

Labour law coverage for domestic workers: What, Why and How?



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What is labour law coverage?



- Means that specific rights and protections are available under the country's generally applicable laws and regulations governing employment and labour matters
- Labour law is enforced by the State
- Labour law systems vary
- Usually a central piece of legislation, supplemented by other regulatory enactments

Different: The employment contract



- An agreement made between the employer & worker
- Creates mutual rights and obligations between the parties
 - Not a generally applicable norm
- Formalizes and shapes the employment relationship
- Labour law requirements for contracts
 - Form & Content
 - Model contracts, standard employment contracts
- Is “enforced” by the parties
 - Party alleging violation must bring a claim

Why extending labour law to domestic workers?

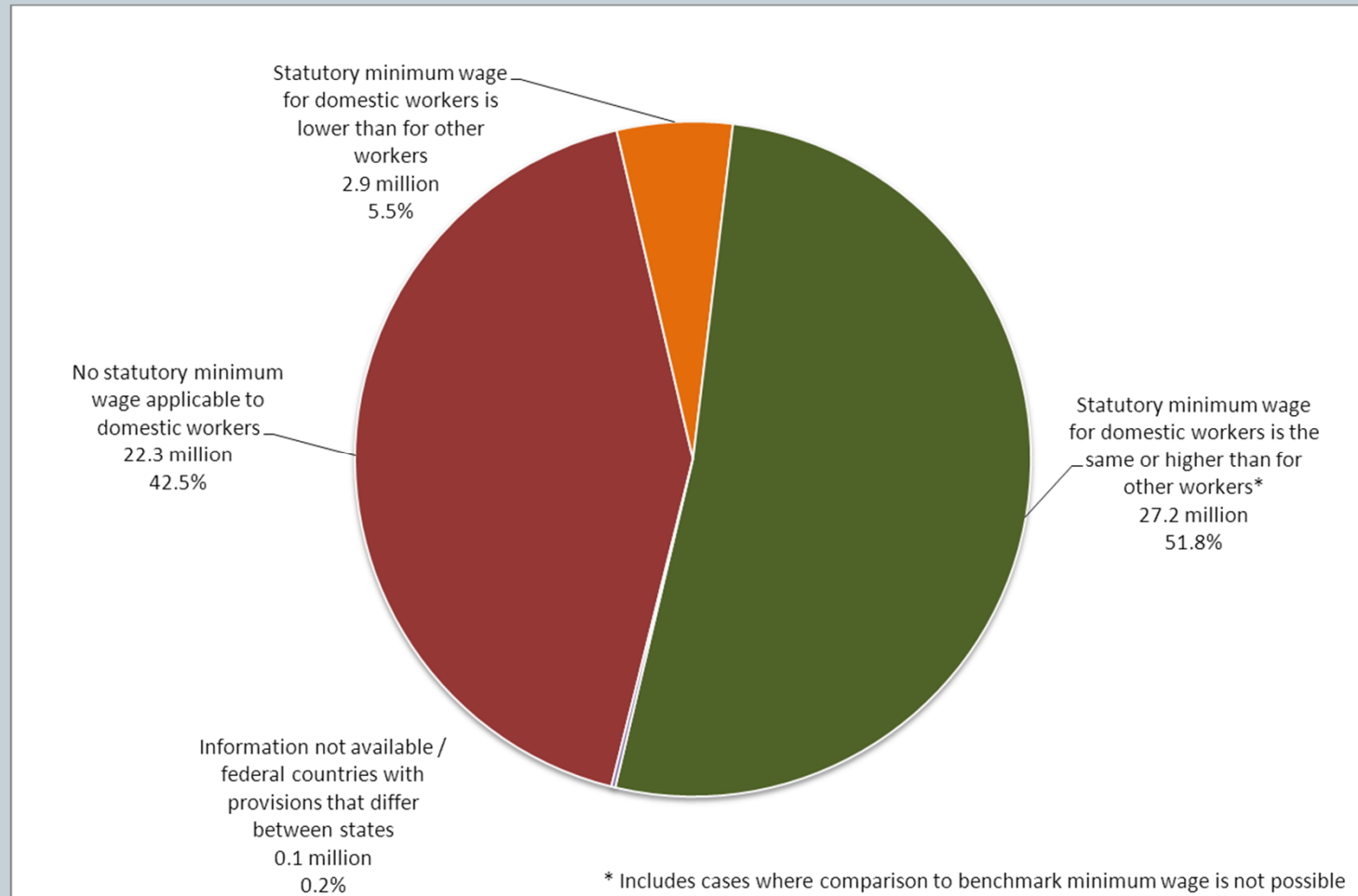


- Recognition of domestic workers and as “real workers”
- Pronounced imbalance of power between workers and employer
- Nature of workplace & tasks performed: clear worker protection needs
- Public policy dimension – costs of non-intervention & ad hoc approaches

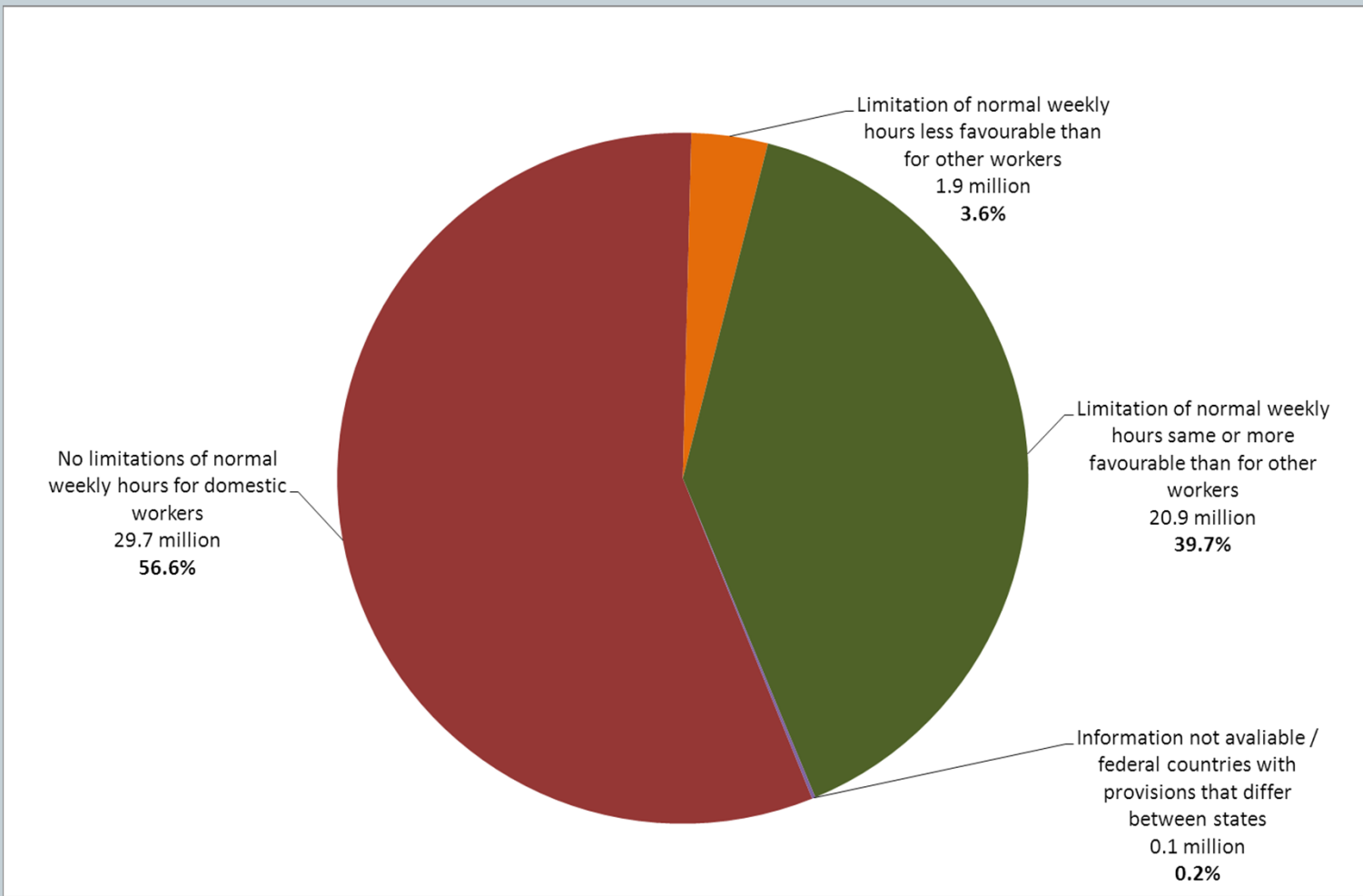
“All are equal before the law and are entitled without any discrimination to equal protection of the law”

Universal Declaration of Human Rights, Art. 7

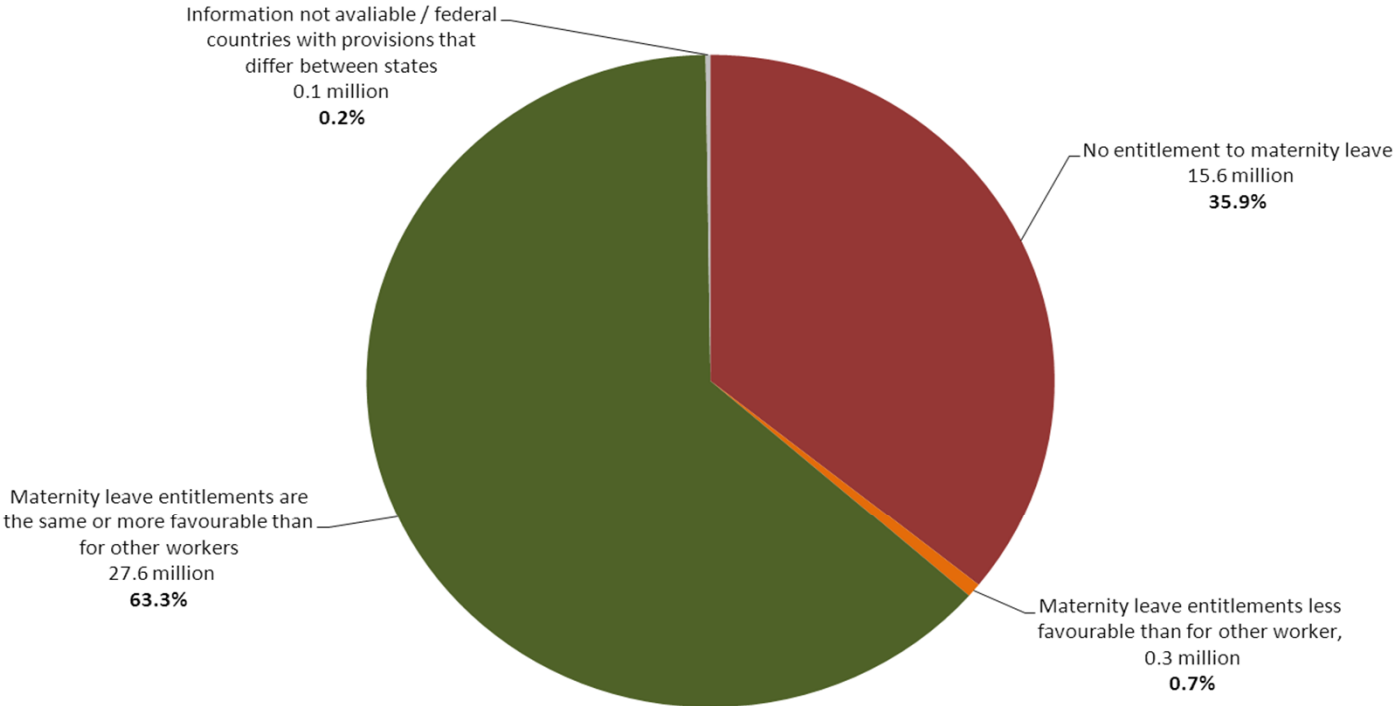
Global status quo: Minimum wage coverage



Global status quo: Limitation of weekly hours of work



Global status quo: Entitlement to maternity leave



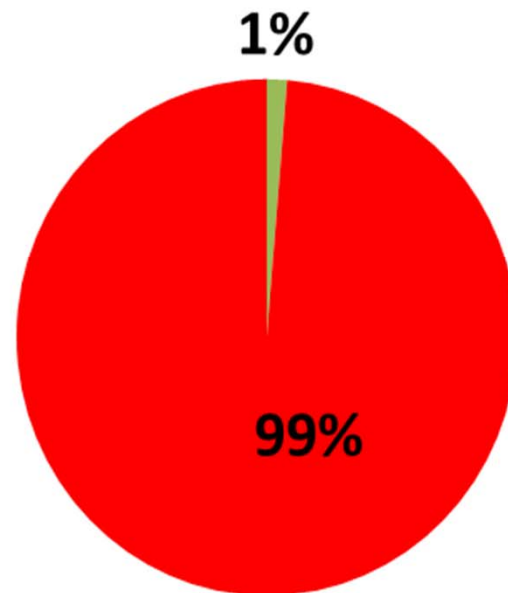
Note: These figures indicate percentages of *female* domestic workers.

Regional status quo (2010)



- Only 1 per cent of domestic workers in the region is covered by national labour laws.

Middle East



How to extent labour law to domestic worker?



- Reform steps depend on national legislative context
- Labour Code or separate Law on domestic work?
 - What matter is that domestic workers enjoy protection on an equal footing with other workers
 - Limiting coverage to a separate law: risk of protection gaps
 - Combination usually better – separate law to address issues specific to domestic work, as needed
- Law or subsidiary enactment (regulation, decree etc.)?
 - Law: Main protections and rights
 - Subsidiary enactment: more details & matters that require updating

International legal framework



- **Universal Declaration of Human Rights and UN human rights treaties**
- **ILO Declaration on Fundamental Principles and Rights at Work**
- **ILO Conventions and Recommendations:**
 - Fundamental Conventions
 - Convention No. 189 and Recommendation No. 201
 - Conventions Nos. 97 and 143 concerning migrant workers
 - Instruments on minimum wages, wage protection, maternity protection, social security, occupational safety and health etc.

C.189 & R.201: Some key protections (selection)



- **Remuneration**
 - Minimum wage coverage
 - In cash or other lawful methods
 - In kind payments only limited & under strict conditions
- **Working time**
 - Normal hours, weekly & daily rest, paid annual leave: towards equal treatment
 - Minimum 24 consecutive hours of weekly rest
- **Social security, including maternity protection**
 - Conditions not less favorable than those applicable to workers generally (progressive implementation)
 - Bilateral or multilateral agreements

Planning for reform



- Taking stock of on-going initiatives for better regulation of domestic work
- What are the challenges and ways to address them?
- How to involve all relevant public bodies?
- What role for social dialogue?
- How to raise awareness of the public?
- How to ensure that views of domestic workers themselves and their employers are taken into account?