International Labour Organisation (ILO) Convention of 2011 concerning decent work for domestic workers (Convention No 189): ratification by Member States

2013/0085(NLE) - 23/07/2013 - Legislative proposal

PURPOSE: to authorise Member States to ratify, in the interests of the European Union, the Convention concerning decent work for domestic workers, 2011, of the International Labour Organisation (ILO Convention No 189).

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT : Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND : the European Parliament, the Council and the Commission are promoting the ratification of international labour conventions that have been classified by the International Labour Organisation as up-to-date, as a contribution to the European Union's effort to promote decent work for all both inside and outside the Union, of which the protection and improvement of workers' working conditions is an important aspect.

The Domestic Workers Convention No 189 was adopted at the 100th Session of the International Labour Conference on 16 June 2011 and is due to enter into force in September 2013. It lays down global minimum labour protection for domestic workers. This text is among the ILO Conventions that have been classified by the ILO as up to date and are therefore actively promoted.

The European Union is committed to promoting the decent work agenda, both internally and in its external relations. **Labour standards are a core element of the concept of decent work**. The ratification of ILO Conventions by Member States thus sends an important signal as to the coherence of the Union’s policy in improving labour standards worldwide.

In addition, as part of the EU’s Strategy towards the eradication of Trafficking in Human Beings, the Commission urged Member States to ratify all international instruments, agreements and legal obligations which will contribute to addressing trafficking in human beings in a more effective, coordinated and coherent manner. These include the Domestic Workers Convention No 189.

Most of the rules under Convention No 189 concerning decent work for domestic workers, 2011, of the International Labour Organisation (ILO), are covered to a large extent by Union acquis in the areas of social policy, anti-discrimination, judicial cooperation in criminal matters and asylum and immigration.

The Convention's provisions on protecting migrant domestic workers potentially affect the freedom of movement for workers — an area which falls under the Union's exclusive competence.

As a consequence, parts of the Convention fall within the competence of the Union, and Member States may not enter into commitments in relation to these parts outside the framework of the Union's institutions.

The European Union cannot ratify the Convention, as only States can be parties thereto.

In this situation, Member States and the Union's institutions must cooperate in regard to the ratification of the Convention.

The Council should therefore authorise the Member States that are bound by Union law on minimum requirements in the area of working conditions to ratify the Convention in the interests of the Union.

IMPACT ASSESSMENT : no impact assessment was carried out.

LEGAL BASIS : Article 153 in conjunction with Article 218(6)(a)(v) and Article 218(8), first subparagraph of the Treaty on the Functioning of the European Union (TFEU).

CONTENT : under this proposal, Member States are hereby authorised to ratify, for the parts falling under the competence conferred upon the Union by the Treaties, the Convention concerning decent work for domestic workers, 2011, of the International Labour Organisation (Convention No 189).

Scope : the provisions of the Convention are intended to help curb the abuse and exploitation of domestic workers.

Definitions : a domestic worker is defined as any person engaged in domestic work (work performed in or for a household or households) within an employment relationship.

Principles : the Convention requires ILO Member States to take measures to prevent violence and child labour in the domestic employment setting. The fundamental labour-related rights of domestic workers are protected by requiring each State party to take the measures set out in the Convention to respect, promote and realise the fundamental principles and rights at work.

Main provisions : the Convention requires ILO Member States to:

- establish a minimum age for domestic work and safeguards for workers under age 18;
- prevent abuse and violence;
- ensure fair terms and decent conditions of employment;
- make certain that workers are informed of the terms and details of their employment;
- regulate foreign recruitment and ensure freedom of movement;
- mandate equal treatment between domestic workers and other workers with regard to compensation and benefits;
- regulate and monitor private employment agencies; and
- develop a specific complaints mechanism.

BUDGETARY IMPLICATION: the proposal has no implications for the EU’s budget.