

Summary of SE Ad-hoc query on Ratification of ILO Domestic Workers Convention concerning irregular migrant domestic workers Requested 29 May 2015 Summary and compilation 26 August 2015

Out of the 20 (Member) States that answered the ad-hoc query, 6 states (BE, FI, DE, IE, IT, PT) have ratified the ILO Domestic Workers Convention (No. 189), while 9 have not ratified it. In 4 states the governments are considering ratifying the Convention and one state has yet not decided. Some states have indicated that the Convention might be ratified in the future while others seem to have already taken a negative decision.

The way of approaching the issue of granting rights as defined in the Convention on irregular migrant domestic workers in the national legislation seems to differ quite a lot between the states. In most states which have ratified the Convention, the main focus is on the status as workers and not on the immigration status (regular/irregular migrant). The rights of workers appear to be the main issue. In several states, those rights are the same for everyone working in the country, so there is no connection to the immigration status of the person.

When it comes to the issue of a legal requirement regarding written job offers/contracts for irregular migrant domestic workers (Article 8.1 of the Convention), the national solutions are even more diverse. Some states already demand written contracts in different forms while others focus only on regular migrants.

For those states that have decided not to ratify the Convention, the reasons stated are, among others, that domestic work is not a significant phenomenon in the country, that there is a risk of rising numbers of concealed employment, or that most elements of the Convention are already covered by existing legislation. Other states would like to preserve their own regulations on domestic workers and find it troublesome to regulate the living and working conditions within private homes, which in turn would impede on the rights of the persons living there.