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Multilateral

Convention (No. 189) concerning decent work for domestic workers. Geneva, 16 June 2011

Entry into force: *5 September 2013, in accordance with article 21*

Authentic texts: *English and French*

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Multilatéral

Convention (N° 189) concernant le travail décent pour les travailleuses et travailleurs domestiques. Genève, 16 juin 2011

Entrée en vigueur : *5 septembre 2013, conformément à l'article 21*

Textes authentiques : *anglais et français*

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Participant

Philippines

Uruguay

Ratification

5 Sep 2012

14 Jun 2012

Participant

Philippines

Uruguay

Ratification

5 sept 2012

14 juin 2012

CONVENTION CONCERNING DECENT WORK FOR DOMESTIC WORKERS

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its 100th Session
on 1 June 2011, and

Mindful of the commitment of the International Labour Organization
to promote decent work for all through the achievement of the
goals of the ILO Declaration on Fundamental Principles and
Rights at Work and the ILO Declaration on Social Justice for a
Fair Globalization, and

Recognizing the significant contribution of domestic workers to the
global economy, which includes increasing paid job opportunities
for women and men workers with family responsibilities, greater
scope for caring for ageing populations, children and persons with
a disability, and substantial income transfers within and between
countries, and

Considering that domestic work continues to be undervalued and
invisible and is mainly carried out by women and girls, many of
whom are migrants or members of disadvantaged communities
and who are particularly vulnerable to discrimination in respect
of conditions of employment and of work, and to other abuses of
human rights, and

Considering also that in developing countries with historically scarce
opportunities for formal employment, domestic workers constitute
a significant proportion of the national workforce and remain
among the most marginalized, and

Recalling that international labour Conventions and Recommendations
apply to all workers, including domestic workers, unless otherwise
provided, and

Noting the particular relevance for domestic workers of the Migration
for Employment Convention (Revised), 1949 (No. 97), the Migrant
Workers (Supplementary Provisions) Convention, 1975 (No. 143),
the Workers with Family Responsibilities Convention, 1981
(No. 156), the Private Employment Agencies Convention, 1997
(No. 181), and the Employment Relationship Recommendation,
2006 (No. 198), as well as of the ILO Multilateral Framework on
Labour Migration: Non-binding principles and guidelines for a
rights-based approach to labour migration (2006), and

Recognizing the special conditions under which domestic work is
carried out that make it desirable to supplement the general

standards with standards specific to domestic workers so as to enable them to enjoy their rights fully, and

Recalling other relevant international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention against Transnational Organized Crime, and in particular its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and

Having decided upon the adoption of certain proposals concerning decent work for domestic workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this sixteenth day of June of the year two thousand and eleven the following Convention, which may be cited as the Domestic Workers Convention, 2011.

Article 1

For the purpose of this Convention:

- (a) the term “domestic work” means work performed in or for a household or households;
- (b) the term “domestic worker” means any person engaged in domestic work within an employment relationship;
- (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

Article 2

1. The Convention applies to all domestic workers.

2. A Member which ratifies this Convention may, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, exclude wholly or partly from its scope:

- (a) categories of workers who are otherwise provided with at least equivalent protection;
- (b) limited categories of workers in respect of which special problems of a substantial nature arise.

3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, indicate any particular category of workers thus excluded and the reasons for such exclusion and, in subsequent reports, specify any measures that may have been taken with a view to extending the application of the Convention to the workers concerned.

Article 3

1. Each Member shall take measures to ensure the effective promotion and protection of the human rights of all domestic workers, as set out in this Convention.

2. Each Member shall, in relation to domestic workers, take the measures set out in this Convention to respect, promote and realize the fundamental principles and rights at work, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

3. In taking measures to ensure that domestic workers and employers of domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members shall protect the right of domestic workers and employers of domestic workers to establish and, subject to the rules of the organization concerned, to join organizations, federations and confederations of their own choosing.

Article 4

1. Each Member shall set a minimum age for domestic workers consistent with the provisions of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and not lower than that established by national laws and regulations for workers generally.

2. Each Member shall take measures to ensure that work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training.

Article 5

Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence.