



International
Labour
Office
Geneva



Convention No. 189 Decent work for domestic workers

Domestic work is work. Domestic workers are, like other workers, entitled to decent work.

On 16 June 2011, the International Labour Conference of the International Labour Organization adopted the Convention concerning decent work for domestic workers, which is also referred to as the Domestic Workers Convention, 2011 (No. 189).

What is Convention No. 189 ?

What is a Convention of the ILO?

A treaty adopted by the International Labour Conference, which is made up of government, worker and employer delegates from the 183 member States of the ILO.

What is Convention No. 189 about?

Convention No. 189 offers specific protection to domestic workers. It lays down basic rights and principles, and requires States to take a series of measures with a view to making decent work a reality for domestic workers.

What does it mean to ratify a Convention?

When a country ratifies a Convention, its government formally makes a commitment to implement all the obligations provided in the Convention, and to report periodically to the ILO on the measures taken in this regard.

Recommendation No. 201 – how is it related to the Convention?

Domestic Workers Recommendation No. 201, also adopted by the International Labour Conference of 2011, supplements Convention No. 189. Unlike the Convention, Recommendation No. 201 is not open for ratification. The Recommendation provides practical guidance concerning possible legal and other measures to implement the rights and principles stated in the Convention.

How is the Convention to be implemented?

The Convention may be implemented by extending or adapting existing laws and regulations or other measures, or by developing new and specific measures for domestic workers. Some of the measures required under the Convention may be taken progressively.

Who is covered by Convention No. 189 ?

What is domestic work?

Convention No. 189 defines domestic work as “work performed in or for a household or households”.

This work may include tasks such as cleaning the house, cooking, washing and ironing clothes, taking care of children, or elderly or sick members of a family, gardening, guarding the house, driving for the family, even taking care of household pets.

Who is a domestic worker?

Under the Convention, a domestic worker is “any person engaged in domestic work within an employment relationship”.

A domestic worker may work on full-time or part-time basis; may be employed by a single household or by multiple employers; may be residing in the household of the employer (live-in worker) or may be living in his or her own residence (live-out). A domestic worker may be working in a country of which she/he is not a national.

All domestic workers are covered by Convention No. 189, although countries may decide to exclude some categories, under very strict conditions.

Who is the employer of a domestic worker?

The employer of a domestic worker may be a member of the household for which the work is performed, or an agency or enterprise that employs domestic workers and makes them available to households.

In implementing the Convention, will workers and employers be consulted?

The provisions of the Convention are to be implemented in consultation with the most representative workers’ and employers’ organizations (Article 18).

In addition, the Convention requires Governments to consult with the most representative organizations of employers and workers and, where they exist, with organizations that represent domestic workers and organizations that represent employers of domestic workers on four particular matters: (i) identifying categories of workers who would be excluded from the scope of the Convention; (ii) measures on occupational safety and health; (iii) measures on social security; and (iv) measures to protect workers from abusive practices by private employment agencies (Articles 2, 13 & 15).

What can domestic workers do to enjoy the protections offered by Convention No. 189?

Convention No. 189 affirms the fundamental rights of domestic workers. It sets minimum labour standards for domestic workers.

Domestic workers can:

- organize & mobilize support for the ratification and implementation of the Convention by their Governments;
- use the provisions of the Convention and the Recommendation to influence changes in laws and improve the working and living conditions of domestic workers, regardless of whether or not the country in which they work has ratified Convention No. 189.

What are the minimum standards set by Convention No. 189 for domestic workers?

Basic rights of domestic workers

- Promotion and protection of the human rights of all domestic workers (Preamble; Article 3).
- Respect and protection of fundamental principles and rights at work: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) elimination of all forms of forced or compulsory labour; (c) abolition of child labour; and (d) elimination of discrimination in respect of employment and occupation (Articles 3, 4, 11).
- Effective protection against all forms of abuse, harassment and violence (Article 5).
- Fair terms of employment and decent living conditions (Article 6).

Information on terms and conditions of employment

- Domestic workers must be informed of their terms and conditions of employment in an easily understandable manner, preferably through a written contract (Article 7).

Hours of work

- Measures aimed at ensuring equal treatment between domestic workers and workers generally with respect to normal hours of work, overtime compensation, periods of daily and weekly rest, and annual paid leave (Article 10).
- Weekly rest period of at least 24 consecutive hours (Article 10).
- Regulation of stand-by hours (periods during which domestic workers are not free to dispose of their time as they please and are required to remain at the disposal

of the household in order to respond to possible calls) (Article 10).

Remuneration

- Minimum wage if a minimum wage exists for other workers (Article 11).
- Payment of wages must be paid in cash, directly to the worker, and at regular interval of no longer than one month. Payment by cheque or bank transfer – when allowed by law or collective agreements, or with worker's consent (Article 12).
- In-kind payment is allowed under 3 conditions: only a limited proportion of total remuneration; monetary value is fair and reasonable; the items or services given as in-kind payment are of personal use by and benefit to the workers. This means that uniforms or protective equipments are not to be regarded as payment in kind, but as tools that the employer must provide to the workers at no cost to them for the performance of their duties (Article 12).
- Fees charged by private employment agencies are not to be deducted from the remuneration (Article 15).

Occupational safety and health

- Right to safe and healthy working environment (Article 13).
- Measures are put in place to ensure workers' occupational safety and health (Article 13).

Social security

- Social security protection, including maternity benefits (Article 14).
- Conditions that are not less favourable than those applicable to workers generally (Article 14).

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Standards concerning child domestic workers

- Requirement to set a minimum age for entry into domestic work (Article 4).
- Domestic workers aged 15 years old but less than 18 years old – their work should not deprive them of compulsory education, or interfere with their opportunities for further education or vocational training (Article 4).

Standards concerning live-in workers

- Decent living conditions that respect the workers' privacy (Article 6).
- Freedom to reach agreement with their employers or potential employers on whether or not to reside in the household (Article 9).
- No obligation to remain in the household or with its members during their periods of rest or leave (Article 9).
- Right to keep their identity and travel documents in their possession (Article 9).
- Regulation of stand-by hours (Article 10).

Standards concerning migrant domestic workers

- A written contract that is enforceable in the country of employment, or a written job offer, prior to traveling to the country of employment (Article 8).
- Clear conditions under which domestic workers are entitled to repatriation at the end of their employment (Article 8).
- Protection of domestic workers from abusive practices by private employment agencies (Article 15).

- Cooperation among sending and receiving countries to ensure the effective application of the provisions of the Convention to migrant domestic workers (Article 8).

Private employment agencies

Measures to be put in place (Article 15):

- regulate of the operation of private employment agencies;
- ensure adequate machinery for the investigation of complaints by domestic workers;
- provide adequate protection of domestic workers and prevention of abuses, in collaboration with other Members where appropriate;
- consider concluding bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices.

Dispute settlement, complaints, enforcement

- Effective access to the court, tribunals or other dispute settlement mechanisms, including accessible complaint mechanisms (Article 17).
- Measures to be put in place to ensure compliance with national laws for the protection of domestic workers, including labour inspection measures. In in regard, the Convention recognizes the need to balance domestic workers' right to protection and the right to privacy of the households' members (Article 17).

**For more information, please contact us,
or the nearest International Labour Office in your country or region.**

Full text of Convention No. 189 is available at: <http://www.ilo.org/ilolex/english/convdisp1.htm>

Full text of Recommendation No. 201 is available at: <http://www.ilo.org/ilolex/english/recdisp1.htm>

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