

Will Arab states ratify historic international labour standards on domestic work?

Arab governments, workers and employers have largely supported the adoption of the Convention and Recommendation on Decent Work for Domestic Workers, and must now consider ratification

Geneva (ILO News) - Most Arab delegates to the International Labour Conference supported the adoption of historic international labour standards on decent work for domestic workers on Thursday (June 16), with only a handful of abstentions. But some highlighted the challenges to ratification and implementation in Arab countries.

The region hosts a significant number of migrant workers - some 22 million - one third of whom are women engaged in domestic work, originating from Asian and African countries such as Sri Lanka, the Philippines, Bangladesh, Nepal, Indonesia and Ethiopia.

The number of migrant domestic workers varies from country to country. While Saudi Arabia hosts some 1.5 million migrant domestic workers, estimates for Lebanon (225,000) and Jordan (77,000) are much lower.

These workers are largely excluded from national labour legislation, social security regimes and occupational health and safety provisions and are often tied to their employers through a restrictive sponsorship system. The majority of them have their passports and papers taken away by their employers and are not allowed outside the home on their day off. The informal, unregulated and isolated nature of their work renders them vulnerable to exploitation and abuse.

ILO Convention 189 and Recommendation 201 on Decent Work for Domestic Workers set out that domestic workers who care for families and households must have the same basic labour rights as those available to other workers: reasonable hours of work, weekly rest of at least 24 consecutive hours, a limit on in-kind payment, clear information on terms and conditions of employment, as well as respect for fundamental principles and rights at work including among others freedom of association and the right to collective bargaining.

Under international law, the next step for Member States will be to submit the new labour standards to their national competent authority for enactment or other action, including ratification. Ratification would mean accepting the Convention and Recommendation as legally binding instruments and would require ensuring they are applied through harmonizing national legislation and other methods.

Whether or not Arab governments will ratify or seek to implement the new standards remains to be seen.

“There is an Arab consensus on the adoption of the Convention and Recommendation on

Decent Work for Domestic Workers but there are major obstacles to implementation at the national level,” said Bahraini Workers' delegate Ibrahim Hamad. “Far-reaching legislative changes will have to be made in the countries that host the vast majority of migrant domestic workers, such as the Gulf Cooperation Council states.”

Saudi Workers' delegate Nidal Mohammad Radwan agreed that it would take some time to achieve ratification, but said significant efforts are already underway in several Arab countries to bring national laws in line with international standards: “There is a debate in Saudi Arabia at the moment about introducing new regulations - such as an insurance scheme - to better protect domestic workers and the families that employ them. If these laws are passed, Saudi Arabia would move closer towards ratification.”

Speaking on behalf of the Gulf Cooperation Council countries at the Domestic Workers' Committee meeting, United Arab Emirates Government representative Humaid Rashid Bin Demas noted that a unified labour contract for domestic workers had been adopted in Kuwait, and new legislation in the UAE would allow for labour inspection in private households.

Convention 189 on Domestic Workers (2011) was adopted by a vote of 396 to 16, with 63 abstentions and the accompanying Recommendation 201 by a vote of 434 to 8, with 42 abstentions. The Convention is an international treaty that is binding on Member States that ratify it, while the Recommendation provides more detailed guidance on how to apply the Convention.

Ten of the 63 abstentions were registered by Arab delegates, mainly employers who underlined their support for bringing domestic work into the mainstream and addressing human rights concerns but also voiced reservations.

In 2010, the Employer's group had favoured a stand-alone Recommendation in preference to a Convention explaining that an overly prescriptive Convention could suffer a low ratification rate. Employers have also emphasized the unique nature of domestic work, which takes place in the home, where family rights must be respected.

“One of the greatest challenges to implementing this Convention and Recommendation, especially in Arab countries, is how to conduct labour inspection while respecting the privacy of homes. Labour inspectors everywhere do not have the right to enter homes. So this could be one of the greatest challenges for Arab countries,” said Egyptian Government delegate Iman Nahas.

Many believe that, in order to be effective, legislative changes would have to be accompanied with - or indeed preceded by - a change of mindset.

“It is easy to discuss legal texts and conventions, and we may even amend national legislation and ratify conventions, but the real challenge is how to make these principles a reality. In discussing and adopting this convention, we have accepted an international and national obligation. We hope that our commitment to domestic workers will be both a legal and a moral one,” said United Arab Emirates Government delegate Humaid

Rashid Bin Demas.

“There is a genuine need for awareness-raising in Arab countries, to develop a more humane view of domestic workers and to recognize that domestic workers are real workers, not servants,” added Bahraini Workers’ delegate Ibrahim Hamad.

The vote took place at the annual 100th International Labour Conference in Geneva, Switzerland. The ILO is the only tripartite organization of the UN, and each of its 183 Member States is represented by two government delegates, and one employer and one worker delegate, with an independent vote. A two-thirds majority of votes is required for a standard to be adopted.

The call for a standard to protect domestic workers was first mooted at the ILC in 1965.

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