye Dedeoğlu, "Homeworkers in Turkey: Home Bounded – Global Outreach", study commissioned by the ILO (2019), p. 11.

13 Wissanee Poonsab, Joann Vanek and Françoise Carré, *Informal Workers in Urban Thailand: A Statistical Snapshot*, WIEGO Statistical Brief No. 20 (2019).

14 Marlese von Broembsen, *The European Union's Commodification of Bulgarian Homeworkers: Regulating Informal Labour in Global Production Networks*, WIEGO Working Paper No. 40 (2019), p. 10.

15 See for instance Alexandrea J. Ravenelle, *Hustle and Gig: Struggling and Surviving in the Sharing Economy* (University of California Press, 2019); and Payoneer, "The 2020 Freelancer Income Report".

16 Mariya Aleksynska, Anastasia Bastrakova and Natalia Kharchenko, *Work on Digital Labour Platforms in Ukraine: Issues and Policy Perspectives* (ILO, 2018), p. 17.

17 Akosua K. Darkwah and Dzodzi Tsikata, "Home-Based Work and Homework in Ghana: An Exploration", study commissioned by the ILO (2020), pp. 20–21.

18 Amelita King-Dejardin, Amelita, "Homeworking: Bad Job? Good Job?", study commissioned by the ILO (2019), p. 31.

19 Aleksynska et al.

20 Simon Usborne, "End of the Office: The Quiet, Grinding Loneliness of Working from Home", *The Guardian*, 14 July 2020.

21 Panagiotis G. Iperiotis and John J. Horton, "The Need for Standardization in Crowdsourcing", conference paper, CHI 2011, May 2011.

22 ILO, "World Employment and Social Outlook: Digital Transformation of the World of Work: The Growing Role of Digital Labour Platforms", forthcoming.

23 Wheatley, Dan. "Good to be Home? Time-use and Satisfaction Levels among Home-based Teleworkers". *New Technology, Work and Employment* 27, No. 3: 224–241 (2012).

24 Pyöriä, Pasi. "Knowledge Work in Distributed Environments: Issues and Illusions". *New Technology, Work and Employment* 18, No. 3: 166–180 (2003).

25 The numbers result from a probit model in which education, age and number of children per household are all controlled for.

26 ILO, *Care Work and Care Jobs for the Future of Decent Work*, 2018.

27 Abi Adams-Prassl and Janine Berg, "When Home Affects Pay: An Analysis of the Gender Pay Gap Among Crowdworkers", SSRN research paper (October 2017); Aleksynska et al.

28 Indrani Mazumdar, *Homebased Work In 21st Century India*, Occasional Paper No. 64 (Centre for Women's Development Studies, 2018).

29 ILO, *India Wage Report: Wage Policies for Decent Work and Inclusive Growth*, 2018.

30 See T. M. Tonmoy Islam and Aphichoke Kotikula, "Home-based Work Decisions among Bangladeshi Women", presentation at a conference on the theme "Long-term perspectives on home-based industrial work", Stockholm, 2018. The analysis used is the decomposition technique developed by Bourguignon, Ferreira and Leite, in which counterfactual distributions are estimated for the target year using base-year coefficients and vice versa. The relevance of each variable can be seen by changing only the coefficients or distribution of that variable.

31 Kara.

32 Dedeoğlu.

33 Dedeoğlu.

34 United States, Vermont Department of Labour. "More than Choice? A Review of the Gender Pay Gap".

35 Sonia George, "Re-engaging Work Spheres into Labour Spaces: The Micro/Macro Politics of Home-Based Work", presentation at a conference on the theme "Long-term perspectives on home-based work", Stockholm, 2018.

36 Namrata Bali and Jeemol Unni, "Subcontracted Women Workers in the Garment Industry in India", in *The Hidden Assembly Line: Gender Dynamics of Subcontracted Work in a Global Economy*, ed. Rakhika Balakrishnan (Kumarian Press, 2002), 135–136.

37 Bali and Unni, p. 137.

38 Srabani Maitra, "Are We Not Being Entrepreneurial? Exploring the Home/Work Negotiation of South Asian Home-Based Immigrant Women Entrepreneurs in Canada", presentation at a conference on the theme "Long-term perspectives on home-based industrial work", Stockholm, 2018.

39 Saba Gul Khattak, "Subcontracted Work and Gender Relations: The Case of Pakistan", in Balakrishnan, 39–41.

40 Dedeoğlu.

41 Eileen Boris, "Regulating Industrial Homework: The Triumph of 'Sacred Motherhood'", *The Journal of American History* 71, No. 4 (1985): 745–763.

42 Darkwah and Tsikata.

43 ILO, *Factors Affecting Women's Labour Force Participation in Sri Lanka*, 2016.

44 Datta et al., 28 ff.

45 Bryce Covert, "Write a Book? Sure, Work From Home. Care for a Child? Nope", *The New York Times*, 25 June 2020.

46 Aida Isabel Tavares, "Telework and Health Effects Review", *International Journal of Healthcare* 3, No. 2 (2017): 30–36.

47 Daphne Arendt, Massimiliano Mascherini, Tadas Leoncikas and Eszter Sandor, "Living, Working and COVID-19: First Findings – April 2020" (Eurofound, 2020).

48 Arendt et al.; Erik Brynjolfsson, John J. Horton, Adam Ozimek, Daniel Rock, Garima Sharma and Hong-Yi TuY, COVID-19 and *COVID-19 and Remote Work: An Early Look at US Data*, NBER Working Paper 27344, 2020.

49 Tavares.

50 Tavares.

51 An important exception is Nicholas Bloom, James Liang, John Roberts and Zhichun Jenny Ying, , "Does Working from Home Work? Evidence from a Chinese Experiment", *The Quarterly Journal of Economics* 130, No. 1 (2015): 165–218; this study is discussed in Chapter 4.

52 Brynjolfsson et al.

53 Arendt et al.; and Brynjolfsson et al.

54 Adam Ozimek, "The Future of Remote Work", press release (Upwork, 2020).

55 Arendt et al.

56 Beneden Health, "The Impact of COVID-19 on Mental Wellbeing", May 2020.

57 Jose Maria Barrero, Nicholas Bloom and Steven Davis, "60 Million Fewer Commuting Hours per Day: How Americans Use Time Saved by Working from Home", *VoxEU.org*, 23 September 2020.

58 Henning Hallin, "Home-Based Telework During the COVID-19 Pandemic" (MA thesis, Mälardalen University, 2020), p. 16.

59 Hallin, p. 18.

60 These include universal schemes, such as universal child benefits or social pensions, or means-tested social assistance schemes targeted towards poor households; see ILO, *World Social Protection Report 2017–19: Universal Social Protection to Achieve the Sustainable Development Goals*, 2017.

61 Mazumdar, p. 38.

62 Poonsab et al.

63 Ole Obitsøe, "Politisk flertal vil have problemer med sygedagpenge gået efter i sømmene", *Journalisten*, 20 August 2019.

64 King-Dejardin, p. 24.

65 King-Dejardin, p. 49.

66 Known locally as "*bombay*" and "*turko*".

67 King-Dejardin, pp. 43–44.

68 Darkwah and Tsikata, p. 10.

69 Aleksynska et al., p. 39.

70 Dedeoğlu.

71 Jing Hast, "Homeworkers Conditions in the Garment Industry in Thailand" (BA thesis, The Swedish School of Textile, 2011), p. 26.

72 Chris Tilly, Rina Agarwala, Sarah Mosoetsa, Carlos Salas and Hina Sheikh, *Final Report: Informal Worker Organizing as a Strategy for Improving Subcontracted Work in the Textile and Apparel Industries of Brazil, South Africa, India and China* (United States Department of Labor), 2013, pp. 48–49.

73 HomeWorkers Worldwide and Cividep India, "Due Diligence in Tamil Nadu Leather Footwear Manufacture" (2019), p.3.

74 Radhika Balakrishnan, *The Hidden Assembly Line: Gender Dynamics of Subcontracted Work in a Global Economy* (Kumarian Press, 2002), pp. 9–10.

75 Dedeoğlu.

76 ILO, "Homeworkers in Indonesia: Results from the Homeworker Mapping Study in North Sumatra, West Java, Central Java, Yogyakarta, East Java and Banten", 2015.

77 Authors' calculation based on ILO, "Homeworkers in Indonesia".

78 Harvey; and Santosh Mehrotra and Mario Biggeri, eds, *Asian Informal Workers: Global Risks Local Protection* (Routledge, 2007).

79 Eurofound and ILO, Working Anytime, Anywhere: The Effects on the World of Work, 2017.

80 Sarah T. Roberts, "Behind the Screen: The Hidden Digital Labor of Commercial Content Moderation" (PhD thesis, University of Illinois at Urbana-Champaign, 2017).

81 Roberts; and Janine Berg, Marianne Furrer, Ellie Harmon, Uma Rani and M Six Silberman, *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World*, 2018.

82 Michael Quinlan, *The Effects of Non-Standard Forms of Employment on Worker Health and Safety*, Conditions of Work and Employment Series No. 67 (ILO, 2015).

83 Mehrotra and Biggeri.

84 HomeWorkers Worldwide and Cividep India, p. 5.

85 Ellina Samantroy, "The Invisible Workers: Capturing Home-Based Work in India", presentation at a conference on the theme "Long-term perspectives on home-based work", Stockholm, 2018.

86 Mazumdar, p. 36.

87 Pia Markkanen, *Shoes, Glues and Homework: Dangerous Work in the Global Footwear Industry* (Routledge, 2009).

88 Hast, 24ff.

89 Von Broembsen, p. 10.

90 Von Broembsen, pp. 10–11.

91 Mireia Baylina and Michaela Schier, "Homework in Germany and Spain: Industrial Restructuring and the Meaning of Homework for Women", *GeoJournal* 56, No. 4 (2002): 295–304.

92 See for instance Dedeoğlu, p. 31.

93 M. Zhou, *Pakistan's Hidden Workers: Wages and Conditions of Home-Based Workers and the Informal Economy* (ILO, 2017), p. 35.

94 Dedeoğlu, p. 18.

95 King-Dejardin; and Darkwah and Tsikata.

96 ILO, *Job Quality in the Platform Economy*, Global Commission on the Future of Work Issue Brief # 5, 2018, pp. 3–4.

97 Via online training and educational platforms, such as Filipino Virtual Assistance, Udemy, Coursera, Google Ads Academy, Boot Camp and HubSpot Academy; a few respondents cited TESDA, the Philippine vocational training authority.

98 King-Dejardin, p. 28.

99 Aleksynska et al.; and Yiu Por Chen, "Online Digital Labour Platforms in China: Working Conditions, Policy Issues and Prospects" (ILO, forthcoming).

100 Payoneer.

101 King-Dejardin, pp. 27–29.

6 Legal protections for homeworkers

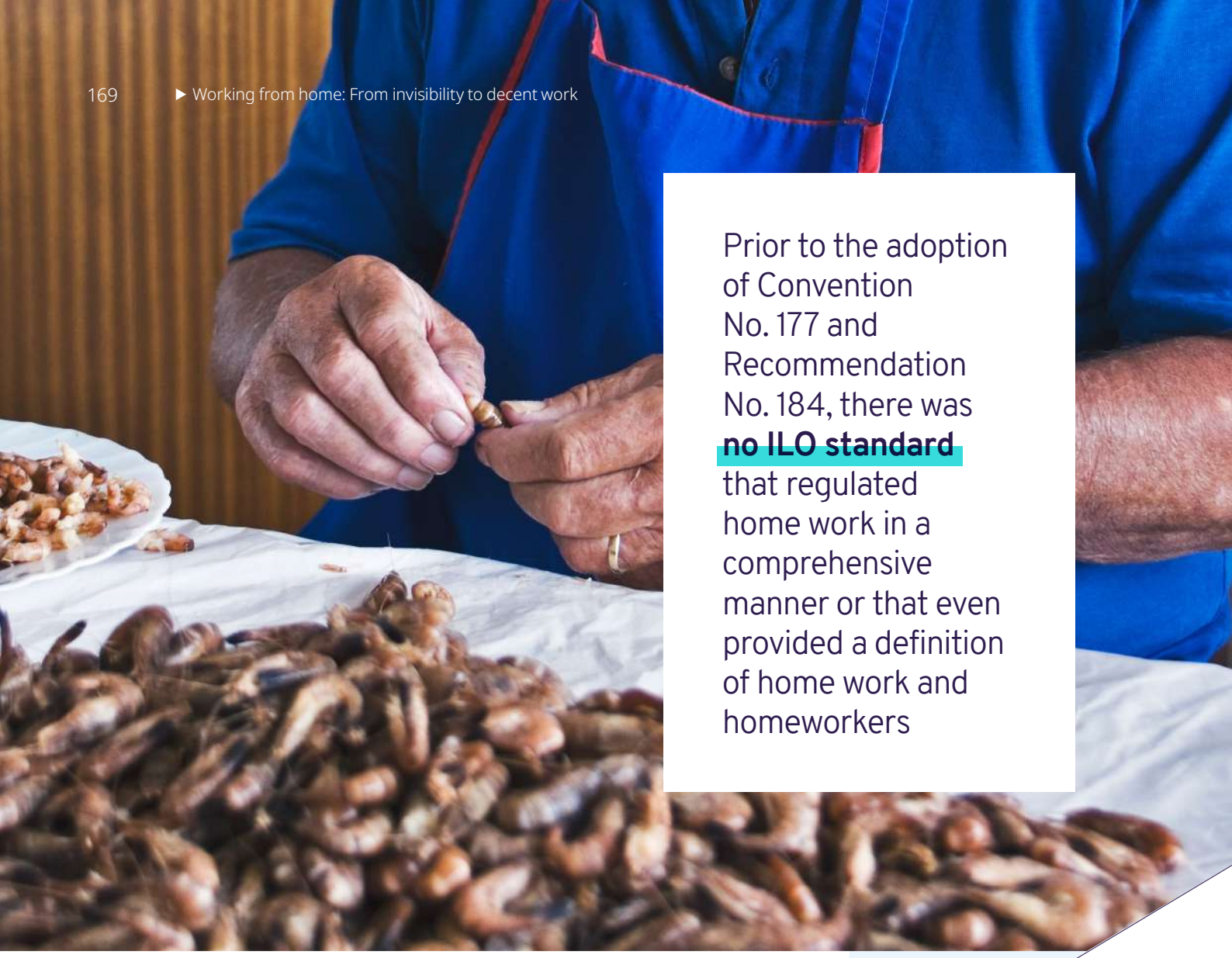
©iStock/TS YEW

The dispersion, invisibility and informality of

homeworkers

makes the enforcement **of legal provisions**

a challenge



Prior to the adoption of Convention No. 177 and Recommendation No. 184, there was **no ILO standard** that regulated home work in a comprehensive manner or that even provided a definition of home work and homeworkers

©iStock/ictor

Chapter 5 has shown that despite the opportunities that home work brings, it is often associated with a range of decent work deficits. These include low wages, excessively long working hours and safety risks, lack of social protection and obstacles to the exercise of freedom of association and collective bargaining rights, particularly for industrial homeworkers, most of whom work informally.[1] Throughout the ILO's history, concerns about the situation of homeworkers has led to numerous calls for the Organization to address this issue.[2]

Prior to the adoption of Convention No. 177 and Recommendation No. 184, there was no ILO standard that regulated home work in a comprehensive manner or that even provided a definition of home work and homeworkers. Nevertheless, many ILO instruments explicitly cover homeworkers and contain provisions addressing specific issues of relevance to them. For instance, the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) refers to workers employed "in homeworking trades". In addition, the Maternity Protection Convention (Revised), 1952

(No. 103), applies to "women wage earners working at home". Furthermore, many ILO instruments implicitly cover homeworkers and contain provisions of relevance to them. This is notably the case of the eight fundamental Conventions addressing, respectively, freedom of association and the right to collective bargaining, the elimination of child and forced labour, and discrimination in employment and occupation.[3]

Other standards also have a broad scope of application. For instance, the Occupational Safety and Health Convention, 1981 (No. 155) and the Workers with Family Responsibilities Convention, 1981 (No. 156) apply to all categories of workers in all branches of economic activity. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) has confirmed that homeworkers are included in the scope of the Maternity Protection Convention, 2000 (No. 183),[4] which applies to "all employed women, including those in atypical forms of dependent work". However, a number of ILO standards contain flexibility clauses allowing certain categories of workers, including homeworkers, to be excluded from their scope of application.

In response to the concerns expressed, the ILO undertook a series of studies of different types of home work. In particular, in 1989–1990, two major reports on home work and telework were published.[5] At its 244th Session (November 1989), the ILO Governing Body decided that a Meeting of Experts on the Social Protection of Homeworkers would take place in Geneva the following year. The Meeting of Experts was tasked with examining the nature, extent and problems of homeworking; to assess national experience in the protection and organization of homeworkers; to advise on approaches and measures that could lead to more effective protection for homeworkers in Member States; and to advise on future ILO action concerning home work, including the possible need for new international labour standards. The Meeting of Experts adopted unanimous conclusions on action to be taken at the national level as well as by the ILO, but no consensus was reached on the need to develop international labour standards on home work.[6] The tripartite experts concluded that "[c]onsidering the wide variety of conditions in which home work is carried out and its diversity, the Governing Body of the ILO should weigh the importance of the issues involved in order to decide on appropriate action by the ILO in this regard".[7] Three years later, the ILO Governing Body decided to launch a standard-setting process on home work, culminating in the adoption of Convention No. 177 and Recommendation No. 184 by the International Labour Conference. It is to be noted that an entire chapter of the CEACR General Survey on Employment, which will be discussed by the International Labour Conference in June 2021, is devoted to these two instruments on home work.[8]

This chapter outlines in detail the provisions contained in these ILO standards, together with additional explanations drawn from the preparatory work on the different elements covered under the instruments. It also presents samples of national legislative provisions that implement the principles set out in Convention No. 177 and Recommendation No. 184. It is striking that no legislation on home-based platform work has yet been enacted.[9] This is mainly due to the transnational nature of the activities performed and the fact that the workers concerned are generally classified as self-employed. Furthermore, reference is made in this chapter to specific provisions governing, for instance, the setting of minimum wage rates for homeworkers or teleworkers' right to disconnect. Such an approach is by definition fragmented: the fact that a given provision on one particular issue complies with the requirements of Convention No. 177 does not mean that the legislation of the country considered is, in every respect, in line with this Convention. The combined ways to ensure decent work for homeworkers in a comprehensive manner are presented in Chapter 7.

6.1 The adoption of ILO standards on home work

In November 1993, the Governing Body decided to place on the agenda of the 1995 session of the International Labour Conference a standard-setting item concerning home work.[10]

Although all parties recognized the importance of the topic, no consensus had emerged since the 1990 Meeting of Experts on the need for ILO standards on home work.

The Worker members were in favour of the adoption of a Convention and a Recommendation on home work which, in their view, had the same objective as the ILO standards on part-time work adopted in 1994, namely, "to respond to the evolution in forms of employment that had left a growing number of workers outside existing means of protection". They considered that standard-setting on home work was timely since "[w] hole industries, for instance, textile and clothing, were transferring into home work and a rapidly evolving 'information society' was leading to new forms of home work, such as telework."[11]

The Employer members did not support the adoption of new standards on home work for a number of reasons, including the variety of situations in which home work was carried out, the inadequacy of relevant data, the adequacy of existing regulatory framework and the risk that new standards would drive businesses underground.[12]

During the first discussion by the International Labour Conference, the views expressed by government representatives were mainly split between those who supported the adoption of both a Convention and a Recommendation and those who were in favour of a Recommendation only.[13] The Employer members supported an amendment submitted by several governments that sought to limit the standard-setting process to a Recommendation only, which was, however, rejected by the Conference Committee.[14] The Conference therefore discussed the content of both a Convention and a Recommendation.[15]

Convention No. 177 and Recommendation No. 184 were ultimately adopted by the Conference at its 1996 session.[16] The Convention entered into force on 22 April 2000 and has to date been ratified by ten ILO Member States (in chronological order: Finland; Ireland; Albania; the Netherlands; Argentina; Bulgaria; Bosnia and Herzegovina; Tajikistan; Belgium; and North Macedonia).[17]

6.2 Homeworkers, employers and intermediaries: Scope of Convention No. 177

Convention No. 177 defines home work as:

"work carried out by a person, to be referred to as a homeworker,

i. in his or her home or in other premises of his or her choice, other than the workplace of the employer;
ii. for remuneration;
iii. which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used,

unless this person has the degree of autonomy and of economic independence necessary to be considered an independent worker under national laws, regulations or court decisions."[18]

Chapter 1 explains the different elements of this definition in the light of the debates held at the International Labour Conference. As regards the last part of the definition – on how homeworkers do not meet the conditions to be classified as independent workers – attention needs also to be drawn to the Employment Relationship Recommendation, 2006 (No. 198), which calls on Member States to review at appropriate intervals and, if necessary, to clarify and adapt the scope of relevant laws and regulations, in order to guarantee effective protection for workers who perform work in the context of an employment relationship. Recommendation No. 198 provides that the determination of the existence of an employment relationship should be guided primarily by the facts relating to the performance of work and the remuneration of the worker, notwithstanding how the relationship is characterized by the parties. It states that measures should be adopted, inter alia, to provide guidance for the parties concerned on the distinction between employed and self-employed workers, and to combat disguised employment relationships. Furthermore, standards should apply to all forms of contractual arrangements, including those involving multiple parties, and should establish who is responsible for the protection they afford. Effective protection should be ensured to workers especially affected by the uncertainty as to the existence of an employment relationship, including women workers, as well as the most vulnerable workers, notably workers in the informal economy.

Convention No. 177 also defines the term "**employer**" as "a person, natural or legal, who, either directly or through an intermediary, whether or not intermediaries are provided for in national legislation, gives out home work in pursuance of his or her business activity" (Art. 1(c)).

During the first discussion by the International Labour Conference of the instruments in 1995, the Employer members submitted an amendment proposing to delete the definition of the term "employer", considering that it could cause confusion between employers and customers. They also questioned the role of intermediaries and when an intermediary could become an employer. The Office explained that an intermediary would never be considered the employer of the homeworker. The amendment was withdrawn due to lack of support, but the Employer members voiced concerns at the possibility of ratification of the Convention with the definition proposed.[19]

Prior to the second discussion by the International Labour Conference in 1996, the Office proposed to define the term employer as "as person, natural or legal, who, in pursuance of his or her business activity, gives out or causes home work to be given out".[20] The restriction to persons pursuing their business activities when giving out work was added to take account of the concerns expressed in respect of the possible confusion between employers and customers. As the Office explained, "a person who has a suit made by someone working at home is not an employer if the suit is for personal use, but is an employer if the suit is to be sold in his or her shop". In response to the concerns expressed in some comments received from the constituents, the Office confirmed that the term "business" was "sufficiently broad to cover the 'business' of governmental or non-profit organizations and [was] not restricted to private sector profit-making activities".[21]

During the second discussion, several governments wanted to ensure that countries whose national laws did not recognize **intermediaries** could nevertheless ratify the proposed Convention. The Worker members, on the other hand, wanted to avoid excluding from its coverage those workers who obtained work through illegal intermediaries in countries that prohibited the use of intermediaries. Consensus was reached on an alternative wording referring to intermediaries "whether or not provided for in national legislation".[22]

Convention No. 177 "**applies to all persons carrying out home work** within the meaning of Article 1" (Art. 2). As the Office explained in a preparatory report, given the promotional nature of the proposed Convention, it seemed appropriate that its scope be broad.[23] The goal was to adopt "a short Convention made up of a few basic principles" offering "significant flexibility for Member States to define and implement particular measures". On the other hand, the provisions of the proposed Recommendation "were intended either to facilitate the implementation of the proposed Convention or to provide protection in areas not covered by the Convention". [24]

Convention No. 177 and Recommendation No. 184 are not sectoral instruments: they cover a form of employment that differs from full-time work in enterprises performed by persons with regular or fixed-term employment. It is a specific form of work that can be found in many sectors of activity, industries and trades. Therefore, they should be considered as instruments of general applicability covering a specific form or condition of work.[25]

The appropriate regulation of the employment relationship, as provided for in Recommendation No. 198, is an important precondition for the **legal protection** of homeworkers

6.3 Adoption of a national policy on home work

The main requirement of Convention No. 177 is that states should "adopt, implement and periodically review a national policy on home work aimed at improving the situation of homeworkers, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations concerned with homeworkers[26] and those of employers of homeworkers" (Art. 3).

This provision does not require the adoption of a separate sectoral policy and the policy on home work can therefore be integrated into a broader employment or labour market policy.[27] In this regard, the CEACR highlighted in its 2020 General Survey on Employment "the close links between the objectives of Convention No. 122 on employment policy, Recommendation No. 204 on the transition to formality and the home work instruments, particularly regarding the adoption of a national policy".[28]

©ILO/ B.Birla

To the extent possible, **tripartite bodies or employers' and workers' organizations** should be involved in the formulation and implementation of this national policy (Recommendation No. 184, Para. 3(2)). In the absence of organizations specifically concerned with them, suitable arrangements should be made to permit homeworkers and their employers to express their opinions on the national policy and on the measures adopted to implement it (Para. 3(3)).

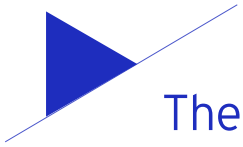
The national policy on home work must be implemented "by means of laws and regulations, collective agreements, arbitration awards or in any other appropriate manner consistent with national practice" (Convention No. 177, Art. 5). Further, ILO Member States should, "according to national law and practice, **designate an authority**[29] or authorities entrusted with the formulation and implementation of the national policy on home work" (Recommendation No. 184, para. 3(1)).

The national policy on home work must "promote, as far as possible, **equality of treatment between homeworkers and other wage earners**, taking into account the special characteristics of home work and, where appropriate, conditions applicable to the same or a similar type of work carried out in an enterprise" (Convention No. 177, Art. 4(1)).[30] The objective of "improving the situation of homeworkers" through the promotion of the principle of equal treatment is an implicit recognition that homeworkers are often exposed to less favourable conditions than other workers.

The Convention provides for equality of treatment "between homeworkers and other wage earners". The situation of homeworkers must be compared with other wage earners and not with workers in the enterprise, since "the adoption, implementation or overhauling of a national policy must necessarily be based on an area of comparison which cannot be restricted to the enterprise or branch of activity in one and the same region".[31] However, the provision requires the special characteristics of home work to be taken into account, as well as "where appropriate, conditions applicable to the same or a similar type of work carried out in an enterprise". Such a comparison is appropriate, for example, for the determination of remuneration.[32]

The **areas in which equality of treatment must be promoted** include: (a) freedom of association and collective bargaining; (b) protection against discrimination in employment and occupation; (c) protection in the area of occupational safety and health (OSH); (d) remuneration; (e) statutory social security protection; (f) access to training; (g) minimum age for admission to employment or work; and (h) maternity protection (Convention No. 177, Art. 4(2)). This list is not exhaustive and focuses on certain issues of particular importance. Several aspects of employment and working conditions are the subject of additional, more detailed provisions, which are examined below.

Labour statistics also have a role to play in the design and implementation of the national policy. Appropriate measures must be taken to ensure that they include, to the extent possible, home work (Convention No. 177, Art. 6). Further, detailed information on the extent and characteristics of home work, including data classified according to sex, should be compiled, kept up to date and published (Recommendation No. 184, Para. 4).



The national policy on home work must "promote, as far as possible, equality of treatment between homeworkers and other wage earners, taking into account the **special characteristics of home work**

The appropriate **regulation of the employment relationship**, as provided for in Recommendation No. 198, is an important precondition for the legal protection of homeworkers. As the CEACR emphasized, this question is particularly important "in countries where there is no specific legislation on home work and where courts have to decide in each particular case whether a contract of employment exists in the case of home work".[33] The 2020 General Survey on Employment provides examples of different legislative approaches.[34] In Poland, homeworkers are considered to be independent contractors under the Labour Code and to be employees under the social security system. In Italy, under the Home Work Act No. 877 of 1973, in derogation from the provisions of the Civil Code defining the employment relationship, subordination occurs when the homeworker is required to comply with the guidelines of the entrepreneur concerning the execution and the characteristics and requirements of the work. Greek legislation provides for a presumption of the existence of an employment relationship when home work is provided in person, exclusively or primarily to the same employer for nine consecutive months. Nonetheless, in many instances, homeworkers are not recognized as employees and do not benefit from the protection deriving from the existence of an employment relationship.

Two of the ten ILO Member States that have ratified Convention No. 177 have **adopted a national policy on home work**, as required by the Convention. In Argentina, specific legislation[35] regulates traditional forms of home work. The Court of Appeal of Buenos Aires has recently held that this legislation is not exhaustive and that homeworkers remain covered by Labour Contract Act No. 20.744 of 1976.[36] In addition, the Telework Act No. 27555 was promulgated in August 2020. In Belgium, the Labour Contracts Act was amended in 1996 to include provisions specifically regulating home work.[37] Regular telework is regulated by a national collective agreement,[38] while occasional telework is addressed by the Feasible and Manageable Labour Act of 2017.[39]A number of other States parties to Convention No. 177 have undertaken efforts towards the adoption of a national policy on home work, but with certain limitations as was noted by the CEACR.[40] In many instances, the legislation either contains a general equal treatment clause or regulates particular aspects of home work, whereas the Convention requires both approaches simultaneously. The CEACR also noted that many reports received in the context of the preparation of its 2020 General Survey on Employment indicated that there was no national policy specifically aimed at improving the situation of homeworkers. As regards the required periodical review of national policy, the CEACR noted that legislation on home work was sometimes evaluated "as part of a broader review of national laws and regulations with a view to ensuring the effective protection of workers in an employment relationship, as called for by Recommendation No. 198".[41]

The Government of Finland indicated that national legislation guarantees homeworkers equal treatment with other employees. However, the CEACR emphasized that such an approach "risks being an oversimplification of the purpose of the Convention". It drew the attention of the Government to its obligation under Article 3 of the Convention to adopt, implement and periodically review a national policy on home work "which, even though it may not necessarily be a separate sectoral policy or result in the adoption of exclusive legislation applicable only to home work, should nonetheless directly focus and impact on the employment and working conditions of homeworkers".[42] Similar comments were addressed to the Government of the Netherlands, following observations by three different trade unions expressing concern about the absence of a national policy on home work.[43] In Albania as well, no specific protection exists for homeworkers, apart from an equal treatment clause in the Labour Code.[44] In Bulgaria, the Labour Code was amended in 2011 further to the conclusion of a national agreement between several employers' and workers' organizations on the regulation of home work. Nonetheless, two workers' organizations consider that homeworkers are not protected by national legislation and the CEACR requested the Government to provide

detailed information concerning the measures adopted or envisaged to improve the situation of homeworkers, and to identify the employers' and workers' organizations that had been consulted on the development, implementation and review of such measures.[45] So far, the Government of Ireland has focused its efforts on the regulation of telework and the CEACR pointed out that "more traditional forms of homeworking involving low-paid, casual jobs and poor working conditions on the verge of the underground economy still exist and need to remain within the focus of Government's attention".[46]

Most homeworkers live in countries that have not ratified Convention No. 177 and where various approaches have been adopted. Chapter 2 contains detailed information on the distribution of home-based work, in particular home work, across the world. Some of these countries have adopted **separate legislation on home work** – or telework – which may be supplemented by provisions in the general labour law.

In Algeria, the Labour Code provides that home work may be regulated by separate provisions. An executive decree was adopted in 1997 to regulate various aspects of this form of work, including remuneration and social protection. However, it does not contain a general non-discrimination clause.[47] In India, the working conditions of homeworkers are regulated at the sectoral level, through the Beedi and Cigar (conditions of employment) Act, 1966.[48] Specific legislations on home work, not necessarily exclusive of the application of general labour laws, can also be found for instance in Austria,[49] Germany,[50] Italy,[51] Japan,[52] Mauritius,[53] New Jersey (United States),[54] Portugal,[55] Switzerland,[56]Thailand[57] and Uruguay.[58]

A number of countries also **regulate telework separately**. At the EU level, the European social partners concluded a Framework Agreement on Telework in 2002 (see box 6.1), which EU Member States have implemented through collective agreements (for instance Denmark[59] and France[60]) or through legislation (for instance Malta,[61] Poland[62] and Portugal[63]). In Italy, telework is the subject of an "inter-confederal agreement" concluded in 2004. In addition, Act No. 81/2017 introduced the concept of "agile" or "smart" working, which is carried out partly inside the company premises and partly outside, without a fixed location. Other countries that have adopted specific legislation on telework include Colombia,[64] Costa Rica,[65] El Salvador[66] and Peru.[67]

▶ Box 6.1 Key features of the European Framework Agreement on Telework[68]

Telework is defined "a form of organising and/or performing work, using information technology, in the context of an employment contract/ relationship, where work, which could also be performed at the employer's premises, is carried out away from those premises on a regular basis".

Telework is voluntary for the worker and the employer concerned.

The employer must provide the teleworker with relevant written information, including on applicable collective agreements.

The passage to telework only modifies the way in which work is performed and does not affect the teleworker's employment status. A worker's refusal to opt for telework is not, as such, a reason for terminating the employment relationship or changing the terms and conditions of employment of that worker.

The Agreement contains an equal treatment clause for teleworkers. The specificities of telework may be taken into account through individual or collective agreements. The Agreement expressly provides that teleworkers have the same collective rights as workers at the employer's premises.

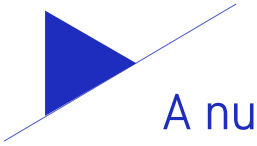
The Agreement also addresses the protection of data used and processed by the teleworker for professional purposes, as well as the employer's duty to respect the teleworker's privacy.

It further regulates the provision and maintenance of equipment, safety and health, organization of work and training.

In other countries, **homeworkers are included in the scope of labour legislation**, possibly with certain exceptions or exclusions. In Australia, the Fair Work Amendment (Textile, Clothing and Footwear Industry) Act 2012 extended the coverage of most provisions of the Fair Work Act 2009 to contract outworkers in this industry by deeming them to be employees.[69] In the United States, the Fair Labor Standards Act applies to homeworkers who are covered on an individual basis or whose employer is covered on an enterprise basis.[70] In Armenia,[71] Cabo Verde,[72] Morocco[73] and Saint Lucia,[74] national labour legislation also expressly applies to homeworkers. In Colombia,[75] labour legislation applies to teleworkers to the extent that it is more favourable than the provisions of the law on telework.

Labour legislation may also contain **provisions regulating homeworkers' specific working conditions**, such as in Bulgaria,[76] Hungary,[77] Chile,[78] the Dominican Republic,[79] France[80] and the Russian Federation.[81]

A number of regulatory initiatives were taken across the world to include telework among the policy responses to the COVID-19 pandemic.[82] In many countries, employers were encouraged and sometimes required to ensure that their employees telework where possible. These policies generally applied to so-called "non-essential workers" whose presence on the employer's premises was not imperative. It could also cover employees with a particular risk of developing a severe form of the disease or who were subject to a quarantine for health reasons. In certain cases, employers who were not able to introduce telework arrangements were required to temporarily close their business. On the workers' side, telework was either voluntary or mandatory, depending on the situation. Several governments adopted specific regulations governing telework in the context of the health crisis.



A number of regulatory initiatives were taken across the world to **include telework** among the policy responses to the COVID-19 pandemic

One example is the Organic Humanitarian Act of 19 June 2020 introduced in Ecuador, which included provisions on telework in the Labour Code.[83] The legislation distinguishes autonomous teleworkers, who work permanently outside of the enterprise premises; mobile teleworkers who have no fixed workplace and whose main working tools are ICTs on mobile devices; part-time teleworkers who work two or three days per week at home and the rest of the week at the office; and occasional teleworkers.

Legal provisions regulating telework have also been adopted in the Plurinational State of Bolivia[84] and Ukraine.[85] In Saudi Arabia, the Ministry of Human Resources and Social Development issued Guidelines for Remote Work in the Private Sector in March 2020.[86] In Malawi, the Ministry of Labour, Skills and Innovation issued COVID-19 Workplace Guidelines promoting telework.[87]

In Belgium, "telehomework" was introduced among the emergency measures in response to the COVID-19 pandemic.[88] As noted above, separate legislation in various countries has already regulated regular and occasional telework. Telehomework is different in two ways from these work arrangements. It was not introduced on a voluntary basis but, on the contrary, was mandatory in non-essential sectors for employees whose job permitted it. Furthermore, employees could not choose their workplace – they had to work from home.

Measures were also taken to enable the electronic registration of employees working from home (Greece); to simplify employers' safety and health obligations towards teleworkers (Croatia, Spain[89]); to ensure that workers are compensated for the costs arising from teleworking (France), to ensure the recognition of work-related accidents occurring at home (Argentina, Austria); and to temporarily simplify the procedures enabling employers to apply for a subsidy for introducing flexible work arrangements, including remote work (Republic of Korea). In Italy,[90] the regulation adopted allowed the introduction of smart working arrangements without the conclusion of an individual agreement between the employer and the employee as normally required.

Several European countries concluded bilateral agreements that temporarily allowed cross-border workers to telework on a full-time basis without being obliged to pay social security contributions in their country of residence.

Policy responses sometimes took the form of an agreement between the social partners.[91] For instance, in Côte d'Ivoire, the workers' and employers' organizations on the Commission Indépendante Permanente de Concertation concluded a nationwide bipartite memorandum of understanding for a joint COVID-19 response, which recommended that telework be implemented wherever possible. In Germany's chemical industry, the IG BCE union and the employer confederation BAVC concluded a sectoral crisis agreement, which among others promoted enterprise-level bargaining on telework. In certain countries, including South Africa[92] and the Russian Federation,[93] the use of teleworking in response to the public health crisis was promoted on a tripartite basis.

The development of telework may well continue when the health crisis is over, which may lead to regulatory initiatives. In Germany, for instance, the Minister of Labour expressed its intention to see that legislation on remote working is adopted in the near future.[94]

***

The following sections address particular dimensions of homeworkers' working conditions, such as remuneration or working time. The general equal treatment clauses mentioned above are not repeated in these sections, which instead provide legal references that deal specifically with these particular issues.

©iStock/ guruXOOX

▶ 6.4 Freedom of association and the right to collective bargaining

Equal treatment must be promoted in relation to the homeworkers' right to establish or join organizations of their own choosing and to participate in the activities of such organizations (Convention No. 177, Art. 4(2)).

This includes the right to collective bargaining and to serve as workers' representatives.[95] In that regard, it should be recalled that, pursuant to Conventions Nos. 87 and 98, all workers,[96] including homeworkers, should enjoy freedom of association and the right to collective bargaining, as confirmed by the ILO supervisory bodies.[97]

Recommendation No. 184 also calls for the **identification and elimination of legislative or administrative restrictions or other obstacles** to the exercise of homeworkers' right to organize, as well as to the exercise of the right of their organizations to join trade union federations or confederations (Para. 11). Many ILO constituents supported this proposal during the International Labour Conference discussions, considering that the right to organize and bargain collectively is particularly important in the case of homeworkers, who are dispersed and often work in isolated conditions. The Office recalled in this respect that "in most countries homeworkers' organizations have had difficulty in getting recognition as trade unions even though the general right to organize exists in the countries concerned".[98] As was emphasized by the CEACR, the issue of access to the homes of homeworkers is an important element to be taken into consideration when examining whether the right of association is ensured and enjoyed, and measures should be taken to ensure that homeworkers are informed of their right to join the unions of their own choosing, or establish new ones and to have direct contact with their union representatives.[99]

In addition, measures should be taken to **encourage collective bargaining** as a means of determining the terms and conditions of work of homeworkers (Recommendation No. 184, Para. 12).[100]

As underlined above, all workers, including homeworkers, should benefit from freedom of association and the right to collective bargaining. Many **national legal frameworks have a broad scope of application** without specifying expressly that they include homeworkers. Some countries have nonetheless adopted legal provisions to that effect.

For example, **homeworkers' right to organize is expressly recognized** in the Philippines.[101] In Argentina,[102] home work legislation regulates the registration of professional associations of employers and workers, respectively, which may, inter alia, request the competent authority to convene wage committees. In Chile,[103] the employer must inform remote workers and teleworkers in writing about the existence of trade unions that are legally constituted in the enterprise. In Spain,[104] remote workers may exercise their collective representative rights in accordance with the provisions of

the law. For this purpose, these workers must be assigned to a specific work centre of the company. In Germany,[105] legislation provides for the establishment of sectoral home work committees, composed of workers' and employers' representatives, with a chair appointed by public authorities. The right of homeworkers to organize is also recognized in Bulgaria.[106]

In Peru,[107] legislation envisages the fixing of homeworkers' remuneration through **collective bargaining**. In Belgium,[108] a number of joint commissions still recognize "traditional" home work and sectoral collective agreements establish the same working hours as for other workers. In many countries, collective agreements may only be concluded for employees, which leaves homeworkers who are not in an employment relationship outside the scope of such agreements. Alternative solutions are sometimes available. In Austria,[109] for instance, homeworkers may be covered by "comprehensive agreements" whose content is modelled on that of collective agreements.

Provisions for freedom of association and collective bargaining are more frequent in **legislation on telework**. In Belgium,[110] teleworkers' working conditions are regulated by a national collective agreement and they have the same collective rights as workers who work on the employer's premises, including the right to communicate with workers' representatives and vice versa. In Bulgaria,[111] the modalities of telework may be regulated by collective agreement and teleworkers benefit from an equal treatment clause concerning their collective rights. They may also form an independent group to elect a separate representative responsible for exchanging information and consultation with the company if their total number exceeds 20. In addition, the employer must provide teleworkers with opportunities to participate in the activities of the trade union present in the enterprise to which they belong. The conditions under which these collective rights can be exercised are negotiated in individual or collective agreements or are governed by internal rules of the enterprise.

In Poland,[112] the conditions for the use of telework by an employer must be the subject of a collective agreement or, in the absence of such an agreement, must be addressed in workplace regulations, taking into account the views expressed by representative workers' organizations. In Portugal,[113] teleworkers are counted among the company's employees for all purposes relating to collective representation structures and may apply to be a member of those structures. The ICT tools provided by the employer for the purpose of teleworking may also be used by workers' to participate in meetings with workers' representatives and by representative organizations to disseminate information. Teleworkers also enjoy freedom of association in Peru,[114] while in Colombia they benefit from an equal treatment clause for the right to organize.[115]

In Lithuania,[116] employers must enable teleworkers to communicate and collaborate with other employees and employee representatives at the employer's premises. They must also inform the work council regularly, at least once per calendar year, about the status of telework in the company, indicating the number of employees who are teleworking, the positions they occupy and their average remuneration, by occupational group and gender. In Malta,[117] teleworkers enjoy the rights established by any applicable collective agreement and also benefit from an equal treatment clause regarding collective rights. They have the right to participate in, and to stand for, elections to bodies representing employees. In addition, they must be included in the calculations for determining thresholds for the purposes of worker representation and for information and consultation rights.

In spite of the difficulties encountered in organizing a disperse and often invisible workforce, a number of **organizations at the national and international levels** have managed to help these workers get their voices heard and defend their rights. Some successful examples are given in Chapter 7.

Participation in collective bargaining is not widespread among workers engaged in industrial home work, particularly in developing countries. Some agreements nonetheless address the specific situation of these workers. In Argentina, minimum wage rates for different tasks are set by home work wage commissions for the clothing industry.[118] In Thailand, remuneration rates for home work are set by the Home Work Protection Committee, which comprises government representatives, an equal number of representatives of employers and homeworkers, respectively, as well as qualified persons.[119] In Italy, which has a long tradition of home work and unionization, home work has over the decades been regulated through collective agreements (see box 6.2). Furthermore, the national collective labour agreements concerning the manufacturing industry have integrated the provisions of the Home Work Act No. 877/1973. For instance, the national collective labour agreement of the footwear industry provides for equal treatment between homeworkers and in-house workers. It also provides for a mechanism to calculate piecework rates.

Box 6.2 Collective bargaining agreements for the footwear area of the Riviera del Brenta, Veneto, Italy

In Italy, the regulation of homeworking through collective agreements occurs at both the national, factory and territorial levels. Examples of territorial bargaining include the footwear area of the Riviera del Brenta, in the Veneto region. This is the oldest industrial district in Italy, founded in 1898 and still working in the production of high-end and luxury women's footwear. In this manufacturing area, the fragmentation of production – and consequently the large number of small or micro firms – encouraged the introduction of local bargaining, beginning in the 1970s and continuing to the present day.

Home work was included in territorial bargaining in the ***1974 Agreement***, in which the social partners were invited to implement the national law on home-based work (Act No. 877 of 1973). In ***the 1978 Agreement***, the social partners reaffirmed their commitment to fully implement the law on home work. The companies committed to provide trade unions with information on the quantity and type of home work assigned and the homeworkers carrying out such work. They also undertook not to use home work during the periods of intervention of the Wage Guarantee Fund for all stages of production in the factory that were affected by the temporary decrease of work, to the extent compatible with the existing organizational structure.

The ***1981 Agreement*** introduced the establishment of a Joint Working at Home Commission, made up of three members appointed by each of the parties. The Commission was responsible for setting the "minute-rate" of remuneration by level of contractual classification, "in view of the extreme difficulties in defining standard piece rates for each individual operation, given the enormous variety of models, their quality and the peculiar processing characteristics of the Brentan production". It was also tasked with studying the phenomenon of homeworking as a whole and resolving any disputes arising in the determination of remuneration. Local bargaining in footwear was subsequently suspended from the mid-1980s until 1995.

The ***Agreement of 16 February 2001*** introduced for the first time a production bonus for homeworkers to take account of their "participation in the achievement of company results". ***The Agreements of 7 May 2001*** took up the issue of training for homeworkers, notably to improve health and safety. Both agreements are still in force.

Source: Information provided by Tania Toffanin, University of Padua, June 2020.

Many teleworkers are covered by collective agreements and teleworking in itself can sometimes be the outcome of collective negotiations, as discussed in Chapter 4 with respect to the United States Trade Patent Office. In several EU Member States, the European Framework Agreement on Telework of 16 July 2002 (see box 6.1 above), was implemented through collective bargaining.[120] A sectoral collective agreement on telework was negotiated by the Employers' Federation of Financial Services in Romania and relevant trade unions in the sector. It provides notably that teleworkers' work schedules are established jointly and that the employer can control the employee's workplace during working hours only. In the southwest of Germany, a regional sectoral agreement on telework was concluded between IG Metall and several employers' organizations. It regulates, among other elements, hours of work, working tools, privacy rights and monitoring of performance.[121]

©ILO

National laws and regulations on minimum age should apply to home work and specific programmes should be adopted to eliminate child labour in home work

▶ 6.5 The elimination of child labour

Minimum age for admission to employment or work is one of the areas for which equal treatment must be promoted for homeworkers (Convention No. 177, Art. 4(2)).

Recommendation No. 184 also provides that national laws and regulations on minimum age should apply to home work (Para. 10) and that specific programmes should be adopted to eliminate child labour in home work (Para. 29((3)). These provisions complement those of the Minimum Age Convention, 1973 (No. 138) and Recommendation (No. 146), and the Worst Forms of Child Labour Convention, 1999 (No. 182) and Recommendation (No. 190), which also apply to home work.

Several countries have established a **minimum age for performing home work**. For example, in Belgium[122] the legislation prohibiting child labour does not make any distinction between home work and work performed at the employer's premises. In the Philippines,[123] the provisions of the Labour Code and the Child and Youth Welfare Code govern the employment of minors as homeworkers. In Malta, the term "work" under the Protection of Young Persons at Work Places Regulations[124] includes service as an outworker. In addition, Colombian legislation[125] contains an equal treatment clause for teleworkers with respect to minimum age provisions.

In Switzerland,[126] it is prohibited to entrust work at home to be performed independently by young people under the age of 15. In Italy,[127] the minimum age for admission to home work is 15 years of age and the employment of minors is subject to employers' compliance with proper working conditions and standards so as to safeguard their health, physical and mental development and morality. In Thailand,[128] pursuant to the legislation on home work, it is forbidden for anyone to assign children under 15 years of age to carry out work which by its nature may be hazardous to their health and safety.

In South Africa,[129] no person may require or permit a child worker to perform piecework or task work. In New Jersey (United States),[130] no minor under 16 years of age is permitted to perform industrial home work, while specific measures apply to minors between 16 and 18 years of age. In Portugal,[131] minors under the age of 16 can provide assistance to homeworkers provided that they have completed compulsory schooling and only for light work. Limitations established for employment contracts with minors in the areas of health protection, safety and development, duration and organization of working time also apply to the performance of home work.

▶ 6.6 Occupational safety and health

Article 7 of Convention No. 177 provides that national laws and regulations on safety and health at work must apply to home work, taking account of its special characteristics.

Furthermore, they must also establish the **conditions under which certain types of work and the use of certain substances may be prohibited in home work** for occupational safety and health (OSH) reasons.[132] Homeworkers are protected by the provisions of international labour standards of general application, in particular the Occupational Safety and Health Convention, 1981 (No. 155) and Recommendation (No. 164), the Protocol of 2002 to Convention No. 155 and the Violence and Harassment Convention, 2019 (No. 190).

The competent national authorities should ensure the **dissemination of safety and health guidelines** on the regulations and precautions to be observed by employers and homeworkers. Where practicable, the guidelines should be translated into languages understood by homeworkers (Recommendation No. 184, Para. 19).

Recommendation No. 184 calls for **employers to be required** to take certain measures to ensure the occupational safety and health of homeworkers. They should be required to inform homeworkers of any hazards that they know or should know to be associated with the work given to homeworkers, indicate the precautions that need to be taken and, if appropriate, provide the necessary training (Para. 20(a)). Employers should also ensure that machinery, tools or other equipment provided to homeworkers are equipped with appropriate safety devices, and should take reasonable steps[133] to ensure that they are properly maintained (Para. 20(b)). In addition, employers should provide homeworkers free of charge with any necessary personal protective equipment (PPE)(Para. 20(c)).

For their part, **homeworkers should be required** to comply with the prescribed safety and health measures and take reasonable care for their own safety and health, and that of other persons who may be affected by their acts or omissions at work, including the proper use of materials, machinery, tools and other equipment placed at their disposal (Recommendation No. 184, Para. 21(b)). This provision was introduced following the adoption of an amendment submitted by the Employer members, who considered that homeworkers should take personal responsibility for their safety and health as they were not supervised and often had more autonomy than employees in an enterprise.[134]

In the event of **imminent and serious danger** to the safety and health of the homeworker, his or her family or the public, the continuation of home work should be prohibited until appropriate measures are taken to remedy the situation. The determination of the existence of such danger is to be made by a labour inspector or other public safety official (Recommendation No. 184, Para. 22(2)). Several constituents underlined in the discussions at the International Labour Conference that "this is a serious decision which should be fully justified as it could even be disputed before the courts".[135]

National laws and regulations on **safety and health** at work must apply to home work, taking account of its special characteristics

Recommendation No. 184 also includes a **right of withdrawal**, inspired by Convention No. 155: homeworkers who refuse to carry out work which they have reasonable justification to believe presents an imminent and serious danger to their safety or health should be protected from undue consequences in a manner consistent with national conditions and practice. Homeworkers should report the situation to their employer without delay (Para. 22(1)).

Several approaches, including combined approaches, may be adopted at the national level with respect to OSH. The **general legal provisions on occupational safety and health** may apply to homeworkers, as in Honduras,[136] Italy,[137] the Republic of Moldova,[138] New Zealand,[139] Portugal,[140] the Russian Federation[141] and Spain.[142] **Separate legislation** may also address the particular safety and health issues associated with home work. An example of such legislation may be found in Morocco (box 6.3).

Box 6.3 Occupational safety and health regulations for homeworkers in Morocco

In Morocco, a specific decree regulates OSH for homeworkers.[143] Employers must inform homeworkers of any work-related risks, indicate to them the precautions to be taken, and, if necessary, provide the necessary safety training. Employers must ensure that the equipment and work materials they provide to homeworkers are designed in such a way that they cannot cause accidents or compromise their health and safety. They must provide homeworkers free of charge with any personal protective equipment (PPE) adapted to the nature of the work performed. Employers must take into account the personal capacities of homeworkers so that the workload does not affect their health and safety. On the other hand, homeworkers must respect employers' instructions in order to prevent accidents or damage to their health and safety and those of other potentially affected persons. They must make proper use of the safety devices on work equipment and may not remove or modify them without the employer's authorization, as well as of the PPE provided by the employer.

National legislation may also require that homeworkers' workplaces be maintained and that the performance of home work be carried out in such a way that safety risks are avoided (Austria,[144] Germany[145] and Serbia[146]). Legislation may also require employers to provide adequate information or instructions to homeworkers (Chile,[147] Switzerland[148] and Thailand[149]).

The performance of **certain types of home work that entail particular risks** for homeworkers may be prohibited (Algeria,[150] France,[151] Italy,[152] Haiti,[153] North Macedonia,[154] the Philippines,[155] Slovenia[156]). Such provisions are important since, as noted by the CEACR, the stringent regulation of OSH in factories may lead to a transfer of certain activities to home work.[157] In Thailand,[158] the following types of home work are prohibited: work involving hazardous materials; work that is to be carried out with the use of tools or machines, the vibration of which may present a risk for the worker; work involving extreme heat or cold; and other types of work which may affect health and safety or the environment. It is also forbidden to deliver raw materials, equipment or other inputs used for the performance of home work that are hazardous to homeworkers, residents of the house, neighbouring communities and the environment.

It is also important to ensure that **homeworkers comply** with safety and health prescribed measures, as provided for instance in Brazil,[159] Bulgaria[160] and Switzerland.[161]

In some countries, OSH provisions have been adopted for **teleworkers**, as in Belgium,[162] Bulgaria,[163] Chile,[164] Colombia,[165] Hungary[166] and Poland.[167] In Italy, in the case of smart working arrangements, the employer must ensure the protection of OSH and provide workers and workers' safety representatives, on a regular basis, with written information on the risks identified. Workers must cooperate in the implementation of the preventive measures put in place by employers.[168]

Certain countries also seek to address the health risk of « working without end »[169] which may be particularly present in the case of telework due to the widespread use of ICT tools. In France, the notion that workers have the "**right to disconnect**" was introduced in an amendment to the Labour Code in 2016.[170] Moreover, in the case of telework, a collective agreement – or in the absence of such agreement, a charter adopted by the employer – must determine the time slots during which the employer can usually contact employees who telework.[171] In Chile, when homeworkers are free to set their work schedules or teleworkers are excluded from the limits on working hours, their employer must respect their right to disconnect.[172] The minimum length of the disconnection time is 12 continuous hours per 24-hour period. Furthermore, in no case may the employer communicate with the employee on rest days or during annual leave periods. The employment contract of homeworkers and teleworkers must contain a provision on disconnection time. Legal provisions on the right to disconnect were also adopted in Belgium,[173] Ecuador[174] and Italy.[175] The right to disconnect may also be protected in collective agreements, either at the company or sectoral level.[176]

Homeworkers also need to be **protected against all forms of violence and harassment in the world of work**, as prescribed by Convention No. 190. In some cases, homeworkers who try to discover the name of the brand for which they are producing or ask for higher wage rates may suffer retaliatory action, such as a threat of loss of work or a decrease in the work volume assigned.[177] Teleworkers may be particularly vulnerable to **cyberbullying**, since their work involves the use of information and communication technologies and their access to prevention and dispute settlement mechanisms may in practice be limited compared to workers at the employer's premises. Box 6.4 contains additional information on combating cyberbullying in home work.

▶ Box 6.4 Combating cyberbullying in home work[178]

Convention No. 190 seeks to prevent and eliminate violence and harassment in the world of work, notably when it is perpetrated through work-related communications, including those enabled by information and communication technologies.[179] This includes cyberbullying in the world of work, defined as "the execution of any aggressive behaviour against an individualized (group of) victim(s) through ICT means in the context of work".[180]

The Convention protects all persons who work, regardless of their contractual status, including those in the informal economy. States should therefore ensure that their legislation addresses unacceptable conducts at work such as bullying or harassment that are perpetrated through ICTs and protects all workers within the scope of the Convention, including homeworkers.

New Zealand has adopted legislation addressing cyberbullying,[181] which covers all forms of electronic communication and provides for both criminal and non-criminal remedies. The Act provides for a new criminal offence: causing harm by posting digital communication. Furthermore, NetSafe is an approved agency that advises victims, makes investigations, attempts to reach settlement agreements and liaises with third parties such as internet service providers. When no settlement is reached, courts may order remedies such as orders to take down material or release the identity of the source of an anonymous communication. This may involve, for example, ordering an employer to remove harmful content published on an internal messaging application.

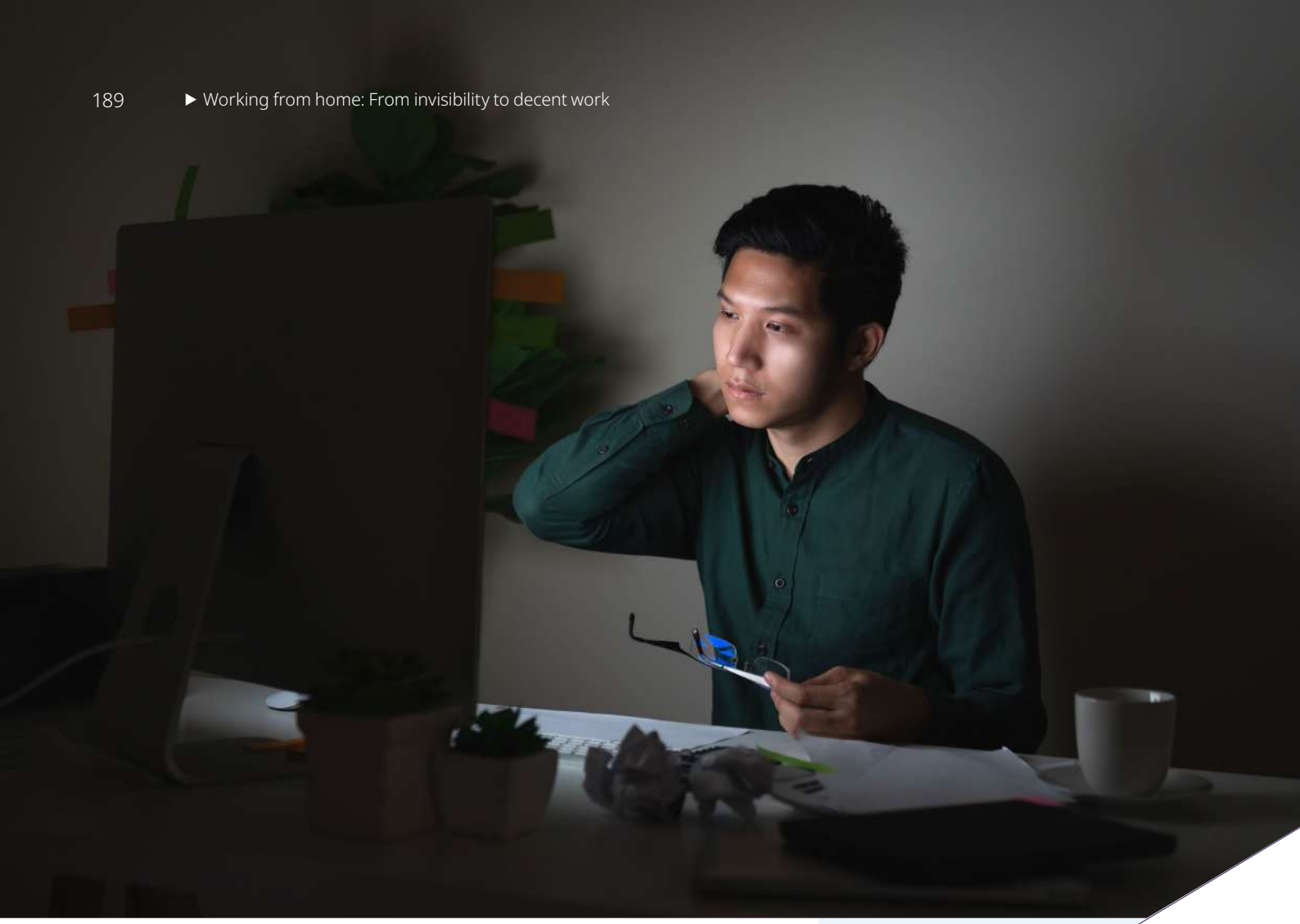
Another important OSH aspect is the coverage of homeworkers by provisions on **occupational diseases** (due to ergonomic risks, exposure to toxic materials, etc.) and **occupational accidents** in the case of accidents occurring during the performance of their professional activities, including when the home is their workplace. Such protection is offered for example in Portugal.[182] In Belgium, there is a rebuttable presumption that an accident occurring to a teleworker is a work-related accident if two conditions are met:

- First, it must occur at the place indicated in writing as the workplace or, in the absence of any written document, at the teleworker's residence or the place where she or he usually works.
- Second, the accident must occur during the period of the day indicated in writing as the period during which work may be performed. In the absence of such an indication, the presumption applies during the hours of work that the teleworker would be required to perform if she or he were employed on the employer's premises.[183]

A similar legal presumption is also established in France for teleworkers.[184] In the Russian Federation, legislation provides for mandatory insurance of teleworkers against work-related accidents, unless otherwise provided in the employment contract.[185]

The employer may be authorized, under certain conditions, to **access the homeworker's workplace** to ensure that adequate safety and health protections are in place. In Mauritius,[186] where work is performed at the homeworker's residence, the employer may, with the authorization of the homeworker and subject to prior notice, have access to that residence at a reasonable time agreed with the homeworker and for a limited number of reasons, including for carrying out risk assessment and undertaking periodic safety and health inspections. A limited right of access to the homeworker's residence is also granted to employers in Portugal.[187] In Belgium,[188] internal prevention services have access to the telework location to check the correct application of applicable OSH legislation. If telework is carried out in an inhabited location, access is subject to prior notification and agreement of the teleworker. The teleworker may request an inspection visit from the same services. Such provisions are without prejudice to the powers attributed to labour inspectors (see section 6.12 below).

Finally, one should keep in mind that **teleworking is included in the policy framework recommended by the ILO to respond to the COVID-19 pandemic**.[189] In many countries, the temporary introduction of mandatory home work, in particular telework, constituted per se a measure decided by employers to protect their employees' OSH.[190] The French Labour Code already provided for such a possibility prior to the outbreak of the COVID-19 pandemic: in exceptional circumstances, such as the threat of an epidemic or in cases of force majeure, the implementation of telework may be considered as an adaptation of the workstation that is necessary to allow the continuity of the company's activity and guarantee the protection of employees.[191] As discussed above,[192] a number of countries have adopted regulatory frameworks on telework in response to the health crisis.



©iStock/Chaay_Tee

6.7 Working time

The proposal made by several workers' organizations to include working hours as part of the provisions on equal treatment of homeworkers, as hours affect safety and health, workload and remuneration, was not retained by the International Labour Conference.[193]

During the preparatory work, many governments and employers' organizations considered that regulating working time would do away with the main advantage of home work, which was its flexibility with regard to working hours.[194] Nonetheless, Recommendation No. 184 provides that **deadlines** set to complete a work assignment should not deprive a homeworker of the possibility to have **daily and weekly rest comparable to that enjoyed by other workers** (Para. 23). Further, national legislation should establish the conditions under which homeworkers should benefit, as other workers, from paid public holidays, annual holidays with pay and paid sick leave (Para. 24).

Working time provisions are among those from which **homeworkers are most often excluded**, typically on the grounds that they are not subject to the employer's close supervision.[195] Such exclusion risks having a serious impact on homeworkers due to the close relationship between working time and remuneration in the case of piece work. Indeed, when wage rates are low and legislation does not establish reasonable limits to homeworkers' working time, they may see themselves forced to work excessively long hours.

In some countries, such as the Bolivarian Republic of Venezuela, all or part of the **legislation on working time applies to homeworkers**. In Ireland, the Organization of Working Time Act 2007 applies to all employees and contains certain specific requirements for homeworkers. In Bulgaria,[196] homeworkers are free to determine their work schedules within the limits set out by law, as well as their daily and weekly rest periods, and cannot work overtime. In Finland, the Working Hours Act 2019 covers homeworkers. Provisions on the right to disconnect, as mentioned above, are also an indirect way of limiting working hours.

With respect to **telework**, legislation may provide that they are subject to the working time regime applicable in the enterprise, as in Belgium,[197] or may include an equal treatment provision for their workload and performance standards, as in Malta.[198] In Chile,[199] telework is subject to normal provisions on working time, subject to specific rules. If the nature of the work performed allows, the parties may agree that the teleworker will freely determine his or her work schedule, subject to the applicable limits on working hours and rules on weekly rest. The parties may also agree to exclude the teleworker from the application of rules on working time. However, it will be presumed that the worker is subject to ordinary working hours when the employer controls the manner in which the work is carried out. In any event, the employer must respect the worker's right to disconnect during at least 12 consecutive hours for each period of 24 hours, as well as during leave periods. In Italy[200] (smart work) and Lithuania,[201] teleworkers may also be free to set their own work schedules, provided that legal limits are respected. Although working time rules do not apply to teleworkers in Colombia,[202] the labour administration must carry out special monitoring to ensure they are not subjected to excessive workloads.

Certain countries have attempted to **limit the workload** imposed on homeworkers or to ensure that deadlines for the delivery of work do not lead to excessive working hours. In Senegal,[203] for example, steps must be taken to avoid overworking workers by resorting to performance-based pay. In Germany,[204] when work is distributed to several homeworkers, the workload must be distributed equally among them, taking into account their work capacity. The Home Work Committee may determine the amount of work allowed over a certain period of time in certain branches of industry or for certain types of home work. The work must be such that it can be carried out by a full-time, unskilled worker during the normal working hours of comparable workers in the enterprise. A larger amount of work may be assigned only if the homeworker uses auxiliary staff. In such a case, the auxiliary staff must be remunerated.

In Switzerland,[205] employers must take into account the personal production capacity of the homeworker. In particular, they must set the time limit for delivery of the work in such a way that the homeworker does not have to work more than eight hours a day or on Sundays. Similar provisions exist in Austria.[206] In Australia,[207] in determining the time required to perform the work ("the time standard") the principal must allow a fair and reasonable time, including (a) providing more time for the work to be performed than the time standard set for comparable work undertaken in a workshop or factory and (b) providing reasonable additional time to perform ancillary tasks such as bundling and unbundling, sorting and packing.

Time and motion studies may also constitute a way of avoiding excessive workloads – and more importantly, of ensuring that piece rates are not set below the applicable minimum wage. Directives to ensure they are properly conducted have sometimes been established, for example in the Philippines.[208] In France,[209] in the

occupational branches employing homeworkers, the table of the amounts of time necessary for the execution of serial works is established by collective agreements or, in the absence of such agreements, by the administrative authority.

The impact of deadlines in home work may also be addressed in law. For instance, in France,[210] when the deadlines set require homeworkers to work more than eight hours per day (taking into account the above table) or on a Sunday or public holiday, they are entitled to a wage premium.

It is also important to define **what constitutes working time** in home work. In the United Kingdom,[211] legislation defines the hours of work to be taken into account in determining whether the national minimum wage has been paid. If a worker does output work (piece work) at home, the travelling time between that place and premises at which the worker reports are to be treated as hours of output work. In Mauritius,[212] homeworkers' hours of work include time spent (a) to collect work and materials; (b) to deliver completed work; (c) waiting at home for working tools and equipment to be repaired or maintained; (d) waiting at home for work to be delivered or otherwise assigned; (e) waiting for the employer to provide work; (f) waiting for instructions to be given over the phone or otherwise; and (g) to attend meetings with the employer or his clients for business-related purpose.

In addition, a number of national laws provide that homeworkers must be **compensated by the employer for waiting periods** when materials and supplies are not delivered or work is not collected at the agreed dates and times, including in Austria (after 30 minutes),[213] El Salvador,[214] Mexico[215]and Paraguay[216] (after one hour), .

The legislation may also address homeworkers' entitlements as regards **weekly rest and public holidays**. In Ecuador,[217] for instance, the rules prohibiting the employer from requiring a worker to work on days and hours of compulsory rest, except in exceptional cases, apply to piece-rate workers. The Labour Code also regulates remuneration on weekly rest days and overtime pay for these workers. In Australia,[218] principals must not require outworkers to work on a Saturday, Sunday or public holiday without obtaining their prior written agreement. In Switzerland,[219] home work may not be assigned or collected on Sundays or public holidays.

Homeworkers' right to **paid annual leave** is also an aspect of their working conditions that is addressed in some legislations. In Mexico,[220] homeworkers benefit from paid annual leave. This is also the case in Morocco.[221] When homeworkers work for more than one employer, the dates of holidays are fixed by the employer for whom the homeworkers have worked the longest. In Algeria,[222] a homeworker employed by the same employer for at least six months is entitled to receive a leave allowance equivalent to two days' pay for each month of work performed. In Austria,[223] homeworkers also acquire this right after six months of service. The entitlement is 2.5 working days per month, and increases to 3 days after 25 years of service. If the homeworker has an employment relationship with several clients, the vacation entitlement against each of these individuals must be assessed separately. In Mauritius,[224] homeworkers who remain in continuous employment with the same employer for a period of 12 consecutive months are entitled to paid annual leave.

▶ 6.8 Remuneration

Convention No. 177 requires States parties to promote equal treatment for homeworkers in relation to remuneration (Art. 4(2)).

This provision does not impose on governments an obligation "to control or interfere with established collective bargaining systems for remuneration nor with the autonomy of the social partners".[225]

Recommendation No. 184 further provides that **minimum rates of wages** should be fixed for home work, in accordance with national law and practice (Para. 13). This provision does not identify the level at which minimum wage rates should be fixed, nor how they are to be fixed. It is to be noted that the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) requires States parties "to create or maintain machinery whereby minimum rates of wages can be fixed for workers employed in certain of the trades or parts of trades (and in particular in home working trades) in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low" (Art. 1(1)).

In addition, Recommendation No. 184 provides that the rates of remuneration[226] should preferably be fixed by **collective bargaining**. In the absence of collective bargaining, they should be set by decisions of the competent authority after consultation with the social partners[227] or other appropriate wage-fixing machinery at the national, sectoral or local levels. Only if none of these means is available should the rates of remuneration be fixed by agreement between the homeworker and the employer (Para. 14). The possibility of fixing rates of remuneration by agreement between the parties was included in the text following an intense debate by the International Labour Conference.[228] However, as the Office pointed out, the purpose of Recommendation No. 184 is to provide guidance on how the situation of homeworkers can be improved, not to reflect their situation. Many constituents considered that low wages constitute one of the main problems faced by homeworkers, who are generally in a weak position to bargain individually with employers.[229] The provision included in the text of the Recommendation therefore envisages the fixing of remuneration rates through individual agreement between the parties as a measure of last resort only.[230]

If the homeworker is **paid on a piece-rate basis**, the rate of remuneration should be comparable to that received by a worker in the enterprise of the employer, or if there is no such worker, in another enterprise in the branch of activity and region concerned (Para. 15).[231]

In addition to their remuneration, homeworkers should be **compensated for the costs** incurred in connection with their work (energy and water, communications and maintenance of machinery and equipment and so on) and for the time they spend in activities such as maintenance, sorting and (un)packing (Para. 16).

Convention No. 177 requires states parties to promote **equal treatment** for homeworkers in relation to remuneration

The national legislation on the **protection of wages** should apply to homeworkers (Para. 17). It should ensure that pre-established criteria are set for deductions and protect homeworkers against unjustified deductions for defective work or spoilt materials. The protection against unjustified deductions was added during the debates of the International Labour Conference on the grounds that remuneration should be paid even if a piece of work does not exactly meet specified standards.[232] Furthermore, wages should be paid either on delivery of each completed work assignment or at regular intervals of not more than one month. These provisions are without prejudice to those of the Protection of Wages Convention, 1949 (No. 95) and Recommendation (No. 85).

Finally, the employer and the intermediary, if any, should be made **jointly and severally liable** for payment of the remuneration due to homeworkers, in accordance with national law and practice (Para. 18) (see also section 6.12 below).

Rates of remuneration

At the national level, efforts to ensure fair remuneration of homeworkers often focus on the issue of **piece-rate pay**, which is the standard mode of remuneration for workers engaged in traditional, industrial forms of home work. In this case, the issue of remuneration is closely linked to that of working time : if the piece rate is set too low, workers need to work excessively long hours to earn a living, which is in practice equivalent to performing unpaid overtime work.[233] For the employer, the main difficulty lies in how to establish comparability between the remuneration rates for workers in the enterprise (who are often paid on an hourly basis) and for homeworkers (who are not subject to the same control and may not have access to the same tools and machinery, with a corresponding potential impact on productivity). **Time and motion studies** may constitute a useful tool in this regard. A time and motion study is a "work measurement system designed to determine the standard time for a qualified (average) worker or machine to complete a specified job at a defined level of performance". It is conducted "to determine whether the piece rate/production standards (quota) prescribed by the employers for their employees are fair and reasonable".[234]

The key principles of fair and effective piece-rate systems include that they "should be transparent, reward employees according to the difficulty and quality of their work, and ensure that motivated workers can earn substantially more than the minimum wage. If a larger group is not making the minimum wage, it usually means the piece-rate pay is set too low, and workers' efforts are being undervalued".[235]

A first approach is to ensure that **a minimum floor of remuneration is in place for piece-rate workers.** In certain countries, such as Canada (New Brunswick), Indonesia,[236] the Islamic Republic of Iran, Madagascar, Morocco and the Philippines,[237] homeworkers' wages may not be lower than the applicable minimum wage. In other countries, such as Estonia,[238] India, Pakistan and Sri Lanka, specific minimum wage rates may be fixed for piece-rate workers. In the State of Madhya Pradesh in India, for example, piece-rate beedi rollers are entitled to a guaranteed minimum wage, provided that they roll a minimum of 5,600 beedis per week.[239]

Other national laws expressly **regulate remuneration for homeworkers**. In Montenegro, Nepal, Nicaragua, Panama[240], Paraguay[241] and Tunisia,[242] the minimum wage rules apply to all employees, including homeworkers. Minimum wage rates may also be set specifically for homeworkers, as is the case in Australia,[243] Argentina,[244] Austria,[245] Ecuador,[246] Italy,[247] Japan[248] and Mexico.[249]

In Thailand, the determination of the pay per unit for homeworking falls under the authority of the Homeworkers Protection Committee.[250] The Department of Labour Protection and Welfare has been collaborating with the ILO on a pilot project aimed at conducting time and motion studies in fishing nets and clothing businesses in a number of provinces.

The legislation may also address **the relation of home work or piece-rate wages to traditional, enterprise-based and time-based wages**. In several African countries, including Burkina Faso,[251] Cameroon,[252] Côte d'Ivoire, Gabon and Senegal,[253] the rates of remuneration for piecework must be so calculated that it provides a worker of average capacity, working normally, with a wage at least equal to that of the worker engaged in similar work and paid by unit of time.

In Portugal,[254] the remuneration for home work is set taking into account (a) the average time required for the production of the goods or performance of the service, as well as the remuneration rate established in the collective agreement applicable for the same work performed in the enterprise or, in the absence of such, the minimum monthly wage, and (b) the costs incurred by the worker, in particular for energy, water and communications, as well as the purchase and maintenance of equipment. In Costa Rica[255] and the Bolivarian Republic of Venezuela,[256] the remuneration of homeworkers cannot be less than that paid for work performed in the enterprise at the same level of performance, whereas in Thailand,[257] equal treatment is provided for work of "the same nature and quality and equal quantity". Equal treatment provisions for homeworkers are also found in the legislation of Croatia,[258] Guatemala,[259] Honduras,[260] Mauritius,[261] Mexico,[262] Nicaragua,[263] Paraguay[264] and Spain.[265]

Several countries have legislation that seeks to ensure the fixing of **adequate piece-rate wages**. In the Philippines,[266] it provides for the establishment of standard output rates through any of the following procedures: time and motion studies, individual or collective agreement approved by the labour authorities or consultation with workers' and employers' organizations in a tripartite conference convened by the labour authorities. In the United Kingdom, sophisticated provisions are in place to ensure a fair piece rate, defined as "the amount that must be paid for each piece of work, to make sure someone working at an average speed is paid at least the minimum wage per hour".[267]

Remuneration is normally not the most acute issue facing teleworkers, although the possible expansion of permanent telework in the aftermath of the current public health crisis may entail the risk of a downward pressure on wages as employees will no longer need to live in expensive cities. Nonetheless, legislation in a few countries such as Colombia[268] include **equal treatment provisions for teleworkers**. In Ecuador,[269] remuneration is agreed between the teleworker and the employer in a manner consistent with the general rules established by the Labour Code. In Chile,[270] a telework agreement may under no circumstances undermine the rights established by the Labour Code, in particular as regards remuneration.

Some legislations also mandate employers to **compensate homeworkers for certain expenses** they incur. A detailed provision applies in Mauritius,[271] where an employer must refund to a homeworker:

a. any costs incurred for the use of electricity, water, telecommunication or such other facilities in connection with work performed at home;

b. expenses incurred for maintenance of tools and equipment provided to the homeworker for the performance of his work;

c. the equivalent of the return bus fare for travel:

- **i.** to and from his employer's business premises;
- **ii.** to meet customers or any other persons in relation to his work; or
- **iii.** for any other purpose in relation to his work as may be agreed with his employer;

d. any other expenses incurred as may be agreed between the homeworker and his employer; and

e. any other costs or expenses incurred in relation to his work.

Similar provisions exist in Armenia,[272] Belgium,[273] Hungary,[274] Portugal,[275] the Russian Federation,[276] Switzerland[277] and the Bolivarian Republic of Venezuela.[278]

This issue is sometimes addressed in the particular context of **telework**. The employer may be bound to provide the equipment needed for teleworking, including supplies and maintenance, as in Bulgaria,[279] Chile[280] and Ecuador.[281] Alternatively, legislation may require the employer to cover certain costs, as in Belgium,[282] Brazil,[283] Colombia[284] and Malta.[285] The Swiss Federal Tribunal recently held[286] that the employer must compensate a teleworker for the use of a dedicated room in the worker's house.

Protection of wages

In some countries, including Belgium,[287] Finland[288] and New Zealand,[289] the **legal provisions on wage protection** apply to homeworkers. Certain dimensions of wage protection are regulated expressly to protect homeworkers.

The main requirement is to ensure that **wages are paid on time**. In the Philippines,[290] Portugal[291] and Thailand,[292] payment must be immediate upon delivery of work, whereas in Australia[293] and Belgium,[294] remuneration due to the homeworker must be paid at the date and place agreed. In Argentina,[295] wages must be paid directly and at the time set by the enforcement authority. The authorities may create official payment funds when it is considered necessary to ensure the payment of wages due to homeworkers. The periodicity of payment is also regulated in Austria,[296] Costa Rica,[297] Guatemala,[298] Honduras,[299] Mauritius[300] and Nicaragua.[301]

Another important issue is the **limitation of wage deductions**. In Ecuador,[302] wage deductions to remunerate the principal or intermediary are prohibited. Fines may be imposed on homeworkers in case the work produced is defective. In the Philippines,[303] the employer may request the homeworker to redo work without any supplementary payment if it is improperly executed. Legislation in Hungary,[304] Poland[305] and Portugal[306] also regulates the consequences in terms of remuneration of inadequate work performance.

In Mexico,[307] Peru[308] and the Philippines,[309] legal restrictions apply to wage deductions in case materials provided by the employer are lost, destroyed or damaged. In Thailand,[310] legislation regulates wage deductions in case of losses to the employer due to the homeworker's wilful acts or gross negligence.

The employer's **obligation to publicize wage rates and deliver payslips** upon payment of remuneration are important additional elements of wage protection. The posting of remuneration rates in a visible place is mandatory in a number of countries, including Austria,[311] Cameroon,[312] Germany[313] and Mexico.[314] The delivery of payslips to homeworkers is required, notably in Australia,[315] Austria,[316] Germany,[317] Mauritius[318] and Portugal.[319]

©ILO

▶ 6.9 Termination of employment

Convention No. 177 does not address the issue of termination of employment. Nonetheless, homeworkers who are employees are included in the scope of the Termination of Employment Convention, 1982 (No. 158).

Furthermore, Recommendation No. 184 provides that homeworkers should benefit from the **same protection as other workers with respect to termination** (Para. 27). The term "other workers" is not limited to employees and the provision does not imply that all homeworkers should have the same protection against unfair termination as employees, but that homeworkers with a given status should have the same protection as other workers with the same kind of status.[320]

Homeworkers who are classified as employees normally benefit from the general legal provisions on termination of employment, including protection against unfair dismissal and minimum notice periods. When homeworkers do not have the status of employees, they may face so-called "disguised dismissal", when the contractor decides to stop providing work to them, sometimes without notice.[321]

Some **laws on home work expressly address these issues**. In France[322] and the Republic of Moldova,[323] the general rules on termination of the individual labour contract apply to homeworkers. In Belgium,[324] the normal rules governing dismissal apply to homeworkers. However, only those who are paid on a flat-rate basis may, during the period of notice, take paid time off work to search for new employment.

In Austria,[325] the home work relationship ends either by express notification of the client or homeworker or 30 days after delivery of the last order, if the client does not place another order with the homeworker or the homeworker refuses without any reason to accept another order within this period. In case of express notification, the notice period must last for at least one week. During the week following the notification, the homeworker is entitled to receive home work paid at the average wage rate of the previous 13 weeks. In the absence of work assigned, he or she is entitled to compensation corresponding to the weekly remuneration calculated on the basis of the average remuneration of the last 13 weeks. Homeworkers are also entitled to severance pay.

In Thailand,[326] when it appears likely that home work will not be completed on time, the homeworker must inform the hirer accordingly in order to seek agreement on a deadline extension. If the hirer does not agree to grant an extension and would suffer damage from the late delivery of work without it being faulty, he or she has the right to terminate the home work relationship and assign the work to someone else. These provisions do not prevent any of the parties from claiming damages from the party that is liable for termination. The home work relationship also ceases in cases where it rests on the homeworker's skills and he or she dies or is unable to carry on with the work assigned without any faulty behaviour.

In Germany,[327] legislation establishes different notice periods depending on the length of the work relationship and seniority, as well as whether the

homeworker is predominantly employed by a client or intermediate foreman. It also regulates the compensation due to homeworker when the client or intermediary reduces the work assigned by at least 25 per cent compared to the work regularly assigned for at least one year. In Portugal,[328] home work legislation regulates different aspects of employment termination, including termination due to the absence of work assigned. Unless otherwise agreed, lack of work that results in the inactivity of the homeworker for a period of more than 60 consecutive days entails termination of the work relationship, subject to written notice by the client. Homeworkers are entitled to compensation in case of non-observance of the required notice period, if the client does not provide sufficient reasons to terminate the home work relationship or in case of termination due to the absence of work.

In Uruguay,[329] homeworkers are entitled to compensation in case of dismissal. The **absence of any work assigned** for a period of two months, as well as situations in which the amount of work assigned is reduced by at least 25 per cent over a six-month period, also give rise to a right to compensation. In Mexico,[330] homeworkers who no longer receive work are entitled to the rights granted to other employees in case of termination of employment by the employer. They may request before the Conciliation and Arbitration Board to be reinstated in the work they were previously doing or to receive three months' salary as compensation. If the employer does not prove the cause of termination, they are also entitled to receive the remuneration due since the time of dismissal for a maximum period of 12 months. In Argentina,[331] legislation provides for the imposition of fines on principals and intermediaries who arbitrarily reduce, suspend or supress the quantity of work assigned to a homeworker. The amount of such fines is to be transferred to the homeworker.

In Ethiopia,[332] home work contracts are deemed to be concluded for a specified period or task. Consequently, the contract lapses at its contractual term or upon completion of the task. In Switzerland,[333] when trial work is assigned to a homeworker, unless otherwise agreed the employment relationship is deemed to have been entered into on a trial basis for a fixed period. When the homeworker is engaged without interruption by the employer, unless otherwise agreed the employment relationship is deemed to have been entered into for an indefinite period. In all other cases, it is deemed to have been entered into for a fixed period.

In a number of countries, specific provisions apply to **telework**. In the Russian Federation,[334] a telework agreement may be terminated at the employer's initiative on one of the grounds provided in the employment contract. In Italy,[335] a "smart work" agreement may be concluded for a fixed term or an indefinite duration. In the latter case, termination may occur with 30 days notice. Either party may also terminate the agreement with justification before the agreed term or without notice. Furthermore, in several European countries, including France,[336] Malta[337] and Poland,[338] the employee's decision to refuse a teleworking position or to stop teleworking does not constitute a reason for justifying the termination of the employment contract by the employer. In that regard, the European Framework Agreement on Telework provides that "[t]he passage to telework as such, because it only modifies the way in which work is performed, does not affect the teleworker's employment status. A worker refusal to opt for telework is not, as such, a reason for terminating the employment relationship or changing the terms and conditions of employment of that worker".[339]

▶ 6.10 Social security and maternity protection

Article 4(2) (e) of Convention No. 177 requires that equal treatment be promoted for homeworkers with respect to **statutory social security protection**.

Recommendation No. 184 insists on the need to ensure that homeworkers benefit from social security protection and clarifies that this may be done by extending or adapting existing social security schemes or by developing special schemes or funds for homeworkers (Para. 25).

Article 4(h) of Convention No. 177 also provides for the promotion of equality of treatment regarding **maternity protection**. Moreover, Recommendation No. 184 provides that national legislation on maternity protection should apply to homeworkers (Para. 26).

Social security protection as defined by ILO standards – in particular the Social Security (Minimum Standards) Convention, 1952 (No. 102) and the Social Protection Floors Recommendation, 2012 (No. 202) – is far from being accessible to all homeworkers across the world. Especially in traditional forms of home work, difficulties may derive from informality and many workers are excluded from coverage in practice. In other cases, they may be excluded from the scope of relevant legislation. Nonetheless, according to the information governments provided in their reports for the CEACR's 2020 General Survey on Employment,[340] the legislation of a large number of ILO Member States provides for **social security coverage for homeworkers**, although not always for all benefits.[341] According to available information, social security protection is provided to homeworkers notably in the following countries (an asterisk (*) indicates that information is drawn from the 2020 General Survey on Employment[342]): Algeria,[343] Argentina,* Austria,[344] Belgium,*[345] Bulgaria,[346] Cabo Verde, Colombia,[347] Denmark,* the Dominican Republic,[348] Egypt,* Gabon,* Germany,* Guatemala,* Jamaica,* Panama,* Peru,[349] the Philippines,[350] Portugal,[351] Senegal,* Sweden,* Thailand,* the United States[352] and Uruguay.[353] In Japan, all residents, including homeworkers, are covered by the National Health Insurance Scheme.

Maternity protection is also particularly important for homeworkers in view of the concentration of women in home work. The right to maternity protection may, however, be limited to homeworkers in an employment relationship. The normal rules on maternity protection apply to homeworkers notably in Austria,[354] Belgium,[355] Chile[356] and Mauritius.[357] Legislation in Peru[358] – and for teleworkers, legislation in Colombia[359] – contains provisions on equal treatment. In the Netherlands,[360] in response to comments made by the trade unions FNV, CNV and VCP, the Government confirmed that homeworkers are entitled to the same maternity protection coverage under the labour legislation as other wage earners.

Maternity protection also includes the prevention of health risks. In Thailand,[361] it is forbidden for anyone to assign pregnant women to carry out any type of home work which by its nature may be hazardous to the worker's health and safety. Finally, home work may in itself constitute a form of maternity protection. In Lithuania,[362] for instance, the right to request to work at least one fifth of working hours remotely is granted to workers who are pregnant, gave birth recently, are breastfeeding or are raising a child under the age of 14 or a disabled child until the age of 18. Employers can reject this request only if it would result in excessive costs because of work necessity or the specificities of the work organization.

▶ 6.11 Access to training

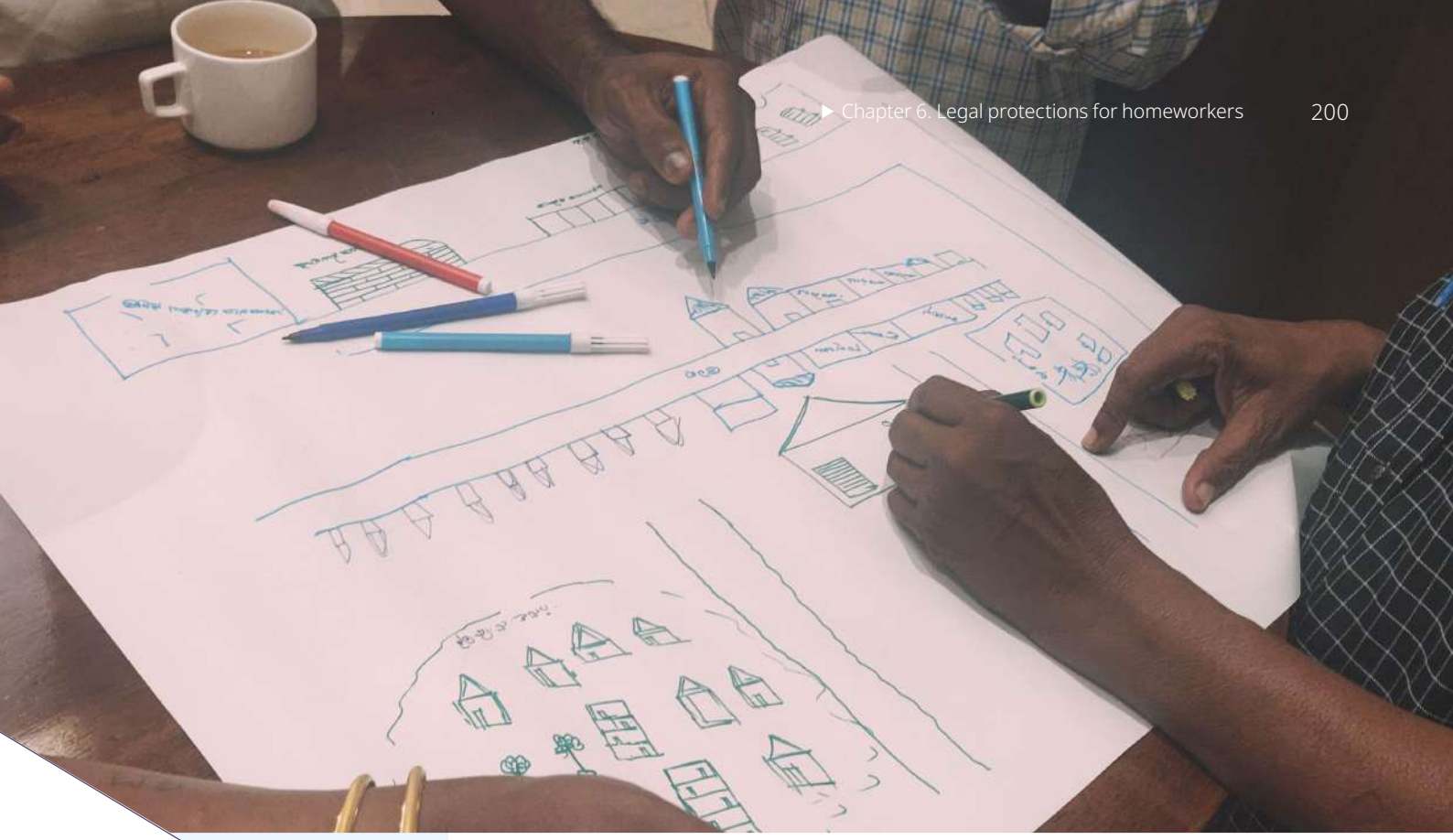
Pursuant to Article 4(2)(f) of Convention No. 177, the national policy on home work must promote equal treatment for homeworkers in relation to access to training.

Furthermore, the programmes on home work that Recommendation No. 184 calls on Member States to promote and support should provide training to improve homeworkers' skills (including non-traditional skills, leadership and negotiating skills), productivity, employment opportunities and income-earning capacity; and provide training which is carried out as close as practicable to the workers' homes and does not require unnecessary formal qualifications (Para. 29).[363]

Legislation on homeworkers' access to training is scarce, including in countries that specifically regulate home work. In Thailand,[364] the Committee on the Protection of Homeworkers may make recommendations for the development of skilled labour, including as regards government support for the provision of information to homeworkers on the "development of skills in the performance of work". In the Philippines,[365] legislation only requires the provision of technical assistance to registered homeworkers' organizations, employers, contractors and subcontractors on skills training.

As regards **employers' duties**, in Bulgaria[366] they must provide "qualification, requalification and training" to homeworkers. In Portugal,[367] the beneficiary of the activity of homeworkers must ensure that they have adequate training for the performance of their work. Such training must not be less than that provided to a worker who performs the same work in-house.

Teleworkers are more often covered by provisions on the right to training, particularly in Europe. Under the European Framework Agreement on Telework (see box 6.1 above), teleworkers must have the same access to training and career development opportunities as comparable workers at the employer's premises and receive appropriate training targeted at the technical equipment at their disposal and at the characteristics of this form of work organization.[368] This provision is reproduced in the Belgian National Collective Agreement on Telework.[369] In Malta[370] as well, teleworkers have the same rights of access and rights to participate in training and career development programmes provided by or on behalf of the employer as do comparable employees at the employer's premises. In Portugal, the Labour Code[371] provides that homeworkers benefit from equal treatment as compared with other workers in relation to training and career development. Furthermore, employers must provide teleworkers, if necessary, with adequate training on the use of information and communication technologies inherent to the exercise of the activity. In Peru[372] as well, teleworkers have the right to be trained on the use of the computer and telecommunication tools for the performance of their tasks. In Italy,[373] workers engaged in smart working arrangements have the right to lifelong learning, whether formal or informal, as well as to the periodic certification of relevant skills.



©ILO/B. Birla

6.12 Supervision and enforcement measures

Pursuant to Recommendation No. 184, the competent authority[374] should provide for **the registration of homeworkers' employers and of any intermediaries** used by them and should specify the information that employers should submit or keep at the authority's disposal (Para. 6).

In addition, employers should be required to **notify the competent authority** when they give out home work for the first time and should keep a **register of all homeworkers**, classified according to sex, to whom they give work (Paras 7(1)–(2)). It was decided that employers, rather than national authorities, should maintain the homeworkers' register, so that labour inspectors can perform their supervisory activities.[375]

Employers should also keep a **record of work assigned** to a homeworker, showing the time allocated, the rate of remuneration, the costs incurred, if any, by the homeworker and the amount reimbursed in respect of them, any deductions made in accordance with national laws and regulations and the gross and net remuneration paid, together with the date of payment. A copy of the work record should be provided to the homeworker (Paras 7(3)–(4)).

Homeworkers should be kept **informed of their specific conditions of employment**[376] in writing or in any other appropriate manner consistent with national law and practice.[377] This information should include details on the employer and the intermediary, if any, the remuneration and the type of work to be performed (Para. 5).

Where practicable, information on the rights and protection of homeworkers and the obligations of employers towards them, as well as on programmes on home work, should be provided in **languages understood by homeworkers** (Para. 30).

Where the use of intermediaries in home work is permitted under national law, the **respective responsibilities of employers and intermediaries** must be determined by laws and regulations or by court decisions, in accordance with national practice (Convention No. 177, Art. 8). This text is the result of numerous debates at the International Labour Conference.[378] In addition, Recommendation No. 184 introduced the principle of joint and several liability between the employer and the intermediary for the payment of the remuneration due to homeworkers (Para. 18). This provision recognizes that there are situations in which homeworkers have no contact with the employer and depend upon the intermediary to pay them. It implies that homeworkers can claim unpaid wages against the employer, the intermediary or both.[379]

Convention No. 177 also requires that a **system of inspection**[380] consistent with national law and practice is in place to ensure compliance with the laws and regulations applicable to home work (Art. 9). Recommendation No. 184 contains the safeguard that in so far as it is "compatible with national law and practice concerning respect for privacy", labour inspectors or other competent officials should be allowed to enter the parts of the home or other private premises in which the work is carried out (Para. 8). The Office indicated that the consent of the worker might or might not be required, depending on national law. Furthermore, in such cases as where a homeworker working with explosives was endangering the whole neighbourhood, that person's right to privacy would certainly be subordinated to public safety.[381]

In addition, **adequate remedies**, including penalties where appropriate, must be provided for and effectively applied in case of violation of national laws and regulations applicable to home work (Convention No. 177, Art. 9). The wording of Article 9 is intended to take account of the range of possible remedies, including fines, orders for payment of back wages and job reinstatement.[382] Furthermore, appropriate measures should be taken in cases of serious or repeated violations of the applicable laws and regulations, including the possible prohibition of giving out home work, in accordance with national law and practice (Recommendation No. 184, Para. 9).

Finally, the competent national authorities should ensure that mechanisms for the **resolution of disputes** between a homeworker and an employer or any intermediary used by the employer are available (Recommendation No. 184, Para. 28).

The enforcement of legal provisions for the protection of homeworkers represents a **real challenge because of their dispersion, invisibility and informality**. This is particularly the case in supply chains, where homeworkers often only know the intermediary who assigned work to them and lack the means to protect their rights, including their right to remuneration for work performed. Australia has adopted comprehensive initiatives to respond to this challenge (box 6.5). The legislation of other countries implements the requirements of Convention No. 177 regarding supervisory and enforcement measures to ensure compliance with the provisions protecting homeworkers.

Reporting and documentary obligations

A first important step is for national authorities to be informed of **which employers give out home work** so that adequate supervision of compliance with applicable provisions may be ensured.

In Germany,[383] employers are required to make a declaration to the land labour authority prior to giving out home work for the first time, as required by Convention No. 177. In France[384] and Honduras,[385] employers must also inform labour authorities when they give out home work. In Austria,[386] the requirement is limited to a notification to the health insurance provider, while in Algeria[387] they must submit a declaration to the social security administration and the labour inspectorate. Similar obligations may exist in the case of telework, as in Colombia[388] and Ecuador.[389]

In some countries, such as Ecuador,[390] Mexico[391] and Switzerland,[392] there is a specific requirement for employers of homeworkers to be registered with competent authorities. In other countries, including Argentina[393] and the Dominican Republic,[394] employers need to obtain a licence or an authorization prior to giving out home work.

In addition, legislation in a number of countries, including Argentina,[395] Bulgaria,[396] the Central African Republic,[397] Costa Rica,[398] the Dominican Republic,[399] Germany,[400] Honduras,[401] Ireland,[402] Mexico,[403] Paraguay,[404] Portugal[405] and Switzerland,[406] imposes the maintenance by employers of a **register of homeworkers** employed by them. In Algeria, the homeworkers' register must indicate homeworkers' social security affiliation number.[407]

Legislation in Ecuador[408] further provides for the delivery of a **workbook** to homeworkers as required by the Convention. Similar obligations exist in Austria,[409] the Dominican Republic,[410] Ecuador,[411] Honduras,[412] Italy,[413] Japan,[414] Mexico[415] and Peru.[416] In Argentina,[417] it is prohibited to include in the workbook information on the homeworker's capacity, conduct or aptitude.

In Algeria, when a batch of work is assigned to a homeworker, the employer must fill in an order book to provide information on the homeworker, the nature and quantity of the work assigned and the deadline, remuneration and materials provided to the homeworker. Upon delivery of the work, the employer must indicate in a log the delivery date, the amount of remuneration paid and the return of materials provided, if any, to the homeworker. Upon signature by the two parties, the homeworker must receive a copy of the logbook.[418] Similar obligations are imposed on the employer in Costa Rica.[419]

It is also important to ensure that homeworkers are **informed in writing of their working conditions**, normally through the conclusion of a written contract, as is required in Belgium,[420] Bulgaria[421] and Australia,[422] where the agreement must be drafted clearly and simply in a language the worker understands and employers must provide homeworkers with an information sheet on their rights and entitlements. In Mauritius,[423] North Macedonia[424] and Peru,[425] legislation also requires the conclusion of a written contract, a copy of which should be registered with authorities. In Mexico,[426] the written agreement must be addressed to the labour inspectorate, which may require modifications to ensure that it complies with the law. In Thailand, the agreement must be concluded in writing and in Thai.[427]

In Chile, **telework** may be agreed in the employment contract or in a document appended to it and legislation regulates the specific information to be included.[428] Telework agreements must also be concluded in writing in Belgium,[429] Colombia[430] and Malta.[431]

Collective and exchange labour in basket weaving is common in communities in the Upper East Region of Ghana. © G.D. Torvikey |20.08.2019

Intermediaries

Several approaches have been taken at the national level with regard to the use of intermediaries for the performance of home work. Intermediaries are prohibited in the Dominican Republic[432] and Mexico,[433] while in Ecuador[434] intermediaries who commission home work are considered as employers.

When the use of intermediaries is allowed, it is important to **clarify the allocation of responsibilities** between the parties involved, including possibly the institution of joint responsibility, in order to ensure the effective protection of homeworkers' rights. In France,[435] the employer is responsible to the homeworker for the application of all relevant legal provisions applicable to employees, even if an intermediary is used. Specific rules apply, however, when an entrepreneur concludes a contract for the performance of work or the provision of services with another entrepreneur who recruits the necessary workers without owning a business or craft business. In particular, in case of failure of the subcontractor, the principal is substituted for the latter for the payment of salaries, paid leave and contributions for family benefits and social insurance.

In Paraguay, intermediaries must declare themselves as such and provide the name of the employer on whose behalf they are acting when concluding employment contracts. If they do not abide by this rule, they are jointly and severally liable with the employer for compliance with legal and contractual obligations towards the workers concerned.[436] Joint liability provisions are also included in the legislation of Argentina,[437] El Salvador,[438] Guatemala[439] and the Philippines.[440]

Labour inspection

The CEACR recognized that **home work is by definition difficult to monitor**.[441] The main obstacles encountered by labour inspectors are the lack of clarity of the applicable legal framework; the informality of the majority of homeworkers; the difficulty of determining the existence of an employment relationship; and the application of privacy rules when the workplace is also the home of the worker.

It nonetheless "requires **a system of inspection and sanctions to ensure compliance with the laws and regulations applicable to home work**, especially in view of the fact that homeworkers are often dispersed and isolated and thus less able to invoke for themselves the traditional mechanisms of control".[442] The system of inspection should be "**consistent with national law and practice concerning respect for privacy**".[443]

In France,[444] when a homeworker is employed under conditions that do not meet applicable safety and health requirements, the labour inspector may put the employer on notice to stop using the services of the worker concerned. In Honduras,[445] home work is subject to surveillance by the labour and health inspectorate, whereas in Italy[446] commissions for the control of home work are established at the provincial level. In Argentina,[447] the enforcement authority may appoint members of the professional associations as official inspectors, acting jointly or separately.

Legal provisions also need to regulate **inspectors' access to the workplace, especially when it is a private residence**. In Switzerland,[448] both employers and homeworkers must give the supervisory authorities access to their premises. In Ecuador,[449] labour inspectors carry out periodic inspections of home work premises when more than five workers are working together. They may also inspect workshops in case of complaint that the work carried out is dangerous or unhealthy.

In Portugal,[450] inspection visits may take place at the place of work, in the presence of the homeworker or a person designated by him or her and normally only between 9 a.m. and 7 p.m. In Thailand,[451] members of the Home Work Committee are allowed to enter the employer's premises or the homeworker's workplace during working hours to make an inspection visit or carry out an inquiry. They may also summon a person to appear before them and make a statement or to produce documents or materials, as deemed necessary. Employers and homeworkers must respond to such requests and are prohibited from obstructing the performance of inspectors' duties. In Morocco,[452] labour inspectors have access to homeworkers' workplaces between 6 a.m. and 10 p.m. However, if the workplace is inhabited, they may not enter without the permission of inhabitants.

Remedies

Numerous legislations on home work provide for **penalties** in case of breach of their provisions. This is the case, for instance in Algeria,[453] Argentina,[454] Austria,[455] the Dominican Republic,[456] Italy,[457] the Philippines,[458] Portugal,[459] Switzerland[460] and Thailand.[461] In Austria,[462] a temporary or permanent prohibition to give out home work may be imposed on an employer in case of repeated infringements.

Penalties should be complemented with provisions to ensure that homeworkers who are affected by a breach of their rights receive **adequate compensation**, as is the case in Argentina[463] and Costa Rica.[464] In India, sectoral welfare boards have been established for that purpose. For instance, in the state of Maharashtra, Mathadi boards hear complaints submitted by homeworkers.[465] In Thailand,[466] the labour inspectorate is in charge of investigating cases of non-payment of wages to homeworkers.

Box 6.5 Australia: the enforcement of homeworkers' rights in supply chains

Initiatives to improve the situation of outworkers in the textile, clothing and footwear (TCF) industry were taken in three different directions involving (1) an expansion of the scope of labour legislation; (2) liability along the supply chain; (3) the participation of unions in enforcement activities; and (4) a labelling and accreditation system, with the involvement of civil society organizations.

Historically, the first important development was the adoption of the Homeworkers' Code of Practice, which was negotiated in 1997 between the Textile Clothing and Footwear Union of Australia (TCFUA) and the Textile Fashion Industry of Australia.[467] It seeks to ensure that homeworkers are duly protected and clearly understand their employment entitlements, by establishing an accreditation system for manufacturers who comply with its provisions. The TCFUA is in charge of enforcing compliance with the labour standards contained in the Code of Practice, including through compliance audits that are part of the accreditation process and the identification of instances of non-compliance. The Code of Practice also provides for the establishment of Ethical Clothing Australia to promote ethical behaviour in the TCF industry, administer the Code of Practice and assist applicant and accredited businesses.[468]

The Textile, Clothing, Footwear and Associated Industries Award 2010 applies to outworkers[469] and its Schedule F contains provisions that specifically apply to them. Clause F.5, in particular, regulates their working conditions, including the application of the National Employment Standards, "whether or not the principal is an employer or the worker is an employee". Not only must principals register, but also they are not allowed to make any arrangement with another principal that is not registered, which ensures the traceability of labour supply arrangements in the supply chain.[470] In addition, principals must address a copy of the outworkers' list to the General Manager of the Fair Work Commission and to the state branch of the relevant union.[471]

The adoption of this Award was a significant step that preceded the 2012 amendments to the Fair Work Act, pursuant to which TCF outworkers are deemed to be employees under certain conditions and most of the provisions of the Act apply to them.[472]

The Fair Work Amendment (Textile, Clothing and Footwear Industry) Act 2012 also extended liability for payments to TCF outworkers up the supply chain. When a TCF outworker performs work for a person ("the responsible person") who does not pay all the amounts due in relation to that work, the TCF outworker, or a person acting on their behalf, is entitled to address a written demand for payment to another entity for which outwork is performed indirectly (the "indirectly responsible entity"). TCF outworkers may address such claims to any entity they reasonably believe is an "indirectly responsible entity". Retailers of goods produced by TCF work are not considered as indirectly responsible entities if they do not have any right to control the performance of the work before the goods are delivered to them.

Similar regulations have been adopted at the state level. In Victoria,[473] an outworker may make a claim for any unpaid remuneration against the person that the outworker believes is his or her employer (the apparent employer) if the employer has not paid the outworker all or any of the remuneration due to the outworker. In addition, principals are liable for the payment of remuneration to outworkers. Their liability only lapses if they have a written statement given by the subcontractor that all remuneration due has been paid, unless they have reason to believe that the statement was false.[474] Outworkers are also protected against victimization. Moreover, authorized representatives of the Victoria Branch of the TCFUA have certain rights of entry and inspection.

Finally, the Fair Work Ombudsman conducted a national campaign in the TCF industry. The education phase started in March 2015 and involved extensive consultation with industry stakeholders, employers, workers and community organizations and a dedicated communications campaign that included industry-specific information for employers translated into Chinese and Vietnamese, translated resources for workers, in-language radio and print advertising in Chinese and Vietnamese, and social media posts and media statements. This was followed by a compliance phase that started in June 2016.[475]

Social dialogue may also contribute to the enforcement of homeworkers' rights in supply chains, in particular through the adoption of **global framework agreements**. For example, in the garment sector, a global framework agreement concluded between Inditex and IndustriALL Global Union provides that "Inditex undertakes to work with its suppliers and IndusriALL Global Union with its trade union affiliates, to make all possible efforts to ensure the successful implementation of the Agreement throughout the Inditex 'supply chain'".[476]

6.13 Summary

Many countries have followed, at least partially, the guidance of Convention No. 177 and Recommendation No. 184 in developing legislation on home work, regardless of whether or not they have ratified the Convention.

In many instances, however, the legal provisions examined in this chapter address only some of the decent work deficits that may be associated with home work[477] or are not part of a broader "national policy on home work" as envisaged by the Convention. As highlighted above, the inclusion of provisions calling for equal treatment of homeworkers compared to other workers or their inclusion in the scope of application of general labour legislation does not respond to the need for specific regulations that take the "special characteristics" of home work into account, such as the fact that those engaged in industrial home work are generally remunerated on a piece-rate basis or the difficulties for the employer of ensuring compliance with OSH requirements on workplace design. Moreover, the existence of an employment relationship may be difficult to establish. These are all arguments in favour of the adoption of specific laws and regulations on home work, ideally complemented with sectoral or occupational collective agreements.

Moreover, the adoption of adequate legislative provisions does not mean that homeworkers will effectively receive the protection they need. For instance, Recommendation No. 184 calls for the elimination of all types of obstacles – legislative, administrative or other – to freedom of association and the right to collective bargaining. As has been shown, however, in practice most homeworkers still face major difficulties in organizing and participating in collective bargaining processes. In addition, ILO standards on home work provide that homeworkers should benefit from social security protection and should enjoy equal treatment in respect of statutory schemes. There is little or no effective protection, however, for online platform workers and those engaged in industrial home work, because many of them work informally and therefore do not receive any protection from labour and social security law. In addition, the lack of effective enforcement of existing legislation perpetuates their informal status.

Chapter 7 will chart a possible path towards decent work for homeworkers, inspired by the good practice examples set out in this chapter. To ensure that this objective is achieved, steps must be taken to ensure that homeworkers benefit from adequate legal coverage and that the law is applied in practice. These efforts can be complemented by additional, comprehensive national policies that support the transition to formalization.

The inclusion of provisions calling for equal treatment of homeworkers compared to other workers or their inclusion in the scope of application of general labour legislation does not respond to the need for **specific regulations** that take the "special characteristics" of home work into account

©iStock/ hadynyah

▶ Endnotes

1 The Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) defines the term "informal economy" as referring to "all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements", with the exclusion of illicit activities (para. 2).

2 ILO, *Home Work*, ILC.82/V(1), 1995, pp. 73–75.

3 Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Forced Labour Convention, 1930 (No. 29) and its Protocol of 2014; Abolition of Forced Labour Convention, 1957 (No. 105); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182); Equal Remuneration Convention, 1951 (No. 100); and Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

4 See for instance CEACR, "Slovakia, Direct Request, Convention No. 183", 2015.

5 ILO, "Home Work", in *Conditions of Work Digest*, Vol. 8, No. 2, 1989; and ILO, "Telework", in *Conditions of Work Digest*, Vol. 9, No. 1, 1990.

6 The Employer experts were opposed to the idea of standard-setting on this subject, while the Worker experts were in favour of such an initiative and the Government experts were divided.

7 ILO, *Social Protection of Homeworkers*, technical background paper prepared by the International Labour Office and submitted to the Meeting of Experts on the Social Protection of Homeworkers, MEHW/1990/7.

8 ILO, *Promoting Employment and Decent Work in a Changing Landscape*, ILC.109/III(B), 2020, Chapter 4. The 2020 session of the International Labour Conference could not take place due to the COVID-19 pandemic. The General Survey will therefore be discussed at its 2021 session, together with an addendum containing updated information provided by ILO tripartite constituents.

9 In France, the Labour Code was amended in 2016 to include provisions on independent workers who work through digital platforms. Under art. L.7342–1 of the Labour Code, platforms that determine the characteristics of the service provided or the good sold and sets its price have a "social responsibility". The Labour Code also provides for the possibility for digital labour platforms to adopt social charters, but only in the case of ride-hailing and goods delivery services, which do not constitute home-based work.

10 GB.258/PV(Rev.), p. II/4.

11 ILO, *Provisional Record*, ILC.82 (1995), pp. 25/4–25/5.

12 ILO, *Provisional Record*, ILC.82 (1995), pp. 25/5–25/6.

13 ILO, *Provisional Record*, ILC.82 (1995), pp. 25/8–25/10.

14 The Employer members subsequently requested a record vote, the result of which was that the proposed amendment was not adopted; see ILO, Provisional Record, ILC.82 (1995), pp. 25/12–25/14.

15 At the beginning of the second discussion, the Employer members reiterated their opposition to the adoption of a Convention as, in their view, it would be unratifiable and would negatively impact the maintenance and creation of jobs. Following the rejection of an amendment seeking to convert the Convention into a Recommendation, they announced that they would not take part in the discussion of the draft Convention, expressing particular concern regarding the definitions of homeworkers, employers and intermediaries. The Employer members did participate, however, in the discussion of the proposed Recommendation. See ILO, Provisional Record, ILC.83 (1996), pp. 10/4 and 10/11–10/18.

16 The Convention was adopted by 246 votes to 14, with 152 abstentions, while the Recommendation was adopted by 303 votes to 4, with 111 abstentions. Almost all the Employer members abstained from voting. See ILO, *Provisional Record*, ILC.83 (1996), p. 252.

17 The three most recent ratifications were registered in 2012.

18 Art. 1(a).

19 ILO, *Provisional Record*, ILC.82 (1995), pp. 25/21–25/22.

20 ILO, *Home Work*, ILC.83/IV(1) (1996), p. 5. This new definition also omitted the reference to intermediaries. It was reinstated, however, following the replies received from constituents; see ILO, *Home Work*, ILC.83/IV(2A), 1996, p. 39.

21 ILO, *Home Work*, ILC.83/IV(2A), 1996, p. 39.

22 ILO, *Provisional Record*, ILC.83 (1996), p. 10/24.

23 ILO, *Home Work*, ILC.82/V(2), 1995, p. 39.

24 ILO, *Provisional Record*, ILC.82 (1995), pp. 25/2–25/4.

25 ILO, *Provisional Record*, ILC.83 (1996), p. 10/33.

26 The reference to "organizations concerned with homeworkers" instead of "organizations of homeworkers" was introduced because some workers' organizations felt that it would be particularly important to extend consultation to other groups, such as women's and community-based groups where organizations of homeworkers did not exist as such; see ILO, *Home Work*, ILC.82/V(2), 1995, p. 43.

27 ILO, *Provisional Record*, ILC.82 (1995), p. 25/25.

28 ILO, *Promoting Employment and Decent Work in a Changing Landscape*.

29 The authority can be designated at any level of a federal state; see ILO, *Provisional Record*, ILC.82 (1995), p. 25/41.

30 Recommendation No. 184 also calls on ILO Member States to promote and support, in cooperation with employers' and workers' organizations, programmes related to home work (Para. 29). These programmes should, among others, inform homeworkers of their rights; raise awareness of home work-related issues; facilitate the organization of homeworkers in organizations of their own choosing, including cooperatives; provide training to homeworkers; improve their safety and health; and facilitate the creation of centres and networks for homeworkers, notably to reduce their isolation.

31 ILO, *Home Work*, ILC.82/V(2), 1995, pp. 39 and 51.

32 ILO, *Home Work*, ILC.82/V(2), 1995, p.51; see Recommendation No. 184, Para. 15, on piece-rate wages.

33 ILO, *Promoting Employment and Decent Work in a Changing Landscape*, para. 532.

34 ILO, *Promoting Employment and Decent Work in a Changing Landscape*, paras 534–539.

35 Act 12.713 of 1941 on Home Work.

36 See Argentina, National Labour Court of Appeals, "Case No. CNT 25407/2012/CA1", 13 March 2019.

37 An evaluation of the legal provisions relating to home work and the improvements to be made regarding the status of these workers was announced by the Government but has not yet been carried out; see CEACR, "Belgium, Direct Request, Convention No. 177", 2016, and "Belgium, Direct Request, Convention No. 177", 2019.

38 Collective Agreement No. 85 of 2005, amended by Collective Agreement No. 85bis of 2008.

39 Arts 22–28.

40 The CEACR positions mentioned in this chapter are not necessarily the most recent ones for the countries concerned. They are quoted to emphasize some of the positions of principle taken by the CEACR, which have not necessarily been restated in subsequent comments. It should be noted that the year cited for each comment corresponds to the year of publication and not the year of adoption.

41 ILO, *Promoting Employment and Decent work in a Changing Landscape*, paras 548–549.

42 CEACR, "Finland, Direct Request, Convention No. 177", 2004.

43 CEACR, "The Netherlands, Direct Request, Convention No. 177", 2019.

44 The Labour Code was amended in 2015 to cover telework in additional to home-based work. Article 15 as amended still contains an equal treatment provision. However, it excludes the application of certain provisions of the Code, in particular on working time, to these workers.

45 CEACR, "Bulgaria, Observation, Convention No. 177", 2019. The observations on the application of the Convention were submitted by the Trade Union of Self-Employed and Informal Workers and the Confederation of Independent Trade Unions in Bulgaria.

46 CEACR, "Ireland, Direct Request, Convention No. 177", 2004 (repeated in 2009, 2010, 2011 and 2012).

47 Labour Code, art. 4; Executive Decree No. 97–474 of 8 December 1997 on home work.

48 Further, the Unorganised Workers' Social Security Act, 2008, extended the coverage of social security to "unorganised workers", including home-based workers.

49 Home Work Act of 1960.

50 Home Work Act of 1951.

51 Act No. 877 of 1973 Establishing new rules for the protection of home work.

52 Industrial Home Work Law No. 60 of 1970.

53 Employment Rights (Working from Home) Regulations 2019.

54 Industrial Homework Law and Regulations.

55 Act No. 101/2009.

56 Federal Act on Home Work of 20 March 1981.

57 Home Workers Protection Act B.E.2553 (2010).

58 Manual Home Work Act No. 9.910.

59 Sectoral agreements concluded in the manufacturing industry and the commercial services branches.

60 National Interprofessional Agreement of 19 July 2005.

61 Telework National Standard Order of 2008.

62 Labour Code, art. 675 ss.

63 Labour Code, art. 165 ss.

64 Act No. 1221 of 2008 and Decree No. 0884 of 2012.

65 Act No. 9738 of 18 September 2019 on Telework.

66 Decree No. 600 of 20 March 2020.

67 Act No. 30036 of 2013 and Supreme Decree No. 017–2015-TR.

68 ETUC, UNICE/UEAPME and CEEP, "Framework Agreement on Telework", July 2002.

69 Outworkers are also covered by the Textile, Clothing, Footwear and Associated Industries Award 2010. Regulations have also been adopted at the state level; see for instance Victoria, Outworkers (Improved Protection) Act 2003. For further information on the protection of homeworkers in Australia, see box 6.5.

70 United States Department of Labor, Wage and Hour Division, "Fact Sheet #24: Homeworkers Under the Fair Labor Standards Act (FLSA)".

71 Labour Code, art. 98.

72 Labour Code, art. 26; reference is made both to home work and telework.

73 Labour Code, art. 2(3); specific rules were adopted in the area of OSH.

74 Labour Code, art. 3(1).

75 Act No. 1221 of 2008, art. 6(12).

76 Labour Code, art. 107b ss.

77 Labour Code of 2012.

78 Labour Code, art. 152quater G ss on distant work and telework, introduced by Act No. 21220 of 24 March 2020.

79 Labour Code, art. 266 ss.

80 Labour Code, art. L7411–1 ss.

81 Labour Code – homework: art. 310 ss; telework: art. 312.1 ss.

82 Part of the information on telework as a policy response to the COVID-19 crisis included in this section is drawn from Eurofound, "COVID-19 EU PolicyWatch", and ILO, "COVID-19 and the World of Work: Country Policy Responses".

83 New article introduced after article 16 of the Labour Code; there is a similar provision for the public sector: new article introduced after Article 25 of the Public Service Organic Act. See also Ministerial Agreement No. MDT-2020-076 on "emerging telework". Telework was already the subject of ministerial agreements adopted in 2016 and 2017 and covering, respectively, the private and public sectors.

84 Supreme Decree No. 4218 pf 14 April 2020.

85 Law of Ukraine No. 540-IX of 30 March 2020 on Amendments to Certain Legislative Acts Aimed at Ensuring Additional Social and Economic Guarantees in Connection with the Spread of Coronavirus Disease (COVID-2019).

86 See Saudi Arabia, Saudi Press Agency, " Ministry of Human Resources and Social Development Issues Guideline for Remote Work in Private Sector", press release, 17 March 2020.

87 Malawi, Ministry of Labour, Skills and Innovation, "COVID-19 Workplace Guidelines", April 2020.

88 Ministerial Order of 23 March 2020 on Emergency Measures to Limit the Spread of Coronavirus, art. 2.

89 Royal Decree-Law 8/2020 of 17 March 2020 on Urgent extraordinary measures to deal with the economic and social impact of COVID-19, art. 5.

90 Prime Minister's Decree of 1 March 2020, art. 4.

91 See for instance ILO, "Employers and Workers Negotiating Measures to Prevent the Spread of COVID-19, Protect Livelihoods and Support Recovery: A Review of Practice", ILO Brief, July 2020.

92 A tripartite Coronavirus Response Task Team was set up to address, among others, workplace adaptation measures, such as home/telework; see ILO, "The Need for Social Dialogue in Addressing the COVID-19 Crisis", Policy Brief, May 2020.

93 "Recommendations of the Russian Tripartite Commission for the Regulation of Social and Labour Relations regarding the conduct of the social partners, workers and employers under conditions imposed to prevent the spread of the coronavirus in the Russian Federation", 2020.

94 See *DW.com*, "Coronavirus: Germany to draft new law amid rise in working from home", 12 September 2020.

95 ILO, *Provisional Record*, ILC.82 (1995), pp. 25/28–25/29.

96 The extent to which Conventions No. 87 and 98 apply to the armed force and the police is to be determined by national laws or regulations. Furthermore, Convention No. 98 does not deal with the position of public servants engaged in the administration of the state, nor can it be construed as prejudicing their rights or status in any way.

97 See for instance CEACR, "Turkey, Direct Request, Convention No. 87", 2010; CEACR, "Observation, Poland, Convention No. 87", 2017. ILO, *Freedom of Association: Compilation of Decisions of the Committee on Freedom of Association*, 6th edition, 2018, paras 408–409.

98 ILO, *Home Work*, ILC.82/V(2), 1995, p. 140.

99 ILO, *Promoting Employment and Decent Work in a Changing Landscape*, para. 559.

100 On the promotion of collective bargaining, see ILO, *Collective Bargaining: A Policy Guide*, 2015.

101 Department Order No. 05–92, arts 3–4.

102 Home Work Act No. 12713, arts 19–20.

103 Labour Code, art. 152quater N.

104 Workers' Statute, art. 13(5).

105 Home Work Act, art. 4.

106 Labour Code, art. 107d(6). Nonetheless, the CEACR noted the concerns expressed by the Trade Union of Self-Employed and Informal Workers regarding the refusal to grant them consultation rights and requested the Government to provide information on this matter. See CEACR, "Observation, Bulgaria, Convention No. 177", 2019.

107 Labour Productivity and Competitiveness Act, art. 90.

108 CEACR, "Belgium, Direct request, Convention No. 177", 2019.

109 ILO, *Regulating the Employment Relationship in Europe : A Guide to Recommendation No. 198*, 2013, p.9.

110 National Collective Agreement on Telework No. 85, art. 17.

111 Labour Code, Art. 107h and 107m.

112 Labour Code, art. 676.

113 Labour Code, art. 171.

114 Supreme Decree No. 017–2015-TR implementing the Telework Act, art. 6(e).

115 Act No.1221 of 2008, art. 6(6)(a).

116 Labour Code, arts 52(7) and (8).

117 Telework National Standard Order, arts 4(1)(a) and 9.

118 See FAIIA, "Trabajo a domicilio Ley 12713", 2019.

119 Home Workers Protection Act B.E.2553 (2010), arts 25 and 28.

120 See for instance Belgium, National Collective Labour Agreement No. 85 on Telework of 2005, as amended.

121 Eurofound, *Regulations to Address Work–Life Balance in Digital Flexible Working Arrangements*, 2020, pp. 19–20.

122 Labour Act of 1971, art. 7.1.

123 Department Order 05–92, art. 12.

124 Art. 2(1).

125 Act No.1221 of 2008, art. 6(6)(g).

126 Home Work Federal Act, art. 6.

127 CEACR, "Direct Request, Italy, Convention No. 138", 2005.

128 Home Workers Protection Act B.E.2553 (2010), art. 20. The CEACR recalled the Government that the Minimum Age Convention, 1973 (No. 138) prohibits hazardous types of work to all children under 18 years of age, including those working in the informal economy and performing industrial work in private homes. CEACR, "Direct Request, Thailand, Convention No. 138", 2014.

129 BCEA Regulations on Hazardous Work by Children, art. 7. This regulation does not, however, prevent the payment of a commission or an incentive payment on the completion of a task to a child worker, provided that the child receives at the least the applicable minimum wage or, in the absence of any such minimum wage, also receives a basic wage calculated on the basis of time worked.

130 Industrial Home Work Law, art. 12:59–1.8.

131 Home Work Act No. 101/2009, art. 3.

132 The initial wording, which did not refer to the "conditions under which" certain types of work might be prohibited, was amended because several governments had difficulties with the idea of establishing and keeping up-to-date lists of prohibited types of work; see ILO, *Provisional Record*, ILC.82 (1995), pp. 25/33–25/34.

133 The reference to "reasonable steps" was added to take account of the concern expressed by the Employer members that this responsibility required employers to have the necessary ability to verify maintenance; see ILO, *Provisional Record*, ILC.83 (1996), pp. 10/64–10/66.

134 ILO, *Provisional Record*, ILC.82 (1995), pp. 25/75–25/76.

135 ILO, *Home Work*, ILC.82/V(2), 1995, p. 91.

136 Labour Code, art. 171.

137 Legislative Decree No. 81/2008, art. 2(1)(a). The definition of the term" worker" is sufficiently broad to include homeworkers.

138 Labour Code, art. 291.

139 Art. 19, meaning of worker.

140 Home Work Act No. 101/2009, art. 5(1).

141 Labour Code, art. 311.

142 Workers' Statute, art. 13(4).

143 Decree No. 2–12–262 of 10 July 2012 establishing the hygiene rules applicable to homeworkers and the obligations of employers giving out home work.

144 Home Work Act 1960, art. 16.

145 Home Work Act, art. 12.

146 Employment Act, art. 44.

147 Art. 152 quater N.

148 Home Work Act, art. 8.

149 Art. 23.

150 Executive Decree No. 97–474, art. 7.

151 Labour Code, art. L7424–1.

152 Home Work Act No. 877/1973, art. 2.

153 Labour Code, art. 369.

154 Labour Relations Act, art. 51. The labour inspector has the power to prohibit certain types of home work.

155 Department Order 05–92, art 13.

156 Employment Relationships Act, art. 70-71.

157 CEACR, Guatemala, Observation, Convention No. 182, 2013.

158 Homeworkers Protection Act 2010, arts 21–22.

159 [Consolidation of Labour Laws modified by] Act No. 13.467 of 13 July 2017, art. 75-E.

160 Labour Code, art. 107e(1).

161 Home Work Act Art. 9.

162 National Collective Agreement No. 85, art. 15.

163 Labour Code, art. 107j.

164 Decree No. 18 of 2020.

165 Act No 1221 of 2008, art. 6(9).

166 1993 Act on Occupational Safety and Health, art. 86A(3).

167 Labour Code, art. 6717.

168 Smart Working Act, art. 22.

169 Eurofound and ILO, *Working Anytime, Anywhere: The Effects on the World of Work*, 2017, p.49.

170 Negotiations on the right to disconnect had to take place each year in enterprises with at least 50 employees. The corresponding provisions were, however, made more flexible in 2017. Labour Code, arts L 2242–11, 2242–13 and 2242–17.

171 Labour Code, arts L 1222–9.

172 Labour Code as amended by the Home Work and Telework Act of 2020, arts 152quater J–152 quarter K.

173 Act of 26 March 2018 on the enhancement of economic growth and social cohesion.

174 New article introduced after article 16 of the Labour Code as amended by the Organic Humanitarian Act 2020. A similar provision was introduced for the public sector: new article introduced after article 25 of the Public Service Organic Act.

175 Smart Working Act 2017.

176 Eurofound and ILO, p.50.

177 See, for instance, M. Zhou, *Pakistan's Hidden Worker: Wages and Conditions of Home-based Workers and the Informal Economy*, ILO, 2017.

178 Information taken from Valerio De Stefano, Ilda Durri, Charalampos Stylogiannis and Mathias Wouters, "'System Needs Update': Upgrading Protection against Cyberbullying and ICT-Enabled Violence and Harassment in the World of Work", ILO Working Paper 1, February 2020.

179 Art. 3(d).

180 De Stefano et al., p. 16.

181 Harmful Digital Communications Act 2015.

182 Home Work Act No. 101/2009, art. 5(1).

183 Work-related Accidents Act, art. 7.

184 Labour Code, art. L1222–9.

185 Labour Code, art. 312.3.

186 Employment Rights (Working from Home) Regulations, 2019, Schedule 1, art. 10.

187 Home Work Act No. 101/2009, art. 4(2)–(3).

188 National collective agreement No. 85 on telework, art. 15.

189 ILO, "COVID-19 and the World of Work: Impact and Policy Responses", ILO Monitor 1st Edition, 18 March 2020.

190 ILO, *Teleworking during the COVID-19 Pandemic and Beyond: A Practical Guide*, 2020.

191 Labour Code, art. L1222–11.

192 Section 6.3.

193 ILO, *Home Work*, ILC.82/V(2), 1995, pp. 52–53.

194 ILO, *Home Work*, ILC.82/V(2), 1995, p.126.

195 Such exclusion was sometimes noted by the CEACR in comments formulated under safety and health standards. See for instance CEACR, "Czechia, Observation, Convention No. 155", 2006.

196 Labour Code, art. 107f.

197 CCT 85, art. 8.

198 Telework National Standard Order, art. 7.

199 Labour Code, art. 152 quarter J, introduced by Act No 21220 of 24 March 2020.

200 Act No. 81 of 22 May 2017, art. 18(1).

201 Labour Code, art. 52(5).

202 Act No.1221 of 2008, art. 6(1).

203 National Interprofessional Collective Agreement of 2019, art. 47.

204 Home Work Act, art. 11.

205 Home Work Act, art. 7.

206 Home Work Act 1960, art. 14(3).

207 Textile, Clothing, Footwear and Associated Industries Award 2010, Schedule F.

208 See section 6.8.

209 Labour Code, art. L7122–1 and 7422–2.

210 Labour Code, art. L7122–9 and 7422–10.

211 National Minimum Wage Regulations 2015, art. 39(2).

212 Employment Rights (Working from Home) Regulations 2019, First Schedule.

213 Home Work Act 1960, art. 13.

214 Labour Code, art. 73.

215 Federal Labour Act, arts 324–325.

216 Labour Code, art. 145.

217 Labour Code, art. 62, 53 and 55.

218 Textile, Clothing, Footwear and Associated Industries Award 2010, Schedule F, clause F.5.3.

219 Home Work Act, art. 7.

220 Labour Code, art. 328; for piece-rate workers, holiday pay is calculated on the basis of the average remuneration over the 30–day period preceding the entitlement (art. 89).

221 Labour Code, art. 264.

222 Executive Decree No. 97–474 of 8 December 1997 on Home Work, art. 9.

223 Home Work Act 1960, art. 20. The Act also regulates issues such as the timing of annual leave and holiday pay.

224 Employment Rights (Working from Home) Regulations 2019, art. 4.

225 ILO, *Provisional Record*, ILC.82 (1995), pp. 25/29–25/30.

226 This provision refers to the remuneration that homeworkers actually receive or are supposed to receive, which can be higher than the minimum rates of wages; see ILO, *Provisional Record*, ILC.82 (1995), p. 25/66.

227 Recommendation No. 184 calls for consultation with "the most representative organizations of employers and of workers as well as organizations concerned with homeworkers and those of employers of homeworkers, or where the latter organizations do not exist, representatives of homeworkers and of employers of homeworkers" (Para. 14(1)).

228 ILO, *Provisional Record*, ILC.82 (1995), pp. 25/66–25/68.

229 ILO, *Home Work*, ILC.83/IV(2A), 1996, pp. 8 and 90.

230 The Employer members strongly objected to this modification; see ILO, *Provisional Record*, ILC.83 (1996), pp. 10/50–10/54.

231 At the initial stage of the preparatory work, constituents were asked whether, in application of the equal treatment principle, the remuneration of the workers concerned should be established after an impartial assessment of the time needed to complete the piece and whether it should take into account the amount that workers in the enterprise who are paid on a time basis would receive for the time fixed in this assessment. See ILO, Home Work, ILC.82/V(2), 1995, p. 96. However, this suggestion did not win the support of the majority.

232 ILO, *Provisional Record*, ILC.83 (1996), p. 10/59.

233 ILO, *Minimum Wage Systems: Report of the Committee of Experts on the Application of Conventions and Recommendations*, ILC.103/III(1B), 2014, para. 163.

234 See Philippines, Department of Labor and Employment, "Time and Motion Studies".

235 ILO, *Minimum Wage Policy Guide*, 2018, Chapter 1.7.

236 Manpower Act, Law No.13 of 2003, article 56 and MOM Regulation No. PER-01/MEN/1999, arts 14–15.

237 Presidential Decree No. 442, Labour Code, art. 124.

238 Employment Contracts Act, art. 28(5).

239 India, Ministry of Labour and Employment, *Evaluation Study on the Implementation of Minimum Wages Act, 1948 in Beedi Making Industry in Madhya Pradesh*, 2015, p.37. Workers are also entitled to the minimum wage if the raw materials supplied are inadequate to produce the required number of beedis.

240 Labour Code, art. 142.

241 Labour Code, art. 147.

242 Decree, art. 8.

243 Textile, Clothing, Footwear and Associated Industries Award 2010, Schedule F.

244 Article 26 of Home Work Act No. 12713 of 1941 provides to the setting of sectoral wage rates by wage councils.

245 Federal Act on Home Work (Text No. 94), 1960, art. 34. The minimum wage rates are set by a federal authority; however, this procedure can only be applied in the absence of a collective agreement.

246 Labour Code, arts 279–280.

247 Home Work Act No. 877/1973, art. 8; piece rates are set by regional committees in the absence of applicable collective agreement.

248 Industrial Home Work Act, art. 8–15.

249 Labour Code, art. 322.

250 Home Workers Protection Act B.E.2553 (2010), art. 28(3).

251 Labour Code (2004), art. 180.

252 Labour Code, art. 63.

253 Labour Code, art.110. The objective and precise standards used for this form of remuneration must be specified in writing to the worker. Pursuant to article 47 of the National Interprofessional Collective Agreement of 2019, it further provides that the wage must be at least equal to the minimum wage of the worker's occupational category. Furthermore, performance-based work rates must be established in such a way that a worker of average ability and working normally has the possibility of exceeding the minimum wage of his category.

254 Home Work Act, art. 7(1)(a) and (b).

255 Labour Code, art. 112.

256 Organic Act on Work and Workers (2012), art. 212.

257 Homeworkers Protection Act B.E. 2533 (2010), art. 16.

258 Labour Act of 2004, art. 19(3).

259 Labour Code, art. 159.

260 Labour Code, art. 170.

261 Regulations on home work, schedule 1, s. 3(1)(b).

262 Labour Code, art. 323.

263 Labour Code, art. 159.

264 Labour Code, art. 144.

265 Workers' Statute, art. 13(3).

266 Department Order 05–92, art 7. The Department of Labor and Employment issued Guidelines on the Conduct of Time and Motion Study by the Regional Tripartite Wages and Productivity Boards: Department Order No. 125–13, Series of 2013.

267 See United Kingdom, "Minimum Wage for Different Types of Work". Piece-based work, known as output work, is authorized only when the employer has no control of the worker's working hours, such as in certain forms of home work.

268 Act No. 1221 of 2008, art. 6(2) and (3), (6)(d).

269 New article introduced after article 16 of the Labour Code by the Organic Humanitarian Act of 2020.

270 Labour Code as amended by Act No 21220 of 24 March 2020, art. 152quater G.

271 Regulations on HW, Schedule 1, s. 9.

272 Labour Code, Art. 98. Duty to compensate the depreciation of the tools and equipment provided by the homeworker.

273 Labour Contracts Act, Art. 119.6. A flat rate corresponding to 10 per cent of the remuneration applies, unless the work can prove than actual costs incurred are higher.

274 Labour Code, art. 200. If the amount of expenses actually incurred cannot be determined, they will receive a flat-rate sum.

275 Home Work Act, art. 7(1)(a) and (b).

276 Labour Code, art. 310.

277 Art. 327 Code of obligations.

278 Labour Act, art. 213.

279 Code of Labour, Art. 107i(3).

280 Labour Code as amended by Act No 21220 of 24 March 2020, art. 152quater L.

281 New article introduced after article 16 of the Labour Code by the Organic Humanitarian Act of 2020.

282 CCT 85 art. 9.

283 2017 Act, Art. 75-D.

284 Act No.1221 of 2008, art. 6(7).

285 Telework National Standard Order, art. 6(4).

286 Decision 4A_533/2018 of 23 April 2019.

287 Act on the protection of the workers' remuneration, Art. 1.

288 Pay Security Act (866/1998).

289 Wages Protection Act 1983.

290 Department Order 05–92, art 6.

291 Unless provided differently pursuant to an agreement or usage. Home Work Act, art. 7(4).

292 Or as specified in the work agreement, but in no case more than seven days following the delivery date. Homeworkers Protection Act, art. 17.

293 Textile, Clothing, Footwear and Associated Industries Award 2010, Schedule F.

294 Labour Contracts Act, art. 119.3

295 Home Work Act, arts 11–12.

296 Home Work Act, art. 9.

297 Labour Code, art. 112.

298 Labour Code, art. 159.

299 Labour Code, art. 170.

300 Regulations on HW, schedule 1, s. 3(6).

301 Labour Code, art. 159.

302 Labour Code, art. 281 and 278. Fines cannot exceed a sixth of the remuneration paid for the corresponding work.

303 Department Order 05-92, art 9(a).

304 Labour Code, art. 200.

305 Labour Code, art. 82.

306 Home Work Act, art. 7(2).

307 Labour Code, art. 326(IV) and 110(I). Maximum deduction : one-month wage and 30% of the amount paid above the minimum wage.

308 Labour Productivity and Competitiveness Act, art. 90. Maximum deduction: 25 per cent of the monthly remuneration until reimbursement.

309 Department Order 05-92, art. 8.

310 Homeworkers Protection Act, art. 19; maximum deduction: 10 per cent of the remuneration.

311 Home Work Act, art. 8(2).

312 Labour Code, art. 64.

313 Home Work Act, art. 8.

314 Labour Code, art. 324.

315 Textile, Clothing, Footwear and Associated Industries Award 2010, Schedule F.

316 Home Work Act, art. 10.

317 Home Work Act, art. 9.

318 Regulations on Home Work, art. 4.

319 Home Work Act, art. 7(5).

320 ILO, *Provisional Record*, ILC.83 (1996), p. 10/71.

321 ILO, *Home Work*, ILC.82/V(1), 1995, p.38.

322 Labour Code, art. L7411–1.

323 Labour Code, art. 292.

324 Labour Contracts Act, art. 119.11.

325 Home Work Act 1960, art. 27a-27b.

326 Home Workers Protection Act B.E.2553 (2010), arts 12–13.

327 Home Work Act, art. 29. Specific protective rules apply for homeworkers' representatives: art. 29a.

328 Home Work Act, art. 10-11.

329 Act No. 13,555 of 26 October 1966, art. 4.

330 Federal Labour Act, art. 329.

331 Home Work Act No. 12.713, art. 32.

332 Labour Proclamation 2019, art. 46(3).

333 Code of obligations, art. 354.

334 Labour Code, art. 312.5.

335 Smart Working Act 2017, art. 19(2). The minimum notice period is 90 days for workers with a disability.

336 Labour Code, arts 1222–9.

337 Telework National Standard Order, art. 3(3)(a).

338 Labour Code, art. 679.

339 Art. 3.

340 ILO, *Promoting Employment and Decent Work in a Changing Landscape*, para. 590.

341 The nine branches of social security addressed in Convention No. 102 are: medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit.

342 ILO, *Promoting Employment and Decent Work in a Changing Landscape*.

343 Executive Decree No. 97–474 of 8 December 1997 on home work, art. 10.

344 Home Work Act, art. 5 and 25(1). The subscription of a health insurance is mandatory. The legislation also regulates the maintenance of the right to compensation if a homeworker is prevented from working due to an illness or accident which is not due to an intentional act not gross negligence.

345 The Belgian social security regime for employees has been extended to home workers who perform their labour in "similar conditions" to those of employees. The criterion of similarity is construed as a reference to economic dependence. See Koen Nevens, "Home Work, Telework and the Regulation of Working Time: A Tale of (Partially) Similar Regulatory Needs, in Spite of Historically Rooted Conceptual Divergence", The International Journal of Comparative Labour Law and Industrial Relations 26, No. 2 (2010): 193–216.

346 Labour Code, art. 107d(5).

347 Act No.1221 of 2008, art. 6(6)(c) and (e) (see also Decree No. 0884 of 2012, art. 7); the legislation contains an equal treatment clause regarding social security.

348 Labour Code, art. 275.

349 General Labour Act, art. 39 and 36 and Supreme Decree No. 003–97–TR, art. 96; homeworkers are affiliated with existing pension schemes (national or private) and the health social insurance.

350 Order 05/92, art. 6, provides for the deduction of social security contributions.

351 Home Work Act No. 101/2009, art.15.

352 Federal Regulations, § 404.1008. Homeworkers who meet certain conditions are covered by the federal old-age, survivors and disability scheme; however, coverage seems limited to traditional forms of home work.

353 Manual Home Work Act No. 9.910, art. 16; the legislation makes reference to the coverage of homeworkers by the old-age insurance scheme.

354 Maternity Protection Act, art. 1.

355 Labour Act, arts 1 and 39–44.

356 Labour Code, art. 194.

357 Employment Rights (Working from Home) Regulations, 2019, Schedule 1, art. 6.

358 Supreme Decree No. 017–2015–TR on Teleworking, art. 6(b).

359 Act No.1221 of 2008, art. 6(6)(h).

360 CEACR, "The Netherlands, Direct Request, Convention No. 177", 2019.

361 Home Work Act, art. 20.

362 Labour Code, art. 52(2).

363 In addition, as was seen above, Recommendation No. 184 also provides requirements for OSH training.

364 Home Workers Protection Act B.E.2553 (2010), art. 28.

365 Department Order 05–92, art. 14.

366 Labour Code, art. 107d.

367 Home Work Act No. 101/2009, art. 6.

368 Art. 10.

369 National Collective Agreement on Telework No. 85, art. 16.

370 Telework National Standard Order of 2008, art. 4.

371 Art. 169.

372 Supreme Decree No. 017–2015–TR implementing the Telework Act, art. 6(a).

373 Smart Working Act, art. 20.

374 At the national level and, where appropriate, at the regional, sectoral or local levels.

375 ILO, *Home Work*, ILC.82/V(2), 1995, p.76.

376 The term "specific conditions of employment" covers not only traditional conditions of employment, such as remuneration, paid holidays and social security, but also "conditions specifically relevant to homeworkers, such as how to deal with homeworkers who use their own equipment or who provide the materials". Furthermore, the term "employment" does not refer to wage employees only. See ILO, Provisional Record, ILC.82 (1995), pp. 25/45–25/46.

377 This flexibility was introduced to take account of the varied national approaches and of the fact that a written contract was not the practice in a number of countries. ILO, *Home Work*, ILC.82/V(2) (1995), p. 72.

378 ILO, Provisional Record, ILC.82 (1995), p. 25/34; ILO, *Home Work*, ILC.83/IV(1), 1996, p.6; ILO, *Home Work*, ILC.83/IV(2A), 1996, pp. 58–59; ILO, Provisional Record, ILC.83 (1996), p. 10/30.

379 ILO, *Home Work*, ILC.83/IV(1), 1996, p. 9.

380 This provision does not refer to labour inspection only. In some countries, social security is monitored by social security inspectors, while in others labour inspection is concerned only with those conditions of work other than safety and health issues or there is a special inspection service for home work. See ILO, Provisional Record, ILC.82 (1995), pp. 25/38–25/39.

381 ILO, *Provisional Record*, ILC.82 (1995), p. 25/56.

382 ILO, *Provisional Record*, ILC.82 (1995), p. 25/40.

383 Home Work Act, art. 7.

384 Labour Code, L7413–3.

385 Labour Code, art. 167.

386 Home Work Act, art. 5.

387 Executive Decree No. 97–474, art. 4.

388 Act No. 1221 of 2008, art. 7.

389 New article introduced after article 16 of the Labour Code by the Organic Humanitarian Act of 2020. In the public sector, notifications must be provided by the employing agency: new article introduced after Article 25 of the Public Service Organic Act.

390 Labour Code, art. 277.

391 Federal Labour Act, art. 317.

392 Home Work Act, art. 10.

393 Home Work Act No. 12713, art. 5.

394 Labour Code, art. 272. The licence must indicate the conditions under which home work is to be performed, the types of products to be fabricated and whether the homeworker provides all or part of the required materials; it must be renewed annually.

395 Home Work Act No. 12713, art. 6.

396 Labour Code, art. 107b(3).

397 Labour Code, art. 188.

398 Labour Code, art. 110. The register must be stamped by the Labour Administration.

399 Labour Code, art. 270.

400 Home Work Act, art. 6.

401 Labour Code, art. 167.

402 Organisation of Working Time Act 2007, art. 32(1).

403 Federal Labour Act, art. 320.

404 Labour Code, art. 141.

405 Home Work Act No. 101/2009, art. 12.

406 Home Work Act, art. 10.

407 Executive Decree No. 97–474, art. 4.

408 Labour Code, art. 276.

409 Home Work Act, art. 10.

410 Labour Code, art. 271.

411 Labour Code, art. 142.

412 Labour Code, art. 168.

413 Home Work Act No. 877/1973, art. 10.

414 Industrial Homework Act, art. 3.

415 Federal Labour Act, art. 321.

416 Supreme Decree No. 003–97–TR, art. 92–93.

417 Home Work Act No. 12713, art. 7.

418 Executive Decree No. 97–474, arts 5–6.

419 Labour Code, art. 110.

420 Labour Contracts Act, art. 119.4; if the contract does not contain the required information, the homeworker may terminate the contract at any time and without notice or compensation (art. 119.5).

421 Labour Code, art. 107c and 62.

422 Textile, Clothing, Footwear and Associated Industries Award 2010, Schedule F; the text of the information sheet is appended to Schedule F.

423 Employment Rights (Working from Home) Regulations, 2019, art. 3(4) and Second Schedule.

424 Labour Relations Act, art. 50(3).

425 Supreme Decree No. 003–97–TR, art. 91.

426 Federal Labour Act, art. 318–319.

427 Home Workers Protection Act B.E.2553 (2010), art. 9.

428 Distant Work and Telework Act, art. 152quater G and 152quater K.

429 National Collective Agreement No. 85, art. 6.

430 Decree No. 0884 of 2012, art. 3, together with General Labour Act, art. 39.

431 Telework National Standard Order, art. 3(5).

432 Labour Code, art. 273.

433 Federal Labour Act, art. 316.

434 Labour Code, art. 274.

435 Labour Code, art. L7413–1 and L8232–1–L8232–3.

436 Labour Code, art. 25.

437 Home Work Act No. 12713, art. 4. When home work is assigned through an intermediary, the employer is liable only up to the remuneration for two months or the value of a given batch of work when its execution takes longer.

438 Art. 5(3).

439 Labour Code, art. 5.

440 Order No. 05–92, art. 11.

441 CEACR, "Argentina, Direct Request, Convention No. 177", 2010.

442 CEACR, "The Netherlands, Direct Request, Convention No. 177", 2010.

443 CEACR, "Albania, Direct Request, Convention No. 177", 2010.

444 Art. L7424–3.

445 Labour Code, art. 171.

446 Home Work Act No. 877/1973, art.5.

447 Home Work Act No. 12713, art. 18.

448 Home Work Act, art. 11.

449 Labour Code, art. 283.

450 Home Work Act No. 101/2009, art. 13.

451 Home Workers Protection Act B.E.2553 (2010), art. 25 and 31; it is composed of representatives of different government agencies, experts and an equal number of employers and homeworkers.

452 Labour Code, art. 533.

453 Executive Decree No. 97–474, art. 14; no specific penalties are mentioned as a general reference is made to "legislation in force".

454 Home Work Act No. 12713, art. 30–38; proceeds from the fines paid are transferred to a fund for improving compliance with the home work legislation.

455 Home Work Act, art. 64.

456 Labour Code, art. 276.

457 Home Work Act No. 877/1973, art. 13.

458 Order No. 05–92, art. 10.

459 Home Work Act No. 101/2009.

460 Home Work Act, art. 12.

461 Home Workers Protection Act B.E.2553 (2010), arts 41–48.

462 Home Work Act, art. 65.

463 Home Work Act No. 12713, art. 39.

464 Labour Code, art. 112.

465 See India, Government of Maharashtra, "Mathadi Boards".

466 Home Workers Protection Act B.E.2553 (2010), arts 33–35.

467 See Ethical Clothing Australia, "Revised Homeworkers Code of Practice and Application for Accreditation Part 1 (Manufacturers) ".

468 Ethical Clothing Australia has notably published a guide to the provisions of the Textile, Clothing, Footwear and Associated Industries Award 2010 on outworkers, mentioned below; see Ethical Clothing Australia, "Guide to Schedule F - Outwork and Related Provisions. Textile, Clothing, Footwear and Associated Industries Award as at June 2020".

469 Art. 4.2.

470 Textile, Clothing, Footwear and Associated Industries Award 2010, Schedule F; see Australia, Fair Work Ombudsman, Textile, Clothing and Footwear Compliance Phase: Campaign Report, 2019, note 38.

471 Textile, Clothing, Footwear and Associated Industries Award 2010, Schedule F.

472 Fair Work Act, art. 789BB.

473 Outworkers (Improved Protection) Act 2003.

474 The above liability rules do not apply if the subcontractor is in receivership or in the course of being wound up or, in the case of an individual, is bankrupt and if payments made under the contract are made to the receiver, liquidator or trustee in bankruptcy.

475 Australia, Fair Work Ombudsman.

476 IndustriAll and INDITEX, "Global Framework Agreement between Industria de Diseño Textil, S.A. (INDITEX, S.A.) and IndustriALL Global Union on the Implementation of International Labour Standards throughout the Supply Chain of INDITEX".

477 See Marlese von Broembsen and Jenna Harvey, *Decent Work for Homeworkers in Global Supply Chains: Existing and Potential Mechanisms for Worker-centred Governance*, GLU Working Paper, No. 54 (ILO, 2019).

7 Towards decent work for homeworkers

©iStock/A.Demidenko

Having the laws on the books is only

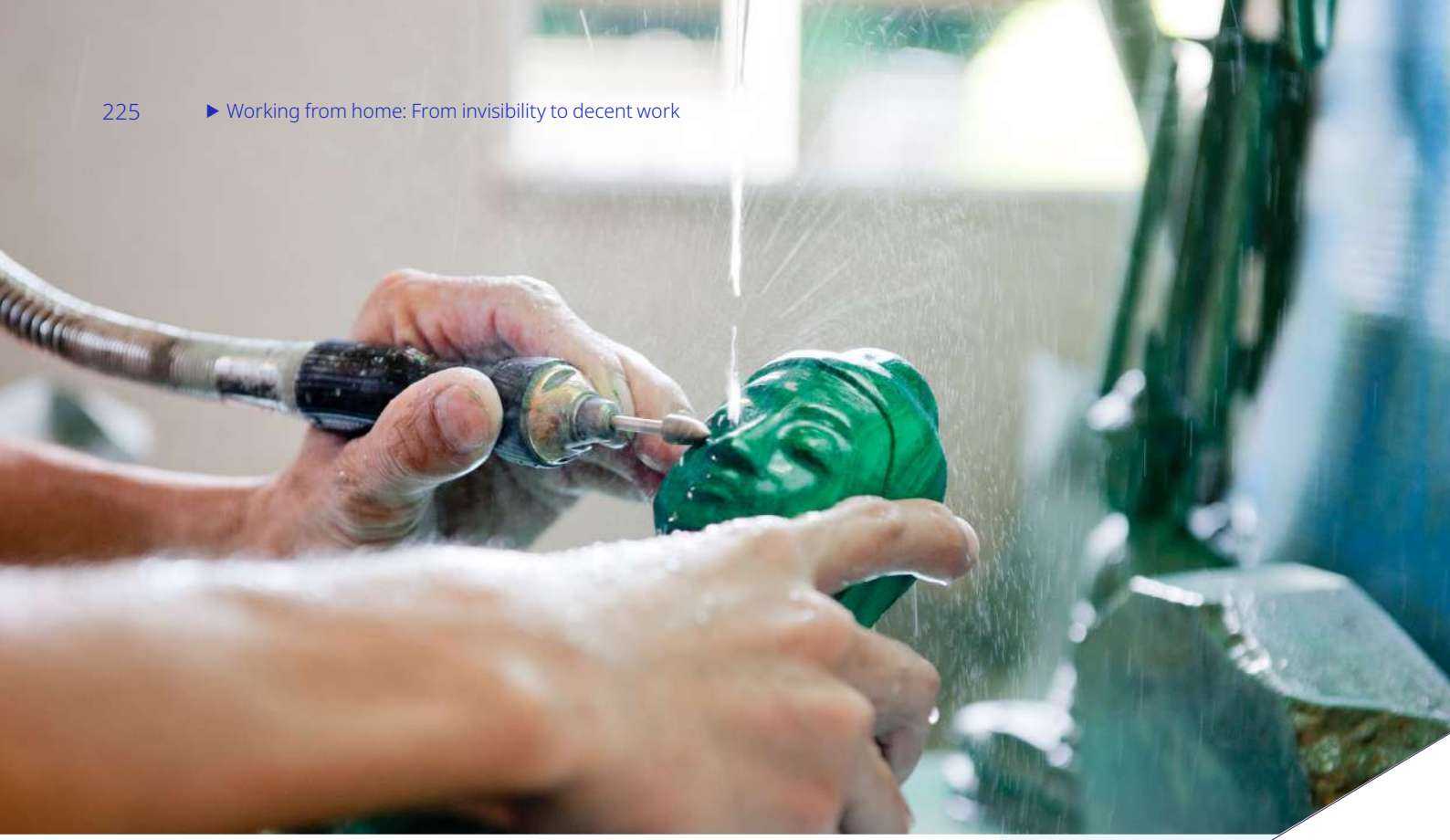
the first step

in guaranteeing

rights

they must be transformed into

reality



©iStock/pidjoe

7.1 Introduction

Chapter 5 of this report concluded that there are considerable decent work deficits associated with home work.

These deficits are very large for industrial homeworkers, somewhat less so for crowdworkers and smallest, though still present, for teleworkers. Homeworkers pay a wage penalty in almost all countries and contexts, have less access to social security everywhere and their training and career prospects are everywhere worse. They also miss more work due to illness and the gendered division of labour and other cultural norms contribute, in some countries, to abysmally low earnings for industrial homeworkers.

Chapter 6, on the other hand, has shown that many countries have followed, at least partially, the guidance of Convention No. 177 and Recommendation No. 184 in developing legislation on home work. Although many of the legal provisions examined in Chapter 6 offer partial answers and do not constitute a coherent national policy as required by the Convention and many countries still have little or no legal framework, there is much legislation, complemented with collective agreements, that addresses the different decent work deficits associated with home work.

How can the gap between the reality depicted in Chapter 5 and the existence of legislation depicted in Chapter 6 be explained?

More importantly, how can the gap between the letter of the law and its effective implementation be closed? Having the laws on the books is only the first step in guaranteeing rights – they must be transformed into reality, which requires the political will and engaged efforts of government, business, workers and their representatives. What would such a policy for homeworkers look like and how is it to be implemented?

First, it would have to take into consideration the heterogeneity among homeworkers. As noted in Chapter 1, there are three types of home work:

1. **industrial home work**, which is defined broadly to include all goods production undertaken by homeworkers for local and international markets. Some of this work is "industrial" in the strict sense of the term in that it is often one step, outsourced to a homeworker, of a production process that otherwise occurs in a factory; but production can also be artisanal;

2. **home-based digital platform work**, which refers to service-sector tasks performed by crowdworkers according to the specifications of the employer or intermediary, in situations in which the workers do not have the autonomy and economic independence to be considered an independent worker in national law; and

3. **telework**, which is when employees use ICT tools to perform their work remotely. Following the delineation of Convention No. 177, the focus is on teleworkers who work at their home (or another location of their choosing) on a permanent basis, and not on those who alternate between home and the office.

Most industrial homeworkers and digital platform workers are informal. In the case of industrial homeworkers, while many fall under the scope of national legislation the law is often not being applied in practice. They are not registered as workers in social security systems and have difficulty exercising their labour rights in practice. Their piece-rate payment is often less than the minimum wage.

For digital platform homeworkers, the application of the law is more complicated as their employer or intermediary is often located in a different legal jurisdiction. As explained in Chapter 4, most workers have been contractually classified as independent contractors by these platforms through their terms-of-service agreements. This may amount to disguised employment wherever workers do not have the autonomy and economic independence to be considered as independent workers in national law, leaving them without legal protection and with limited recourse to contest their rights.

Teleworkers are by definition employees and most are employed formally. This gives them greater access to the rights and benefits associated with an employment relationship in which the law is being applied. Nevertheless, there can be risks in relation to excessive working time, as well as a lack of opportunities for training and career development. With the development of remote working, as we have seen with the COVID-19 pandemic, there is also a risk of misclassification of the employment relationship. Governments and social partners therefore need to be vigilant.

Second, a comprehensive policy for transforming home work into a source of decent work must be an edifice built by different political actors. International organizations, governments, worker's unions and homeworker organizations, employer organizations and civil society all have a role to play in bringing forth such a comprehensive policy. Among these different actors, governments have an unequivocal role in guaranteeing rights.

Finally, a comprehensive home work policy must address a range of key issues to ensure that all categories of homeworkers benefit from equal treatment in relation to other wage earners. In the sections that follow, we address these key policy areas and highlight best practices from around the world.

▶ 7.2 International governance and action

The adoption of Convention No. 177 and Recommendation No. 184 was a watershed event for the world's homeworkers, especially industrial homeworkers, as many of these workers are among the poorest and most vulnerable in the labour market.

The Convention and Recommendation set out basic principles and rights for homeworkers and many of their provisions have been included in national laws, as detailed in Chapter 6. There are other international labour standards and instruments adopted by other intergovernmental organizations that provide useful guidance on the governance of home work. In addition, some lead firms in global supply chains have taken steps to ensure they are in compliance with these provisions. When combined with action on the ground and social dialogue, such efforts can be an important means of ensuring decent work for homeworkers.

7.2.1. Instruments adopted by intergovernmental organizations

In addition to Convention No. 177 and Recommendation No. 184, there are other international labour standards that include special provisions in support of homeworkers, including the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) and the Maternity Protection Convention (Revised), 1952 (No. 103), which are also addressed in Chapter 6. Three other relevant standards are the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), the Employment Relationship Recommendation, 2006 (No. 198), and the Social Protection Floors Recommendation, 2012 (No. 202).

As shown in Chapter 2, most industrial homeworkers are informal, meaning that while they may be covered by legislation, it is not being applied in practice or the level of protection may be inadequate. Recommendation No. 204 provides guidance on policies that can be adopted by Member States to encourage the formalization of economic units engaged in the subcontracting chains that homeworkers are often part of, as well as measures that can be taken to ensure the application of national legislation to workers. It calls on Member States to take measures to address the avoidance of social contributions, labour laws and regulations through law enforcement and the application of effective sanctions, as well as by undertaking preventive actions that address barriers and provide incentives to promote the formalization of economic units.

Recommendation No. 198 is also of fundamental relevance for the protection of homeworkers, as underlined in Chapter 6, since the scope of labour laws is often limited to employees. Yet many homeworkers, despite not having the autonomy and economic independence to be considered an independent worker in national law, have been contractually classified as independent contractors. This problem is common to industrial homeworkers and digital platform workers; teleworkers are by definition classified as employees, so it is not a concern for them. However, policymakers should be aware that with the important increase of homeworking as a result of the COVID-19 pandemic, there is a potential for the misclassification of workers (hired as independent contractors but being directed and monitored in a way that is incompatible with their independent status). Such issues

may derive from deliberate attempts to disguise the employment relationship, from inadequacies or limitations in the legal framework or from its interpretation or application, as underlined in Recommendation No. 198, which provides useful guidance for Member States on developing strategies to manage these challenges.

Also of importance is the Social Protection Floors Recommendation, 2012 (No. 202), which calls on Member States to establish universal social protection floors that are implemented within strategies for the extension of social security. Social protection floors should comprise base social security guarantees, ensuring at a minimum that, over the life cycle, all those in need have access to essential health care and basic income security, which together secure access to the goods and services defined as necessary at the national level. The effective provision of such measures would undoubtedly improve the lives of those homeworkers who are informal

The ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) of 2017 provides guidance to multinational enterprises on social policy and on inclusive, responsible and sustainable workplace practices. It defines multinationals as including enterprises that control services outside the country in which they are based and, as such, the declaration is of practical relevance to industrial home work in global supply chains and digital labour platforms. For instance, platforms could use the guidance provided in the MNE Declaration to develop clear codes of conduct for members, including published procedures for workers to raise concerns or grievances.

Other relevant international instruments include the United Nations Guiding Principles on Business and Human Rights, which call upon states and enterprises to prevent, address and remedy human rights abuses committed in business operations. The Guidelines also call upon enterprises, regardless of their size, to respect, as a minimum, the International Bill of Human Rights and the ILO's Declaration on Fundamental Principles and Rights at Work.[1]

In addition, the OECD's Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, which is designed to help enterprises implement the OECD Guidelines for Multinational Enterprises along the garment and footwear supply chain, has a special module (module 12) on responsible sourcing from homeworkers.[2] This module is directed at brands, manufacturers and their buying intermediaries and "aims to minimise the risk of the marginalisation of homeworkers" and to create "economic and development opportunities" for them. The module states that "[h]omeworkers should be viewed as an intrinsic part of the workforce entitled to receive equal treatment and therefore should be formalised in order to achieve good terms and conditions of employment". It further argues that "'self-employment status' can at times be used as a means of neglecting the responsibility to provide more formalised contracts". It holds that "[t]he organisation of homeworkers is an important step that provides them with visibility and recognition and enables social dialogue in order to achieve good terms and conditions of employment" and that "[g]iven the predominance of women homeworkers in the sector, in many contexts organizers should be women". Every country that is an adherent to the OECD Guidelines must establish a grievance mechanism or "National Contact Point", which is responsible for managing complaints related to alleged breaches of the Guidelines.[3]

With respect to home work performed on online digital labour platforms, the cross-border operating model poses jurisdictional and regulatory challenges for national labour law.[4] Recognizing these difficulties, the ILO's Global Commission on the Future of Work called for the "development of an international governance system for digital labour platforms that sets and requires platforms (and their clients) to respect certain minimum rights and protections".[5] Such international regulatory standards could set minimum requirements and develop the infrastructure necessary for facilitating payments to national social security systems to provide for worker income security. They could also encompass the establishment of a representative board to adjudicate disputes among platforms, clients and workers. The Commission further noted that the Maritime Labour Convention, 2006 (MLC, 2006) is a source of inspiration, as it too concerns an industry with multiple parties operating across different jurisdictions.

7.2.2 Private compliance initiatives

Increasingly, important brands that source their products along complex global supply chains located throughout the world maintain codes of conduct that call on suppliers to respect specific labour and environmental standards and compliance with local laws. The success of such codes of conducts varies and points to the need for greater due diligence among lead firms, for lead firms to commit to fair pricing to their suppliers and for lead firms to work with suppliers, local governments and workers and their representatives to devise solutions to ensure compliance.

The experience of IKEA in its rattan supply chain illustrates the challenges that may be encountered despite good intentions. In 2015, IKEA partnered with the ILO to analyse working conditions in its supply chains for rattan products produced in Indonesia, in part to assess compliance with its code of conduct, IWAY.[6] The research team conducted a mapping of the supply chain, surveying main suppliers, subsuppliers, workers in weaving centres and homeworkers. Although IKEA requires its main suppliers to maintain records of its subsuppliers and their workers, the survey found, for example, that some subsuppliers further subcontract to other subsuppliers and the main suppliers do not necessarily keep their records up to date or complete. Subsuppliers expressed frustration with irregular work orders, cancelled orders and insufficient orders that ultimately affected their workers. As a result, there were important differences in working conditions across supplying firms. Workers complained of low payment rates and delayed payments and an inability to negotiate wages. A total of 95 per cent of the female home-based workers were found to earn less than the minimum wage of 1.2 million Indonesian rupiah per month (US$92) and were the lowest paid among all groups of workers. There were also significant differences in the earnings of men and women doing comparable work.[7] Many of the homeworkers did not know that they were producing goods for IKEA and there were no complaints mechanisms in place that homeworkers could turn to.

Identifying problems in supply chains is the first step in developing solutions that can address decent work deficits at the bottom of the supply chain. Pentland Brands is an example of a company that has taken steps to ensure compliance in its footwear supply chain beyond just adopting a code of conduct (see box 7.1).

©ILO/B.Birla

The success of codes of conducts varies and points to the **need for greater due diligence** among lead firms

Box 7.1 Improving working conditions of homeworkers in the Pentland Brands supply chain

In 2017, Pentland Brands adopted a Homeworking Policy, with input from HomeWorkers Worldwide (HWW), a United Kingdom-based organization that supports homeworkers throughout the world.[8] The company recognizes the role of homeworkers in its supply chain and has committed to work with suppliers and others to improve their conditions. One of its suppliers, in partnership with HWW and the Indian labour rights NGO Cividep, mapped the chain in 2017 and again in 2018 and confirmed that homeworkers were hand-stitching certain styles of shoes. Interviews with management, homeworkers and agents distributing work to them identified low piece rates, the lack of social security and work-related health problems as the most urgent issues. Focusing on a specific Pentland order, HHW and Cividep mapped the piece rates paid to homeworkers and the commission retained by agents and identified the roles played by agents (tracking orders, quality control), which are often overlooked. The company and the supplier carried out a time and motion study to calculate piece rates for homeworkers that linked their pay to minimum wage rates.

In late 2018, a new payment system was introduced that raised piece rates by one third on average in order to comply with the minimum wage. Moreover, the system assured that all homeworkers would receive the same rate for a given task. Between December 2018 and February 2019, Pentland's supplier implemented a simple paper-based system (job cards) to track orders and payments to homeworkers, based on model tools provided by HWW. These are transparent to homeworkers and open to inspection by interested parties. Instead of charging commission, over which the factory had no control, agents are now paid a set fee per pair of shoes. The cost of the increased piece rates was met by the supplier, but because of these additional costs HWW emphasizes the need for more brands and suppliers to join such initiatives such as in order to make improvements sustainable.[9]

Multi-stakeholder initiatives are another approach. The Ethical Trading Initiative (ETI), which counts over 80 multinational companies among its membership, as well as trade unions and NGOs, aims to improve working conditions in global supply chains by developing guidelines and lines of action. In 2002, ETI members established the ETI Homeworkers Group. The group conducted research among homeworkers in the Christmas cracker industry in the United Kingdom and in the embellishment industry in India and developed the ETI "Homeworker guidelines: Recommendations for working with homeworkers", drawing on Convention 177. The recommendations were field tested, published in 2006 and updated in 2010, all in close cooperation with homeworkers' organizations.[10]

Nevertheless, compliance with these detailed practical guidelines is likely to be elusive without mechanisms in place to ensure the engagement of all actors along the supply chain, including homeworkers and their representatives.

Identifying problems in supply chains is the first step in developing solutions

7.2.3 Summary

The examples highlighted in this section on international guidance and lead-firm initiatives to address working conditions along the supply chain are effective tools when combined with efforts on the ground. They provide guidance to Member States, businesses along the supply chains and workers and their representatives on the design of policy interventions, covering an array of policy areas to improve the working and employment conditions of homeworkers. In some instances, such as for countries that have ratified Convention No. 177 and signatories to the OECD Guidelines for Multinational Enterprises, there are mechanisms in place for addressing complaints. The examples of private compliance initiatives, while they cannot serve as a substitute for labour inspection, nonetheless offer guidance to brands, buyers and manufacturers on steps that can be taken to move beyond codes of conduct and develop concrete actions to ensure that the working conditions of homeworkers are in compliance with national law and international labour standards. The initiatives summarized in this section and in table 7.1 are primarily aimed at industrial homeworkers, but there are also possible applications for home-based, digital platform workers given the cross-border nature of the work.

Table 7.1 Key takeaways for international action

Key international guidance	
	Home Work Convention, 1996 (No. 177) and Recommendation (No. 184)
	Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)
	Employment Relationship Recommendation, 2006 (No. 198)
	Social Protection Floors Recommendation, 2012 (No. 202)
	ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), 2017
	United Nations Guiding Principles on Business and Human Rights
	OECD's Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector
Private compliance initiatives: Lessons learned	
	Move beyond instituting codes of conduct and develop specific actions that ensure compliance with national law and international labour standards, in consultation with supplying firms and workers' organizations

7.3 The importance of representation: Workers' organizations and cooperatives, employers' organizations and social dialogue

The collective representation of homeworkers is critical for the pursuit of decent work.[11]

Homeworkers' organizations advocate on behalf of their members at different policy levels in decision-making bodies, mechanisms and processes, while also providing support to their members at the grassroots level. In many countries in the world, homeworkers are organized and several regional homeworker organizations have been established.[12] Trade unions are also important allies for homeworkers as they are already active at the national or sectoral levels and have extensive experience with social dialogue and collective bargaining. Employers' organizations represent the needs of employers and play an important role in raising awareness with their members about their obligations, ensuring compliance with the law and participating in the design of laws. Through collective bargaining, trade unions and employers' organizations can establish fair wages and working conditions that have the force of law. In the absence of trade unions that can participate in collective bargaining, homeworkers' and platform workers' associations nonetheless play a helpful role in providing support to and advocating on behalf of their members. Moreover, as recognized in Recommendation No. 204, employers' and workers' organizations play an important and active role in facilitating the transition from the informal to the formal economy.

7.3.1 Workers' organizations

Organizing is a long-standing challenge for industrial homeworkers. Many homeworkers do not identify as workers, lack a general awareness of their legal rights and are isolated in their homes. These same characteristics are applicable to digital labour platforms, in which workers face the added challenges of geographical dispersion, the lack of human managers with whom they engage and the legal questions surrounding the multi-jurisdictional locations of platform work.

In some countries, there are legal impediments for forming trade unions among homeworkers, for instance because they have been classified as self-employed or because their occupational category has been excluded from the labour code. A first step in organizing is therefore to institute reforms to ensure that all homeworkers, regardless of their employment status, enjoy the fundamental right to organize and bargain collectively, in line with the principle of freedom of association enshrined in the ILO Constitution and regulated in Conventions Nos. 87 and 98.

There are successful examples of the impact of ILO supervisory bodies on enhancing homeworkers' organizing rights. For example, in 2014 and 2018, the Trade Union of Self-Employed and Informal Workers addressed to the CEACR comments on the application of Convention No. 177 by Bulgaria, expressing concern at the Government's refusal to grant it consultation rights on the grounds that it was an organization concerned with home work and that homeworkers were considered as independent contractors. Although this organization continued to raise a number of issues concerning the implementation of the Convention, the CEACR comments led to the opening of dialogue between the Government and Trade Union of Self-Employed and Informal Workers.[13]

Despite the above challenges, several homeworkers' organizations have been successful in improving the lives of their members. These organizations have often taken multiple forms, often as a way of addressing the distinct challenges that their members face. For example, the Self-Employed Women's Association (SEWA) was initially formed in India in the early 1970s as a trade union of self-employed women affiliated with the largest union of textile workers, the Textile Labour Association. It later developed other types of membership support organizations that were better suited to tackle the economic challenges of women, including the formation of cooperatives. SEWA, which is present in 18 states in India and is affiliated with the International Trade Union Confederation, currently has 1.4 million members.[14] It has worked at both the national and international levels to spearhead legal change – including by playing a pivotal role in the consideration and passage of Convention No. 177 and Recommendation No. 184 – and has also undertaken a wide range of community-focused initiatives that aim to directly improve the lives of its members. SEWA has also participated in homeworking projects undertaken by the ETI, playing a critical role in the mapping of supply chains and raising awareness about homeworkers' working conditions.[15]

In the Sindh Province of Pakistan, women home-based workers in the garment and bangle industry organized first in cooperatives and later decided to form a union to bargain for better working conditions. The Home-Based Women Workers Federation, which is now affiliated with IndustriALL, was registered in 2009. It currently has members in Sindh, Balochistan and Punjab and can legally negotiate on their behalf.[16] In Sindh, the Home-Based Workers Act was passed in 2018. The following year, the tripartite Minimum Wage Board established minimum wage rates for the different categories of workers in the bangle industry, including home-based workers.[17]

In the Philippines, the best known national homeworkers' organization is the Pambansang Kalipunan ng mga Manggagawang Impormal sa Pilipinas (PATAMABA), which celebrated its thirtieth anniversary in May 2020. It initially registered as an NGO and later also as a workers' organization. It has a membership of more than 18,000 persons, most of them women, in 10 regions, 34 provinces and more than 200 chapters nationwide. At the grassroots level, PATAMABA helps home-based and informal economy workers by organizing livelihood, microcredit and social safety net initiatives. At the policy level, PATAMABA raises awareness about home-based and informal workers. It was the principal interlocutor of homeworkers in the formulation of Department Order No. 05–92 (see Chapter 6) and of Philippine inputs to the International Labour Conference discussion of Convention No. 177.[18] It has also advocated fiercely for the extension of social protection to informal workers, including home-based workers.

HomeNet Thailand (HNT) started in 1992 under an ILO project as a home-based workers' association and an NGO network. In 2013, HNT was established as a membership-based organization. It works to strengthen homeworker protection through information dissemination, organizing, networking, research, capacity-building and advocacy, at all levels of government.[19] With a total membership of over 5,000 paying members, HNT is made up of homeworkers and home-based workers as well as other informal occupations ,including street vendors, motorcycle taxi drivers and casual workers.[20] HNT campaigned for the adoption of legislative protection for homeworkers. Due in large part to their efforts, the Homeworkers Protection Act B.E.2553 was adopted in 2010. The following year,

Training of trade union leaders on participatory appraisal techniques for identifying home-based workers in lower tiers of supply chains, organizing them and developing strategies for comprehensive action. (November, 2019, Tamil Nadu, India). ©ILO/B. Birla, 2019

the Government adopted a policy to provide a 30 per cent social security co-payment for informal workers. HNT also successfully lobbied for the inclusion of a question relating to "place of work" in labour force surveys.[21]

In Ghana, the Widows and Orphans Movement has been economically empowering women in the Upper East Region of Ghana since 1993. The organization acts as an intermediary between homeworkers (women processing shea) and a range of buyers. It has provided homeworkers with a mill to ease production and offers training on the use of technology and career development, such as by training homeworkers to use a smartphone to communicate more swiftly with offtakers of their products about their orders and to display their products on Facebook or Instagram.[22]

For traditional unions, supporting homeworkers is not an easy endeavour as the issues faced by these workers differ substantially from those encountered by their other members. Nonetheless, there are examples of trade unions that have worked actively to improve the conditions of homeworkers. In Argentina for example, where some homeworkers in the textile and clothing sectors are members of trade unions, the Argentine union of textile home and allied workers led a campaign in 2017 on their behalf, calling on the Ministry of Labour, Employment and Social Security to implement Law No. 12,713 on Home Work throughout the country.[23] In Chile, the National Textile Federation actively organizes homeworkers and currently includes four home textile workers' unions and one union of dependent and independent workers. The Federation has two parallel pillars of union representation: one comprising salaried union members in the textile and clothing trade (including leather and footwear), the other comprising homeworkers that are members of the local textile homeworkers' unions.[24]

In Uruguay, home-based workers in the clothing sector are represented by the Sindicato Unico de la Aguja, which as mentioned in Chapter 2 helped home-based workers switch to the production of masks when the COVID-19 virus started to spread. In Tamil Nadu, India, homeworkers in Tirupur registered the unorganized workers' trade union Anuhatham and participated in a national day of union action to protest against the labour law reforms adopted in some Indian states in reaction to the COVID-19 pandemic.[25]

Among digital labour platforms, there are platform-specific and country-specific informal associations of workers. Most of these are social media sites that provide information and give advice to platform workers, as well as offering an opportunity for workers to meet virtually and offer emotional support to each other, though some advocate for policy change. In Turkey, Ofissizler is a member-funded solidarity network of freelance workers founded in Istanbul in 2018. It aims to gain recognition of freelancing as a distinct form of employment; establish networks of solidarity among freelancers; demand and promote legal rights for freelancers (such as by setting minimum rates, preventing non-payment, demanding contract and social security benefits and so on); and support alternative forms of production that freelancers could establish (cooperatives, work-sharing or skill-pooling).[26]

Another example is FairCrowdWork.org, which was launched in 2015 by IG Metall and works in cooperation with the Austrian Chamber of Labour and the Swedish white-collar union Unionen. However, it is limited to providing information and advocacy work, including information about crowdworkers' rights and legal obligations, trade union resources for crowdworkers, as well as detailed information on work processes and objective ratings of various well-known crowdwork platforms. These unions have also advocated on behalf of platform workers to the EU and a number of governments. In 2015, they spearheaded the Frankfurt Declaration on Platform-based Work, which called for transnational cooperation among various stakeholders (workers, worker organizations, platform clients, platform operators and regulators) to ensure fair working conditions and worker participation in governance in the growing world of digital labour platforms.[27] Following YouTube's changes to its monetization rules in 2017, IG Metall and the Youtubers Union launched the FairTube campaign. The campaign seeks to obtain improved communication, fairness and transparency for Youtubers and the establishment of an independent mediation board for resolving disputes.[28]

7.3.2 Cooperatives

Cooperatives also offer a means of improving the conditions of homeworkers. By working together in cooperatives, women learn how to access markets and can pool their resources to create and access social benefits such as health care, childcare, savings and insurance programmes. Cooperatives also provide training to help homeworkers perform their work or find another job in the formal economy. This may involve providing training in self-development, leadership or business management to homeworkers, which improves their sense of self-confidence and autonomy and can result in women's empowerment.

The Mariveles Bagmakers Multi-Purpose Cooperative in the Philippines represents a successful example of how industrial homeworkers can, as a collective, remove their economic dependence on subcontractors and intermediaries and forge a direct line to their markets. Coming together as displaced factory workers and homeworkers, the members have pooled their skills, talents and resources to form a cooperative that produces quality affordable bags (school backpacks, laptop bags, travelling bags, belt bags, cycling bags and so on). Various local and federal government branches have provided assistance for the cooperative to compete in the local and national market. To make the quality of its bag products recognized and well-known in the domestic market, the Cooperative branded them as "MB Bags". The Cooperative sources raw materials (fabrics and accessories) at bulk price and sells them to the bagmakers on credit at low interest. It offers common facilities (bar tack machine and embroidery machine) that are too costly for one bagmaker to purchase and maintain; accesses new trends in design through group visits to the Product Development and Design Center of the Philippines; and carries out marketing and promotion campaigns. Members' benefits include death assistance, calamity assistance, a Christmas package, livelihood training and hospitalization assistance. The cooperative also offers a range of savings and loan services.[29]

In Thailand, the Solidarity Group, a sweatshop-free production group of homeworkers and own-account workers in the garment industry, registered as a workers' cooperative under Thai legislation in 2014. Many of these workers had previously been factory workers. As a workers' cooperative, the Solidarity Group was able to take orders from public procurement agencies and increase production and income stability.[30]

With the support of the National Union of Autonomous Trade Unions of Senegal and the ILO, women tannery homeworkers in Senegal organized themselves into a workers' cooperative. The cooperative earnings and the collective saving fund enabled these women to improve their living and working conditions and send their children to school.[31] SEWA has also developed women-owned cooperative enterprises to empower them. One of these cooperatives, VimoSEWA, offers social protection coverage for SEWA members and other informal economy workers.[32]

7.3.3 Employers' organizations

Employers' organizations can play a critical role in working with their members to ensure knowledge and compliance with the law, as well as offering advice on how to promote fair and decent working conditions that support sustainable enterprises. In Indonesia, the Indonesian Employers Association (APINDO), in collaboration with the ILO office in Jakarta, issued Good Practice Guidelines for the Employment of Homeworkers, which provide a set of tools and checklists for employers to better understand their legal responsibilities to homeworkers, as well as guidance on methods to improve engagement with them.[33] Table 7.2 highlights the compliance checklist provided in the guidelines. Although this guide is specific to the case of Indonesia, it may be adapted for other country contexts and legal systems.

Through collective bargaining, trade unions and employers' organizations can establish **fair wages and working conditions** that have the force of law

Table 7.2 APINDO compliance checklist

20-point compliance checklist	Yes	No
1. A record-keeping system providing information on homeworkers engaged, the amount of work, wages and orders and delivery of orders to homeworkers is kept and is up to date.		
2. Contracts with intermediaries include provisions to ensure the working conditions of homeworkers comply with national legal requirements.		
3. Homeworkers have a written contract outlining their job, rates of remuneration and terms and conditions of employment, including social security benefits.		
4. Homeworkers are paid the appropriate remuneration, which is no less than workers performing similar work in the enterprise workplace and is no less than the local minimum wage.		
5. Homeworkers are paid in full upon delivery of completed work. Any deductions made from their remuneration are made in accordance with pre-established criteria and do not exceed more than 50% of the wage due.		
6. Homeworkers are reimbursed for costs borne by the homeworkers in association with their completion of work (including maintenance of equipment, electricity, travel to deliver products etc.).		
7. Unless homeworkers explicitly request otherwise, homeworkers receive a minimum workload per week, which is equivalent to the number of pieces that can be completed in 30 hours.		
8. The maximum workload homeworkers receive for one week's production is equivalent to the number of pieces that can be completed in 54 hours.		
9. Where the amount of work provided to homeworkers requires more than 40 hours of work in one week, overtime wage rates are provided.		
10. Homeworkers are not required to work 7 days a week.		
11. Homeworkers are enrolled in Jamsostek or another social security fund and contributions are made by the enterprise on behalf of homeworkers.		
12. Homeworkers' contract of employment is not terminated when they become pregnant.		
13. Homeworkers are provided paid maternity leave for three months when they give birth to a child.		
14. Homeworkers are provided with paid sick leave upon issuance of a medical certificate.		
15. Homeworkers are provided with information educating them about their right to associate with and join trade unions.		
16. An occupational health and safety assessment has been made at the workplaces of homeworkers and homeworkers have been trained on safe and proper procedures for completing their work.		
17. Measures are in place to ensure children are not employed to work in excess of 3 hours a day (if they are 13–15 years of age) or in types of work that could harm their safety, morals or development.		
18. Where there is no work available for a period of time, homeworkers are provided with appropriate written notice of termination of employment.		
19. A system for monitoring the working conditions of homeworkers is in place.		
20. A system for receiving and responding to complaints and concerns from homeworkers about their working conditions is in place and has been publicized to homeworkers.		

Source: APINDO and ILO, "Good Practice Guidelines for the Employment of Homeworkers", 2013.

With the shift to teleworking as a result of the COVID-19 pandemic and its associated lockdowns, employers' associations have been active in providing guidance to their members on how to institute effective teleworking policies. The ILO's Bureau for Employers' Activities prepared a guide for employers' organizations that discusses employers' responsibilities, provides recent information on regulatory changes in teleworking in several countries and provides practical guidelines on how to manage staff who are working remotely.[34] In addition, the International Organisation of Employers published the IOE Guidance on Teleworking in the Times of COVID-19,[35] which recommends ten key measures to employers (box 7.2).

Box 7.2 IOE Guidance on Teleworking in the Times of COVID-19

1. Promote health and safety.
2. Build mutual trust and share responsibilities.
3. Provide extra support and understanding.
4. Change productivity mindset.
5. Be flexible and reactive.
6. Communicate regularly.
7. Promote a learning culture.
8. Protect cybersecurity and privacy.
9. Secure compliance.
10. Engage in policymaking.

7.3.4 Social dialogue and collective bargaining

With active and committed social partners, it is possible to find solutions that can improve working conditions of homeworkers, while benefiting the production processes of employers. With the right to collective bargaining, as mandated in Convention No. 98, workers' and employers' organizations can negotiate collective agreements that are legally enforceable. Social dialogue and collective bargaining have the advantage of devising solutions that fit the needs of the employers and workers concerned.

In Portugal,[36] the Union of Embroidery Industry Workers of Madeira participates in annual negotiations of a "points table" used to determine remuneration rates for homeworkers in the industry. As mentioned in Chapter 6, in Australia the TCFUA created a coalition with community groups to launch a national textiles, clothing and footwear campaign in 1997. They publicized the labels of brands with poor working conditions and pushed for decent work through the influence of consumers. The campaign led to the negotiation of the Homeworkers' Code of Practice by the TCFUA and the Textile Fashion Industry of Australia.[37]

The extension of collective agreements may offer a response to the difficulty of ensuring homeworkers' participation in collective bargaining that arises from their dispersion and isolation. Such extension "generalizes the terms and conditions of employment, agreed between organized firms and workers, represented through their association(s) and union(s), to the non-organized firms within a sector, occupation or territory".[38] In South Africa, for example, the Labour Relations Act expressly enables bargaining councils to extend their services and functions to workers in the informal sector and homeworkers.[39] The negotiation of sector-wide agreements, as in the case of the Italian national collective labour agreement of the footwear industry that was mentioned in Chapter 6, also enables a more inclusive approach to homeworkers who are not formally part of an enterprise.

With respect to digital labour platforms, an example of a bipartite solution emanating from social dialogue is the adoption of a voluntary code of conduct for crowdworking platforms, which was signed in 2015 by eight digital labour platforms, with the support of the German Crowdsourcing Association and the German trade union IG Metall.[40] The code of conduct sets out a number of principles to promote trust and fair cooperation between service providers, clients and crowdworkers. It was later revised, based on feedback from platform workers, to include the principle that platform operators should include "local wage standards" among the factors they take into account to ensure that a "fair and appropriate wage" is paid to crowdworkers.[41] In 2017, an "ombuds office for the Crowdsourcing Code of Conduct" was established to enforce the Code of Conduct and resolve disputes between workers and signatory platforms, regardless of the location of the worker. The ombuds office is composed of a board of five people – one worker, one trade union representative, one platform representative, one Crowdsourcing Association representative and a neutral chair – and seeks to find consensual solutions to the disputes it receives. As of 31 December 2019, a total of 44 cases had been submitted to the ombuds office via its online form.[42] The bipartite ombuds office is an important initiative, given concerns about the lack of dispute settlement mechanisms available for workers on digital labour platforms. It is also a good example of "virtual" labour market governance, as all activities, including discussions and decisions of the board, are conducted online.

7.3.5 Summary

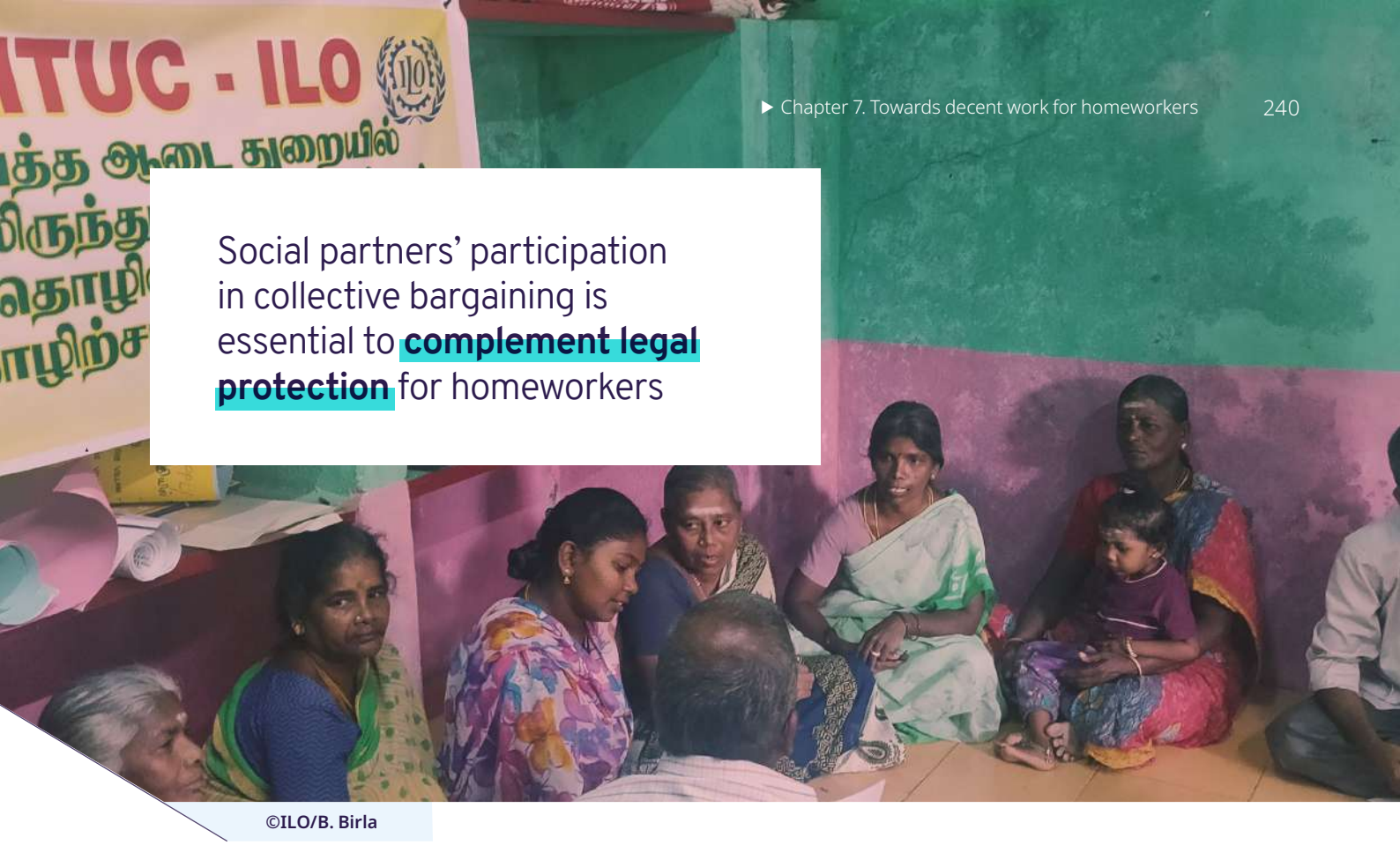
All workers, regardless of their employment status and including homeworkers, should enjoy freedom of association and the right to collective bargaining. Nonetheless, organizing often remains a challenge for homeworkers due to legal obstacles or the characteristics of their work situation, including their isolation, dispersion and, except in the case of teleworkers, their informality.

There are, however, successful examples of organizations created by and for homeworkers, in certain cases with the support of traditional trade unions, which were able to strengthen the bargaining power of these workers and improve their working conditions. Cooperatives also contribute to the enhancement of homeworkers' situation, including by providing economic support. Sometimes, homeworkers organize in cooperatives and later create a union to participate in collective bargaining.

Employers' organizations also have a critical role to play in the improvement of the situation of homeworkers. Awareness-raising campaigns and the development of practical tools for employers contribute to improved compliance with applicable provisions for the protection of homeworkers.

Social partners' participation in collective bargaining is essential to complement legal protection for homeworkers. Extension mechanisms and the conclusion of sector-wide agreements should be envisaged in view of the "special characteristics of home work", as underlined by Convention No. 177.

Home work on digital labour platforms presents additional challenges due to the cross-border nature of the work relationships involved. Nevertheless, the adoption of a voluntary code of conduct by eight crowdworking platforms and the subsequent establishment of an ombuds office shows that solutions are available.



Social partners' participation in collective bargaining is essential to **complement legal protection** for homeworkers

©ILO/B. Birla

Table 7.3 Key takeaways for improving representation, voice and bargaining

Role of different parties in expanding representation	Governments	Ensure that homeworkers, including those considered as self-employed and those in the informal economy, effectively enjoy freedom of association and the right to collective bargaining.
	Trade unions	Support homeworkers' organizing efforts and their initiatives to participate in collective bargaining and influence legislative intervention to improve their working conditions.
	Cooperatives	Help develop homeworkers' skills; improve income security, including through the provision of social protection; and contribute to homeworkers' empowerment efforts.
	Employers' organizations	Contribute to awareness-raising efforts among employers and provide them with support to help implement best practices in the employment of homeworkers.
Tools for inclusive collective bargaining	Consider sector-wide bargaining and the extension of collective agreements with a view to providing more inclusive labour protection to homeworkers.	

▶ 7.4 The role of governments

As the findings of this report make clear, there is a need for ILO Member States, with the participation of the social partners, to develop, implement and periodically review a comprehensive policy to improve the situation of homeworkers, as required by Convention No. 177.

Doing this will also involve designating one or several public authorities responsible for the design and implementation of the national policy on home work. Workers' and employers' organizations and, where possible, organizations representing homeworkers and their employers, should participate in this process, but the responsibility to design and enforce laws and policies in support of decent working conditions for homeworkers ultimately rests with governments.

These laws and policies must seek to achieve the objective of equal treatment between homeworkers and other wage earners, as required by Convention No. 177. Policy efforts in support of home work must also take into account the specificities of homeworkers, including their invisibility and isolation. Moreover, the needs and characteristics of the three main types of homeworkers (industrial workers, white-collar teleworkers and platform workers) are at times distinct and measures must be tailored accordingly.

As explained in Chapter 6, some countries have labour laws that include homeworkers within the scope of coverage or have laws specifically designed for home work. With respect to telework, its sudden increase as a result of the COVID-19 pandemic has brought renewed interest in the need for regulatory measures to address issues that are specific to working from home. Many legislative advances have been made, but implementation remains imperfect and homeworkers engaged on digital labour platforms remain largely unprotected by law.

With respect to industrial home work, there is debate as to whether it is better to include homeworkers within the general scope of employment law or to have specific laws or provisions that are applicable to them.[43] Given some of the peculiarities of working from one's own home and the difficulties within some national jurisdictions of establishing employee status in order to benefit from the protection of general labour legislation, a case can be made for having specific laws or provisions that address home work, possibly complemented with a sectoral or occupational collective agreement. Both approaches may also be combined, provided that the legal definition of homeworkers is broad enough to include all those protected by Convention No. 177. Regardless of which path is chosen, it is necessary to include provisions covering the different aspects of the protection of homeworkers, as detailed in Convention No. 177 and Recommendation No. 184, as well as to undertake efforts to ensure that the law is being applied.

Examples of legal provisions addressing these different aspects are presented in Chapter 6. In addition to the role of governments in ensuring that homeworkers effectively enjoy freedom of association and collective bargaining, as underlined in section 7.3, attention is drawn in sections 7.4.1 to 7.4.9 below to the key elements of a global approach.

Governments should also address the impact of the COVID-19 pandemic through the development of appropriate telework policies for employees who suddenly need to work from home, as well as through income-support policies for industrial homeworkers facing a dramatic drop in contractors' orders.

7.4.1 Making homeworkers visible: The need to improve statistics

Despite the requirements of Convention No. 177, as mentioned in Chapter 6 homeworkers remain at least partially invisible in many labour force statistics. Full visibility requires not only that a homeworker be counted as such but also that their earnings, hours worked and other conditions of employment also be adequately recorded. While there have been advances to include questions that identify the place of work in household surveys, few countries include questions that can identify home-based workers who are in a situation of economic dependency. As discussed in Chapter 2, the ICSE-18 represents an important step forward for ensuring the identification of "dependent contractors", many of whom are homeworkers. As such, countries should move to integrate ICSE-18 into their labour force surveys, which will also facilitate the identification of digital platform workers. The ILO, in partnership with the EU and the OECD, is developing a handbook for the measurement of platform work to be published in 2021. Furthermore, in May 2020, at the request of national statistical offices, the ILO published guidelines on identifying teleworkers in labour force surveys.[44]

Another source of information and visibility is labour registries. Maintaining labour registries is important for legal compliance but also provides another source of information about the practice of homeworking. Much less research has been done into labour registries than into household surveys.

7.4.2 Raising awareness of rights and responsibilities

Ensuring that homeworkers receive appropriate information on their employment and working conditions, in a language that they understand, is crucial for raising their awareness of their labour rights. Written contracts should include a reference to the applicable collective agreement, if any, as well as details of the public authority that could provide assistance to homeworkers in case of need. For workers on digital labour platforms, the terms-of-service agreements that workers must agree to before they start to work should be presented in a human-readable format that is clear and concise, akin to the Creative Commons' development of human-readable intellectual property licences.[45]

Employment contract and other types of written documentation, including registers of homeworkers and work records, are also important to ensure that employers are fully aware of their responsibilities towards homeworkers. Documentation helps labour inspectors to check homeworkers' conditions of work and localize their workplace so that inspection visits may take place as appropriate. It also facilitates dispute resolution since it constitutes evidence supporting the parties' claims.

In addition, governments, with the support of social partners, should undertake campaigns to increase homeworkers' awareness of their rights. Legal awareness is associated with greater compliance with the law.[46] Awareness campaigns are a cost-effective means for ensuring that laws move beyond the books to their application on the ground.

Setting piece rates is complex and to be conducted accurately must involve **time trials** with workers

7.4.3 Setting fair wages and limiting working hours

As noted above, many homeworkers are paid by the piece. Low pay rates often lead them to work excessively long hours to earn a living and, as explained in Chapter 6, homeworkers are often excluded from the scope of legal provisions on working time. Governments' intervention is needed on these two interrelated issues.

The use of piece rates does not eliminate the obligation to ensure that workers earn at least the minimum wage and that the principle of equal treatment is respected, whereby homeworkers' rate of remuneration is similar to that received by workers on the employers' premises. Since the minimum wage and other on-site wages are typically set at a time rate (hourly or monthly), it is necessary to establish a procedure to ensure that piece-rate wages, at a minimum, are in line with the local minimum wage for the corresponding number of working hours.

Setting piece rates is complex and to be conducted accurately must involve time trials with workers. As mentioned in Chapter 6, several governments, including the Philippines and the United Kingdom, have published guidelines on the setting of piece rates.[47] The ETI, in its principles on setting piece rates for homeworkers, describes a simplified approach to carrying out a time and motion study that is similar to the one laid out by national governments[48] (box 7.3) These principles may be used by ministries of labour and labour inspectors or best of all through joint stakeholder processes to establish fair and equitable systems of piece rates for homeworkers. With some adjustment, they could also be applied to digital platform work, particularly micro-task work, which is paid by the task.

Box 7.3. Setting piece-rate pay for homeworkers

Tests should be done to find the "average hourly output rate" for the specific piece or task. The average hourly output rate is the number of pieces and fractions of pieces that workers produce in one hour. This can be worked out by timing workers while they complete a specific piece or task. To make the test as realistic as possible:

1. Choose homeworkers who are already undertaking this work, rather than asking a factory worker to do it or bringing a homeworker into a factory setting.
2. Do the test in the location where homeworkers carry out their work. This not only means that the work is carried out in a realistic environment, but it also helps to ensure that the setting up and other administrative tasks that homeworkers need to do are included (these tasks are often carried out by others when done in a factory setting).
3. Where it is not practical to do the test in the homeworking location, for example where the price has to be agreed prior to placing an order, the assessment should replicate the homeworking environment as closely as possible.
4. Choose workers who work at a representative speed, that is, not the fastest workers (homeworkers themselves will usually be able to suggest who could be considered to work at an "ordinary" speed).
5. Time a minimum of five homeworkers as they complete the task in question. This helps to ensure that the measure is realistic and to engage homeworkers in the concept of a fair piece rate, as well as to increase communication of the rate once it is set.
6. Set the piece rate at a level that means that all workers are able to earn the minimum wage. Because the person overseeing the test only times workers over a relatively short period of time, the system for extrapolating timings of individual work processes into a work rate that can be maintained throughout the working day must include factors to allow for:
   - **a.** fatigue and rest breaks;
   - **b.** time for setting up the workstation;
   - **c.** time for packing and unpacking materials; and
   - **d.** routine administration.
7. The rate should also allow for reasonable variations in speed between workers. For example, if the rate set is equal to the average rate of a sample of workers, then a large proportion of workers risk being unable to achieve the minimum wage. Including a correction factor of 20 per cent would mean that almost all workers would be able to achieve the minimum wage.

The calculation would then be as follows:

$$\text{Piece rate} = \frac{\text{Minimum wage (per day or hour)} \times 120}{\text{Average output}}$$

Source: ETI, "Setting Fair Piece Rates for Homeworkers: Key Principles and Possible Approaches", 2013.

Another issue highlighted in the ETI principles that was inspired by Convention No. 177 and Recommendation No. 184 and should be considered when setting piece rates is the importance of not making deductions from homeworkers' wages for work which is deemed to be of poor quality. The principles state that it is the employer's responsibility to provide appropriate training and, if necessary, equipment, software or materials to ensure the quality of the work.

In addition, the principles state that homeworkers should not have to bear the cost of additional expenses, such as the equipment or materials that they are required to use, as well as reasonable utility costs or the cost of travel and time spent travelling to collect materials, and that they should be reimbursed for these expenses.

Coupled with measures to limit the workload imposed on homeworkers and prevent excessively short deadlines for the delivery of work, the setting of fair piece rates contributes to a limitation of homeworkers' working time. These measures can also reduce the incidence of child labour in home work.

In the case of teleworkers, long hours of work tend to derive from the increasing blurring between work and private life. The introduction of a "right to disconnect" in legislation, as is already the case in France and other countries, would also help protect teleworkers' health.

7.4.4 Ensuring safe and healthy workplaces

Because home is the place of work, ensuring safe and health conditions is made more difficult both for employers, as they often lack access to the workplace, and for workers, who may be carrying out their duties without the proper training or equipment. The risks in industrial home work are much greater, because workers may be handling noxious materials that affect not just their health but that of their families. Poor homeworkers are also more likely to live in cramped and overcrowded housing and may lack a separate workspace to carry out their work, or they may not be aware of or may not have been given the proper equipment needed to carry out their work safely.

As explained in the Occupational Safety and Health Convention, 1981 (No. 155), health, in relation to work, indicates not merely the absence of disease or infirmity, but also includes the physical and mental elements affecting health that are directly related to safety and hygiene at work. Even for workers who work from home, governments must ensure that employers comply with their duty of care and their obligation to provide, in so far as it is reasonably practicable, a working environment that is safe and without risks to physical and mental health. This includes assessing, controlling and mitigating risks in locations other than the normal workplace, including the worker's home.[49] Workers who are informal would still be covered by such provisions given that Recommendation No. 204 calls upon Member States to "take immediate measures to address the unsafe and unhealthy working conditions that often characterize work in the informal economy" and to promote and extend OSH to employers and workers in the informal economy (Para. 17).

Recognizing the need to improve safety and health in home-based work, the ILO developed in the mid-2000s the WISH (Work Improvement for Safe Home) action manual to provide homeworkers with practical and easy-to-implement ideas to improve the safety and health of their workspaces. The manual provides a checklist covering materials storage and handling, machine safety, work stations and the physical environment.[50] It has been used in homeworker training in Cambodia, Mongolia and Thailand, and in 2019 was used in training-of-trainers workshops for the ILO/Japan multi-bilateral project entitled "Towards fair and sustainable

global supply chains: Promoting decent work for invisible workers in South Asia" in both India and Nepal.[51] The same project has been working with the Federation of Handicraft Associations of Nepal to develop an OSH code of practice for traditional metal statue and jewellery production, where there is a major challenge arising from the use of mercury to polish gold.

In addition to assessing the physical risks, there is also a need to develop and implement psychosocial risk assessments, which can help to identify and mitigate possible health risks for homeworkers, including teleworkers. Apart from traditional issues of concern, new phenomena such as "virtual presenteeism" should be considered.[52] Also, some homeworkers engaged on digital labour platforms moderate social media for violent or pornographic images, a task that may negatively impact their mental health. The CEACR underlined that this type of work should be subject to particular scrutiny by the public authorities.[53]

7.4.5 Eliminating child labour

As noted in Chapters 2 and 5, the presence of a homeworker in a household significantly increases the likelihood that a child will work in that same household. Child labour is an issue that many countries have tackled with some success – the number of children subjected to child labour fell by 94 million between 2000 and 2016 and the number of children performing hazardous work fell by more than half.[54] In the case of home work, policies to ensure that homeworkers receive a fair remuneration and to regulate the quotas and deadlines for work delivery are important measures for reducing child labour. Other policies for combating child labour are well known: benefits such as cash or in-kind transfers to poor families as an incentive for school attendance; campaigns to raise awareness; and labour market inspections with penalties for those found employing children. These policies have also been applied to homeworker households with at least some success.

For example, the Indian Beedi Workers Welfare Scholarship provides cash transfers to the children of registered beedi homeworkers whose household incomes are less than 10,000 Indian rupees (US$473 PPP) per month. These transfers vary from 250 to 2000 rupees (US$12 to 95 PPP) per year for children and youth enrolled in up to and including secondary education. An ILO study of beedi workers in four Indian states using focus groups found that almost all of the beedi workers interviewed had at least one child benefiting from the scheme, which reduced child labour in beedi work because of the half day spent at school.[55] Unfortunately, the same study also found that girls in many homes were still rolling beedis in their spare time when not at school. Having girls involved in this work may stem from a lack of awareness of the detrimental effects of child labour, but it is also a consequence of the low wages associated with beedi rolling that put pressure on households to complete more work.

The policies needed to eliminate child labour in homeworker households are known and need only be applied consistently to yield results. The active involvement of government and social partners in these efforts is needed.

7.4.6 Applying a strategic compliance model of enforcement

Enforcing fair working conditions for homeworkers is one of the most challenging aspects of the enforcement work of labour inspectorates. While many countries have good laws on paper, the deficits in working conditions highlighted in Chapter 5 attest to a gap between the laws on the books and their effective implementation on the ground.

Applying traditional labour inspection techniques to home work is difficult due to the physical location of the place of work – a private individual's home – but also to some of the key characteristics of home work (both industrial and digital), such as the high levels of informality; the difficulty of determining the existence of an employment relationship; and as a result the lack of clarity of the applicable legal framework. Inspectorates are also hampered by problems related to the identification of homeworkers. In the absence of adequate labour registries and high levels of informality, it is difficult for authorities to know that home work is occurring. Even after learning of its existence, inspection is nonetheless difficult to carry out as a result of safeguards for individual privacy. As explained in Chapter 6, some countries grant inspectorates the right to access homeworkers' homes under certain conditions; a few of them extend this right to employers with respect to ensuring that adequate safety and health protections are in place. But access is often restricted.

Policy efforts in support of home work must also take into account the specificities of homeworkers, including their **invisibility and isolation**

Thailand's example is notable and included the adoption of specific legal provisions (see box 7.4) and an institutional approach. The Department of Labour Protection and Welfare established a special Department for Informal Work in July 2017, which has a mandate to improve the conditions of homeworkers. During its initial work, it was found that while labour inspectors were enthusiastic about ensuring protection for homeworkers and the implementation of the Home Workers Protection Act, they lacked an understanding of home work and how to enforce protections. In response, the Department has organized training for regional labour inspectors in implementing the Home Workers Protection Act. The photo on the opposite page shows a group of inspectors at an October 2017 training session held in Bangkok.[56]

Box 7.4 Thailand: Legal provisions to ensure compliance with homeworkers' rights

Under the Homeworkers Protection Act,[57] in case of non-payment of wages due to homeworkers, they may file a petition with the labour inspectorate, which must investigate the facts and issue an order within 30 days. If it appears that the employer owes money to the homeworker, the labour inspector issues an order mandating the payment of the corresponding amount. In case of disagreement of one of the parties, the case may be referred to the Labour Court. Furthermore, when the contract gives undue advantage to the employer over the homeworker, the Labour Court has the power to order that it be enforced only so far as it is fair and reasonable.[58]

Training of labour inspectors on the implementation of the Home Workers Protection Act, Bangkok, October 2017.

Given existing limitations, there is a need to develop strategic approaches that harness the expertise and ground-based knowledge of employers' and workers' organizations and that work with such organizations to promote compliance.[59] The efforts of the APINDO to improve compliance, including the development and dissemination of a checklist for employers, is a nice example of how social partners support compliance efforts (see table 7.2 above). Indeed, compliance efforts that engage multiple stakeholders and consist of proactive, targeted and tailored interventions have been shown, in general, to be most effective for achieving enforcement, particularly given the limited resources often available to labour inspectorates.[60]

Harnessing the potential of new technology

Strategic compliance is also about harnessing the potential of digital technologies. A number of initiatives have been taken by public authorities, as well as by private companies interested in ensuring compliance along their supply chain, that could potentially be applied to improve conditions for homeworkers. These include Sourcemap, a supply chain analytics platform that helps companies to identify instances of non-compliance with labour and environmental regulations within their extended supply chains. It has been applied to the cocoa sector to ensure that child labour is not used in production.[61]

Another supply chain management system is BanQu, which allows workers to create digital identities that are tracked and verified using a blockchain.[62] In an effort to ensure payment of wages, the Central Bank of the United Arab Emirates has created a digital wage protection system whose use is mandatory for all registered companies. Employers use eNetwasal, the country's electronic services portal, to create files to record salary information for each employee. The same portal is used to send these files to each worker's bank, where workers can then access payment. Each transaction is recorded in a Ministry of Labour database.[63] A similar wage protection system is used in Qatar.[64] Such systems could be developed in other countries where homeworking is prevalent.

On digital labour platforms, the data and the tracking that make algorithmic management feasible offer a means of monitoring working conditions. Governments can require that these data be made available to inspectorates or other government agencies in order to ensure compliance with, for example, minimum wage laws or working hours. Under the EU's General Data Protection Regulation, workers have the right to access their personal information, potentially giving them a means to validate their work histories on specific platforms. The non-profit organization WorkerExchange was founded with the mission to help workers gain access and insight into the data collected from them on digital platforms.[65]

The monitoring of workers on digital labour platforms or of employees who are teleworking poses questions related to workers' data privacy. The ILO's Code of Practice on the Protection of Workers' Personal Data provides guidance on this subject matter.[66] It states in its principles that "[d]ecisions concerning a worker should not be based solely on the automated processing of that worker's personal data," that "[p]ersonal data collected by electronic monitoring should not be the only factors in evaluating worker performance" and that "[w]orkers and their representatives should be kept informed of any data collection process, the rules that govern that process, and their rights."

7.4.7 Improving access to social protection

As explained in Chapter 5, the informality that is common in home work restricts the access of homeworkers to social protection. Both Convention No. 177 and Recommendation No. 184 insist on the need to ensure that homeworkers benefit from social security protection and clarify that this may be done by extending or adapting existing social security schemes or by developing special schemes for homeworkers. As highlighted in Recommendation No. 202, social protection floors that guarantee at least a basic level of social security to everyone should constitute a fundamental element of national social security systems and are particularly relevant for many homeworkers.

There are several legal solutions for extending coverage to homeworkers. The most straightforward is to extend the coverage of existing schemes to homeworkers through changes in labour or social security legislation or by judicial or administrative action, thereby facilitating their transition to formal employment. This avenue would allow homeworkers to access the same level of social security as other employees. Homeworkers would be recognized as employees and their employers would have to pay the same social security contributions on their behalf as for other employees. In addition to adapting legal frameworks, attention should also be given to addressing financial and administrative barriers to facilitate access and to ensuring that both workers and their employers are aware of their social security rights and obligations.

The difficulties inherent in home work, however, do not simply disappear with a law stating that homeworkers have the same rights as other workers. Long supply chains still make identifying the employer a difficult task and invisibility still makes it hard for the state to enforce these laws. A second approach is to adapt existing schemes to facilitate access for homeworkers, taking into account their specific situation. For example, this may be done through a special social security

contribution, sometimes with lower contribution thresholds. The Government of Thailand pays 30 per cent of their social security contributions for homeworkers and other categories of workers. Another example is the "*microemprendedor individual*" and SIMPLES legislation in Brazil, which allows previously informal self-employed workers and employers, respectively, to contribute to social security through simplified mechanisms.

Another avenue is to approach home work from the point of view of each economic sector. Legislation can be enacted for specific economic sectors whose supply chains are well understood by the state. Australia has adopted this approach in the textiles, clothing and footwear sector, in which protections are extensive (see Chapter 6).

A variant on the sector approach is the trade or welfare board model, which finances social protection through taxes levied on the sector. The beedi board in India is an example. As explained in Chapter 5, beedi companies pay a tax per thousand beedis to the welfare board, workers pay a small fee to become members and the central and state governments make varying contributions. Such a model of taxing the end product can facilitate the financing of social security in situations where it is not possible to collect social security contributions throughout complex supply chains.[67] The obvious limitation of this model is that it only applies to homeworkers in these sectors and thus risks problems with sustainability (as it is limited to a specific pool of workers) and labour mobility (when workers shift to other economic sectors).

These different alternatives can be placed on a continuum of universality versus specificity. They are not incompatible with each other and allow countries to tailor solutions to their specific needs. When developing such policies, however, it is necessary to consider the gendered characteristics of homeworking. While homeworking is not exclusively female and social protection must also be adequate for the minority of male homeworkers, any social protection scheme that does not consider the impact of gender will risk leaving women unprotected. Homeworker legislation cannot be gender-blind.

It is also important to recognize the social fragility of homeworkers. In many countries, schemes that require homeworkers to go through the justice system to access their rights are likely not to work as they may lose access to work while doing so. With that fragility in mind, social protection mechanisms designed on behalf of homeworkers should be designed in consultation with their organizations and their employers' organizations.

7.4.8 Improving access to quality public child care

Women (and some men) have turned to working from home as a means of better reconciling work with care responsibilities. Yet most studies show that women homeworkers work when their children are asleep or are otherwise occupied, since they cannot concentrate on their work and their children at the same time. Women may also ask other family members, such as an eldest daughter or other relative, to look after younger children. They may also involve the children in their work.

Paradoxically, this means that childcare is important for homeworkers, just as it is for commuting workers. There are four common models: employer-provided childcare at or close to the workplace; publicly provided childcare close to the home; home-based child care enabled by visits by public agents who advise parents on how to stimulate their children; and (usually informal) community childcare close to home. Given that childcare provided by employers on their premises is not a possibility for homeworkers, they have only the three other alternatives.

Childcare is important for homeworkers, just as it is for commuting workers

©ILO/M.Crozet

High-quality publicly provided childcare is of course the gold standard. Unfortunately, access to public childcare is limited throughout the world. Data on early childhood education reveal that only half of the world's children are enrolled in pre-primary education, primarily in high-income countries whose pre-primary enrolment ratio is 83 per cent.[68] In low-income countries, only 22 per cent of children have access to publicly provided pre-primary childcare.[69] In low- and middle-income countries, public preschools are far more likely to be in affluent areas. Increasing access to pre-primary education helps children and parents and remains an important policy goal, but is unlikely to be expanded quickly.

Home-based childcare enabled by visits by public agents has been shown to be effective in improving outcomes for children,[70] but will hardly do much to free women for better engagement in home work (or commuting work for that matter). This leaves community childcare, of which there is a huge and largely unregulated and which may vary from relatively well-structured institutions linked to churches or NGOs to completely informal "aunties" who will take care of other women's children in their own home, usually for a modest fee. These informal networks exist throughout the world and are often ignored by the state. Regulating and supporting community childcare provisions while maintaining the commitment to eventual universal public provision is a possibility to improve the control that homeworkers have over their time.

7.4.9 Promote training and career development

As mentioned in Chapter 6, Convention No. 177 requires governments to promote equal treatment for homeworkers in relation to "access to training". Moreover, Recommendation No. 184 provides that each Member State, in cooperation with employers' and workers' organizations, should promote and support programmes that provide "training to improve homeworkers' skills (including non-traditional skills, leadership and negotiating skills), productivity, employment opportunities and income-earning capacity" and training which is "carried out as close as practicable to the workers' homes" and does not require unnecessary formal qualifications".

And yet providing training for homeworkers continues to be a challenge, since on-the-job training is usually designed for those who work on the employer's premises. Various alternatives exist for increasing homeworkers' access to training, though these depend crucially upon the type of homeworker that needs the training.

There are many examples of industrial homeworkers receiving training from their own organizations, NGOs and the public sector. In India, all three have been engaged in attempts to retrain beedi rollers to work in other industries as demand for beedis falls.[71] Likewise, homeworkers' organizations and governments have, on their own or jointly, trained industrial homeworkers in Indonesia, Thailand and the Philippines.[72] The usual format is a training workshop held close to homeworkers' homes. Much of the training is to provide management abilities, such as entrepreneurial skills for own-account home-based workers, but there has also been training in directly productive skills such as improving sewing. As usual with on-the-job training, the results are varied but the crucial result is that providing training to industrial homeworkers is entirely feasible.

Crowdworkers and teleworkers, on the other hand, are IT-enabled homeworkers. This immediately suggests the use of IT-enabled training. The ILO survey of crowdworkers in Ukraine, for example, shows that indeed this medium is used for acquiring new skills and that such skills allow them to access higher paying tasks.[73] The entire cost of this training, however, falls on the crowdworkers themselves.

However, limiting the training of teleworkers to IT-enabled training may deprive them of the opportunity to understand a firm's internal culture and build networks within the firm. On the other hand, the same reasons that lead workers to choose home work in the first place may restrict their participation in on-site training.

In conclusion, although there are various approaches to homeworker training that have been tried successfully, there is still room for improvement. First, the modalities of training should be expanded and diversified, taking into account homeworkers' particular needs, in order to increase access. Second, the skills acquired by homeworkers through non-formal and informal means should be recognized and certified.

7.4.10 Summary

Tackling the decent work deficits that are present in home work requires efforts on numerous policy fronts. While policy development and implementation is the role of governments, such efforts require collaboration with social partners, who can help with design and also in working with homeworkers, employers and their intermediaries to ensure the successful implementation of such policies. Table 7.4 summarizes the policy areas that need particular policy effort and attention. With the exception of eliminating child labour, which is a problem associated with industrial home work, all the policy areas that require action are important for the three types of home work studied in this report: industrial home work, digital platform work and telework.

Industrial home work and the poverty that often surrounds it require concerted policy action on all fronts, beginning with increasing the visibility of the work, extending legal protections and making them aware of their rights. For the large majority of them, it also means ensuring their transition to formal employment. Written contracts are critical, in particular for enforcement. This chapter has outlined practical solutions for setting fair wages, ensuring safe and healthy working conditions, eliminating child labour and improving social protection coverage and access to childcare. The policy solutions are proven and effective – they just need to be applied.

For digital platform homeworkers, the cross-border nature of their activities raises the question of applicable legislation. Nevertheless, there are some policy areas that need attention, such as ensuring that contracts (terms-of-service agreements) are presented in understandable language and using data generated from the work to monitor working conditions. The time and motion studies used for setting fair wages can be applied to platform work. Platforms can also work with governments in devising solutions to combat the psychosocial effects stemming from the work of content moderation, as discussed in Chapter 4. Policies are also needed to ensure social protection coverage and access to training for platform workers.

For teleworkers, policymakers should pay most attention to ensuring that the law is being applied and to increasing legal awareness among teleworkers. In particular, attention should be given to ensuring equal treatment between homeworkers and similar employees working on employers' premises. Given the potential risks of social isolation, it is necessary to develop actions to address workers' safety and health. The introduction of a "right to disconnect" is also an important policy measure for limiting working time and protecting teleworkers' health. Finally, the provision of quality childcare and training is important for teleworkers, just as it is for the other types of home work.

Table 7.4 Key policy actions for governments

Adopting a national policy on home work	Develop and implement a gender-responsive legal and policy framework that provides equal treatment for all categories of homeworkers in relation to other wage earners and, for those in the informal economy, facilitate their transition to formal employment.
	Regularly review and, if necessary, clarify and adapt regulations on the employment relationship following the guidance of Recommendation No. 198.
Freedom of association and collective bargaining	Ensure that homeworkers effectively enjoy freedom of association and the right to collective bargaining.
Improving homeworkers' visibility	Adopt ICSE-18 principles in household survey questionnaires.
	Improve labour registries.
Raising awareness	Ensure that homeworkers are provided with written documentation of their contractual conditions, in understandable language.
	Undertake campaigns to improve homeworkers' knowledge of their legal rights and employers' understanding of their responsibilities towards homeworkers.

Setting fair wages and limiting working hours	Ensure that homeworkers receive at least the applicable minimum wage rates.
	Ensure equal treatment between homeworkers and similar workers on employers' premises.
	Ensure the payment of fair piece rates, including with the use of time and motion studies.
	Limit homeworkers' workload and ensure that reasonable deadlines are set for the delivery of work batches.
	Provide teleworkers with the right to disconnect.
Ensuring safe and healthy workplaces	Ensure that homeworkers receive proper safety training and equipment and are not exposed to hazardous substances.
	Work with homeworkers, employers and their respective organizations to develop practical and easy-to-implement measures to improve the safety and health of their work environment, including psychosocial risks.
Eliminating child labour	Set piece-rate earnings at a level that is high enough and with sufficient time for completion so that homeworkers do not need to turn to their children for assistance.
	Apply proven policies: cash or in-kind transfers to poor families as an incentive for school attendance; provision of educational services for children; campaigns to raise awareness; and labour inspections with penalties for those found employing children.
Applying a strategic compliance model of enforcement	Work with labour inspectorates to improve their understanding of home work and how to enforce protections. Facilitate labour inspectors' access to homeworkers' workplaces in appropriate cases, taking account of privacy regulations.
	Harness the expertise and ground-based knowledge of employers' and workers' organizations and work with them to promote compliance.
	Harness the potential of digital technologies for improving compliance.
Ensuring social protection coverage	Extend existing labour and social security legislation to homeworkers, through either specific legislation or judicial or administrative action.
	Establish contribution levels and mechanisms that are adapted to homeworkers' practical situations.
Ensuring access to quality child care	Expand the provision of publicly provided childcare, while regulating and supporting community childcare.
Promoting training and career development	Expand and diversify modalities of training in order to increase homeworkers' access to training and career development.
	Ensure the recognition and certification of the skills acquired by homeworkers through non-formal and informal means.

7.5 Conclusion

It has been 25 years since the International Labour Conference adopted Convention No. 177 and its accompanying Recommendation No. 184. The Convention promotes equality of treatment between homeworkers and other wage earners, recognizing the right of homeworkers to establish or join organizations of their own choosing; to be protected against discrimination; to enjoy safe and healthy work environments; to receive fair wages; to have access to social protection and training; and to be free of child labour. It calls for labour statistics to include homeworkers and for a system of labour inspection applicable to home work. The unstated objective of the Convention is the transformation of home work into a source of decent work.

Over the last quarter century, there have been some improvements in the working conditions of homeworkers, but they have fallen short of the hopes of the delegates and stakeholders who took part in the development of the standards. Only ten countries have ratified the Convention and few governments have a comprehensive policy for home work in place. Many household surveys still cannot adequately identify homeworkers and 87 per cent of the nearly 50 million homeworkers identified are informal, which means that they are absent from labour registries. Few countries have labour inspection schemes adapted for home work.

Because it takes place in the home, it is no surprise that home work is a highly gendered form of production. Since women the world over still shoulder the burden of unpaid care work, women often turn to working from home as a way to combine care responsibilities with paid income opportunities, even if it often results in an extension of the working day. Nevertheless, the opportunity to work from home is welcome by women and men seeking flexibility, as well as by workers with disabilities who may otherwise have fewer opportunities for paid work.

Yet the shortcomings of the last two decades in policy advances continue to affect homeworkers, though in different ways. Industrial home work is subject to the greatest decent work deficits. Perhaps most disconcerting is the presence of safety and health risks arising from the handling of tools and chemicals that are seldom adapted to the home, as well as the absence of protective equipment and training in safe practices. Because of fluctuations in the demand for work and because work is often paid by the piece, industrial home work is also associated with long hours, low wages and the presence of child labour. Yet industrial home work remains a critical part of countless value chains and will remain so for the foreseeable future.

Home work in services has expanded over the past half century, buoyed by advances in information and communication technologies. This trend is expected to continue along with the rise of teleworking and the development of digital labour platforms that allow service work to be outsourced seamlessly to crowdworkers located throughout the world. Because teleworkers are by definition employees, there are fewer decent work deficits for these workers when laws are applied, but nonetheless there are risks related to long hours, the blurring of work and family life, social isolation, the wage penalties of working from home and discrimination. In the course of the COVID-19 pandemic, stories are already being told of employees working from home who have been dismissed as a result of perceptions that family responsibilities were impairing their performance. The decent work deficits for crowdworkers are similar to those experienced by industrial homeworkers as they are typically in a legislative grey zone and informal. Like industrial home workers, they face unpredictable work hours, low wages and are short-changed on social protection and training opportunities.

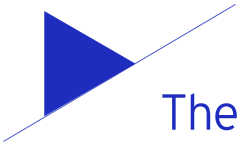
This scenario of limited improvement in the lives of homeworkers was already a source of concern in 2019, before the world was brutally hit by the COVID-19 pandemic in 2020. Almost overnight, wide swathes of the world's workers began to turn to home work as a way to maintain both their jobs and their lives. Yet due to the slow pace of policy action over the last two decades, most countries did not have an adequate policy framework for dealing with home work. Many household surveys still do not have a place of work question and very few have ancillary questions for identifying and qualifying homeworkers and their jobs.

Although there has certainly been improvement in establishing contributory and non-contributory mechanisms to provide homeworkers and other informal workers with social protection, these have fallen far short, making the provision of social protection during the pandemic much more difficult than it would have been had such mechanisms been more widespread. The lack of regulation of hours worked from home has meant that many of those who have switched to working from home find themselves unable to log off, contributing to an increase in anxiety and mental duress. In other words, the world would have been better prepared to deal with the home work resulting from COVID-19 had it given more consideration to Convention No. 177 and its accompanying Recommendation No. 184 during the last two decades.

One likely consequence of COVID-19, even when the pandemic is finally controlled, is that homeworking will be much more widespread in the years to come than it was in 2019. The "great homeworking experiment" has shown that working from home can be highly productive and that it is applicable in a wide range of occupations and industries. Given the possibility of other labour market disruptions in the future, homeworking may well feature as a key method of operation adopted by firms and their workers. All this means that Convention No. 177 and Recommendation No. 184 are more relevant than ever before.

International organizations, beginning with the ILO, have developed many instruments that provide guidance for governments seeking to build comprehensive home work policies, but more needs to be done to evaluate initiatives, disseminate good practices and provide technical assistance on their effective implementation. The efforts of lead firms in global supply chains to develop and apply good practices that recognize and support the contributions of homeworkers through private compliance initiatives also have a role to play, particularly considering the importance of supply chains in world commerce. Workers' and employers' organizations also have a crucial role to play in negotiating better working conditions while maintaining and improving productivity. Yet much of the responsibility for establishing comprehensive home work policies falls on governments. Key policy areas include improving the visibility of homeworkers; raising awareness of their rights and responsibilities; setting fair wages and limiting working hours; ensuring safe and healthy workplaces; eliminating child labour; applying a strategic compliance model of enforcement; ensuring social protection coverage; ensuring access to quality childcare; and promoting training and career development. Much remains to be done by governments, in consultation and partnership with workers' and employers' organizations and, where they exist, with associations of homeworkers and of their employers.

If we do this diligently, then perhaps we can ensure that all homeworkers – whether they are weaving rattan in Indonesia, tagging photos in Egypt, sewing masks in Uruguay or teleworking in France – have access to decent work.



The world would have been better prepared to deal with the home work resulting from COVID-19 had it given more consideration to Convention No. 177 and its accompanying Recommendation No. 184 during the last two decades

▶ Endnotes

1 See United Nations, *Guiding Principles on Business and Human Rights*, 2011; the International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols.

2 OECD, *OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector*, 2018.

3 Marlese von Broembsen and Sarah Orleans Reed, "How Homeworkers Can Use the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector", WIEGO, 2020.

4 Janine Berg, Miriam Cherry and Uma Rani, "Digital labour platforms: a need for international regulation?", Revista de Economía Laboral 16 (2019):104–128.

5 Global Commission on the Future of Work, *Work for a Brighter Future* (ILO, 2019), p. 44.

6 See IKEA, "IWAY Standard: Minimum Requirements for Environment and Social & Working Conditions when Purchasing Products, Materials and Services", 2016.

7 Lin Lean Lim, "Employment Relationships and Working Conditions in an Ikea Rattan Supply Chain: Executive Summary", ILO, 2015.

8 Pentand Brands, "Homeworking Policy", 2018.

9 HWW, "Better Wages for Homeworkers in Tamil Nadu Footwear Chains", 2019.

10 For access to the guidelines and other ETI resources on homeworking, see ETI, "Homeworker Project Resource Downloads".

11 ILO, *Interactions between Workers' Organizations and Workers in the Informal Economy: A Compendium of Practice*, 2019.

12 Including HomeNet South Asia (https://hnsa.org.in/), HomeNet South-East Asia (https://homenetsea.org/) and HomeNet Eastern Europe and Central Asia (https://hneeca.com/homenet-eastern-europe-and-central-asia/).

13 CEACR, "Bulgaria, Direct Request, Convention No. 177", 2015 ; and CEACR, "Bulgaria, Observation, Convention No. 177", 2019.

14 See ITUC, "List of Affiliated Organisations", 2019.

15 Annie Delaney et al., *Homeworking Women: A Gender Justice Perspective* (Routledge, 2019).

16 IndustriALL, "PROFILE: Fighting Forward: Home-based Women workers Organize in Pakistan", 2019.

17 India, Government of Sindh Labour and Human Resources Department, "Notification", 2019.

18 Amelita King-Dejardin, "Homeworking: Bad Job? Good Job?", study commissioned by the ILO, 2019.

19 On the action of HNT, see ILO, Interactions between Workers' Organizations and Workers in the Informal Economy; and Martha A. Chen and Shalini Sinha, "Home-based Workers and Cities", *Environment and Urbanization* 28, No. 2 (2016).

20 Homenet Thailand, unpublished report, p. 25.

21 On this inclusion, see Chapter 2.

22 Akosua K. Darkwah and Dzodzi Tsikata, "Home-Based Work and Homework in Ghana: An Exploration", study commissioned by the ILO (2020), p. 29.

23 ECLAC and ILO, *The Future of Work in Latin America and the Caribbean: Old and New Forms of Employment and Challenges for Labour Regulation*, Employment Situation in Latin America and the Caribbean No. 2, 2019.

24 ECLAC and ILO.

25 See HWW, "Can You Help Provide Emergency Food for Migrant Homeworkers in Tirupur?", 22 May 2020.

26 Saniye Dedeoğlu, "Homeworkers in Turkey: Home Bounded – Global Outreach", study commissioned by the ILO, 2019.

27 See Fair Crowd Work, "The Frankfurt Declaration on Platform-Based Work", 2017.

28 See DigitalplatformObservatory.org, "YouTubers Union and IG Metall 'Fairtube' Campaign", July 2019.

29 Ma. Lina V. Marcos, "MBMPC Profile", note by the manager of the Mariveles Bagmakers Multi-Purpose Cooperative; and Mariveles Bagmakers Multi-Purpose Cooperative brochure, unpublished; cited in King-Dejardin.

30 ILO, "MAMPU – Access to Employment and Decent Work for Women", Project Brief, 2015.

31 ILO, *Towards a Better Understanding of the Role of Cooperatives in the Ready-made Garment Supply Chain*, Cooperatives and the World of Work No 11, 2019.

32 ILO, *Interactions between Workers' Organizations and Workers in the Informal Economy: A Compendium of Practice*, 2020.

33 APINDO and ILO, "Good Practice Guidelines for the Employment of Homeworkers", 2013.

34 ILO, *An Employers' Guide on Working from Home in Response to the Outbreak of COVID-19*, 2020.

35 IOE, *IOE Guidance on Teleworking in the Times of COVID-19*, Geneva, April 2020.

36 See HWW, "The Union of Embroiderers"; the activity of house embroiderers is regulated by Regional Legislative Decree No. 12/93/M, of July 23 1993, as amended.

37 See HWW, "Fair Wear Campaign and the Homeworkers' Code of Practice"; for the Homeworkers' Code of Practice", see Chapter 7, section 11, below.

38 Susan Hayter and Jelle Visser, eds, *Collective Agreements: Extending Labour Protection* (ILO, 2018), p. 1.

39 Art. 28 of the Labour Relations Act. These provisions, introduced by a 2002 amendment to the Act, do not, however, seem to have had any effect as "[i]t is probable that few bargaining councils have the capacity to offer support services as well as extend their policing of agreements into the informal economy"; see Hayter and Visser, p. 151.

40 *Crowdsourcing-code.com*, "Code of Conduct: Paid Crowdsourcing for the Better: Guideline for a Prosperous and Fair Cooperation between Companies, Clients and Crowdworkers".

41 ILO, *Interactions between Workers' Organizations and Workers in the Informal Economy: A Compendium of Practice*, 2020.

42 See German Crowdsourcing Association and IGMetall, "Crowdsourcing Code of Conduct - Ombuds Office".

43 Shelley Marshall, "Global Best Practice in Design, Implementation and Enforcement of Homeworker Protections", unpublished.

44 ILO, "COVID-19: Guidance for Labour Statistics Data Collection", technical note, June 2020.

45 See Creative Commons, "About the Licenses".

46 See Sangheon Lee and Deirdre McCann, "Regulatory Indeterminacy and Protection in Contemporary Labour Markets: Innovation in Research and Policy", in *Creative Labour Regulation: Indeterminacy and Protection in an Uncertain World*, ed. Deirdre McCann, Sangheon Lee, Patrick Belser, Colin Fenwick, John Howe and Malte Luebker (Palgrave Macmillan and ILO, 2014), 3–32.

47 Naj Ghosheh, "New Light on an Old Issue: Piece Rate Systems in the World of Work", forthcoming.

48 ETI, "Setting Fair Piece Rates for Homeworkers: Key Principles and Possible Approaches", 2013.

49 ILO, *An Employers' Guide on Working from Home in Response to the Outbreak of COVID-19*, 2020.

50 Tsuyoshi Kawakami, Sara Aphorn and Yuka Ujita, *Work Improvement for Safe Home: Action Manual for Improving Safety, Health and Working Conditions of Home Workers* (ILO, 2006).

51 For more information on how the WISH checklist has been used, see "Home as Workplace: Health and Safety for Informal Economy Workers", YouTube, 10 April 2020.

52 Eurofound, *Telework and ICT-based Mobile Work: Flexible Working in the Digital Age*, 2020.

53 ILO, *Promoting Employment and Decent Work in a Changing Landscape*, ILC.109/III(B), 2020, para. 569.

54 ILO, *Global Estimates of Child Labour: Results and Trends, 2012–2016*, 2017.

55 ILO, "Making Ends Meet: Bidi Workers in India Today: A Study of Four States", Sectoral Activities Programme Working Paper, 2003.

56 Marshall.

57 Home Workers Protection Act B.E.2553 (2010), arts 33–35.

58 Home Workers Protection Act B.E.2553 (2010), arts 7–8.

59 Marshall.

60 ILO, "ILO Approach to Strategic Compliance Planning for Labour Inspectorates", Brief 2, 2017.

61 See Sourcemap website, https://www.sourcemap.com/

62 See BanQu website, https://banqu.co/

63 United Arab Emirates, Ministry of Labour, "Wages Protection System User Manual: Tool to Create Salary File", 2011.

64 ILO, *Assessment of the Wage Protection System in Qatar*, 2019.

65 See Worker Info Exchange website, https://workerinfoexchange.org/

66 ILO, *Protection of Workers' Personal Data: An ILO Code of Practice*, 1997.

67 See ILO, *Extending Social Security Coverage to Workers in the Informal Economy: Lessons from International Experience*, 2019, section 6.2.5.

68 Childcare and preschool are different concepts, as preschool presupposes a pedagogical objective which may or not be present in childcare; we use the terms interchangeably only because from the point of view of hours worked by women (and men), they serve the same purpose.

69 UNESCO, *Global Education Monitoring Report, 2019: Migration, Displacement and Education: Building Bridges, not Walls*, 2019.

70 Orazio Attanasio, Sarah Cattan, Emla Fitzsimons, Costas Meghir and Marta Rubio-Codina, *Estimating the Production Function for Human Capital: Results from a Randomized Control Trial in Colombia*, Working Paper 20965 (NBER, 2015).

71 ILO, "Making Ends Meet".

72 "Proceedings of the Sixth ILO-DANIDA Subregional Meeting on Statistics and Social Protection of Homeworkers", November 1996.

73 Mariya Aleksynska, Anastasia Bastrakova and Natalia Kharchenko, *Work on Digital Labour Platforms in Ukraine: Issues and Policy Perspectives* (ILO, 2018).

▶ Bibliography

Aleksynska, Mariya, Anastasia Bastrakova, and Natalia Kharchenko. 2018. *Work on Digital Labour Platforms in Ukraine: Issues and Policy Perspectives*. ILO.

Aminzade, Ronald. 1984. "Reinterpreting Capitalist Industrialization: A Study of Nineteenth-Century France". *Social History* 9 (3): 329–50.

Anner, Mark. 2019. "Predatory Purchasing Practices in Global Apparel Supply Chains and the Employment Relations Squeeze in the Indian Garment Export Industry". *International Labour Review* 158 (4): 705–27.

Australia, Department of Employment, Education and Training. 1989. *When She Goes to Work, She Stays at Home: Women*, New Technology and Home-Based Work.

Balakrishnan, Radhika. 2002. *The Hidden Assembly Line: Gender Dynamics of Subcontracted Work in a Global Economy*. Kumarian Press.

Baylina, Mireia, and Michaela Schier. 2002. "Homework in Germany and Spain: Industrial Restructuring and the Meaning of Homework for Women". *GeoJournal* 56: 295–304.

Berg, Janine. 2020. "Contemporary Digital Homework: Old Challenges, Different Solutions?" In *The Factory in the Living Room: Homebased Work and Homebased Workers*, 1800-2018, edited by Jane Barret, Indrani Mazumdar, Silke Neunsinger and Malin Nilsson. Brill.

Berg, Janine, Furrer, Marianne, M. Six Silberman, Uma Rani, and Ellie Harmon. 2018. *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World*. ILO.

Bloom, Nicholas, James Liang, John Roberts, and Zhichun Jenny Ying. 2015. "Does Working from Home Work? Evidence from a Chinese Experiment". *The Quarterly Journal of Economics* 130 (1): 165–218.

Boris, Eileen. 1985. "Regulating Industrial Homework: The Triumph of 'Sacred Motherhood'". *The Journal of American History* 71 (4): 745–763.

———. 1994. *Home to Work : Motherhood and the Politics of Industrial Homework in the United States*. Cambridge University Press.

Broembsen, Marlese von. 2020. "The World's Most Vulnerable Garment Workers Aren't in Factories – and Global Brands Need to Step up to Protect Them". *WIEGO* Blogs (blog). 21 April 2020.

Chen, Martha, Jennefer Sebstad, and Lesley O'Connell. 1999. "Counting the Invisible Workforce: The Case of Homebased Workers". *World Development* 27 (3): 603–10.

Choudhury, Prithwiraj, Cirrus Foroughi, and Barbara Larson. 2019. "Work-From-Anywhere: The Productivity Effects of Geographic Flexibilit". SSRN research paper.

Covert, Bryce. 2020. "Write a Book? Sure, Work From Home. Care for a Child? Nope". *The New York Times*. 25 June.

Dangler, Jamie Faricellia. 1994. *Hidden in the Home: The Role of Waged Homework in the Modern World-Economy*. State University of New York Press.

Darkwah, Akosua, and Dzodzi Tsikata. 2020. 'Home-Based Work and Homework in Ghana: An Exploration'. ILO.

Dedeoğlu, Saniye. 2019. "Homeworkers in Turkey: Home Bounded - Global Outreach". Study commissioned by the ILO.

Delaney, Annie, Rosaria Burchielli, Shelley Marshall, and Jane Tate. 2019. *Homeworking Women: A Gender Justice Perspective.* Routledge.

Dhamija, Jasleen. 1975. "Handicrafts: A Source of Employment for Women in Developing Rural Economies". *International Labour Review* 112 (6): 459–65.

Fan, Jiayang. 2018. "How E-Commerce Is Transforming Rural China". *The New Yorker*. 23 July.

Finkin, Matthew W. 2016. "Beclouded Work, Beclouded Workers in Historical Perspective". *Comparative Labor Law & Policy Journal* 37 (3): 603–18.

Fogarty, Helen, Peter Scott, and Steve Williams. 2011. "The Half-Empty Office: Dilemmas in Managing Locational Flexibility". *New Technology, Work and Employment* 26 (3): 183–95.

Golden, Timothy D., and Allan Fromen. 2011. "Does It Matter Where Your Manager Works? Comparing Managerial Work Mode (Traditional, Telework, Virtual) across Subordinate Work Experiences and Outcomes". *Human Relations* 64, No. 11 (2011): 1451–1475.

Hara, Kotaro, Abi Adams, Kristy Milland, Saiph Savage, Chris Callison-Burch, and Jeffrey Bigham. 2017. "A Data-Driven Analysis of Workers' Earnings on Amazon Mechanical Turk". *ArXiv*:1712.05796 [Cs].

Harker Martin, Brittany, and Rhiannon MacDonnell. 2012. "Is Telework Effective for Organizations? A Meta-analysis of Empirical Research on Perceptions of Telework and Organizational Outcomes". *Management Research Review* 35 (7): 602–16.

Hsiung, Ping-Chun. 1996. *Living Rooms as Factories. Class, Gender, and the Satellite Factory System in Taiwan*. Temple University Press.

Huws, Ursula. 1984. *The New Homeworkers: New Technology and the Changing Location of White-Collar Work*. Low Pay Unit.

ILO. 2015a. "Homeworkers in Indonesia: Results from the Homeworker Mapping Study in North Sumatra, West Java, Central Java, Yogyakarta, East Java and Banten".

———. 2015b. "Indonesia: Homework and Enterprises - Survey Findings".

———. 2015c. "Indonesia: Homeworkers and Intermediaries - Survey Findings".

———. 2017. "Purchasing Practices and Working Conditions in Global Supply Chains: Global Survey Results". Fact sheet.

———. 2018a. Resolution concerning statistics on work relationships. 20th International Conference of Labour Statisticians.

———. 2018b. *Care Work and Care Jobs for the Future of Decent Work*.

———. Forthcoming. “World Employment and Social Outlook 2021: Digital Transformation of the World of Work: The Growing Role of Digital Labour Platforms“.

ILO and APINDO. 2015. *A Study on the Practices of Employers in Engaging Homeworkers in West Java and Central Java Provinces*.

———. 2013. *Good Practice Guidelines for the Employment of Homeworkers*.

James, Al. 2019. Gendered Digital Work Lives: Feminising the Platform Economy? Paper presented to Warwick Business School / Institute of Advanced Studies, Future of Work and Inequalities workshop, University of Warwick, 13 May 2019.

Jhabvala, Renana, and Jane Tate. 1996. “Out of the Shadows: Homebased Workers Organize for International Recognition”. Population Council.

Kalpana, K. “Refusing Invisibility: Women Workers in Sub-Sontracted Work in a South Indian City”, paper presented at a conference on the theme “Long-term Perspective on Home-based Work”, Stockholm, 2018

King-Dejardin, Amelita. 2019. “Homeworking: Bad Job? Good Job?”. Study commissioned by the ILO.

Kucera, David, and Fernanda Bárcia de Mattos. 2020. “Automation, Employment, and Reshoring: Case Studies of the Apparel and Electronics Industries”. *Comparative Labor Law & Policy Journal* 41 (1).

Landes, David S. 2003. *The Unbound Prometheus: Technological Change and Industrial Development in Western Europe from 1750 to the Present*. Cambridge University Press.

Lazerson, Mark. 1995. “A New Phoenix?: Modern Putting-Out in the Modena Knitwear Industry”. *Administrative Science Quarterly* 40 (1): 34–59.

Lee, Min Kyung, Daniel Kusbit, Evan Metsky, and Laura Dabbish. 2015. “Working with Machines: The Impact of Algorithmic and Data-Driven Management on Human Workers. In *Proceedings of the 33rd Annual ACM Conference on Human Factors in Computing Systems* (ACM Press, 2015), 1603–12.

Lipsig Mummé, Caria. 1983.“‘La renaissance du travail à domicile dans les économies développées”. *Sociologie du travail* 25 (3): 313–35.

Lund-Thomsen, Peter. 2013. “Labor Agency in the Football Manufacturing Industry of Sialkot, Pakistan”. *Geoforum* 44 (2013): 71–81.

Lund-Thomsen, Peter, Khalid Nadvi, Anita Chan, Navjote Khara, and Hong Xue. 2012. “Labour in Global Value Chains: Work Conditions in Football Manufacturing in China, India and Pakistan. *Development and Change* 43 (6): 1211–37.

Martínez Sánchez, Angel, Manuela Pérez Pérez, Pilar de Luis Carnicer, and Maria José Vela Jiménez. 2007. “Teleworking and Workplace Flexibility: A Study of Impact on Firm Performance”. *Personnel Review* 36 (1): 42–64.

Marx, Karl. 1886. *Capital: A Critique of Political Economy, Volume I*. Progress Publishers.

Mazumdar, Indrani. 2018. “Homebased Work in 21st Century India”. Occasional Paper No. 64. Centre for Women’s Development Studies.

Medick, Hans. 1976. “The Proto-Industrial Family Economy: The Structural Function of Household and Family during the Transition from Peasant Society to Industrial Capitalism”. *Social History* 1 (3): 291–315.

Mendels, Franklin F. 1972. “Proto-Industrialization: The First Phase of the Industrialization Process”. *The Journal of Economic History* 32 (1): 241–61.

Messenger, Jon, ed. 2019. *Telework in the 21st Century: An Evolutionary Perspective*. Edward Elgar Publishing and ILO.

Mies, Maria. 1980. *Housewives Produce for the World Market: The Lace Makers of Narsapur*. ILO.

Mihm, Barbara. 2010. “Fast Fashion In A Flat World: Global Sourcing Strategies”. *International Business & Economics Research Journal* (IBER) 9 (6).

Noonan, Mary C., and Jennifer L. Glass. 2012. “The Hard Truth about Telecommuting”. *Monthly Labor Review* 135 (6): 38–45.

Ohno, Akihiko. 2020. ‘Relational Contracting for Rural Artisanal Products: The Case of the Lao Handweaving Industry’. *The Developing Economies* 58 (1): 3–29.

Paton, Elizabeth, and Milena Lazazzera. 2018. “Inside Italy’s Shadow Economy”. *The New York Times*. 20 September.

Peters, Pascale, Paul E. M. Ligthart, Anne Bardoel, and Erik Poutsma. 2016. “‘Fit’ for Telework’? Cross-Cultural Variance and Task-Control Explanations in Organizations’ Formal Telework Practices”. *The International Journal of Human Resource Management* 27 (21): 2582–2603.

Prügl, Elisabeth. 1999. *The Global Construction of Gender. Home-Based Work in the Political Economy of the 20th Century*. Columbia University Press.

Rose, Sonya O. 1988. “Proto-Industry, Women’s Work and the Household Economy in the Transition to Industrial Capitalism”. *Journal of Family History* 13(1): 181–193 .

Rubery, Jill, and Frank Wilkinson. 1981. “Outwork and Segmented Labour Markets“. In *The Dynamics of Labour Market Segmentation*, edited by Frank Wilkinson. Academic Press.

Satariano, Adam. 2020. “How My Boss Monitors Me While I Work From Home”. The *New York Times*. 6 May.

Schmiechen. James A. 1984. *Sweated Industries and Sweated Labor: The London Clothing Trades, 1860–1914*. (The Working Class in European History.) University of Illinois Press.

Stephany, Fabian. 2020. “Pandemic-Proof Jobs? IT Freelancers in High Demand, Other Online Workers Facing Cuts”. The ILabour Project website. 19 May.

Tilly, Chris, Rina Agarwala, Sarah Mosoetsa, Pun Ngai, Carlos Salas, and Hina Sheikh. 2013. “Informal Worker Organizing as a Strategy for Improving Subcontracted Work in the Textile and Apparel Industries of Brazil, South Africa, India and China”. United States Department of Labor

Toffanin, Tania. 2016. *Fabbriche invisibili: storie di donne, lavoranti a domicilio*. Ombre Corte.

Tubaro, Paola, Antonio A. Casilli, and Marion Coville. 2020. “The Trainer, the Verifier, the Imitator: Three Ways in Which Human Platform Workers Support Artificial Intelligence”. *Big Data & Society* 7(1):1–12._

Usborne, Simon. 2020. “End of the Office: The Quiet, Grinding Loneliness of Working from Home”. *The Guardian*. 14 July.

▶ Acknowledgements

This report was prepared by a team of the Inclusive Labour Markets, Labour Relations and Working Conditions Branch (INWORK) of the ILO, under the responsibility of Philippe Marcadent.

Technical work on the report was coordinated by Janine Berg, who wrote the report together with Martine Humblet and Sergei Soares. Florence Bonnet provided the statistical estimates presented in Chapter 2 and prepared the analysis, along with Adriana Mata-Greenwood. Tania Toffanin and Nina Trige Andersen provided background analysis that fed into parts of the report; Socorro Pardo Martínez and Mathias Wouters provided helpful research assistance.

The report benefited immensely from a series of background studies carried out by Amelita King-Dejardin (Philippines), Professors Akosua K. Darkwah and Dzodzi Tsikata (University of Ghana), Professor Saniye Dedeoğlu (Mugla University, Turkey) and Professors Angela Maria Carneiro Araújo and Bárbara Castro (Unicamp, Brazil).

We also received useful guidance and input from ILO colleagues Bharti Birla and Aya Matsuura (New Delhi) and Sandra Yu (Bangkok), whose extensive work with homeworkers provided critical empirical information and insights. Gerhard Reinecke (Santiago) also provided useful inputs.

The report benefited greatly from detailed feedback by Professors Eileen Boris of the University of California, Santa Barbara and Elisabeth Prügl of the Graduate Institute, Geneva, as well as Marlese von Broembsen, Joann Vanek and Marty Chen (WIEGO), Lucy Brill (HWW) and Professor Valerio De Stefano (KU Leuven).

We would like to thank ILO colleagues for their helpful comments on draft versions of the report, in particular: Manuela Tomei (WORKQUALITY), Philippe Marcadent, Jon Messenger, Naj Ghosheh, Chris Land-Kazlauskas, Verena Schmidt and Felix Hadwiger (INWORK), Esteban Tromel (GED), Dorothea Hoehtker and Uma Rani Amara (RESEARCH), Christina Behrendt, Shahrashoub Razavi, Maya Stern-Plaza and Quynh Anh Nguyen (SOCPRO), Simel Esim and Heejin Ahn (COOP), Sara Elder and Arun Kumar (Bangkok), Oliver Liang (SECTOR), Anna Torriente and María Marta Travieso (NORMES), Dorothea Schmidt, Kee Beom Kim, Valeria Esquivel and colleagues from the Skills and Employability Branch (EMPLOYMENT), Michael Frosch (STATISTICS), Javier Barbero (LABADMIN/OSH), Pawel Gmyrek (DDG/FOP), Samuel Asfaha (ACT/EMP) and ACTRAV colleagues.

The team wishes to thank Michael Rose for editing the report as well as the publications production team (PRODOC) for the design, layout and production of the report. We would also like to thank the ILO Department of Communication and Public Information (DCOMM) for their coordination of the launch of the report and related work in disseminating its findings.

Women pounding shea nuts at Gbanyamli in the Northern Region of Ghana © C.E. Bruku |12.08.2017.

Shea nut processing is an important economic activity for women in the Gbanyamli community in the Northern region of Ghana.

With the spread of the COVID-19 pandemic in 2020, large portions of the world's workforce shifted to homeworking, joining hundreds of millions of other workers who had already been working from home for decades. Though working from home has long been an important feature of the world of work, the institutions that govern the labour market are rarely designed with the home as a workplace in mind. The sudden rise in homeworking brings renewed urgency to the need to appreciate the implications of home work for both workers and employers. This report seeks to improve understanding of home work and to advance guidance on policies that can pave the way to decent work for homeworkers both old and new.

ilo.org

International Labour Organization
Route des Morillons 4
1211 Geneva 22
Switzerland

International Labour Organization
@ILO
ILOTV