

IOE Statement

Mr. Khalifa Mattar

Excellencies,

Ladies and Gentlemen,

I am pleased and honoured to speak to you today on behalf of the international Organization of Employers, and wish to begin by thanking the ILO's Regional Office for Arab States for convening this important workshop and for inviting the IOE to take part in it. I also take this opportunity to relay to you the warm greetings of the members of the IOE's Board of Directors as they have asked me to wish you and this first consultative workshop on Convention 189 in the Arab Region every success.

We are fully aware of the importance of continued tripartite dialogue on Convention 189 on Domestic Labour, so that we can build on what we accomplished at the 101st International Labour Conference in June of this year and overcome the challenges that stand in the way of agreement among the ILO's three constituents on what is required to implement this fledging convention; only by reaching such an agreement, which takes into consideration the respective interests of domestic workers and householders and their equal right to protection under the law, and the sovereign prerogative of national governments to prioritize their legislative agenda.

It is worth noting that, over the last two consecutive ILC sessions, Employers have consistently upheld the following:

One - National governments are called upon to conduct a careful review of the circumstances of domestic work and its current regulation and fully assimilate what ratification of Convention 189 requires in terms of legislative and regulatory change prior to considering or acting on ratifying;

Two - That regulation of domestic work must take into consideration both the rights of domestic workers and the needs and requirements of householders that employ them, recognizing that the conditions surrounding domestic work substantially differ from those in other work environments, and, consequently, that the arbitrary, undifferentiated application of accepted labour standards and conditions to domestic work is unrealistic;

Three - That Convention 189 provides for progressive implementation in key areas including hours of work, occupational safety and health and social security. Thus, Employers call upon governments to adopt progressive implementation, whether in the course of merely upgrading its current domestic work regulation or in anticipation of ratification;

Four - The rich and engaged discussions during the last two ILC sessions have surfaced areas of potential immediate action and measures that can be adopted by governments to expand legal protection of domestic workers, particularly in the areas of human rights and the right of access to courts, and paved the way for bilateral and multilateral discussions on areas of potential cooperation between sending and receiving countries, without tying such measures and/or potential collaboration to ratification;

Five - Employers believe that in the context of further tripartite consultations on Convention 189, employer organizations are best qualified to represent householders; while parent associations and other civil society formations may, indeed, contribute to upholding householders' rights, only established employer organizations, particularly those that are members of international employer organizations, possess the necessary resources and expertise to act as householder advocates and representatives.

Consistent with what preceded, let me quickly take up a few of issues pertaining to Convention 189 and Recommendation 201 that, in the view of Employers, require further clarification, hoping that, in the process, I may contribute to on-going dialogue, and, eventually, a larger consensus among ILO constituents.

The first issue is that of work hours and compensation for overtime. Article 10 of the Convention requires that a ratifying country "*shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work [and] overtime compensation...*". Employers encourage social partners to exhibit flexibility in interpreting what "equal treatment" might mean in the particular context of domestic work, so that we may reach a consensus that takes into consideration the worker's right to know, and consent to the hours of work for which he receives agreed compensation, and the need of a householder to a flexible scheduling of working hours that meet his or her requirements.

The second issue has to do with inspection. Paragraph 21(1) of the Recommendation asks governments to consider providing for a system of pre-placement visits to households in which a migrant domestic worker is to be employed, making a link to Article 17 on Inspection. Employers maintain the view that such a concept is flawed, as it runs the risk of violating the right of families to privacy in addition to potentially and unduly delaying the deployment of the migrant worker.

Indeed, inspection of households represented one of the most contentious issues during the ILC deliberations and Employers continue to believe that the right to privacy is both a basic human right and one of citizenship. Employers, thus, continue to advocate that governments refrain from pursuing home inspection as a regulatory tool in favour of other, less intrusive options, particularly in view of the fact that inspectors gaining access to the family home is not an obligation under Article 17, it is an option.

There are, of course, several other issues that will be deliberated over the course of the next three days, and I look forward to participate in these deliberations in pursuit of a wider consensus within the ILO, an objective that the IOE has consistently sought to accomplish. I take this opportunity to reiterate our commitment to constructive and responsible dialogue, keeping in mind the interests of our members and their right to preserve the gains they have achieved over the years. We, employers recognize that a tripartism that is founded on consensus and maintaining the balance of interests and roles of ILO's three constituting groups is the primary safeguard of ILO's continued success and prosperity.

I wish our meeting success.