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# Decent Work for Domestic Workers – Update and Technical Comments

Technical working group meeting: 5 February 2015

ILO - GMS TRIANGLE Project  
Phnom Penh, Cambodia

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# Overview



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## Domestic Workers Convention and Recommendation

- Why a Convention was needed

## International Update

- Progress to ratify Convention 189

## Key provisions

- Main articles of C189 and R201

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# Convention 189 and Recommendation 201



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## What is Convention 189 (C189)?

- Lays down **minimum standards** to safeguard domestic workers' rights to **decent working and living conditions**.

## What is Recommendation 201 (R201)?

- Complements C189 with **guidance material** for policies and programs: professional development; work-life balance; data collection; and international cooperation.

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# Convention 189 and Recommendation 201



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## Why were C189 and R201 needed? Isn't CEDAW enough?

1. Domestic work is mainly performed by women



Need to have specific protection mechanisms

2. Domestic work is 'real' work



Transition from informality to formality

3. Domestic work as a global issue



Applying in Cambodia as well as for Cambodian migrant workers

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# International update



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## Steps towards the C189 and R201

- 2008: international movement towards recognition of domestic workers rights
- 2011: International Labour Conference – adoption of C189 and R201
- 2013: entry into force following ratification by 2 states (Philippines and Uruguay)

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# International update



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## 2012:

Uruguay, Philippines, Mauritius

## 2013:

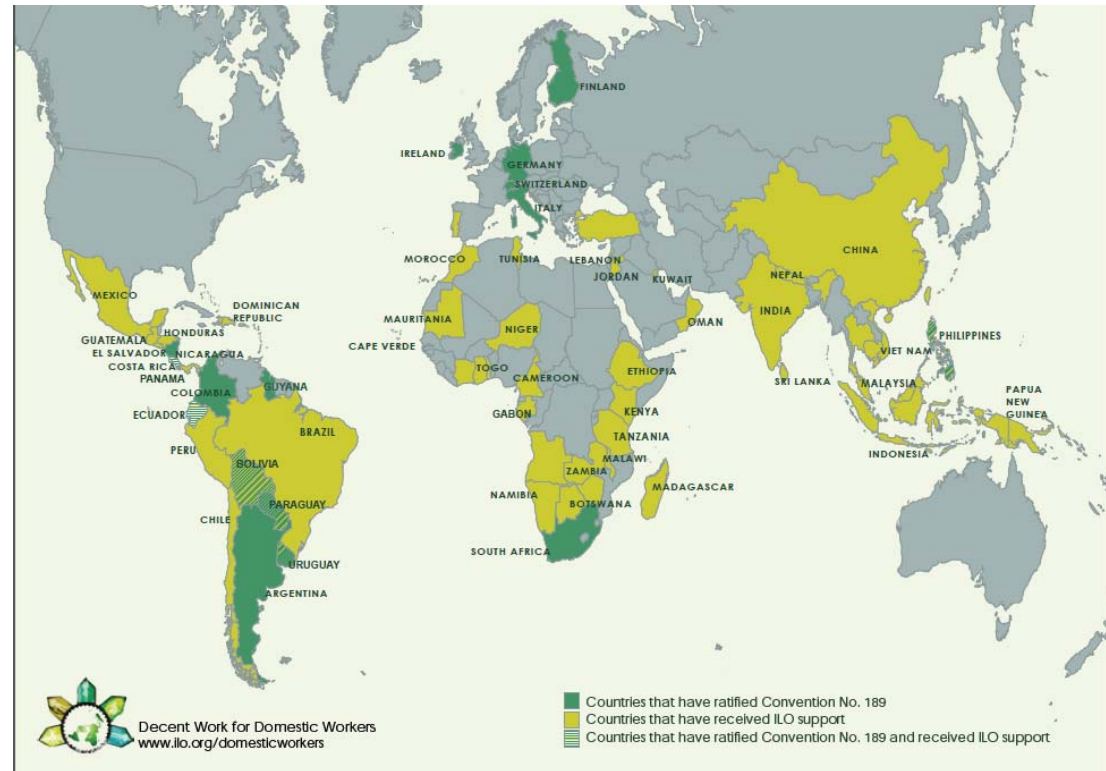
Bolivia, Ecuador, Germany,  
Guyana, Italy, Nicaragua,  
Paraguay, South Africa

## 2014:

Costa Rica

## Countries which have ratified but not yet in force:

Colombia, Argentina, Ireland,  
Switzerland (will come into  
force in 2015) and Finland  
(come into force 2016)



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# Technical Comments - General



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## **Legal framework for domestic workers should regulate:**

- Information on terms and conditions of employment
- Hours of work
- Remuneration
- Termination of employment
- Occupational safety and Health
- Social security
- Private employment agencies
- Live-in and live-out domestic workers
- Child labour

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# Technical comments - Definitions



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## Define “domestic work”

- Means work performed in or for a household or households
- Domestic work includes: cooking, cleaning the house, washing and ironing the laundry, general housework, looking after children, the elderly or people with disabilities, as well as maintaining the garden, guarding the house premises and driving the family car

## Define “domestic worker”

- Means any person engaged in domestic work within an employment relationship



# C189 overview



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## Protection and promotion of human rights for domestic workers: Article 3 - 4 - 5

Freedom of association

Elimination of all forms of forced or compulsory labour

Abolition of child labour

Elimination of discrimination

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## Fair terms of employment and decent working conditions (Article 6 and 7)

- Fair terms of employment and decent working and living conditions
- Contract must be appropriate, verifiable, easily understood and preferably written
- Specific terms and conditions must be provided:
  - Usual workplace
  - Remuneration
  - Normal hours of work
  - Periods of daily and weekly rest

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# C189 overview



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## Hours of work: Article 10

- Equal treatment between domestic workers and workers generally
- Weekly rest period of at least 24 consecutive hours
- Regulation of stand-by hours

## Remuneration: Articles 11 and 12

- Minimum wage coverage
- Payment must be regular, direct, in cash or by agreement with workers generally

## Occupational Health and Safety: Article 13

- Safe and healthy environment

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## **Social Security: Article 14**

- No less favourable than for workers generally
- Include maternity benefits

## **Private Recruitment Agencies: Article 15**

- Clear conditions governing operations of PRAs
- Procedures for investigations of complaints, alleged abused and fraudulent practices
- No fees deducted from remuneration of worker

# C189 overview



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## Compliance and Enforcement: Article 16 and 17

- Effective access to courts, tribunals or other dispute resolution mechanisms
- Effective and accessible complaints mechanism
- Labour inspection, enforcement and penalties

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# Thank you

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