



Towards new international labour standards for domestic workers

The second discussion
(June 2011)

Why new ILS on domestic workers?



- Domestic work is invisible and poorly regulated
- Inadequate legal protection results in sub-standard working conditions
- Domestic workers are vulnerable to abuses of fundamental human rights

Why new ILS on domestic workers?



- Domestic workers are predominately women and girls, many of them migrants and, as such, particularly vulnerable to abuse
- Growing demand for domestic work (especially care work) across the world
- Global minimum standards to facilitate closing of protection gaps

Increasing momentum



- Recent legislative and policy initiatives e.g. in *China, India, Indonesia, Jordan, Lebanon, Philippines, United States (NY), Zambia*
- Increasing requests for technical assistance from the ILO
- UN bodies call for action to better protect domestic workers
 - Need for a global reference framework

The standard setting process



- March 2008 ILO Governing Body initiated procedure towards adoption of new ILS on **decent work for domestic workers** (double discussion)
- June 2010 The International Labour Conference (ILC) held the first discussion and adopted **Conclusions**
- Aug to Nov. 2010 Draft instruments prepared by the Office ("**Brown report**") sent out to membership for comment
- March 2011 Publication of the "**Blue report**" containing summaries of comments received and revised draft instruments
- June 2011** ILC to hold **second discussion** with a view to adopting standards (Convention and Recommendation)

Brown report: replies



A high response rate:

- Replies from constituents of **more than 90 ILO member States** across all regions
- Replies also from the **United Nations** and the **European Commission**

Brown report



- Government replies by region

Region	Number of countries	Replies received (*)	Reply rate
Americas	35	17 (26)	46%
Africa	53	19 (10)	36%
Arab States	11	8 (11)	72%
Asia	33	9 (15)	27%
Europe	51	37 (30)	73%
Total	183	90 (92)	49%

(*) number of replies to White report (questionnaire)

Blue report



- **Report IV(2A)**
 - **Summary of comments** received on the proposed texts contained in the Brown report
 - **Office Commentary:** explanations of revisions to the draft instruments, and suggestions as to possible alternative wording

- **Report IV(2B)**
 - The revised **proposed Convention and Recommendation**
 - Basis for second discussion in June 2011

The proposed instruments



Definitions

- Domestic work = work performed in or for a household or households
- Domestic worker = person engaged in domestic work within an employment relationship
- Excluded: persons performing domestic work only sporadically or occasionally and not as a means of earning a living

Scope

- All domestic workers
- Possibility to exclude certain categories (flexibility clause)

The proposed Convention



Article	Subject matter
1,2	Definitions, scope, flexibility clause
3,4	Human rights, child domestic labour
5	Fair terms and conditions of employment, decent working and living conditions
6	Information on terms and conditions, written contracts
7	Protection of migrant domestic workers
8	Protection from abuse, harassment and violence
9	Live-in domestic workers, identity and travel documents, privacy

The proposed Convention (cont.)



Article	Subject matter
10	Working time
11	Minimum wage coverage
12	Protection of wages, payment in kind
13,14	Occupational safety and health, social security
15	Access to dispute settlement procedures
16	Compliance mechanisms
17	Protection against abuse practices by employment agencies
18	Implementation of the Convention

The proposed Recommendation



Paragr.	Subject matter
2	Freedom of association and the right to collective bargaining
3	Discrimination, medical testing
4	Identification and prohibition of hazardous domestic work for children; protection of young domestic workers
5	Information on terms and conditions of employment, model contracts
6-12	Working time
13-15	Protection of wages, payment in kind
16	Accommodation and food
17	Termination of employment (live-in domestic workers)

The proposed Recommendation (cont.)



Paragr.	Subject matter
18, 19	Occupational safety and health, social security
20, 21	Additional protection of migrant domestic workers
22	Continuing development of competencies and qualifications, including literacy training Work-live balance needs Rights of domestic worker and general efforts for work and family reconciliation Collection of statistical data on domestic workers
23	International cooperation

The second discussion



- Issues identified by many replies for further discussion include the following:
 - Definitions and scope
 - Working time
 - Occupational safety and health
 - Employment agencies
 - Right to privacy

ILC June 2011



- Establishment of a technical committee, the **Committee on Domestic Workers**
- Committee's work: general statements and amendment process
- **Committee's report**, including proposed instruments, to be adopted by Plenary
- Conference Drafting Committee to establish **final texts**
- Final decision taken by **Plenary record vote** (two-thirds majority required)