



Center for Migrant Advocacy – Philippines  
15 - Unit #7, Casal Building, Anonas Road, Project 3, Quezon City,  
Philippines  
Phone: (632) 990-5140 Fax: (632) 433-0684  
E-mail: cmaphils@pldtdsl.net Web: <http://www.pinoy-abroad.net/>

## Position Paper<sup>1</sup>

*Re: ILO Convention 189 On Decent Work for Domestic Workers*

**June 14, 2012**

The Center for Migrant Advocacy (CMA) strongly supports the immediate ratification of ILO Convention 189 (C189) on Decent Work for Domestic Workers. We believe that the Philippine government, as a State Party to the Convention, will contribute significantly to the advocacy for the rights and dignity of all domestic workers. Specifically, the ratification of the Philippines will further bind itself to its Constitutional duty to protect, promote and fulfil the rights of all Filipino domestic workers in the country and overseas, in terms of the following:

1. Promotion of and adherence to the provisions of the Convention that set internationally-recognized minimum standards of protection for domestic workers including migrant domestic workers;
2. Complementation and strengthening of other UN and ILO instruments on human and labor rights of migrants that the Philippines is a party to that specifically address protection of migrant workers and women migrant domestic workers;
3. Harmonisation of national policies and programs with those of the provisions of the Convention when the policies are below par;
4. As the second State Party to ratify – satisfying the requirement of the ILO in terms of the necessary minimum ratifications for the Convention to enter into force.

### **1. Setting Global Minimum Standards**

C189 sends a clear message that domestic workers, including migrant domestic workers, have the right to decent working and living conditions. It provides for minimum protection for domestic workers while allowing flexibility in implementation. The

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<sup>1</sup> Submission to the Senate Committee on Foreign Relations for the Ratification Hearing on ILO C189.  
June 14, 2012

overwhelming support for the adoption of the Convention by the tripartite partners of the ILO affirms the universal application of the Convention. Included in these countries are the top destination countries of Filipino migrant domestic workers such as the 6 Gulf Cooperating Council (GCC) Countries, Italy and China (for Hongkong).

The following provisions directly address concerns of Filipino migrant domestic workers that the Philippine government must adhere to and comply with

- 1) **To take measures to cooperate with other State parties** to ensure the effective application of the provisions of the Convention to migrant domestic workers. (Art.8.3) The Philippines is duty bound to relentlessly pursue dialogues and negotiations with countries of destination for protective measures of our migrant domestic workers.

POEA statistics show that domestic work remains the single highest job category of OFWs and it is steadily increasing. Last year's deployment of newly hired domestic workers was recorded at about 140,000 with all the GCC countries included in the top 10 countries of destination. This figure is the highest to date.<sup>2</sup>

**Our ratification will provide the moral high ground to demand the same commitment of protection for Filipino migrant domestic workers in the countries of destination.**

- 2) To establish the requirement that migrant domestic workers who are recruited for overseas employment should receive a written job offer, or contract of employment prior to traveling to the country of employment (Art. 8.1); that the contract is enforceable in the country of employment and contains the terms and conditions of employment referred to in Article 7 on terms and conditions of employment; to take measures that specify -- by means of laws, regulations or other measures -- the conditions under which migrant domestic workers are entitled to repatriation on the expiry or termination of the employment contract for which they were recruited (Art 8.4).
- 3) Provisions of Article 9 addressing live-in domestic workers are also quite relevant as the prevailing arrangements for accommodation of migrant domestic workers is a live-in arrangement.
- 4) Article 15 details the steps necessary to protect migrant domestic workers from specific abuses. These include the proper coordination of employment agencies that recruit the migrant workers; creating proper mechanisms for complaints and abuses; installation of organizations to coordinate and collaborate to protect and prevent abuses of the domestic workers, between countries and within countries; the creation and continuation of bilateral agreements between countries to prevent abuses of the workers; and making sure that the monetary compensation of the domestic workers is handled properly by agencies and the employers.

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<sup>2</sup> Statistics from [www.poea.gov.ph](http://www.poea.gov.ph)

## **2. Complementation**

C189 complements efforts of the Philippines to address protection of migrant domestic workers in the context of our commitment to other UN/ILO instruments that we are a party to, such as the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its accompanying General Recommendation 26 on women migrants; UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and its first General Comment on Migrant Domestic Workers; UN Convention on Economic, Social and Cultural Rights; UN Convention on the Rights of the Child; ILO Convention 97 on Migration for Employment; and Convention 143 on Migrant Workers as well as the 2005 ILO Rights-based Framework on Labor Migration. C189 guides the State Party with regards to specific standards that will enable migrant domestic workers to enjoy their rights fully.

## **3. Harmonisation**

Part of the obligation of the State Party to the Convention is to work progressively for the harmonisation of national laws and policies with those of the Convention. This further binds the Philippines to put in more serious efforts to craft policies that are responsive to the needs of migrant domestic workers including ensuring their effective implementation.

## **4. Creating Enforceability**

**Our immediate ratification of C189 brings the Convention into force. The Philippine government will also hold the distinction of being the first country in Asia to ratify and only the second country in the world to ratify.**

As one of the staunch and consistent advocates for the rights and dignity of domestic workers in regional and international forums, our immediate ratification is the logical step to take to conclude this phase of advocacy. We took pride in the fact that it was the Philippine government that chaired the ILO Committee on Domestic Workers which ensured a strong convention accompanied by a recommendation.

It took the ILO more than 60 years to come up with C189. Now that we finally have an international convention for domestic workers, it is incumbent upon all of us to have it widely ratified and implemented with no further delays. All domestic workers, including migrant domestic workers, deserve no less. And it begins with the first step – ratification of the Convention.##