

DECENT WORK FOR DOMESTIC WORKERS



ILO Convention No. 189

ILO Recommendation No. 201

DOMESTIC WORKERS' INSTRUMENTS



- **100th Session of the International Labour Conference (June 2011):**
 - Domestic Workers Convention, 2011 (No. 189)
 - Domestic Workers Recommendation, 2011 (No. 201)
- **First international instruments to address situation of domestic workers**
- **Strong tripartite support for the promotion of decent work for domestic workers**

Objectives



- Recognizing that domestic workers have a right to decent work, like other workers
- Enabling them to enjoy their rights fully
- Advancing gender equality
- Complementing existing ILO standards

Definitions and Scope



- What does “domestic work” mean?
 - *“Work performed in and for a household or households”*
- Who is a “domestic worker”?
 - *“any person engaged in domestic work within an employment relationship”*
- Who is **not** a domestic worker?:
 - *“a person who performs domestic work only occasionally or sporadically and not on an occupational basis”*
- **Covers ALL domestic workers**
 - Under strict conditions, possible exclusions:
 1. Workers with higher or equivalent protection
 2. Workers in respect to which application of Convention’s provisions poses serious problems

Decent Work for Domestic Workers: a Rights-Based Approach



Two overarching and inter-related obligations:

- 1. Effective promotion and protection of the human rights of all domestic workers**
- 2. Measures to ensure fair terms of employment and decent working and living conditions**

C.189, Art. 3 and 6

Freedom of Association and the Right to Collective Bargaining



- **Key for improving the working conditions of domestic workers**
 - Right of domestic workers and employers to establish and join organizations of own choosing
 - Social dialogue: shaping implementation of the Convention
 - Collective agreements: one of the means of implementation

*C.189, Art. 3 and 18
R.201, Para. 2*

Abolition of Child Labour




- **Set and enforce a minimum age for domestic work**
 - Consistent with Conventions Nos. 138 and 182
 - Not lower than for other workers
- **Identify, prohibit and eliminate hazardous domestic work by children (R.201)**
- **Child domestic workers (15-18 years)**
 - Their work should not deprive them of compulsory education
 - Or interfere with their opportunities for further education or vocational training

*C.189, Art.4
R.201, Para. 5*

Protection against Abuse, Harassment and Violence



- The workplace = a private home  increased risks and vulnerability
- Put in place effective protection against *all* forms of abuse, harassment and violence, including:
 - Physical
 - Physiological or moral
 - Sexual
 - Discriminatory (e.g. based on sex, gender, ethnicity, social origin, or religion)

C.189, Art. 5
R.201, Para. 7

Information on Terms and Conditions



- **Knowing one's rights = better protection**
- **Formalizing the employment relationship: in the interest of workers and employers**
- **Right to be informed of terms and conditions of employment**
 - In an appropriate, easily understandable, and verifiable manner
 - Preferably written contracts

C.189, Art. 7
R.201, Para. 6

Working Time



- **Towards ensuring equal treatment**
 - Normal hours of work, overtime compensation, daily and weekly rest, paid annual leave
 - Taking into account the specific characteristics of domestic work
- **Weekly rest:**
 - Minimum of 24 consecutive hours
- **Stand- by**
 - Workers not free to dispose of time as they please & remain at disposal to respond to calls
 - Regarded as hours of work to the extent determined by national laws, regulations and collective agreement

C.189, Art. 10

R.189, Para. 8 to 13

Remuneration



- Extending minimum wage coverage to domestic workers, where it exists
- Address pay discrimination based on sex, consistent with Equal Remuneration Convention No. 100
- Means and modalities of payment
 - Directly to the worker
 - At regular intervals (at least once a month)
 - In cash
 - Bank transfer, cheque, money order or other means when provided for under the law
 - No deductions from remuneration for fees charged by private employment agencies

C.189, Art. 11
C.189, Art. 12, 15(1)(e)
R.201, Para. 15

Occupational Safety and Health



- **Domestic workers have the right to a safe and healthy working environment**
 - Take effective measures to ensure occupational safety and health
 - Factor-in the specific characteristics of domestic work
- **Measures may be taken progressively, in consultation with employers' and workers' organizations**

C.189, Art. 13
R.201, Para. 4, 19

Social security



- Ensuring social security coverage for domestic workers, including maternity benefits
 - Conditions not less favourable than for workers in general
 - Factor-in the specific characteristics of domestic work
- Measures may be taken progressively, in consultation with employers' and workers' organizations

C.189, Art. 14
R.201, Para. 20, 26(2)

Migrant Domestic Workers



- Instruments cover all domestic workers, including migrants
 - Moreover, specific provisions for protection of migrant domestic workers
- Written job offer or contract before traveling to country of employment
 - Exception: workers enjoying freedom of movement for employment
- Conditions for repatriation to be specified
- Emphasis on cooperation between ILO Members

C.189, Art.8
R.201, Para. 20(2), 21, 22, 23, 26

Live-in Domestic Workers



- **Key principles:**
 - Decent living conditions respecting worker's privacy
 - Freedom to reach agreement on live-in requirement
 - No obligation to remain in household during daily and weekly rest, annual leave
 - Right to keep personal documents
- **Access to third-party assistance and effective protection in case of dispute or abuse (R.201)**

C.189, Art. 6 and 9
R.201, Para. 3, 17, 18

Dispute Settlement Mechanisms



- Ensuring effective access for domestic workers to
 - courts, tribunals or other dispute settlement mechanisms
- As individuals or through a representative
- Under conditions not less favourable than those available to other workers

C.189, Art. 16

R.201, Para. 7, 21

Ensuring Compliance



- **Compliance with laws and regulation protecting domestic workers:**
 - Crucial to make the Convention effective
- **A combination of means**
 - Effective and accessible complaints mechanisms
 - Develop and implement measures for labour inspection, enforcement and penalties
- **Balancing the right to equal protection with the privacy of the home**

C.189, Art. 17
R.201, Para. 7, 21, 24

Means of Implementation



- Laws and regulations
- Collective agreements
- Additional measures
 - ✦ Arbitration awards,
 - ✦ bilateral & multi-lateral agreements,
 - ✦ policies and programmes,
 - ✦ model contracts, codes of conduct
 - ✦ provision of information, hotlines, outreach etc.
- Extending or adapting existing measures to cover domestic workers
- Development of specific measures
- In consultation with workers' and employers' organizations
- Mobilization of society to bring domestic work into the formal economy

More Information



- The texts of Convention No. 189 and recommendation No. 201
- Policy briefs, studies and research on domestic work
- ILO activities to promote decent work for domestic workers

<http://www.ilo.org/global/topics/domestic-workers/lang--en/index.htm>