

DECENT WORK FOR DOMESTIC WORKERS



*ILO Convention No. 189
Ratification process*

Adoption of the Convention



- The Convention was adopted by 396 votes to 16, with 63 abstentions.
- Recommendation was by 434 votes to 8, with 42 abstentions.
- The ILO is 185 Member States
- Conference :two government, one employer and one worker delegates, vote independently.

Submission to Parliament



- **States must submit adopted Conventions to parliament**
- **Parliaments consider ratification.**
- **Convention 144: trade unions consulted on proposal**

Entering into force



- **Convention enters into force one year after ratification**
- **But:**
- **Convention 189 will entry into force twelve months after ratifications by two Member States are registered.**

Convincing governments



- **Governments may be reluctant**
- **Three points should be borne in mind.**
 - First, ILO standards are minimum standards
 - Second, if each and every national legislation had already conformed to the new Convention, there would have been no need for an international standard.
 - Third, where legislative obstacles exist, the ILO can help
- **The key factor will be political will.**
- **Unions will need to convince governments and parliamentarians.**
- **They will also have to convince their own members**

Different approaches



- Revising legislation before ratification
- ILO standards help harmonize national laws and practice.
- Bringing legislation into line without ratification.
- Ratify quickly and then harmonize legislation

Use of the Convention in national Jurisdictions



- International treaties prevail over national law
- Judges, lawyers, labour inspectors and trade unionists using ILO standards
- Courts directly apply Convention to resolve litigation
- A source of interpretation and inspiration when applying their own domestic law.

Reporting and exclusions



- **First report submitted within two years of ratification**
- **Attention! possibility of exclusions**
- **After first report, exclusions no longer permitted.**
- **Exclusions possible to:**
 - categories of worker who are otherwise provided with at least equivalent protection;
 - or limited categories of worker with special problems
- **Exclusions to be determined after consultation**

Using the supervisory mechanisms



- **Report on Convention 189 will be due every 5 years.**
- **An opportunity for trade unions to get rid of initial exclusions**
- **Reports must be transmitted to trade unions**
- **Unions entitled to comment on its contents**
- **Unions may also send information directly to the ILO**
- **Representation and complaint procedures available**

The major role of trade unions



- So clearly, trade union organizations can be key actors in the ratification, the promotion, the effective implementation, and the monitoring of the application of the international Conventions.

Ten Good Reasons to Promote Ratification



1. A Trade union duty
2. A signal to domestic workers
3. A legal framework for union action
4. A means of denouncing abuses in the courts and in the media
5. Possible recourse to the ILO mechanisms
6. A voice in the passing of legislation to protect domestic workers.
7. Going beyond the mere protection of union rights
8. Harmonization of labour legislations, no dumping.
9. Worldwide recognition of the principles embodied in Convention 189.
10. Governments and legislation change, ratified conventions stay.