



Decent
Work for
Domestic
Workers

GLOBAL MONITORING OF NATIONAL DEVELOPMENTS



AFRICA **Government pronouncement of intent towards ratification/Initiation of ratification process** **National developments in policy and law**

Kenya At the ILC 2012 the Ministry of Labour stated that "the Government is in the process of proposing guidelines for the implementation of national labour laws in relation to domestic workers to determine approved terms and conditions of employment, as groundwork towards the ratification of Domestic Workers Convention, 2011 (No. 189)" [ILC 2012 Pr. No. 21; 12th June 2012]

Angola A public discussion is in progress concerning a bill which will establish regulations in line with the Domestic Workers Convention, 2011 (No. 189), and its related Recommendation [ILC 2012 Provisional Record No 7 p.26; 06 June 2012]

Ghana Following national elections, the newly appointed Labour Minister announced intention to formulate a national policy on domestic workers [CO Abuja video conference with TRAVAIL; 24 May 2012]

Lesotho Government has produced a background paper to initiate discussions with the workers' organizations in Lesotho, towards making recommendations for special regulations to protect this category of workers. The tripartite National Advisory Committee on Labour (NACOLA) has reviewed the background paper [DWT Pretoria Mapping Exercise; March 2012]

Morocco A draft law on domestic work has been prepared [Email from ILO Cairo]

Namibia

The Government has created a Wage Commission to set minimum wages for domestic workers, inaugurating in May 2012 [TRAVAIL; May 2012]

Tanzania

Labour Minister expressed intention to begin ratification process and has support of TUCTA (Workers) and ATE (Employers) [ILO Dar Es Salaam; April 2012]

Mauritius

Ratification was registered on 13 September 2012

Minister of Labour announced at the ILC 2012, that the country has completed the internal procedures to ratify the Domestic Workers Convention, 2011 (No. 189) [ILC 2012 Provisional Record No.9; 08.06.12]

South Africa

South Africa has started formal internal processes in view to ratify the domestic workers convention [ILO Pretoria; May 2012]

The National Economic Development and Labour Council (NEDLAC) has informed the Labour minister of their consensus on supporting the ratification of C189 [Email from ILO Pretoria; 07th June 2012]

Cabinet approved ratification of C.189 on 4 September 2012 [Statement on cabinet meeting, 7 September 2012]

Benin

The Minister of Labour and Public Services announced, during the 2012 ILC, that he "solemnly undertake[s] on behalf of [his] country, Benin, to start as of now, together with employers' and workers' organizations and with the assistance of the ILO, the procedure which would lead to the ratification of Domestic Workers Convention, 2011 (No. 189). This has already been submitted to the National Assembly." [ILC 2012 Pr. No. 7; 06 June 2012]

Chile

The President sent draft law regarding working time for domestic workers to Congress in May 2012 [Email ILO Santiago; May 2012] The draft law is following up on an agreement reached between the Ministry of Labour, social councils and Trade Unions [Letter from SINTRACAP and ANECAP to Chile Republic President ; Government Press Release; March 2012]

Bill regarding working time for domestic worker approved by Chamber of Deputies on 13 Sept. 2012 (new element was added: prohibition of requiring dw wearing uniforms in public). Bill pending in Senate. (http://www.camara.cl/prensa/noticias_detalle.aspx?prmId=55107)

Costa Rica

On 13 September 2013, the Plenary of the Legislative Assembly has approved the draft law approving Convention No. 189, the draft law was now sent to the Constitutional Court [Legislative Assembly, <http://www.asamblea.go.cr/Actas/2012-2013-PLENARIO-SESIÓN-64.pdf>]

Deliberation has reached level of Congress [Email from ILO Americas gender specialist; 6 April 2012]

The MoL, following social partner consultations has sent a ratification proposal to the President's Office. ILO supported the process through promotional activities [ILO Regional Office; March 2012]

Nicaragua

The President has submitted ratification proposed to Parliament [Nicaragua el dia, 17 sept.2012, <http://nicaraguaaldia.com/2012/09/11/el-presidente-daniel-ortega-solicita-ratificar-convenio-189-de-la-oit/>]

MoL and Presidency are preparing submission to Congress for ratification [ILO Regional Office; March 2012]

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| Jamaica | In her message to mark International Domestic Workers' Day (http://www.jis.gov.jm/news/leads-128/30947) on June 16, the Prime Minister informed that the necessary legislative amendments are being drafted to allow for. Ratification. [14 September 2012, http://www.jis.gov.jm/news/leads/30959] |
| Mexico | Senator Antonia Mejija Haro presented a legislative initiative to amend several articles of the Labour Code to guarantee labour rights to domestic workers. The initiative is pending in Senate (http://www.milenio.com/cdb/doc/noticias2011/46f0d414226d25e2a5d84a0f196e7dda) |
| Venezuela | "On 1 May 2012, President Hugo Chavez promulgated a [new] constitutional act on labour and workers" The act among other things "grants equal rights to domestic workers" [ILC 2012 Pr. No. 21; 12th June 2012] |
| Argentina | The Ministry of Labour initiated ratification and submitted the required documentation to the President's Office. Following approval, the proposal will go to both houses of Parliament [ACTRAV/ILO; April 2012] |
| Uruguay | Ratification registered with the ILO [14 June 2012] |
| United States | President Obama announced an initiative to enhance minimum wage and overtime rules under the Fair Labour Standards Act, including employer's obligation to record overtime [U.S. Department of Labour announcement; December 2011] |
| Bolivia | A new Labour Code is being prepared. The draft contains a chapter on domestic workers, which is currently being subject to consultations between the Government and the COB (Regional Office Lima, Sept. 2012) |

Bolivia On 21 August 2012, the House of representatives approved unanimously the bill for the ratification of Convention No. 189 [Press release camara de diputados, 21st of August 2012]. Bill pending in Senate.

The Ministry of Foreign Affairs has sent the ratification bill to the President's office [email ILO La Paz; 15 June 2012]

Colombia Government of Colombia announced during the 313th Session of the Governing Body its decision to ratify C189. It intends to send ratification to parliament and has requested social partners to express their views (draft minutes) [TRAVAIL: meeting with MoL; March 2012]

End of June 2012, the second Committee of the senate approved a draft law approving the Convention (<http://ratificacion-convenio-189.blogspot.com/>)

In June 2012, the Second Senate of the Senate has unanimously approved a draft law approving the Convention [<http://ratificacion-convenio-189.blogspot.com/>].

Dominican Republic Ratification proposal pending in Parliament. Supreme Court issued favourable opinion [E-mail from Worker member of GB, ACTRAV; February 2012]

On 25 July 2012, the Senate has approved the draft law approving C. 189. The draft law has still to be approved by the Congress.
[<http://www.listindiario.com.do/la-republica/2012/7/25/241050/Senado-aprueba-Ley-sobre-Patrimonio-y-Enriquecimiento-Illicito>]

Brazil Tripartite technical working group established to examine ratification and to report to the President's office [ILO Brasilia; February 2012]

Paraguay

Proposed legal reform drafted by ministry of labour and social security; once finalised, it will be submitted to the President. Legal reform covers adjustment on minimum wage, rest day, extension of health insurance and pension [Government Press release; March 2012]

The draft law approving ratification has been approved by the Senat committee concerned and is no pending for Plenary discussion [Regional office Lima, Sept. 2012]

Peru

On 21 August 2012, the Congress adopted a resolution calling on the government to prioritize submission of C.189 and R.201 to Congress for discussion and approval. [Mocion de Orden Del Dia, 23rd of August 2012]

ARABSTATES**Government pronouncement of intent towards ratification/Initiation of ratification process****National developments in policy and law****Bahrain**

A standard contract for DWs is being drafted by the Labour Market Regulatory Authority (LMRA) [News Article: Gulf Daily News; March 2012]

The new Labour Code published on 2 August 2012, includes domestic workers in number of its provisions (NATLEX)

United Arab Emirates

A draft law promoting decent work for domestic workers has been approved by the Cabinet and must now be considered by the Federal National Council and signed by the President [Gulf News; May 2012]

ASIA**Government pronouncement of intent towards ratification/Initiation of ratification process****National developments in policy and law****Philippines**

Ratification registered with the ILO [5 September 2012]

Singapore

The Ministry of Manpower announced the introduction of a legislated rest day for all domestic workers being issued work permits from January 2013 [MoM Announcement; March 2012]

Indonesia

Following consultations with national stakeholders, the Government accepted the recommendation to ratify C.189 made during the first round of the Universal Periodic Review of the UN Human Rights Council [A/HRC/21/7/Add.1, 5 Sept. 2012]

India

A Draft National Policy on domestic workers has been drawn up by tripartite task force on domestic workers under the leadership of the Ministry of Labour, opened for public consultations; to be submitted to Cabinet for adoption. Guidelines for extension of the health insurance RSBY to domestic workers were formulated [ILO New Delhi; September 2011]

EUROPE**Government pronouncement of intent towards ratification/Initiation of ratification process****National developments in policy and law**

The European Commission, with explicit reference to C.189, urged “the Member States to ratify all relevant international instruments, agreements and legal obligations which will make the work against trafficking in human beings more effective, coordinated and coherent” (see COM(2012) 286 final, 19 June 2012 - The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016, p.4.)

The Commission is currently preparing a proposal to the Council to authorize Member States to ratify C189 (relating to exclusive EU competences)(ILO Brussels, 28 Sept.2012)

Norway

The government is currently evaluating the Convention compared to Norwegian regulations. A decision regarding ratification is expected for beginning of 2013 [Indications provided by the Ministry of Labour; 18 June 2012]

Germany

A legal expert opinion (May 2012) commissioned by the DGB (Confederation of German Trade Unions) concluded that German legislation conforms to C189 [Email received from DGB; 5 June 2012]

Sweden

The Swedish tripartite ILO-committee discussed C189 and R201 in May 2012. It concluded that before ratification can be considered, a number of questions have to be carefully analysed. A communication with this conclusion will be submitted to Parliament in Autumn 2012. [Ministry of Employment Sweden letter to NORMES, 30 August 2012]

Turkey

Social Security Institution is working on a strategy paper to extend the scope of the current social security system to cover all domestic workers in Turkey [Email ILO Ankara; May 2012]

Belgium

Minister of Labour announced that the procedure for the ratification of C189 will be launched shortly [ILC 2012 Pr. No. 21; 12th June 2012]

The Belgian government coalition agreement states that "in order to fight abuses in this area, the ILO Convention concerning domestic work will be ratified". Belgian trade unions are following-up [ACTRAV/ILO Brussels; March 2012]

Italy

The views of all social partners are being received. Once all views are obtained, the Ministry of Labour will send documents proposing ratification to the Ministry of Foreign Affairs. Ratification of C.189 may not need Parliamentary approval. If this is confirmed, MFA can proceed to prepare ratification documents for President's signature [ILO Rome; April 2012]

The Ministry of Labour requested social partners to submit their views, in order to pursue ratification process [Labour Ministry Letter to NORMES; 28th February 2012]

Ireland In June 2012 the Government has informed Parliament that it was examining the implication of ratification and possible needs for legislative action that might be required [art. 19 communication]

Spain A new Royal Decree regulating domestic work was issued; ensuring the right to full national minimum wages for household workers, a maximum working week of 40 hours, and a minimum period of rest between working days of 12 hours [Royal Decree 1620/2011; November 2011]

Cyprus In a communication dated 9 July 2012, the Government indicated that it submitted C.189 recently to the House of Representatives. The Government has indicated to re-examine the possibility of ratifying the C189 "at a later stage". [ILO NORMES; 09 July 2012]

Serbia The Convention has been submitted to the competent authorities by the government, for ratification [ILC 2012 Provisional record No. 7; 06 June 2012]
