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

2013/0085(NLE) - 28/01/2014 - Final act

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).

NON-LEGISLATIVE ACT: Council Decision 2014/51/EU authorising 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 (Convention No 189**).**

CONTEXT: 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 are important aspects.

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, the ratification of the Convention must be the fruit of **co-operation between Member States and the Union's institutions**.

This is why the Member States that are bound by Union law on minimum requirements in the area of working conditions should be authorised to ratify the Convention in the interests of the Union.

CONTENT: with the present Decision, Member States are 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.

Definition: 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.