DECENT WORK FOR DOMESTIC WORKERS

ILO Convention No. 189
ILO Recommendation No. 201
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

C. 189, Art. 1
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*
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
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
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