

AMNESTY INTERNATIONAL

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Indonesia: Improved legal protections needed for domestic workers

Amnesty International is disappointed by the failure of the new Indonesian House of Representatives to include a Domestic Workers Protection bill in their list of priority legislation for 2015. As Indonesians commemorate National Domestic Workers Day on 15 February, the organization calls on the new government to work together with the House of Representatives to strengthen measures to improve legal protections for domestic workers and stem their ongoing economic exploitation, discrimination and abuse.

Domestic workers in Indonesia, the vast majority of whom are women and girls, are not fully protected by current legislation safeguarding workers' rights. Existing legislation – in particular the 2003 Manpower Law – discriminates against domestic workers because it does not afford them the same protection which other workers receive under its provisions. Domestic workers are often exploited economically and denied their rights to fair conditions of work, healthcare, education, an adequate standard of living, and freedom of movement.

Many domestic workers live and work in abusive conditions, and are subjected to physical, psychological and sexual violence on a regular basis. The National Advocacy Network for Domestic Workers (Jala PRT), which has been campaigning for years for a law to protect domestic workers, documented at least 408 cases of abuse against domestic workers in 2014.

A Domestic Workers Protection bill has been on the legislative agenda since 2010 but has faced ongoing delays. Now, the failure to include it in the list of 37 priority bills in the National Legislative Programme for 2015 highlights a continued lack of commitment by the new parliament to improve the legal protection of domestic workers in the country.

The organization is also concerned that a new Regulation by the Minister of Manpower and Transmigration (No.2 Year 2015) issued on 18 January 2015 may be seen as a substitute to implementing a law. Although the regulation mentions the right of domestic workers to information, wages, adequate rest, holidays and “good treatment”, it falls far below international labour standards.

The regulation lacks reasonable limitation of working hours; guarantees of remuneration for an adequate standard of living; and overtime pay; social security; occupational health measures; clearly defined weekly rest and leave periods including annual leave, public

holidays, sick leave and maternity leave; standards on termination of employment; access to dispute resolution mechanisms, including courts and sanctions against employers who fail to abide by it. It also lacks provisions pertaining to the specific needs of women, in particular during and after pregnancy. Further it makes no reference to the 2003 Manpower Law and the recognition of domestic workers as workers. There is also legal uncertainty as to whether the regulation can be enforced.

Amnesty International calls on the House of Representatives to prioritise the passage of the Domestic Workers Protection bill and ensure that it complies with international law and standards.

Amnesty International also calls on the Indonesian government to ratify the International Labour Organization (ILO) Domestic Workers Convention (No.189) at the earliest opportunity, incorporating its provisions into domestic law and implementing it in policy and practice. The Convention was supported by the Indonesian authorities when it was adopted in June 2011 and now has been ratified by 17 countries. Its ratification by the government will underscore their commitment to the protection of domestic workers in the country and strengthen the efforts of the Indonesian government to ensure effective legal protection of Indonesian domestic workers overseas who continue to face exploitation and abuse.