Basic information

2013/0085(NLE) NLE - Non-legislative enactments	Procedure completed
International Labour Organisation (ILO) Convention of 2011 concerning decent work for domestic workers (Convention No 189): ratification by Member States **Subject** 4.10.03 Child protection, children's rights 4.15.04 Workforce, occupational mobility, job conversion, working conditions 4.15.12 Workers protection and rights, labour law 6.40.13 Relations with/in the context of international organisations: UN, OSCE, OECD, Council of Europe, EBRD 7.30.30.02 Action to combat violence, trafficking in human beings and migrant smuggling	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	ZUBER Inês Cristina (GUE/NGL)	17/04/2013
	Shadow rapporteur UNGUREANU Traian (PPE) PAPADOPOULOU Antigoni (S&D) HARKIN Marian (ALDE) LAMBERT Jean (Verts/ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs	The committee decided not to give an opinion.	
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
FEMM Women's Rights and Gender Equality	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	3290	2014-01-28

European Commission	

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	ANDOR László

Key events

Date	Event	Reference	Summary
21/03/2013	Preparatory document	COM(2013)0152	Summary
23/07/2013	Legislative proposal published	11462/2013	Summary
10/09/2013	Committee referral announced in Parliament		
14/11/2013	Vote in committee		
18/11/2013	Committee report tabled for plenary, 1st reading/single reading	A7-0394/2013	Summary
10/12/2013	Debate in Parliament		
11/12/2013	Decision by Parliament	T7-0554/2013	Summary
11/12/2013	Results of vote in Parliament		
28/01/2014	Act adopted by Council after consultation of Parliament		
28/01/2014	End of procedure in Parliament		
01/02/2014	Final act published in Official Journal		

Technical information

Procedure reference	2013/0085(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 218-p8-a1 Treaty on the Functioning of the European Union TFEU 153-p1
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/7/12310

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE519.508	16/10/2013	
Committee report tabled for plenary, 1st reading/single				

reading		A7-0394/2013	18/11/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0554/2013	11/12/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	11462/2013	23/07/2013	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2013)0152	21/03/2013	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2014/0051
OJ L 032 01.02.2014, p. 0032 Summary

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

2013/0085(NLE) - 21/03/2013

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: the Council may adopt the act only if the European Parliament has given its consent.

BACKGROUND: 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 (EU) 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 consistency 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.

It is therefore necessary that any legal impediments to ratification by Member States be removed at the level of the EU for the Domestic Workers Convention No 189, the substance of which does not cause concern in the light of the existing Union *acquis*.

IMPACT ASSESSMENT: no impact assessment was undertaken.

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

CONTENT: this proposal makes provision for the authorisation of the Member States to ratify ILO Convention No 189 concerning decent work for domestic workers.

Scope: the provisions of the Domestic Workers Convention No 189 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.

Competences: the Domestic Workers Convention No 189 addresses areas of Union law where the degree of regulation has already reached an advanced stage. It mainly deals with aspects relating to the social policy area, where Union law sets minimum requirements on health and safety at work, protecting young people at work, maternity protection, the written statement, working time, immigration and temporary agency work2. It deals with aspects relating to the anti-discrimination area where Union law sets minimum requirements on employment equality, gender equality and maternity protection. It also deals with aspects relating to judicial cooperation in the criminal matters area and in the asylum and immigration area.

In accordance with the rules on external competences that have been drawn up by the Court of Justice of the European Union6, and more specifically as regards the conclusion and ratification of a Convention of the International Labour Organisation, Member States are not in a position to autonomously decide on the ratification of a Convention without the Council's prior authorisation, where parts of the Convention fall under Union competence.

At the same time, the European Union as such cannot ratify any ILO Convention, because only States can be parties to such conventions.

Consequently, if the subject-matter of an agreement or contract falls partly within the competence of the Union and partly within that of the Member States, **the Union institutions and the Member States must take all the necessary measures to best ensure cooperation in ratifying the Convention** and in implementing commitments resulting from that Convention.

The Council shall 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 European Union.

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

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

2013/0085(NLE) - 21/03/2013 - Preparatory document

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: the Council may adopt the act only if the European Parliament has given its consent.

BACKGROUND: 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 (EU) 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 consistency 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.

It is therefore necessary that any legal impediments to ratification by Member States be removed at the level of the EU for the Domestic Workers Convention No 189, the substance of which does not cause concern in the light of the existing Union *acquis*.

IMPACT ASSESSMENT: no impact assessment was undertaken.

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

CONTENT: this proposal makes provision for the authorisation of the Member States to ratify ILO Convention No 189 concerning decent work for domestic workers.

Scope: the provisions of the Domestic Workers Convention No 189 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.

Competences: the Domestic Workers Convention No 189 addresses areas of Union law where the degree of regulation has already reached an advanced stage. It mainly deals with aspects relating to the social policy area, where Union law sets minimum requirements on health and safety at work, protecting young people at work, maternity protection, the written statement, working time, immigration and temporary agency work2. It deals with aspects relating to the anti-discrimination area where Union law sets minimum requirements on employment equality, gender equality and maternity protection. It also deals with aspects relating to judicial cooperation in the criminal matters area and in the asylum and immigration area.

In accordance with the rules on external competences that have been drawn up by the Court of Justice of the European Union6, and more specifically as regards the conclusion and ratification of a Convention of the International Labour Organisation, Member States are not in a position to autonomously decide on the ratification of a Convention without the Council's prior authorisation, where parts of the Convention fall under Union competence.

At the same time, the European Union as such cannot ratify any ILO Convention, because only States can be parties to such conventions.

Consequently, if the subject-matter of an agreement or contract falls partly within the competence of the Union and partly within that of the Member States, **the Union institutions and the Member States must take all the necessary measures to best ensure cooperation in ratifying the Convention** and in implementing commitments resulting from that Convention.

The Council shall 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 European Union.

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

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.

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

2013/0085(NLE) - 18/11/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Employment and Social Affairs adopted the report by Inês Cristina ZUBER (GUE/NGL, PT) on the draft Council decision 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).

Members recommended the European Parliament to give its consent to the conclusion of the Agreement for the purpose of **improving the protection of women and migrants** who find themselves in extremely vulnerable situations, becoming victims of discrimination and many forms of abuse involving severe violations of their human rights.

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

2013/0085(NLE) - 11/12/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 530 votes to 37, with 8 abstentions, a legislative resolution on the draft Council decision 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).

Parliament gave its approval to the conclusion of the Convention.

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;
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- 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.