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Decent work for domestic workers

Fourth item on the agenda

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LIST OF ABBREVIATIONS

Governments

Belgium	CNT	National Labour Council
	SPF	Federal Public Service – Employment, Labour and Social Dialogue
Guatemala	DPS	Social Welfare Department
	ONAM	National Office for Women’s Affairs
	UMT	Working Women’s Unit

Employers’ and workers’ organizations

	IOE	International Organisation of Employers
	ITUC	International Trade Union Confederation
	IUF	International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations
Algeria	UGTA	General Union of Algerian Workers
Argentina	CGTRA	General Labour Confederation
	CTA	Congress of Argentine Workers
Australia	ACTU	Australian Council of Trade Unions
Austria	BAK	Federal Chamber of Labour
	ÖGB	Austrian Confederation of Trade Unions
Bahrain	GFBTU	General Federation of Bahrain Trade Unions
Bangladesh	BILS	Bangladesh Institute of Labour Studies
Barbados	BWU	Barbados Workers’ Union
Benin	CSA–Bénin	Confederation of Autonomous Trade Unions of Benin
Plurinational State of Bolivia	COB	Bolivian Workers’ Confederation
	FENATRAHOB	National Federation of Bolivian Household Workers

Brazil	CNI	National Confederation of Industry
	FENATRAD	National Federation of Domestic Workers
	FS	Força Sindical
	UGT	General Union of Workers
Burkina Faso	CNTB	National Confederation of Workers of Burkina
	ONSL	National Organization of Free Trade Unions
Cambodia	CFITU	Cambodia Federation of Independent Trade Unions
	CLUF	Cambodia Labor Union Federation
	CWLFU	Cambodia Workers' Labor Federation Union
Canada	CLC	Canadian Labour Congress
Chile	CUT	Single Central Organization of Chilean Workers
Colombia	ANDI	National Association of Employers of Colombia
	CGT	General Confederation of Labour
	CUT	Single Confederation of Workers of Colombia
Costa Rica	ASTRADOMES	Association of Domestic Workers
	CMTC	Trade Union Organization Movement of Costa Rican Workers
	CTRN	Rerum Novarum Confederation of Workers
Croatia	HUP	Croatian Employers' Association
Cyprus	DEOK	Democratic Labour Federation of Cyprus
Czech Republic	CMKOS	Czech-Moravian Confederation of Trade Unions
	KZPS	Confederation of Employers' and Entrepreneurs' Unions of the Czech Republic
	SPD	Confederation of Industry and Transport of the Czech Republic
Denmark	LO	Danish Confederation of Trade Unions
Dominican Republic	CASC	Autonomous Confederation of Class Unions
	CNTD	National Confederation of Dominican Workers
	CNUS	National Confederation of Trade Union Unity
Ecuador	UGTE	General Union of Ecuadorian Workers
El Salvador	CSTS	Trade Union Confederation of El Salvador Workers
	CTS	Central Organization of Salvadorian Workers
	FEASIES	Association of Independent Workers of El Salvador

Finland	AKAVA	Confederation of Unions for Academic Professionals
	EK	Confederation of Finnish Industries
	KT	Commission for Local Authority Employers
	SAK	Central Organization of Finnish Trade Unions
	STTK	Finnish Confederation of Salaried Employees
	VTML	State Employer's Office
France	CFDT	French Democratic Confederation of Labour
	CGT-FO	General Confederation of Labour – Force Ouvrière
Gabon	COSYGA	Gabonese Trade Union Confederation
	JOC	Young Christian Workers
Germany	BDA	Confederation of German Employers' Associations
	DGB	German Confederation of Trade Unions
Greece	ESEE	National Confederation of Greek Trade
	GSEE	General Confederation of Greek Workers
	SEV	Hellenic Federation of Enterprises
Guatemala	UNSI TRAGUA	Trade Union of Workers of Guatemala
Guinea	CNTG	National Confederation of Workers of Guinea
Honduras	CGT	General Confederation of Workers
Iceland	ASI	Icelandic Confederation of Labour
India	CFTUI	Confederation of Free Trade Unions of India
	HMS	Hind Mazdoor Sabha
	DPN APINDO	Indonesian Employers' Association
Indonesia	KSBSI	Indonesia Prosperity Trade Union
	KSPI	Committee of Indonesian Labour Unions
	KSPSI	Confederation of All Indonesian Trade Unions
	ICTU	Irish Congress of Trade Unions
Ireland		
Israel	Histadrut	General Federation of Labour
Italy	CGIL	Italian General Confederation of Labour
	CISL	Italian Confederation of Workers' Unions
	UGL	General Union of Labour
	UIL	Italian Labour Union
	JTUC-RENGO	Japanese Trade Union Confederation
Japan		
Jordan	JCC	Jordan Chamber of Commerce
Kenya	COTU-K	Central Organization of Trade Unions – Kenya

Republic of Korea	FKTU	Federation of Korean Trade Unions
	KEF	Korea Employers' Federation
	KFTU	Korean Federation of Trade Unions
Latvia	LBAS	Free Trade Union Confederation of Latvia
Madagascar	SEKRIMA	Christian Confederation of Malagasy Trade Unions
Malawi	CIAWU	Commercial, Industrial and Allied Workers' Union
Malaysia	MTUC	Malaysian Trades Union Congress
Mexico	CROC	Revolutionary Confederation of Workers and Campesinos
	CTM	Confederation of Mexican Workers
	UNT	National Union of Workers
Nepal	GEFONT	General Federation of Nepalese Trade Unions
	NIDWU	Nepal Independent Domestic Workers' Union
	NTUC	Nepal Trade Union Congress
Netherlands	CNV	National Confederation of Christian Trade Unions
	FNV	Netherlands Confederation of Trade Unions
New Zealand	Business NZ	Business New Zealand
Nicaragua	CAUS	Confederation for Action towards Trade Union Unity
Niger	CNT	Niger Confederation of Labour
	MTC	Believing Workers' Movement
Norway	LO	Norwegian Confederation of Trade Unions
	NHO	Confederation of Norwegian Enterprise
Pakistan	EFP	Employers' Federation of Pakistan
	PWF	Pakistan Workers' Federation
Panama	CONATO	Panamanian Council of Organized Workers
	CONEP	National Council of Private Enterprise
	CS	Convergencia Sindical
Paraguay	CUT-A	Authentic Single Confederation of Workers
Peru	CATP	Autonomous Confederation of Peruvian Workers
	CTP	Confederation of Workers of Peru
	CUT	Single Central Organization of Workers of Peru
Philippines	APL	Alliance of Progressive Labor
	ECOP	Employers' Confederation of the Philippines
	FFW	Federation of Free Workers
	TUCP	Trade Union Congress of the Philippines

Poland	NSZZ	Independent and Self-Governing Trade Union
Portugal	CGTP-IN	General Confederation of Portuguese Workers
	UGT-P	General Union of Workers
Romania	BNS	National Trade Union Bloc
	CNS–Cartel Alfa	National Trade Union Confederation “Cartel Alfa”
Russian Federation	FNPR	Federation of Independent Trade Unions of Russia
Rwanda	COTRAF	Congress of Labour and Brotherhood of Rwanda
Senegal	CNTS	National Confederation of Workers of Senegal
South Africa	FEDUSA	Federation of Unions of South Africa
	SADSAWU	South African Domestic Service and Allied Workers Union
Spain	CCOO	Trade Union Confederation of Workers’ Committees
	UGT	General Union of Workers
Sri Lanka	EFC	Employers’ Federation of Ceylon
	NATURE	National Association for Trade Union Research and Education
	NTUF	National Trade Union Federation
	NWC	National Workers’ Congress
Sweden	SN	Confederation of Swedish Enterprise
	LO	Swedish Trade Union Confederation
Switzerland	UPS	Confederation of Swiss Employers
	USS	Swiss Federation of Trade Unions
United Republic of Tanzania	CHODAWU	Conservation, Hotels, Domestic and Allied Workers’ Union of Tanzania
Thailand	LCT	Labour Congress of Thailand
	NCPE	National Congress of Private Industrial Employees
	SERC	State Enterprise Workers’ Relations Confederation
	TTUC	Thai Trade Union Congress
Togo	CSTT	Workers’ Trade Union Confederation of Togo
Trinidad and Tobago	NUDE	National Union of Domestic Employees
Tunisia	UGTT	Tunisian General Labour Union
Turkey	TOLEYİS	Hotel, Restaurant and Entertainment Workers’ Trade Union of Turkey
	TÜRK-İŞ	Confederation of Turkish Trade Unions
Ukraine	FPU	Federation of Trade Unions of Ukraine
United Kingdom	TUC	Trades Union Congress

United States	AFL–CIO	American Federation of Labor and Congress of Industrial Organizations
	NDWA	National Domestic Worker Alliance
Uruguay	PIT–CNT	Inter-Trade Union Assembly – Workers’ National Convention
Bolivarian Republic of Venezuela	CTV	Venezuelan Workers’ Confederation
Zimbabwe	ZCTU	Zimbabwe Congress of Trade Unions

Other abbreviations

EU	European Union
HGHAG	Act Governing Domestic Help and Domestic Employees (Austria)
IOM	International Organization for Migration
OSH	occupational safety and health
UN	United Nations

INTRODUCTION

At its 301st Session (March 2008), the ILO Governing Body decided to place an item on decent work for domestic workers on the agenda of the 99th Session (2010) of the International Labour Conference with a view to the setting of labour standards. In accordance with section 5.1.4 of the Standing Orders of the Governing Body, the question has been referred to the Conference with a view to a double discussion.

In accordance with article 39 of the Standing Orders of the Conference, which concerns the preparatory stages of the double discussion procedure, the Office drew up a preliminary report,¹ intended to serve as the basis for the first discussion of this question. After briefly summarizing the background to the Governing Body's decision, the report examines the law and practice on the subject in various countries. The report, accompanied by a questionnaire, was communicated to the governments of the member States of the ILO, which were invited to send their replies to reach the Office not later than 30 August 2009.

At the time of preparing the present report, the Office had received replies from constituents from 103 member States,² including the governments of the following 75 member States: Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, India, Indonesia, Italy, Japan, Jordan, Republic of Korea, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Ukraine, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

In the case of 46 member States, governments stated specifically that they had consulted employers' and workers' organizations (in a few cases only workers' organizations) before finalizing their replies, in some instances through national tripartite meetings. Some governments included in their replies those of such organizations, or referred to them, and in some cases replies were received directly from the organizations. In some cases, different units within the ministry of labour or other relevant ministries were consulted. Moreover, in some instances, extensive nationwide consultations were carried out, involving a number of civil society organizations, such as those working to protect domestic workers (including migrant domestic workers) and women. Their views were, in some cases, reflected in joint replies by trade unions (Philippines and Cambodia) and in one case (Philippines) resulted in a united trade union declaration on decent work for domestic workers.

In addition, replies were received from employers' and workers' organizations in another 28 member States (Algeria, Bangladesh, Barbados, Benin, Burkina Faso, Cambodia, Denmark,

¹ ILO: *Decent work for domestic workers*, Report IV(1), International Labour Conference, 99th Session, Geneva, 2010.

² Replies that were received too late to be included in the report may be consulted by delegates at the 99th Session of the Conference.

Dominican Republic, Gabon, Germany, Honduras, Iceland, Ireland, Israel, Kenya, Madagascar, Malawi, Niger, Pakistan, Russian Federation, Rwanda, Senegal, United Republic of Tanzania, Togo, Trinidad and Tobago, Turkey, United Kingdom, Zimbabwe). Written submissions were also received from various national domestic workers' organizations. Owing to the large number of replies received from workers' organizations, a tiered approach was taken in the preparation of the present report, with preference being given to national confederations, federations and domestic workers' organizations. In the cases where a joint reply was provided, mention was made only of such national organizations. Moreover, one international employers' organization (the International Organisation of Employers (IOE)) and two international workers' organizations (the International Trade Union Confederation (ITUC) and the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)), replied to the questionnaire. Their replies are reproduced in the report after those of other employers' and workers' organizations.

Replies were also received from other stakeholders such as civil society organizations, including Human Rights Watch, Anti-Slavery International, the Migrant Forum in Asia, the Asian Migrant Domestic Workers' Alliance and the RESPECT Network, and some national domestic workers' associations. Their replies have been noted but could not be included in the present report.

The present report has been drawn up on the basis of the replies received, the substance of which is given in the following pages. The proposed Conclusions appear at the end of the report immediately after the Office commentary on the replies received. If the Conference decides that it is advisable to adopt one or more international instruments, the Office will draw up, on the basis of the conclusions adopted by the Conference, one or more draft instruments to be submitted to governments. It will then be for the Conference to make a final decision on the subject at a future session.

REPLIES RECEIVED AND COMMENTS

This section contains the substance of the replies to the questionnaire that accompanied the preliminary report (Report IV(1)). Each question is reproduced and followed by a list indicating the governments that replied to it, grouped in accordance with the nature of the replies (affirmative, negative or other). A reply has been classified as “other” when no clear yes or no was expressed. Whenever there is an observation qualifying or explaining the reply, the substance of each observation is given, in alphabetical order of countries, after the list. Where a reply deals with several questions or refers to an earlier question, the substance of the reply is given under the first of these questions and is referred to only briefly in the others. Where two or more respondents made the same comments, these have often been grouped together. In cases where governments have provided general comments in addition to answers to the questionnaire or have only supplied general comments without giving answers to specific questions, the comments have been referred to in the Office commentary.

Some governments in their replies gave information on their national law and practice. While this information is most useful for the work of the Office, it has not been reproduced in the report unless it is necessary for an understanding of the reply.

Qu. 1 *Should the International Labour Conference adopt an instrument or instruments concerning decent work for domestic workers?*

Governments

Total number of replies: 74.

Yes: 72. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, India, Indonesia, Italy, Japan, Jordan, Republic of Korea, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

Other: 2. New Zealand, Poland.

Comments

Argentina. Considering the lack of labour protection for domestic workers, it is essential to adopt an instrument which regulates domestic work with due regard to its specificities.

Brazil. The regulation of the domestic employment relationship is the result of improvements over time of the rights of domestic workers, as in the case of Brazil. An international instrument is essential to set minimum standards for domestic work. This would also help harmonize the national legislation of member States.

Canada. This would establish principles and rights and offer practical guidance for the improvement of labour regulations for domestic workers.

China. Instruments are needed as guidance for domestic legislation, promoting the protection of the rights and interests of domestic workers and fostering sustainable development of the domestic work industry and the expansion of domestic employment in a healthier manner.

Colombia. It is essential to analyse the type of instrument, objectives, methods of implementation and the related operational and financial aspects (social and economic contribution of domestic work).

Costa Rica. All countries should guarantee good conditions to domestic workers in all fields. To this end, specific international instruments would be very useful.

Croatia. Without any action taken by the relevant international institutions, the improvement of legislative frameworks will not be possible.

Cuba. Due to the low unemployment rate and the good employment opportunities in the formal economy, domestic work is not an attractive activity in Cuba. However, considering that the ILO's report has shown that abusive conditions exist in many countries with regard to domestic workers, we share the ILO's concern on the need to adopt an instrument to protect these workers.

Finland. It is important to safeguard the working conditions of domestic workers through an ILO instrument as well as in national legislation.

Guatemala. Domestic work is inadequately regulated.

India. There is need to develop some guidelines on the working conditions of domestic workers.

Japan. Provided that the specificity of domestic work patterns and the diversity of national conditions are taken into account and that the provisions are flexible enough to allow countries to adapt measures that are in accordance with their national conditions.

Republic of Korea. Domestic workers need a certain level of protection, to be determined through research and deliberations.

Malaysia. Domestic workers are often neglected and subjected to unjust treatment and their needs are not addressed by existing Conventions.

Mauritius. This category of workers is particularly vulnerable to exploitation and abuse. Existing instruments do not specifically address the special circumstances in which domestic work is carried out.

Montenegro. Domestic workers need improved legislation.

Nepal. The critical conditions of domestic workers still prevail in Nepal, as in the past. While many Conventions concerning the rights and protection of workers have been ratified (the Forced Labour Convention, 1930 (No. 29); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); the Abolition of Forced Labour Convention, 1957 (No. 105); the Minimum Wage Fixing Convention, 1970 (No. 131); the Minimum Age Convention, 1973 (No. 138); and the Worst Forms of Child Labour Convention, 1999 (No. 182)), no interesting developments have taken place in the domestic work sector, which is one of the most unorganized sectors. Therefore, it has become a necessity to set up special regulatory laws or directives for the protection of the rights of all domestic workers and to ensure them decent work.

New Zealand. International labour instruments should be of a generally applicable rather than sector-specific nature.

Nicaragua. This should be an addendum to the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which should include specific provisions for domestic workers.

Norway. Domestic workers are a particularly vulnerable group which may be subject to serious abuses. Specific normative standards would provide a better opportunity for the ILO to give normative and technical guidance.

Panama. As the primary goal of the ILO is to promote opportunities for women and men to secure decent and productive employment in conditions of freedom and dignity, economic security and equal opportunity, it is fundamental to implement all instruments that may be necessary to guarantee decent work for domestic workers. These workers have traditionally been invisible, undervalued and victims of labour rights violations. It is highly recommended that the proposed instruments adopt a gender equality perspective in order to meet the needs of women domestic workers. Domestic workers, especially women, are victims of sexual, economic, psychological and physical abuses. This is aggravated by the irregular and migrant status of many of them. One of the main problems faced by these workers is isolation and vulnerability. Working and, sometimes, living in private households, they are highly dependent on the goodwill of their employers and may be exposed to violence and sexual exploitation. In the rare cases when they have a labour contract, its terms are determined by the employer. Finally, in many countries, domestic workers are not covered by labour legislation, which, obviously, undermines their status and rights, including freedom of association and the right to collective bargaining.

Poland. Considering the current situation in Poland, it seems that there is no need to support the Polish regulations currently in force with international ones. However, Poland will not oppose the initiative, provided that a sufficiently large group of States opt for the adoption of the document and that this group will be able to present the positive outcomes of such adoption.

Qatar. While domestic workers are included in the scope of existing ILO Conventions and Recommendations, unless explicitly and therefore intentionally excluded, a Recommendation on domestic workers would provide for the follow-up of the application of these standards and provide protection for such workers.

Saudi Arabia. The specificity of domestic work and its expansion at a global level, notably with regard to non-national female domestic workers, requires the adoption of such an instrument to provide the necessary protection to this category of workers.

South Africa. Domestic work involves employment across borders, displacing domestic workers and rendering them more vulnerable. The majority of workers in the sector are women and therefore, in line with the decent work programme, the instrument should provide protection for these workers.

Spain. One instrument should be adopted, taking into account the specificities of domestic work. In Spain, domestic work is regarded as a special employment relationship regulated by a separate law.

Thailand. An instrument or instruments could help raise awareness of the rights of domestic workers, who are mainly low-status women, and could be used as guidelines by the member States in developing their respective labour standards.

Tunisia. To date, domestic workers are not covered by any ILO instrument.

United Arab Emirates. Domestic workers are not covered by existing ILO instruments or are excluded from certain provisions.

Uruguay. One instrument, sufficiently broad and inclusive to achieve its ratification and application.

Yemen. Domestic workers constitute a large segment of the labour market and there is no international instrument that provides them with protection and because this employment is not regulated in some States.

Employers

Total number of replies: 23.

Yes: 10. EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea), ECOP (Philippines), EFC (Sri Lanka).

No: 7. ANDI (Colombia), KZPS (Czech Republic), SPD (Czech Republic), BDA (Germany), EFP (Pakistan), CONEP (Panama), SN (Sweden).

Other: 6. CNI (Brazil), HUP (Croatia), Business NZ (New Zealand), NHO (Norway), UPS (Switzerland), IOE.

Comments

CNI (Brazil). This should be the subject of general discussion. Should an instrument be adopted, it should take the form of a Recommendation.

ANDI (Colombia). The existing international instruments are sufficient and apply to domestic work. In Colombia, the existing legislation is sufficient.

KZPS, SPD (Czech Republic). Domestic workers should have the same working conditions as other employees. However, the current legislative framework and national policies and practice in the Czech Republic guarantee equal conditions for all workers and create sufficient room for balancing personal, family and work life. Emphasis should be placed on ensuring the proper application and enforcement of current instruments rather than on creating new ones.

BDA (Germany). Considering the diversity in the regulation of domestic work across countries, the diversity of the work itself and the unique considerations raised by this work, no instrument(s) should be adopted. Notwithstanding the ILO report, there remains an information deficit on the practice and outcomes of domestic work in many countries and across all regions. However, if the need for a new ILO instrument

has been proven, then it should be a Recommendation. It would offer a mechanism to promote particular approaches and focus consideration on areas of concern and could identify a pallet of options, which the ILO Members may review and apply as appropriate. A Convention does not provide this flexibility and should be reserved for unchanging principles and address issues on which there exists a broad tripartite consensus that international regulation is necessary. There is also the danger that a Convention would be poorly ratified and would have, therefore, only marginal relevance.

JCC (Jordan). This would ensure international protection to domestic workers and provide an effective added value.

Business NZ (New Zealand). International labour instruments should be generally applicable rather than sector-specific.

NHO (Norway). No final response can be given at this point.

EFP (Pakistan). The situation in developing countries in general and in Pakistan in particular is not conducive to a Convention or Recommendation on this subject, which would curb the opportunities available to millions of people who are unable to support themselves and earn a meagre living through domestic employment. Currently, domestic workers work on a contingent basis and are able to earn wages from various jobs by resorting to flexible working hours suitable to them and their employers. A regulation would also limit the level of their earnings. However, what needs to be pursued in the interest of decent work is that national legislation may be amended as necessary to provide for the health care and education of domestic workers, with some safety clauses.

CONEP (Panama). No, the general concept of decent work is also applicable to domestic workers.

SN (Sweden). No instrument should be adopted, as issues relating to domestic work are not amenable to regulation at the international level.

UPS (Switzerland). This depends on the discussions at the Conference.

IOE. No final response can be given at this point. Standard setting should address solely areas of proven need for a new ILO instrument. It must be evidence-based and lead to an instrument capable of addressing fundamental concerns across a wide range of member States. Since the report does raise areas of genuine concern, however, discussions towards standard setting should proceed as planned.

Workers

Total number of replies: 124.

Yes: 124. UGTA (Algeria), CTA (Argentina), CGTRA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KKSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic

of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Comments

CTA (Argentina). The specificity of domestic work cannot justify depriving domestic workers of legal protection through international standards.

FENATRAD (Brazil). Various instruments should be adopted. The mobilization of domestic workers and their organizations and the support of international organizations will be important for the implementation of the ratified instruments and national legislation.

CFITU, CLUF, CWLFU (Cambodia). The international instruments should: guarantee protection from labour exploitation, torture and discrimination; include health care and support to domestic workers; recognize domestic work as work.

CUT (Colombia). All instruments regarding decent work for domestic workers should be adopted in order to recognize the value of their work.

CMTC (Costa Rica). Various instruments should be adopted, in order to address the issue more effectively.

DEOK (Cyprus). Domestic workers must be adequately protected.

UGTE (Ecuador). All international instruments necessary to ensure decent work should be included.

CSTS, FEASIES (El Salvador). Millions of workers perform domestic work and have the same right as all other workers to be protected against violations of their labour rights.

UNSTRAGUA (Guatemala). In many countries, the working conditions of domestic workers are not equal to those of other workers. The fact that they are covered by a separate chapter of the relevant labour law also constitutes discrimination.

CGT (Honduras). Various instruments should be adopted, due to the complexity of the conditions in which domestic work is performed.

CFTUI (India). The instrument(s) could help give recognition to domestic workers in society and promote decent work for them.

HMS (India). At present, there is no labour legislation to protect domestic workers.

KSPI, KPSPI, KKSBSI (Indonesia). Domestic workers do not have decent living conditions, social security or working hour limits and they experience discrimination and low wages, etc.

CGIL (Italy). An international instrument would ensure that there are uniformly accepted rules in this area.

UGL (Italy). It would ensure greater and better protection for domestic workers and contribute to defending their rights.

FKTU (Republic of Korea). There should be specific instruments for domestic work, given its special characteristics (such as its non-productivity, isolation, the ambiguity of contractual relations, gender inequality within society and the tendency of society to underestimate its true value).

NIDWU (Nepal). In Nepal, the majority of domestic workers are not recognized as workers as they are not covered by any legal provisions, including labour laws. Their basic rights at work, such as minimum wages, weekly rest, general health care, etc., are not recognized. Therefore, they are the group most vulnerable to violations of rights and abusive practices.

LO (Norway). See question 2(c).

CONATO (Panama). Domestic workers are workers like all others and, as such, should have the same rights.

FEDUSA (South Africa). A Convention would oblige States to enact laws to protect domestic workers.

FNPR (Russian Federation). The specific nature of domestic work requires that some additions be made to general labour law. The proposed Convention would provide a serious support for negotiations with representatives of government bodies and employers.

AFL-CIO, NDWA (United States). Domestic work has long been invisible, making it particularly vulnerable to abuse and exploitation. Few countries around the world have strong protections in place for domestic workers. This is an opportunity to create a strong set of standards that can improve the living and working conditions of an ever-increasing workforce.

PIT–CNT (Uruguay). Various instruments should be adopted.

CTV (Bolivarian Republic of Venezuela). Due to labour flexibility and the lack of decent jobs, other international standards should be developed in order for the employers to comply with them.

- Qu. 2** *If so, should the instrument or instruments take the form of:*
- (a) *a Convention;*
 - (b) *a Recommendation;*
 - (c) *a Convention supplemented by a Recommendation; or*
 - (d) *a Convention comprising binding and non-binding provisions?*

Governments

- (a) *a Convention*

Total number of replies: 6.

Yes: 6. Plurinational State of Bolivia, Colombia, France, Montenegro, Peru, Philippines.

Comments

Peru. The instrument should be a Convention because of its global content and its binding nature. It would provide clear guidelines for national legislation and reaffirm at the international level the protection to which domestic workers are entitled.

- (b) *a Recommendation*

Total number of replies: 27.

Yes: 25. Canada, China, Colombia, Cyprus, Czech Republic, Egypt, Greece, Guatemala, Guinea, India, Indonesia, Japan, Republic of Korea, Lithuania, Malaysia, Mexico, Myanmar, Netherlands, Oman, Qatar, Romania, Saudi Arabia, Syrian Arab Republic, United Arab Emirates, Bolivarian Republic of Venezuela.

Other: 2. New Zealand, Switzerland.

Comments

Canada. A Recommendation should be favoured over a new Convention. A Recommendation could support Members in implementing existing Conventions. However, if a Convention is favoured, it should be principles-based and address the specific circumstances and needs of domestic work. It must avoid overly prescriptive language that would prevent its widespread ratification.

China. Taking into account the level of development of member States and the feasibility of a Convention, the instrument should take the form of a Recommendation.

Colombia. It is important to adopt an international instrument in order to accord value to and enhance the status of domestic work, both in society and in the world of work, from a gender perspective. This work suffers from a gender bias: it is mostly carried out by women, while men undertake other productive activities which are generally better valued.

Greece. Substantial divergence in the institutional frameworks of various countries is observed.

Guinea. By adopting a Recommendation, States could better adapt their legislation, which does not cover domestic workers.

India. This will help achieve flexibility in implementation and provide guidance for the regulation of domestic work.

Indonesia. Social, economic and cultural conditions in each member State differ.

Japan. A Recommendation would encourage countries to make efforts to expand protection for domestic workers.

Republic of Korea. While it is true that domestic workers need a certain level of protection, only a non-legally binding Recommendation can be supported because the Republic of Korea's labour legislation does not apply to domestic workers.

Mexico. A Recommendation would ensure that the laws of member States take into account its provisions according to national specificities.

Myanmar. A Recommendation should be adopted to establish the principles and rights of domestic workers and offer guidance on the regulation of domestic work.

New Zealand. Sector-specific instruments are not generally supported; see question 1. However, should a compelling case be made that a group or sector is not adequately covered by existing instruments, a Recommendation would be preferable.

Qatar. Recommendations are taken into consideration when setting legislation and regulations for domestic workers, to ensure that the interests of domestic workers are protected.

Switzerland. While a Convention would allow common rules to be formulated as distinct from the variable provisions of national regulations, a Recommendation would appear to suffice, as in Switzerland substantive law already offers sufficient protection (such as codes of obligations and cantonal standard employment contracts).

United Arab Emirates. The instrument should take the form of a Recommendation, given the private nature of the work undertaken by domestic workers and the difficulty of agreeing on binding provisions in the form of a Convention.

Bolivarian Republic of Venezuela. A Recommendation would provide guidelines for adopting national measures on domestic work and would supplement existing Conventions whose application to domestic workers should be promoted by member States.

(c) a Convention supplemented by a Recommendation

Total number of replies: 35.

Yes: 35. Albania, Australia, Austria, Bahrain, Belgium (CNT), Brazil, Chile, Costa Rica, Croatia, Ecuador, El Salvador, Finland, Italy, Latvia, Lebanon, Mauritius, Republic of Moldova, Morocco, Mozambique, Nepal, Nicaragua, Norway, Panama, Paraguay, Portugal, Romania, Serbia, Sri Lanka, Suriname, Sweden, Thailand, Tunisia, United States, Uruguay, Yemen.

Comments

Brazil. In view of the significant discrepancies with regard to the regulation of domestic work across countries, a binding instrument should be adopted, which establishes the basic principles and rights of domestic workers, with a Recommendation which would deal with the specificities of domestic work.

Chile. This would address the particular vulnerability of domestic workers due to the specificity of the work they carry out. Special attention should be paid to live-in work.

Croatia. Some more and detailed guidance is needed for the regulation of domestic workers.

Ecuador. Many of the problems faced by domestic workers can be attributed to the specificity and nature of their occupation and to inadequate attention to key aspects of their situation in international and national law, including existing ILO Conventions. Quite a number of ILO Conventions permit the exclusion of domestic workers from the scope of their provisions. The particular vulnerability of domestic workers to abuses of basic human rights, including fundamental principles and rights at work, as well as differences in employment arrangements, methods of remuneration, working time and other aspects of their working conditions, warrant separate consideration and standards adapted to their situation. The development of international standards is therefore meant to fill an important gap in the promotion of decent work for all.

El Salvador. A Recommendation includes more detailed provisions on the application of a Convention.

Finland. Both Convention and/or Recommendation are acceptable. A Convention supplemented by a Recommendation has a clearer structure than a Convention with binding and non-binding elements.

Latvia. Many of the problems faced by domestic workers can be attributed to the specificity and nature of their occupation and to inadequate attention to key aspects of their situation in international and national law, including existing ILO Conventions. Quite a number of ILO Conventions permit the exclusion of domestic workers from the scope of their provisions. The particular vulnerability of domestic workers to abuses of basic human rights, including fundamental principles and rights at work, as well as differences in employment arrangements, methods of remuneration, working time and other aspects of their working conditions, warrant separate consideration and standards adapted to their situation. The development of international standards is therefore meant to fill an important gap in the promotion of decent work for all.

Mauritius. The mandatory requirements in the Convention will ensure the protection of domestic workers whilst the Recommendation will provide guidance on how meaningfully to implement the provisions in practice.

Morocco. The Recommendation is necessary in so far as it provides guidance to policy.

Panama. The instrument should take the form of a Convention comprising both binding and non-binding provisions, and a Recommendation. This would reaffirm the coverage of domestic workers under existing international labour standards, while providing clear targets that take into account the specificity of domestic work and offer options as to how the decent work objectives might be achieved. Such a Convention could promote a multi-level approach to governance, establishing targets and offering member States options as to how to attain their goals. It could provide useful guidance while respecting the scope for local, national, bilateral and regional action by governments and by organizations of domestic workers and domestic employers.

Paraguay. For non-ratifying countries, the Recommendation could be used as a basis for drafting improved national legislation in conformity with the Convention.

Thailand. The Convention should provide that each member State may exclude from its application, in part or in whole, limited categories of domestic work or workers, which would otherwise raise particular difficulties.

Uruguay. Due to the particular conditions in which domestic work is carried out, the differences in employment arrangements, working time and methods of remuneration, among others, domestic workers face specific problems and are particularly vulnerable to abuses of fundamental principles and rights at work. Notwithstanding national legislation providing equality of rights between domestic workers and all other workers, international legislation and a number of ILO Conventions permit their exclusion from their scope of protection.

Yemen. If a Convention and a Recommendation are adopted, their scope will be stronger. States that encounter difficulties in ratifying the Convention will benefit from the Recommendation.

*(d) a Convention comprising binding and non-binding provisions**Total number of replies: 8.**Yes: 8. Argentina, Belgium (SPF), Cuba, Jordan, Mauritania, Slovenia, South Africa, Spain***Comments**

Argentina. A Convention comprising binding provisions is necessary to establish basic universal principles, while non-binding provisions would allow each country to legislate in accordance with its national specificities.

Belgium (SPF). It would establish provisions adapted to the specificity of domestic work and provide options to adjust the realization of the decent work objectives. The Convention could promote an approach on several levels and provide useful orientation while respecting local, national, bilateral and regional actions by governments or representative organizations of domestic workers and their employers.

Cuba. The adequate flexibility to allow the ratification and application of the essential elements of the instrument should be pursued.

Mauritania. It would reaffirm the coverage of domestic workers by existing international standards, by setting clear targets adapted to the specificity of the employment relationship and providing options towards the realization of the decent work objectives.

Slovenia. Fundamental legal standards should be binding, to ensure minimum protection for domestic workers, while the other standards should be optional because national legislation in member States differs significantly on this issue.

South Africa. Non-binding provisions would allow Members to strengthen their own legislative regime as it applies to domestic workers.

Spain. The specificities of each country concerning aspects such as the inviolability of the home could restrict labour inspection in private households.

Employers*(a) a Convention**Total number of replies: 2.**No: 1. UPS (Switzerland).**Other: 1. EFP (Pakistan).***Comments**

EFP (Pakistan). See question 1.

UPS (Switzerland). A Convention should not be adopted, as it would be little ratified.

*(b) a Recommendation**Total number of replies: 15.*

Yes: 11. CNI (Brazil), HUP (Croatia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), SEV (Greece), DPN APINDO (Indonesia), KEF (Republic of Korea), EFC (Sri Lanka), IOE.

Other: 4. BDA (Germany), Business NZ (New Zealand), NHO (Norway), EFP (Pakistan).

Comments

CNI (Brazil). See question 1.

HUP (Croatia). A Recommendation offers the best mechanism, given the unique nature of the employment and the key rights and safeguards associated with it.

BDA (Germany). See question 1.

DPN APINDO (Indonesia). Later, a Convention might be developed.

Business NZ (New Zealand). The question is how to ensure compliance with the relevant safeguards under existing instruments, especially the fundamental Conventions. This cannot be easily addressed by the adoption of a sector-specific instrument. However, a Recommendation that provides practical guidance on the application of relevant standards may be useful.

NHO (Norway). At this stage, discussions should aim at a Recommendation.

EFP (Pakistan). See question 1.

IOE. At this stage, discussions should aim at a Recommendation at most, which is the instrument best suited to identify and promote innovative practices, which should be a key focus of any instrument rather than setting fundamental minimum standards of universal application. Considering the diverse, non-linear and uncoordinated practices and approaches in different countries, the different application of existing standards and the unique nature of this work and its interaction with fundamental rights and safeguards (see question 9), a Recommendation allows the required flexibility. Notwithstanding the extensive work in the report, there remains an information deficit.

(c) a Convention supplemented by a Recommendation

Total number of replies: 2.

Yes: 1. JCC (Jordan).

Other: 1. EFP (Pakistan).

Comments

JCC (Jordan). A Convention creates rights and obligations and usually allows some flexibility with regard to methods of application. The Recommendation gives guidance for setting national laws and regulations.

EFP (Pakistan). See question 1.

(d) a Convention comprising binding and non-binding provisions

Total number of replies: 1.

Other: 1. EFP (Pakistan).

Comments

EFP (Pakistan). See question 1.

Workers

(a) a Convention

Total number of replies: 8.

Yes: 7. COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), CUT (Chile), CMTC (Costa Rica), CTS (El Salvador), CAUS (Nicaragua), ECOP (Philippines).

Other: 1. UNT (Mexico).

Comments

CMTC (Costa Rica). See question 1.

UNT (Mexico). This instrument should recognize the right to decent work of household workers, who are discriminated against and whose activity supports the professional development of other persons and contributes to the global economy. The ILO instrument should promote the adoption by member States of the necessary measures and legislation to protect the rights of household workers.

ECOP (Philippines). This would allow for flexibility in the application of labour standards, taking into account the differences in the level of economic development between developing and developed countries, in particular with regard to States that receive foreign domestic workers.

*(b) a Recommendation**Total number of replies: 5.*

Yes: 4. CMTC (Costa Rica), CMKOS (Czech Republic), CAUS (Nicaragua), FPU (Ukraine).

Other: 1. UNT (Mexico).

Comments

CMTC (Costa Rica). See question 1.

UNT (Mexico). See question 2(a).

*(c) a Convention supplemented by a Recommendation**Total number of replies: 115.*

Yes: 114. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), Histadrut (Israel), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Other: 1. UNT (Mexico).

Comments

UGTA (Algeria), CGTRA (Argentina), BILS (Bangladesh), BWU (Barbados), CSA (Benin), FS and UGT (Brazil), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), GSEE (Greece), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), FNV (Netherlands), LO (Norway), PWF (Pakistan), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS and TÜRK–İŞ (Turkey), TUC (United Kingdom), ZCTU (Zimbabwe), ITUC, IUF. Many of the problems faced by domestic workers can be attributed to the specificity and nature of their occupation and to inadequate attention to key aspects of their situation in

international and national law, including existing ILO Conventions. Quite a number of ILO Conventions permit the exclusion of domestic workers from the scope of their provisions.

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), FS and UGT (Brazil), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), GSEE (Greece), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), FNV (Netherlands), LO (Norway), PWF (Pakistan), CTP and CUT (Peru), UGT-P (Portugal), BNS and CNS-Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS (Turkey), TUC (United Kingdom), ZCTU (Zimbabwe), ITUC, IUF. The particular vulnerability of domestic workers to abuse of basic human rights, including fundamental principles and rights at work, as well as differences in employment arrangements, methods of remuneration, working time and other aspects of their working conditions, warrant separate consideration and standards adapted to their situation.

UGTA (Algeria), CGTRA (Argentina), FS and UGT (Brazil), LO (Denmark), CASC and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), GSEE (Greece), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), FNV (Netherlands), LO (Norway), PWF (Pakistan), UGT-P (Portugal), BNS and CNS-Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS (Turkey), TUC (United Kingdom), ZCTU (Zimbabwe), ITUC, IUF. The development of international standards is meant to fill an important gap in the promotion of decent work for all.

CTA (Argentina). Due to the vulnerability of this category of workers, minimum standards should be established to promote decent work for them.

ACTU (Australia). Domestic work remains poorly regulated at the national and international levels. A number of ILO Conventions permit the exclusion of this category of workers from the scope of their provisions.

BAK (Austria). Domestic workers are particularly vulnerable. A Convention would set international binding minimum standards, the national implementation of which would serve as a basis for claimable rights. The Recommendation would allow the gradual worldwide attainment of an optimal protection measure, granting flexibility regarding the cultural differences and legal conditions of the member States.

ÖGB (Austria). Provisions concerning rights of domestic workers should be set out in the Convention; provisions calling on member States to adjust their national policies with a view to protecting domestic workers, such as prohibiting human trafficking or slavery-like conditions, should be set out in the Recommendation.

FENATRAD (Brazil). In countries where legislation is less developed, the Convention may be used as a parameter for judicial decisions in case of labour disputes. The work performed by domestic workers generates wealth for employers as it allows them to work or improve their education or professional skills, thus permitting their gains to increase. The reproductive work performed by domestic workers is necessary for productive work. The terms “domestic workers” or “domestic employees” should be substituted by “private household workers” or “household workers”, due to the negative and pejorative connotation of the term “domestic”.

CNTB (Burkina Faso). Domestic workers are inadequately protected against certain types of abuse by existing provisions or instruments, or they are excluded from the scope of these provisions entirely.

ONSL (Burkina Faso). This allows the issue of decent work for domestic workers to be taken into consideration by a maximum number of member States.

CFITU, CLUF, CWLFU (Cambodia). This will ensure maximum protection to domestic workers. The Recommendation, which should include an explanation of the terms used by the proposed Convention, is meant to further assist member States in the implementation of the provisions of the Convention.

CGT (Colombia). Many of the problems faced by domestic workers can be attributed to the specificity and nature of their occupation and to non-compliance with relevant international and national legislation, including ILO Conventions. The violation of the human rights of these workers, especially of migrant workers, their invisibility and their exclusion from social security coverage, warrant the adoption of a Convention supplemented by a Recommendation.

ASTRADOMES (Costa Rica). The specificity of domestic work and the needs of domestic workers are not adequately addressed by international legislation, which often excludes these workers from its scope of application. Moreover, in the Central America region, labour legislation is discriminatory against domestic workers, who suffer slavery-like conditions.

CTRN (Costa Rica). The best instrument for protecting these workers would be a Convention. The Convention should be supplemented by a Recommendation, which in case of non-ratification would nonetheless provide guidelines for the adoption of national legislation.

DEOK (Cyprus). As many women workers have become vulnerable in recent years, they must be protected by an instrument as strong as a Convention.

CGT-FO (France). It is necessary to supplement existing ILO Conventions and national law. It is important to cover the range of different situations faced by so-called “domestic” workers which make them vulnerable, including with regard to the observance of the fundamental Conventions, in order to ensure that the rights of these workers are set out explicitly and protected effectively in the same way as for other workers. It is also necessary to fill the gaps created by the exclusion of these workers from the provisions of some ILO Conventions. Discussion should also focus on the means of action of labour inspection and monitoring authorities in this sector.

DGB (Germany). The problems of domestic workers are specific in nature. At the national and international levels, their situation is paid too little attention. Several ILO Conventions allow their exclusion, which is inadequate. There is urgent need for binding regulations on working conditions, times and wages as well as the acceptance of fundamental principles and rights at work for domestic workers.

UNSI TRAGUA (Guatemala). National legislation is insufficient to ensure the rights of domestic workers.

CGT (Honduras). Provisions on application and enforcement of the instruments should be clear.

CFTUI (India). This will ensure that maximum attention is paid to domestic workers.

ICTU (Ireland). In this regard Ireland’s code of practice for protecting persons employed in other people’s homes, a social partnership agreement, can be used as a good practice example. It has encouraged better compliance with and respect for domestic workers’ rights in Ireland, through well-crafted regulatory mechanisms with suitable enforcement machinery. An ILO instrument for domestic workers would further strengthen the right to decent work of these workers in Ireland and especially in countries where they are not yet covered by any labour legislation.

UIL (Italy). There is the need to reaffirm the full dignity of domestic workers, who are too often considered to be second-class workers.

JTUC-RENGO (Japan). In Japan, there are proposals to expand the economic partnership agreements that apply to both foreign nurses and domestic workers. In the absence of international fair standards for domestic workers, it is quite possible that working conditions for local workers will deteriorate.

COTU-K (Kenya). This will fill the gap in the promotion of decent work for all.

SEKRIMA (Madagascar). Domestic workers are especially vulnerable because there is no way of monitoring their working conditions at their workplaces. Domestic work is invisible, out of sight in private homes and not covered by law. Often, workers have no employment contract and are unknown to the labour inspection authorities. The violation of their fundamental rights at work and their very poor working conditions make it necessary to establish standards adapted to their situation.

CTM (Mexico). A Convention alone would not be sufficient.

UNT (Mexico). See question 2(a).

CNT (Niger). Many of the problems faced by domestic workers can be attributed to the specificity and nature of their occupation. In Niger, all persons who work in exchange for remuneration are equal before the law. However, as there is no specific legislation on domestic work, these workers are excluded from the scope of the provisions of various ILO Conventions. Moreover, they are particularly vulnerable to abuses of basic human rights, including fundamental principles and rights at work.

NSZZ (Poland). New standards are needed to establish basic principles and rights and offer guidance on the regulation of domestic work.

SADSAWU (South Africa). Domestic workers are among the most vulnerable workers, working long hours in isolation. International standards will provide for their protection.

NUDE (Trinidad and Tobago). Standards should be adapted to meet the needs of live-in workers, who in Trinidad and Tobago have no stipulated hours of work, no rights to retirement benefits from the employer, are always on call, are fired without notice, seldom receive days off or payslips or the legal

minimum wage, and are mostly migrant workers from poorer islands in the Caribbean. They are also excluded under the Occupational Health and Safety Act and the Retrenchment and Severance Benefits Act in the case of redundancy.

UGTT (Tunisia). The specificity and nature of domestic work is often inadequately addressed by international and national law, including existing ILO Conventions. Therefore, international standards need to be developed to fill an important gap.

TÜRK-İŞ (Turkey). Such instruments would fill an important gap in the promotion of decent work for all.

AFL-CIO, NDWA (United States). This is necessary in order to create effective safeguards for domestic workers.

CTV (Bolivarian Republic of Venezuela). See question 2(d).

(d) a Convention comprising binding and non-binding provisions

Total number of replies: 8.

Yes: 6. GFBTU (Bahrain), CUT (Colombia), CMTC (Costa Rica), UGTE (Ecuador), CS (Panama), CTV (Bolivarian Republic of Venezuela).

No: 1. BAK (Austria).

Other: 1. UNT (Mexico).

Comments

BAK (Austria). Concerns against such an instrument relate to its integration in the reporting and control mechanism of the ILO. ILO Conventions, as international treaties with an accurately defined scope which do not offer the possibility to declare reservations when ratifying it, have to be complied with in good faith (“strict law”). It is questionable whether a hybrid legal text is covered by the ILO Constitution. It would soften the connection of international labour standards and the reporting mechanism and weaken the specific character as well as the international recognition of ILO standards. This is particularly important given that the proposed Convention falls within the core mandate of the ILO.

GFBTU (Bahrain). The obligation to safeguard fundamental principles and basic human rights should be binding.

CMTC (Costa Rica). See question 1.

UNT (Mexico). See question 2(a).

CTV (Bolivarian Republic of Venezuela). We consider that the alternatives of a Convention supplemented by a Recommendation and a Convention comprising binding and non-binding provisions complement each other and could be considered in parallel.

Qu. 3 *Should the preamble of the instrument or instruments recall that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided?*

Governments

Total number of replies: 73.

Yes: 58. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Ecuador, El Salvador, Finland, France, Greece, Guinea, Italy, Japan, Jordan, Latvia, Lebanon, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Mozambique, Myanmar, Netherlands, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Sri Lanka, Suriname, Sweden, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 5. Egypt, India, Indonesia, Republic of Korea, Oman.

Other: 10. Cyprus, Guatemala, Lithuania, Malaysia, Morocco, Nepal, New Zealand, Peru, Spain, Switzerland.

Comments

Austria. It should be pointed out in the preamble that ILO Conventions and Recommendations also apply to domestic workers and that a supplementary provision is desirable because of the specificity of the employment relationship.

Brazil. The more explicit the reference to the rights of domestic workers, the easier it will be to apply the corresponding Conventions and Recommendations to them and the less likelihood there will be of interpretations that result in their exclusion from the scope of these instruments.

Canada. It should recall the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, and relevant instruments.

Colombia. This will strengthen the applicability of the instrument.

Croatia. It should take into consideration all related and existing Conventions.

Egypt. The specific nature of domestic work and the privacy of the workplace make it difficult to control and inspect it in law and in practice.

Finland. The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Convention No. 98 and other fundamental Conventions apply to domestic workers.

Guatemala (DPS). No, due to its specificity, domestic work should have its own regulations.

Guatemala (UMT, ONAM). Yes, household workers should be entitled to the same labour rights as all other workers, as established by the Labour Code.

India. This is not necessary.

Indonesia. The nature and type of domestic work is different from that of other workers.

Japan. However, the specificity and diversity of domestic work necessitates that different approaches be allowed for domestic workers in comparison with other workers.

Republic of Korea. This is not appropriate, since domestic workers are different from general wage earners in many ways.

Mauritania. Domestic workers are workers like all others.

Mauritius. Conventions Nos 29 and 182 should be mentioned.

Mexico. However, it should also be recognized that certain activities, such as domestic work, because of their characteristics, need a specific regulation.

Montenegro. It should also mention Conventions Nos 29, 138 and 182.

Morocco. The preamble should only deal with domestic workers.

Mozambique. This would draw attention to these workers and achieve respect of their rights.

Nepal. While international Conventions and Recommendations include all forms of work, domestic work is not bound by them due to its consideration as part of the informal sector. Hence, the present pathetic conditions of domestic workers necessitate a separate law exclusively for domestic workers, based on the past experiences gained.

New Zealand. In New Zealand, the employment law framework generally applies to all workers defined as employees.

Oman. The Recommendation should indicate any texts that need to be highlighted.

Panama. Yes, this reflects the fact that, traditionally, domestic workers have been excluded from labour protection. In drafting the instrument, specific mention of women domestic workers must be made. This would help promote the inclusion of language reflecting a gender perspective in the instruments to be adopted.

Paraguay. If not, there would be discrimination against domestic workers, as they are often excluded from the scope of existing ILO Conventions.

Poland. See question 4.

Portugal. This would contribute towards increased legal security for domestic workers.

Qatar. Yes, provided that the instruments explicitly provide for their application to domestic workers.

Slovenia. The preamble should also refer to Conventions Nos 29, 100, 111, 138 and 182.

South Africa. While not having the force of law, it focuses the attention on a broader and more holistic regime to provide the necessary protection to all categories of workers and entrenches the value of domestic workers.

Spain. Due to its specificities, domestic work must be regulated by separate legislation, which derogates to, or excludes, the general regime applicable to all other workers, although fundamental rights, such as the right to equality of treatment and non-discrimination, the prohibition of child labour and forced labour, freedom of association and the right to collective bargaining, also apply to domestic workers. Therefore, the preamble could mention these rights, including the right to social protection.

Switzerland. If existing ILO instruments already cover all workers, including domestic workers, it is unclear whether a new instrument specific to domestic workers is necessary. Such a statement could have a considerable influence on the practices of the supervisory bodies with regard to the implementation of other Conventions and Recommendations.

Thailand. This would help member States interpret the content of instruments more precisely.

Tunisia. This category of workers is in general considered to fall outside the scope of international labour Conventions and Recommendation.

Bolivarian Republic of Venezuela. The Protection of Wages Convention, 1949 (No. 95), which allows member States to exclude domestic workers from its scope, should be mentioned.

Employers

Total number of replies: 17.

Yes: 11. CNI (Brazil), ANDI (Colombia), HUP (Croatia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), JCC (Jordan), NHO (Norway), CONEP (Panama), IOE.

No: 2. KEF (Republic of Korea), UPS (Switzerland).

Other: 4. BDA (Germany), SEV (Greece), DPN APINDO (Indonesia), EFC (Sri Lanka).

Comments

CNI (Brazil). In accordance with national law and practice.

ANDI (Colombia). See question 1.

HUP (Croatia). It should also mention additional treaties and standards.

BDA (Germany). Work within the home is unique. Comparisons to general or commercially based employment and their standards are, in many cases, inappropriate, rendering inapplicable various approaches to regulating work on a general basis. Moreover, general commercial employment carried out in a home, short and temporary engagements, and work by family members should be excluded from the standard. Instead, the standard should focus on the core concerns that all parties share and can agree to address, rather than stray into areas of significant contention.

SEV (Greece). International Conventions and Recommendations should be taken into account when setting a new standard, without overlooking the particularities of domestic work.

KEF (Republic of Korea). Domestic workers are fundamentally different from other wage earners. International labour standards therefore cannot apply to them.

EFC (Sri Lanka). Domestic work is unique. This must be recognized and taken into account in framing any standard. General commercial employment carried out in a home, short and temporary engagements, and work by family members should be excluded from the standard.

NHO (Norway), IOE. The recognition that there is already a substantial body of ILO standards relevant to this area should shape the form of any new instrument and the aspirations therein. Additional treaties and standards from other agencies (perhaps on migration matters) might be also noted. Where standards exist and are applicable to domestic work, no new provisions should be set up. Reservations or exceptions in the application of existing standards regarding domestic work should not be reversed or derogated from. Appropriate cross referencing in the preamble of any instrument can only be determined as discussions progress, with advice from the ILO.

Workers

Total number of replies: 126.

Yes: 124. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), ASI (Iceland), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Other: 2. CGT (Honduras), CFTUI (India).

Comments

CTA (Argentina). It should mention that any measure or law of a member State which excludes domestic workers from its scope would be contrary to the Convention.

BAK (Austria). Since the non-application of essential labour and social rights and the general exception of domestic work from a number of national provisions impedes the access of domestic workers to decent work and constitutes a structural discrimination.

ÖGB (Austria). This is often overlooked and concerns legally enforceable rights.

FENATRAD (Brazil). Domestic workers should be regarded as any other worker.

CFITU, CLUF, CWLFU (Cambodia). Domestic workers are workers.

CGT (Colombia). This should be done in order to prevent discrimination against domestic workers.

CUT (Colombia). This should be implicit.

DEOK (Cyprus). It must be clear that domestic workers are protected like all other workers.

CGT (Honduras). Standards specific to domestic workers should be adopted.

UGL (Italy). Although it is implicit, it is always better to recall it.

CROC (Mexico). The words “unless otherwise provided” should be deleted.

CTM (Mexico). The more specific and clear, the more effective.

UNT (Mexico). The need for a specific Convention for household workers should be stressed, since other labour standards are very general and in practice have protected household workers poorly.

NIDWU (Nepal). It will help regulate domestic work like any other work.

NTUC (Nepal). Domestic workers lack legal protection.

CONATO (Panama). Domestic work is one of the oldest, poorly remunerated and unprotected occupations.

APL, FFW, TUCP (Philippines). On the adoption of the Convention, the provisions of existing instruments that specifically exclude domestic work should be considered repealed.

CGTP-IN (Portugal). This would contribute to their increased security.

PIT-CNT (Uruguay). It would be useful for each provision to specify that it is applicable to all domestic workers.

CTV (Bolivarian Republic of Venezuela). Despite the existence of general labour recommendations, employers do not comply with them. This could be a way to improve and broaden the implementation of these recommendations.

Qu. 4 *Should the preamble of the instrument or instruments refer to the special conditions in which domestic work is carried out that make it desirable to supplement the general standards by standards specific to domestic workers, to enable them to enjoy their rights fully?*

Governments

Total number of replies: 72.

Yes: 67. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, India, Indonesia, Italy, Jordan, Republic of Korea, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Serbia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 2. Qatar, South Africa.

Other: 3. Costa Rica, New Zealand, Switzerland.

Comments

Austria. For the instrument to be accepted, it seems important to disclose adequately in the preamble the reasons for special protection measures.

Chile. Many of the problems faced by domestic workers are the result of the specificity and nature of their occupation.

China. It could refer to the special conditions in which domestic work is carried out and provide special provisions for domestic workers.

Colombia. All efforts to enhance the status of and promote decent domestic work are appropriate. It is important to recognize that this work has an impact on all aspects of the life of the worker, the individual or family employer, the community and society at large.

Costa Rica. It should also make reference to the place in which domestic work is carried out (households, private and public centres, and others). Domestic workers have been seriously discriminated against regarding their working conditions.

Ecuador, Latvia. Many of the problems faced by domestic workers can be attributed to the specificity and nature of their occupation. Their particular vulnerability to abuses of basic human rights, including fundamental principles and rights at work, as well as differences in employment arrangements, methods of remuneration, working time and other aspects of their working conditions, warrant separate consideration and standards adapted to their situation.

France. This will draw attention to the specificity of this category of workers.

Guatemala (ONAM, UMT). It should be highlighted that the majority of household workers are women and female minors.

India. It could state that the working conditions of domestic workers are unique and often not comparable with those of other categories of workers. These workers are particularly vulnerable to exploitation because of the nature of their work. Mostly, they are living in the employer's premises.

Mexico. This would make it possible to contextualize the instrument.

Morocco. The preamble should allude to the special conditions of domestic work as well as to general standards.

Nepal. The existing Conventions and Recommendations, which were designed for workers working in the public sphere, have proved to be less effective or totally ineffective, in so far as domestic workers work alone within an individual household.

Netherlands. In principle, domestic workers enjoy the same rights as other workers. However, the special conditions in a private household can blur work and personal relationships and give rise to the need to supplement the general standards.

New Zealand. See questions 1 and 2.

Paraguay. The conditions in which domestic work is carried out are peculiar. The work is performed in a private household and raises difficulties with regard to inspecting the workplace, creating trade unions and maintaining everyday relationships. It is essential to consider the different categories of domestic workers, such as those living in or outside the workplace and casual workers.

Peru. Notwithstanding the fact that countries may have different laws on domestic work, the instrument would strengthen the necessity to afford domestic workers a suitable protection through national legislation.

Poland. It is necessary to indicate that the relationship between the employer and the domestic worker is of a specific nature and therefore the general standards applicable to employees in general may not be applied here directly.

Romania. See question 5.

South Africa. The focus should rather be on the necessary protection measures for domestic workers.

Switzerland. Any plans for special legislation must demonstrate the specificities of domestic work and the need for special rules. Report IV does not do this sufficiently.

Thailand. This could help give Members a thorough understanding of the rationale and objective of the instrument(s).

Uruguay. Many of the problems faced by domestic workers are the result of the specificity and nature of their occupation.

Bolivarian Republic of Venezuela. While domestic work is regarded as work under a special set of provisions, this should not entail less favourable working conditions than those provided by the general regime.

Employers

Total number of replies: 17.

Yes: 12. CNI (Brazil), HUP (Croatia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), SEV (Greece), JCC (Jordan), KEF (Republic of Korea), NHO (Norway), CONEP (Panama), EFC (Sri Lanka).

No: 2. ANDI (Colombia), UPS (Switzerland).

Other: 3. BDA (Germany), DPN APINDO (Indonesia), IOE.

Comments

CNI (Brazil). In accordance with national law and practice.

HUP (Croatia). There should also be specific recognition that cost-effective, practicable and accessible domestic work can offer greater opportunities for the workforce participation of persons with childcare responsibilities.

BDA (Germany). See question 3.

KEF (Republic of Korea). Special standards should be adopted for these workers.

EFC (Sri Lanka). See question 3.

IOE. The unique nature of domestic work must be recognized – it is work that yields unique benefits and raises unique concerns, which must be taken into account when considering the scope and form of a standard and national law and practice. Recognition should also be given to its contribution to society and families, including to the fact that cost-effective, practicable and accessible domestic work can offer greater opportunities for workforce participation to those with childcare responsibilities. It should not be stipulated that general standards should be supplemented by standards specific to domestic workers. While some national systems may supplement their general labour law, others may issue specific laws for domestic workers. If this part of the question is actually a descriptive statement of fact about the body of ILO standards, namely that some additional standard is required for this unique area of work, this should be examined and finalized only in the light of the discussions and the shape of the final instrument(s).

Workers

Total number of replies: 124.

Yes: 123. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso),

CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), NSZZ (Poland), APL (Philippines), FFW (Philippines), TUCP (Philippines), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), SADSAWU (South Africa), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Other: 1. ÖGB (Austria)

Comments

UGTA (Algeria), CGTRA (Argentina), BWU (Barbados), CSA-Bénin (Benin), FS and UGT (Brazil), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), FNV (Netherlands), LO (Norway), PWF (Pakistan), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT-P (Portugal), BNS and CNS-Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS (Turkey), TUC (United Kingdom), ZCTU (Zimbabwe), ITUC, IUF. Many of the problems faced by domestic workers are a result of the specificity and nature of their occupation. Their specific circumstances – which include vulnerability to abuses of basic human rights, including fundamental principles and rights at work and differences in employment arrangements, methods of remuneration, working hours and other aspects of working conditions – warrant separate consideration and standards adapted to their situation.

CTA (Argentina). This would mitigate the decent work deficit faced by such workers.

BAK (Austria). See question 3. This would make space for specific provisions, if objectively justified, which would have to be measured against general principles.

ÖGB (Austria). The preamble should state clearly that domestic helpers and workers are in principle in an employment relationship like any other workers.

BILS (Bangladesh). The preamble should refer to the special conditions in which domestic work is carried out; in other words it takes place inside a home, often in isolation and behind closed doors.

FENATRAD (Brazil). It should mention that domestic workers render their services under special circumstances (in a private household, not subject to labour inspection) and are thus more vulnerable and isolated. It should also highlight the differences in employment arrangements, methods of remuneration, working time and other aspects of working conditions (such as living in the employer's household) and the obligation to inspect.

ONSL (Burkina Faso). The specificity of a sector may justify the need for a particular international standard, to increase the effectiveness of related national action.

CFITU, CLUF, CWLFU (Cambodia). The preamble should also mention the particular vulnerability of domestic workers, especially migrant domestic workers, who warrant protection under the labour legislation.

CLC (Canada). They are particularly vulnerable to abuses of basic human rights, including fundamental rights at work.

CGT (Colombia). Mention should be made of the vulnerability of domestic workers due to the nature of their work and the lack of knowledge of the relevant international and national legislation and of their rights.

CUT (Colombia). It would help recognize also the value of unpaid domestic work.

ASTRADOMES (Costa Rica). The visibility of discriminatory working conditions for domestic workers is fundamental both for adopting the necessary instruments to protect them and for achieving the essential changes to ensure decent work for these workers.

DEOK (Cyprus). Domestic workers used to be considered as a different category of workers, thus their working status must be clarified by standards specific to them.

CGT-FO (France). The preamble must highlight that the need for an instrument is the result of the greater vulnerability of domestic workers to a violation of their rights as provided for by the ILO Conventions, including the fundamental Conventions. The vulnerability of these workers is related to the particular conditions of domestic work: the nature of the employer and of the employment contract (if there is one); the method of remuneration; the absence of effective safety and health measures; the absence of training or information; and the isolation of workers, which makes unionization and collective bargaining more difficult. The common situation of workers working for more than one employer should also be covered.

DGB (Germany). See question 2(c).

GSEE (Greece). See question 2.

UNSI TRAGUA (Guatemala). This will reduce the exclusions, inequalities and inequities suffered by domestic workers, who are mainly women.

CGT (Honduras). In order to be effectively applied, standards should be in line with the national legislation of every country.

CROC (Mexico). The special conditions should be mentioned, in view of the difficulty to make domestic work visible.

CTM (Mexico). This will ensure effective application.

UNT (Mexico). It is necessary to take into account the gender dimensions of domestic work, in order to guarantee equality of treatment.

FNV (Netherlands). Reference should be made to the particularly vulnerable position of these workers, because they are employed by private households. It would be better if larger companies would employ them and send them to work in private houses.

CONATO (Panama). This is invisible work where there are very few inspections.

CS (Panama). Domestic work is not recognized or valued and it is mainly carried out by women. The fundamental rights of these workers are not respected and limits on working hours are not established. The workers often live at their workplace, are exploited and work non-stop. For this reason, this activity should be regulated by specific provisions.

CUT-A (Paraguay). Most of the problems faced by domestic workers are a result of the specificity and nature of their occupation.

CGTP-IN (Portugal). This specification is even more important in view of the difficulty to characterize domestic work.

SADSAWU (South Africa). It should highlight that isolation makes these workers vulnerable to abuses and that they often do not have access to assistance, as they are not aware of their rights.

CCOO (Spain). It is necessary to mention the particular conditions in which domestic work is carried out, because domestic workers are very vulnerable to violations of their rights and working conditions.

NTUF (Sri Lanka). The problems faced by domestic workers are mainly a result of the specific nature of their occupation and the lack of national laws covering them. Their working conditions warrant separate consideration and standards suited to them.

LCT, NCPE, SERC, TTUC (Thailand). Many of the problems faced by domestic workers are a result of the specificity and nature of their occupation. General standards specific to their nature will enable them to enjoy their rights fully.

UGTT (Tunisia). Domestic workers face specific problems. Their vulnerability to abuses of basic human rights, including fundamental principles and rights at work, warrants separate consideration.

TÜRK-İŞ (Turkey). Domestic workers face specific problems, depending on the nature of their occupation.

AFL-CIO and NDWA (United States). Factors that warrant standards adapted to the particular circumstances include: the workplaces are private homes; domestic workers work without being registered anywhere and in isolation, making it difficult or impossible to conceive a traditional collective bargaining set-up. Standards specific to domestic workers therefore need to be legislated to ensure that these workers enjoy the rights and benefits for which most other sectors could bargain collectively in a more feasible way.

Qu. 5 *Should other considerations be included in the preamble? Please specify.*

Governments

Total number of replies: 59.

Yes: 35. Argentina, Belgium, Plurinational State of Bolivia, Chile, China, Colombia, Croatia, Cuba, Ecuador, El Salvador, Finland, Greece, Guatemala, Indonesia, Republic of Korea, Latvia, Lebanon, Malaysia, Mexico, Morocco, Mozambique, Nepal, Oman, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Slovenia, Suriname, Sweden, Uruguay, Bolivarian Republic of Venezuela.

No: 19. Albania, Australia, Bahrain, Brazil, Egypt, India, Jordan, Lithuania, Mauritania, Mauritius, Montenegro, Netherlands, Saudi Arabia, Serbia, South Africa, Thailand, Tunisia, United Arab Emirates, Yemen.

Other: 5. Costa Rica, France, Guinea, New Zealand, Spain.

Comments

Australia. A lengthy preamble is unnecessary. The inclusion of additional material could limit the ability of governments to interpret and apply the Convention flexibly.

Argentina, Latvia. The preamble should mention the Employment Relationship Recommendation, 2006 (No. 198). As domestic work is often carried out by children, reference should be made to Conventions Nos 138 and 182. The United Nations (UN) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families should also be mentioned in the preamble, as domestic work is carried out predominantly by migrant workers.

Argentina, Ecuador, Latvia, Sweden. The text should recognize the significant contribution of domestic workers to the global economy and highlight that the overwhelming majority of domestic workers are women from historically disadvantaged communities and regions, who often suffer social exclusion and work informally, outside the scope and protection of national labour laws and enforcement mechanisms.

Argentina, Latvia, Sweden. The preamble should also mention that any standards that apply to those who perform care work for pay should be considered in relation to the Workers with Family Responsibilities Convention, 1981 (No. 156), and Recommendation, 1981 (No. 165), to provide for the adoption of a national policy to promote the development of accessible and good-quality childcare and other personal care services with a view to promoting work-life balance for families.

Belgium. It is important, in addition to regulating the domestic work contract, to encourage States to take other measures for the benefit of domestic workers, such as those outlined under questions 54 and 63. The issue of gender mainstreaming and the importance of labour inspections for the promotion of decent work for domestic workers should also be mentioned.

Chile. Due to the specificity of domestic work and the different regulation, if any, of it across member States, mention should be made of the situation of domestic work. It is also important to consider the gender dimension of this work, as the idea that domestic work and care work are women's work should be overcome.

China. Domestic workers, the majority of whom are female, are faced with covert risks, including physical and mental violence, sexual assault, deprivation of liberty and forced labour. Other international instruments protecting children, women and migrants, such as the UN Convention on the Rights of the Child, the UN Convention on the Elimination of All Forms of Discrimination against Women and the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, should be considered. Consideration should also be given to the fact that domestic workers do not fully enjoy the respect of employers and society in general, because domestic work is undervalued and traditionally it is believed that most women are born with the ability to engage in domestic work, which requires few skills.

Colombia. The need to ensure equality of working conditions between domestic work and any other work should be emphasized.

Costa Rica. The preamble should address the issue of the international migration of domestic workers.

Croatia. The preamble should also note the existence of other international instruments that recognize the rights of children, women and migrants.

Cuba. The preamble should include considerations that emphasize the vulnerable conditions in which domestic workers operate.

El Salvador. Considerations such as the reconciliation between work and family life should be included, as domestic work is mostly carried out by women.

Finland. It should refer to child labour and the prohibition of forced labour. The instrument should also guarantee basic and professional education opportunities for domestic workers.

France. The instrument should not include specific provisions with regard to certain general areas, but should just refer to the provisions of important Conventions, such as the Social Security (Minimum Standards) Convention, 1952 (No. 102), and the Equality of Treatment (Social Security) Convention, 1962 (No. 118).

Greece. It should refer to the difficulty of taking measures to monitor the implementation of standards, given the location of the domestic workplace, and to the particular circumstances of live-in workers.

Guatemala (DPS). National customs should be acknowledged.

Guatemala (ONAM, UMT). The denial of the fundamental rights of household workers (such as the right to fair wages, decent living conditions, non-discrimination and maternity protection, including the right to breastfeed) should be stressed.

Indonesia. Reference should be made to the job market and the social, cultural, economic and religious aspects of each country.

Latvia, Malaysia. Domestic workers are predominantly migrant workers. The preamble should therefore refer to the principles of equality of treatment and opportunity contained in the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

Latvia, Paraguay. In too many countries, domestic workers are not covered by labour legislation.

Latvia, Sweden. Attention should be drawn to the inadequate attention that is paid to key aspects of the situation of domestic workers in international law and national legislation.

Mexico. The risks which domestic workers are facing, such as discrimination, physical abuses and the imposition of exhausting hours of work, should be mentioned.

Morocco. The preamble should refer to the different categories of domestic workers.

Mozambique. The objectives of achieving decent work for domestic workers should be included.

Nepal. It should refer to the right to equal treatment with formal sector workers as well as within the domestic work sector itself and the right to organize and bargain collectively, as enjoyed by wage earners in the formal sector. The questions of social security and the personal development of each domestic worker should also be addressed.

New Zealand. See question 3.

Oman. Provisions should be set to protect both parties (the worker and the employer).

Panama. It is essential that a gender equality perspective be integral to the Convention. Mention should be made of the instruments or mechanisms that should be used to achieve this goal, because domestic workers have limited access to the measures and protection that could ensure them safe and healthy pregnancies and births, a replacement income when they are on maternity leave and the right to return to their jobs.

Paraguay. It should recognize the significant contribution of domestic workers to the global economy and highlight that the overwhelming majority of domestic workers are women from the poorest communities. It should state that any provision applicable to domestic workers should be considered in relation to Convention No. 156, and make reference to the principles of equality of treatment and opportunities contained in the Conventions on migrant workers and on social security.

Peru. Reference should be made to the reasons which make domestic work so relevant that it warrants an international instrument.

Philippines. It should state that the labour laws in some receiving states currently exclude domestic workers from their protection, that partnership between domestic workers and their employers must be encouraged, putting the main focus on the protection of workers while not neglecting the benefits of the employers, and that decent work should be incorporated as a framework.

Poland. The following considerations justify the need to develop such a document: the importance (sector size) of domestic work, at least in specific areas of the world; the need to ensure the conditions for decent work, in particular to women who make up the majority of domestic workers; and the need to protect children, who are also used in domestic work under conditions infringing their rights.

Qatar. Health and safety considerations should be included.

Romania. It should define terms such as “domestic work” and “domestic worker” and the conditions in which they should work, on the basis of a labour contract.

Slovenia. It should observe that many domestic workers, including migrant workers, are exposed to hidden exploitation, that most jobs are done by women and that other international legal instruments exist that recognize the rights of children, women and migrants.

Spain. It will depend on the content of the instrument.

Suriname. The specific problem of disguised relationships and the absence of specific laws and procedures taking into account the special situation of domestic workers can be mentioned.

Sweden. As domestic workers are predominantly migrant workers, the preamble should also make reference to the principles of equality of treatment and opportunity.

Uruguay. It should also recognize the significant contribution of domestic workers to the global economy and the need to protect a group of workers which is overwhelmingly made up of women from disadvantaged or excluded sectors with the lowest educational levels.

Bolivarian Republic of Venezuela. The importance of domestic work as a source of employment and its contribution to work–family balance and the socio-economic development of countries should be mentioned.

Employers

Total number of replies: 11.

Yes: 6. HUP (Croatia), ESEE (Greece), DPN APINDO (Indonesia), KEF (Republic of Korea), NHO (Norway), IOE.

No: 3. CNI (Brazil), ANDI (Colombia), JCC (Jordan).

Other: 2. BDA (Germany), EFC (Sri Lanka).

Comments

HUP (Croatia). Reference should be made, for example, to the capacity of domestic work to increase opportunities for workforce participation, particularly for women and those with parental responsibilities.

BDA (Germany). See question 3.

ESEE (Greece). The specific nature of the work relationship and the workplace (household) should be taken into consideration.

DPN APINDO (Indonesia). Cultural, social and economic aspects and the local traditions of each country should be taken into consideration.

KEF (Republic of Korea). The way in which domestic work is carried out differs from that of other types of employment.

NHO (Norway). The contribution that domestic work can make to societies and families should be recognized, especially that practicable, accessible domestic work can offer greater opportunities for workforce participation to persons with childcare responsibilities. This is particularly important for countries without a sufficient supply of childcare solutions.

EFC (Sri Lanka). See question 3.

IOE. The integral and legitimate role of domestic work in many countries, and its scope to increase opportunities for workforce participation, particularly for women and persons with parental responsibilities, may be recognized.

Workers

Total number of replies: 114.

Yes: 112. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), CSTS (El Salvador), FEASIES (El Salvador), AKAVA

(Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CISL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. CTS (El Salvador), CSTT (Togo).

Comments

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BWU (Barbados), CSA-Bénin (Benin), FS and UGT (Brazil), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), GSEE (Greece), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), FNV (Netherlands), LO (Norway), PWF (Pakistan), CUT-A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT-P (Portugal), BNS and CNS-Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS (Turkey), TUC (United Kingdom), AFL-CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. The preamble should recognize the inadequate attention that is paid to key aspects of the situation of domestic workers in international and national law. Reference should therefore be made to Recommendation No. 198. It should also recognize the significant contribution of domestic workers to the global economy and highlight that the overwhelming majority of domestic workers are women from historically disadvantaged communities and regions, who often suffer social exclusion and work informally beyond the scope of national labour legislation and enforcement mechanisms.

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BWU (Barbados), CSA-Bénin (Benin), FS and UGT (Brazil), ASTRADOMES (Costa Rica), CGT (Colombia), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), GSEE (Greece), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), FNV (Netherlands), LO (Norway), PWF (Pakistan), CUT-A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT-P (Portugal), BNS and CNS-Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS (Turkey), TUC (United Kingdom), AFL-CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. It should mention that any standards that apply to those who perform remunerated care work should be considered in relation to Convention No. 156 and Recommendation No. 165, which provide for the adoption of a national policy to promote the development of accessible and quality childcare and other personal care services with a view to promoting work-life balance for families. Since domestic workers are predominantly migrant domestic workers, the preamble should also make reference to the principles of equality of treatment and opportunity contained in Conventions Nos 97 and 143.

CTA (Argentina). The situation of migrant workers needs to be taken into account, as they are victims of forced labour. They are often undocumented and do not enjoy the same working conditions as national workers.

BAK (Austria). It should allude to health and safety at the workplace and to Convention No. 138, and at least to the ILO fundamental principles and rights at work (for example, Conventions Nos 100, 111 and 182). In addition, reference should be made to Convention No. 131 and the ILO Multilateral Framework on Labour Migration, 2004, with its aim of establishing fair, non-violent conditions for labour migrants in the global economy.

ÖGB (Austria). It should explicitly refer to the ILO's core labour Conventions.

GFBTU (Bahrain). It should mention that the fundamental principles and basic human rights are binding.

BILS (Bangladesh). It should recall that the specificity of domestic work should not be made a reason to exclude domestic workers from the protection of applicable international labour standards. It should be recalled that domestic workers are covered under these standards; that domestic workers make up a large portion of the workforce; that the number of domestic workers is continuing to rise; that many domestic workers are female or children; and that domestic work is undervalued and poorly regulated.

FENATRAD (Brazil). It should state that domestic workers should not carry out hazardous work or work for which specific skills are needed (such as minding violent dogs or treating persons or accompanying persons in special conditions). Member States should make a commitment to adopt public policies to promote the personal and family needs of domestic workers as well as their access to education and leisure time. Private intermediary agencies should be considered employers subject to the respective legislation.

CNTB (Burkina Faso). A distinction should be made between remunerated domestic work under an employment contract and domestic tasks carried out by family members.

ONSL (Burkina Faso). Reference should be made to the different types of domestic workers that may be covered, such as night guards and wardens.

CFITU, CLUF, CWLFU (Cambodia). It should refer to Recommendation No. 198 and Conventions Nos 97 and 143. It should strongly focus on migrant domestic workers, the majority of whom are female, who contribute significantly to maintaining their families and are more vulnerable to abuses.

CLC (Canada). It should recognize the significant and growing contribution of domestic workers to the global economy. It should refer to standards that apply to the families of domestic workers and reinforce the need for national policies that avoid reliance on and the persistence of domestic worker programmes as an alternative to building, sustaining and enhancing national childcare and home-care measures. Because of the gender- and racial-specific profile of domestic workers, coupled with weak labour protections, the preamble must emphasize the need for measures that will ensure equality of treatment and opportunity for international migrant workers.

CGT (Colombia). Reference should be made to Recommendation No. 198. The preamble should also recognize the significant contribution of domestic workers to the global economy and highlight that many women who migrate to other countries to perform domestic work leave their children in someone else's care, which is detrimental to young people.

CUT (Colombia). The concept of a care economy should be included, which is defined as work performed in the domestic arena for the care of people, whether unpaid or paid, in the public, private and voluntary community services sectors. A care economy is vital in developing and maintaining the health and skills of the labour force and in developing and maintaining the social fabric: the sense of community and of civic responsibility and the rules, norms and values that maintain trust, goodwill and social order.

ASTRADOMES (Costa Rica), CNT (Niger). The preamble should recognize the inadequate attention that is paid to key aspects of the situation of domestic workers in international and national law. It should also recognize the significant contribution of domestic workers to the global economy.

CMTC (Costa Rica). Including statistics on domestic work would lend further legitimacy to these instruments.

CTRN (Costa Rica). Domestic work should be formally integrated into the industrial relations system of member States.

DEOK (Cyprus). The preamble should include reference to working hours, breaks, salary, holidays and all workers' rights, such as the rights to safety and health, maternity protection and equal treatment.

AKAVA, SAK, STTK (Finland). Attention should be drawn to the inadequate attention that is paid to the situation of domestic workers in international and national law. Reference should be made to the relevance of Recommendation No. 198. The preamble should highlight that the overwhelming majority of domestic workers are women from disadvantaged communities and regions, who often suffer from social exclusion and who work in the informal sector. It should also mention that the standards should be considered in relation to Convention No. 156 and Recommendation No. 165. The preamble should also make reference to the principles of equality of treatment and opportunity contained in Conventions Nos 97 and 143.

CGT-FO (France). Certain aspects of domestic work warrant specific mention: the absence in many cases of any legislation, regulations or collective agreements covering domestic workers in many countries (refer to Recommendation No. 198); the large number of women working in this sector; the fact that domestic workers are often disadvantaged as they are excluded from training and access to knowledge about their rights; and the fact that they are often found in situations of precariousness and deprivation. The need for work-life balance must also be acknowledged, as these workers are often subject to excessive working hours and shifts (link with Convention No. 156 and Recommendation No. 165). The high incidence of migrant domestic workers and the need to ensure equality of rights with nationals (link with Conventions Nos 97 and 143) also need to be underlined.

DGB (Germany). Reference should be made to: the protection of domestic workers in national law; Recommendation No. 198 and Convention No. 156; the significant contribution made by domestic workers to the global economy; the specific situation of women; migrant domestic workers; and the need for equal treatment, as provided by Convention No. 97.

UNSI TRAGUA (Guatemala). The adoption of an international instrument constitutes an act of justice for this sector, which has historically been discriminated against, despite its significant contribution to the global economy.

CNTG (Guinea). For example, racial discrimination against these workers should be mentioned.

CGT (Honduras). Many domestic workers are migrant workers, who are often abused.

CFTUI (India). Reference should be made to hours of work and overtime.

CISL (Italy). Reference should be made to other instruments such as the Conventions on migrant workers and the ILO declarations.

JTUC-RENGO (Japan). It should be mentioned that in most countries domestic workers are not covered by labour laws.

COTU-K (Kenya). Attention should be drawn to inadequate consideration of key aspects of the situation of domestic workers in international and national law.

SEKRIMA (Madagascar). As the majority of domestic workers are not covered by labour legislation, reference should be made to Recommendation No. 198, as well as Convention No. 156 and Recommendation No. 165.

CROC (Mexico). It should be mentioned that all domestic workers should be protected, regardless of their migrant status.

CTM (Mexico). It should specify which legal provisions apply to domestic workers.

UNT (Mexico). It is necessary to mention the inequality, the discrimination, the violation of fundamental human rights, and the lack of decent working conditions suffered by household workers.

GEFONT (Nepal). The preamble should clearly address the humanity and dignity of domestic workers.

NIDWU (Nepal). The preamble should also focus on the effective implementation of laws and on strengthening the monitoring and enforcement mechanisms, ensuring that violations are effectively punished.

NTUC (Nepal). Working conditions, wages, social security and trade unions rights, which are essential for decent work, should be mentioned.

CAUS (Nicaragua). It should mention that, in principle, national legislation, if it exists, should apply.

CS (Panama). The preamble should recognize the significant contribution of domestic workers to the global economy, as they are the ones who take care of the household to allow their employers to work and contribute to the economy. It should also recognize the inadequate attention that is paid to the situation of domestic workers in national law, which leads to many abuses. It should also highlight that the overwhelming majority of domestic workers are women with poor education who are unaware of the relevant legislation or are migrants, often undocumented.

APL, FFW, TUCP (Philippines). It should mention that domestic work is historically rooted in slavery and that workers are excluded, both explicitly and in practice, from international and national law and bilateral agreements, which reinforces their vulnerability to abuse and exploitation and precludes them and their support groups from seeking legal redress and reforms. It should clearly state that the Convention is in accordance with the ILO Declaration on the Fundamental Principles and Rights at Work and its Follow-up, 1998, that the instruments are in line with the provisions of the UN Convention on the Elimination of Discrimination against Women and the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and that Members shall have the primary obligation to ensure the security, safety and protection of domestic workers.

CGTP-IN (Portugal). It should mention that, in the future, non-binding provisions of the Recommendation can be included, as binding, in the Convention.

UGT-P (Portugal). As domestic workers are predominantly migrant workers, the preamble should also make reference to the principles of equality of treatment and opportunity contained in Conventions Nos 97 and 143. Regarding workers who perform remunerated care work, it should mention Convention No. 156 and Recommendation No. 165.

FNPR (Russian Federation). Reference should be made to existing ILO instruments, such as Conventions Nos 97 and 143 on migrant workers, Convention No. 156 and Recommendation No. 165, and Recommendation No. 198. It should be emphasized that paid domestic work is to be qualified as an employment relationship.

FEDUSA (South Africa). It should include a definition encompassing all domestic workers and mention that existing labour laws are often not enforced.

SADSAWU (South Africa). It should be inclusive of all domestic workers, including migrant workers, and address the shortfalls and loopholes of some national labour laws.

NTUF (Sri Lanka). As national and international laws do not focus on the working conditions of domestic workers, reference should be made to Recommendation No. 198, Convention No. 156 and Recommendation No. 165, and to Conventions Nos 97 and 143.

LCT, NCPE, SERC, TTUC (Thailand). Reference should be made to the relevance of Recommendation No. 198 and the principles of equality of treatment and opportunity contained in Conventions Nos 97 and 143 on migrant workers.

NUDE (Trinidad and Tobago). Consideration should be given to the ease in which these workers can be fired with no means of recourse. Efforts should be made to promote social security coverage for domestic workers and to set up cooperatives organized and operated by these workers, as a means to empower them.

UGTT (Tunisia). Reference should be made to Recommendation No. 198, to Convention No. 156 and Recommendation No. 165, and to the principles of equality of treatment and opportunity contained in Conventions Nos 97 and 143. The preamble should also recognize the significant contribution made by domestic workers to the global economy.

TÜRK-İŞ (Turkey). As domestic workers are not covered by labour legislation in many countries, reference should be made to Recommendation No. 198.

AFL-CIO and NDWA (United States). The preamble should recall that the lack of protection of domestic workers is linked to the historical legacy of slavery, sexism, the undervaluing of work traditionally performed by women and the devaluation of reproductive labour. Domestic work is the work that makes all other work possible. Domestic workers often work with toxic chemicals, in harsh conditions, and are subjected to all forms of abuse, including physical, emotional, verbal and sexual abuse. The intimate nature of the work, taking place inside someone's home, makes it easy to blur what constitutes appropriate employer-employee relations.

PIT-CNT (Uruguay). As domestic workers are mainly women who work informally and lack protection, gender equality and equality of opportunities should be provided for and child labour prohibited.

Qu. 6

For the purposes of the instrument or instruments,

- (a) *should the term “domestic work” mean work performed in and for a household and include housekeeping, childcare and other personal care?*
- (b) *should the term “domestic worker” mean any person who undertakes domestic work, whether on a full-time or part-time basis, for remuneration?*
- (c) *should the term “standby” mean periods during which a domestic worker is not free to dispose of time as the worker pleases?*
- (d) *should the term “employer” include intermediaries?*
- (e) *should any other terms be defined by the instrument or instruments? If yes, please provide particulars.*

- (a) *should the term “domestic work” mean work performed in and for a household and include housekeeping, childcare and other personal care?*

Governments

Total number of replies: 74.

Yes: 62. Albania, Argentina, Australia, Austria, Bahrain, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, El Salvador, Finland, France, Guinea, India, Indonesia, Italy, Japan, Jordan, Republic of Korea, Latvia, Lebanon, Malaysia, Mauritania, Mauritius, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Philippines, Poland, Qatar, Romania, Saudi Arabia, Serbia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Bolivarian Republic of Venezuela, Yemen.

No: 3. Lithuania, Mexico, Slovenia.

Other: 9. Belgium, Egypt, Greece, Guatemala, New Zealand, Peru, Portugal, Switzerland, Uruguay.

Comments

Argentina. The various categories of domestic work and their corresponding tasks should be specified. Because of its growing significance in the past years, the care of children and adults is to be included in the definition.

Australia. The definition needs to be carefully drafted to ensure that it only captures the workers to which the Convention should apply. For illustrative purposes, a non-exhaustive list of the types of domestic work covered could be provided.

Austria. All services for the employer’s household or its members – confined to private households – should be covered.

Belgium (CNT). Too broad a definition of “domestic work” may risk encompassing situations that are already addressed by national law, such as those of au pairs, babysitters, migrant domestic workers and domestic workers who work for embassies, thus giving rise to implementation problems.

Belgium (SPF). The wording should be changed to “in and for the needs of a household”. The terms “childcare” and “other personal care” should be defined, since “personal care” can include numerous tasks not all of which belong to domestic work (for example, providing care for sick persons).

Plurinational State of Bolivia. The term “remunerated household work” should be used instead.

Brazil. In Brazil, an important point of legal fact which characterizes domestic work is that it does not generate profits for the employer.

Canada. This definition is inclusive and has the potential to capture the heterogeneity of domestic work.

China. It includes also household care, in-house education, pet care and gardening. The definition should not be overly specific, as more varieties of household work may arise with the increase in living standards and social development and may vary according to national culture.

Costa Rica. According to Costa Rica's Domestic Work Act, domestic workers are workers who, in exchange for remuneration, provide assistance or comfort to a family or an individual and regularly perform tasks such as cleaning, cooking, washing, ironing and other housekeeping tasks which do not generate profit for the employer. They can also look after individuals, if so agreed by the parties and if the activity is carried out in the house of the person concerned. The term "domestic work" should also include the activities of gardeners and personal drivers, care of the elderly, sick and disabled, and casual work performed per hour, week or month.

Egypt. A distinction should be made between domestic work, which involves cleaning and food preparation, and childcare, which necessitates specific skills, qualifications and a high educational aptitude.

El Salvador. Domestic work should not yield any profit for the employer. Care work should include the care of sick persons.

Finland. It should be defined as work in the employer's, not the worker's, household.

France. After the words "performed in", the word "and" should be replaced by "and/or", in order to include persons employed as childminders in a family's home, who look after children from other families at the same time.

Greece. The definition should be more general, but it should be clarified whether self-employment and part-time employment are included. Reference should also be made to different types of national legislation.

Guatemala (DPS). Yes. Many domestic workers' organizations prefer the term "private household work".

Guatemala (UMT). Other. The term should be substituted by "private household work", as the term "domestic" has the connotation of an object belonging to the household. Domestic work should not represent a source of profit for the employer.

Guatemala (ONAM). No. The definition should be broader and characterize domestic workers in the same way as any other workers, the only difference being the workplace and the special conditions of trust involved in domestic work.

Guinea. The meaning of the term "other personal care" should be specified.

Indonesia. Different types of domestic work should also be defined, for example, the work performed by private drivers, gardeners and security staff.

Republic of Korea. The word "mainly" should be inserted after the word "performed", as domestic work is sometimes performed outside a household.

Malaysia. However, it should not include commercial or professional activities within the household or its outer premises, such as gardening and washing the car.

Mauritania. The meaning of the term "personal care" could be specified.

Mauritius. It should also include other categories of workers, such as drivers and gardeners, who perform work for the benefit of the household.

Mexico. Domestic work should only include work which is carried out in a household for a third person who is not a member of the worker's family. It should be limited to cleaning, cooking, washing and ironing. However, childcare could be included, depending on the national specificities. Care of old-age or sick persons should be considered as a different type of work, as it requires qualified labour and may be performed in places other than the household. The following definition could be useful: "domestic workers are those who perform cleaning, assisting and other activities, which are inherent to the household of a person or a family".

Mozambique. It could also include assistance to elderly, sick or disabled persons, care for domestic animals, gardening and other activities.

Nepal. Domestic work should include all types of household chores, whether performed inside or outside the house, including jobs such as cooking, washing, cleaning, gardening and shopping, as well as personal, child, maternity and elderly care.

Netherlands. It should mean work in and around the house that is performed in and for a private household (such as work performed by a housekeeper, gardener, personal chauffeur and personal bodyguard).

New Zealand. The term is not defined in New Zealand. The law defines "residential work" as domestic work in or for the home, by a person employed or engaged by the occupier to perform either kind of work.

Oman. It should include cooking and gardening as well as care of the elderly and disabled.

Peru. The term "household work", in Peruvian law, better reflects the activities carried out by these workers. Different categories of household work could be established in order to improve the quality of domestic work and to prevent workers from having to carry out multiple and different daily tasks.

Philippines. However, the term "personal care" should not be included in the list of tasks classed as domestic work.

Poland. An amendment of the term "other personal care" (which is unclear) to "care of other household members" is required. This definition should also cover any other work performed in the household in a broad sense (activities carried out by cooks, gardeners, persons caring for pets, drivers and servants), but exclude odd jobs (for example, isolated cases of providing care for a family member, temporary repairs at home) and work performed by family members, even if remunerated or performed against other benefits. These groups of worker shall be protected by other laws.

Portugal. The proposed definition emphasizes that the household is the workplace and lists some tasks. In some countries, the nature of the tasks performed is more relevant than the place where they are executed. In Portugal, the domestic employment regime applies also to workers who cook, wash and take care of children for either non-profit legal entities or for households on account of these non-profit entities, unless covered by another legal or contractual regime. For these reasons, we support a broad definition of domestic work, which encompasses all these circumstances. In order to apply to as many workers as possible, what matters is not the term used to refer to domestic work, but what it covers, namely the tasks associated with it.

Romania. It should include: providing services or activities in or for a household; taking care of family members and other people living in the household; gardening; driving vehicles; and other activities. Domestic work is performed by an individual, called a "domestic worker", who works for and under the authority of an employer, and who is a physical or legal person, for remuneration called a "salary".

Slovenia. The definition should be formulated more generally.

South Africa. The definition should be extended to include also “gardeners”. The term “households” should be changed to “private households”, excluding other forms of households such as those found in children’s villages or childcare centres, for which other forms of protection are provided.

Spain. In Spain, domestic work also comprises gardening, driving vehicles and other similar activities.

Switzerland. This definition appears to correspond to the one used in Swiss substantive law and in certain cantonal standard employment contracts. The scope should be limited to private households.

Thailand. The instrument(s) should encourage member States to provide specialized training for workers providing care for household members, as individualized care requires skills superior to those required for the regular or core tasks of a domestic worker.

Tunisia. Taking into account the specificity of domestic work, it would be advisable to distinguish between domestic work in the truest sense of the word (household tasks, cooking, receiving guests, gardening on a permanent basis, childminding and watching over elderly, handicapped and sick persons) and providing care for persons, which requires specific knowledge.

United States. The instruments should clarify that the term “domestic work” is not limited to “domestic employment”, the term “personal care” includes “home health care” and domestic work that is irregular or intermittent, such as casual babysitting and yard work, and not performed by an individual whose vocation is the performance of such work, is not covered.

Uruguay. Uruguayan legislation on domestic work defines domestic work as paid dependent work performed for an individual or various individuals, or for a family or various families, in order to take care of them and of their households, and which does not generate any profits for the employer.

Bolivarian Republic of Venezuela. Services rendered should be inherently personal.

Employers

Total number of replies: 17.

Yes: 9. CNI (Brazil), ESEE (Greece), JCC (Jordan), KEF (Republic of Korea), NHO (Norway), CONEP (Panama), ECOP (Philippines), UPS (Switzerland), IOE.

No: 1. ANDI (Colombia).

Other: 7. HUP (Croatia), EK (Finland), KT (Finland), VTML (Finland), SEV (Greece), DPN APINDO (Indonesia), EFC (Sri Lanka).

Comments

CNI (Brazil). It is important to note that the services rendered do not represent a source of profit for the employer and to refer to the intermittent nature of domestic work, in accordance with Brazilian law.

ANDI (Colombia). The definition is very broad and likely to include also workers who are not necessarily domestic workers, such as medical staff, construction workers and security staff. The definition should be limited. This will be a major point for discussion.

HUP (Croatia). All work undertaken in a home cannot automatically be considered domestic work. The scope, definition and exclusions should be considered in detail. Work performed by family or genuine household members (as defined at the national level) and domestic work for short durations each week, fortnight or month should be excluded.

EK, KT, VTML (Finland). The term should not include health- or social-care services delivered in the home of the client by a worker employed in the public sector (such as home-care services) or domestic work performed in the domicile of the worker (such as child day care), which constitutes a service delivered by a municipality.

SEV (Greece). This is to be considered during the negotiations. Generally, domestic work should only include work performed in the residence of the employer.

DPN APINDO (Indonesia). It should be limited to housekeeping, babysitting and care of the elderly.

KEF (Republic of Korea). The definition should be clarified as follows: “‘Domestic work’ means work performed for a household in a home, such as housekeeping, childcare and other personal care”.

EFC (Sri Lanka). See question 3.

NHO (Norway), IOE. Employers will examine definitions in detail at a later stage. Only those who work within the home or in clear relation to the home (such as drivers) whose employer is the householder or family should be included. Family or genuine household members (potentially as defined at the national level) should be excluded, as should self-employed persons working in the home or persons employed by an entity different from the householder and domestic workers working for short durations each week, fortnight or month and with multiple domestic engagements. A dichotomy between a new standard and the Home Work Convention, 1996 (No. 177), must be kept.

ECOP (Philippines). The terms “childcare” and “other personal care” should be specifically defined, including the skills, competency or appropriate training required for such an undertaking.

Workers

Total number of replies: 125.

Yes: 114. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), CNTG (Guinea), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CUT (Chile).

Other: 10. CMTC (Costa Rica), CTRN (Costa Rica), UNSITRAGUA (Guatemala), CGT (Honduras), CFTUI (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), CTM (Mexico), CCOO (Spain).

Comments

CTA (Argentina). This activity should not be lucrative; all services rendered in the framework of commercial or professional activities in the household should be excluded from its scope.

BAK (Austria). The definition of the term should be as broad as possible, to allow the German translation to include both terms used in Austria for domestic workers (“Hausangestellte” and “Hausgehilf/inn/en”).

ÖGB (Austria). The term “domestic work” should be clearly defined. The terms “childcare” and “other personal care” should be dealt with separately, as they concern other professions.

BILS (Bangladesh). The meaning of the term “other personal care” should be specified, to include a great variety of work, depending on the geographical and cultural context.

COB, FENATRAHOB (Plurinational State of Bolivia). The term “remunerated household work” should be used instead.

FENATRAD (Brazil). It should include all tasks performed for the family aimed at meeting family needs, including the tasks performed by drivers, guards, aeroplane pilots and others.

FS (Brazil). The definition should establish that any domestic services performed for the employer’s profit are not regarded as domestic work.

ONSL (Burkina Faso). All aspects of domestic work need to be covered, including the nature of the tasks (household work and care work) and the work environment.

CFITU, CLUF, CWLFU (Cambodia). The activity of family gardeners and drivers should be also included.

CGT (Colombia). The tasks included in domestic work should be clearly specified.

CUT (Colombia). It should be acknowledged that, in addition to paid domestic work, unpaid care work is performed, which should also be paid.

CTRN (Costa Rica). Domestic work should mean work performed in and for a household. The different tasks included in domestic work should be classified and assigned to workers according to their skills. In order to prevent exploitation, not all the tasks should be assigned to the same worker.

CNUS (Dominican Republic). Care of the elderly should be included.

CFDT (France). An “or” should be included in the definition, in order to include domestic workers who work in one employer’s household, but for many employers, or from their home, for one or several employers (such as nannies and childminders).

COSYGA, JOC (Gabon). All these kinds of work should be included and specifically defined, in order to ensure that workers are not exploited.

UNSI TRAGUA (Guatemala). The Convention could include the definitions of domestic work provided by the different national laws. For example: “Domestic work is all work performed by a person in a household, which includes cleaning tasks, taking care of children, elderly persons and any other persons who are unable to take care of themselves, maintenance work and gardening”. Different terms, such as “domestic work” and “private household work” could be used, but it would be important that countries amend their legislation and use the term “private household workers”. Domestic work should be all work performed by a person regardless of age, sex, race and nationality, in a private household, whether on a full-time, part-time or casual basis, in exchange for remuneration.

CGT (Honduras). Temporary and casual domestic work should also be included.

CFTUI (India). A reference to cooking could be included after the reference to childcare, to make it more specific.

KSPI, KSPSI and KSBSI (Indonesia). It should mean all work done in a household and be set out by law.

CGIL (Italy). The term “personal care” should be defined, in order to distinguish between medical assistance and specific personal care.

UIL (Italy). The term “domestic work” should mean care work for one or more family members, housework and the work performed to organize the services for the family. For an employment relationship to be defined as “family care”, not all three tasks need to be performed together – one is sufficient.

CTM (Mexico). Domestic work should include all specific tasks aimed at improving the safety and health of the household.

UNT (Mexico). However, general tasks should be distinguished from specific and specialized tasks, such as looking after children and sick persons, which not only requires a higher education and training, but also a higher level of responsibility. The persons carrying out this work should be called “household workers” to differentiate their remunerated activity from the non-remunerated work of the house husband or housewife.

CONATO (Panama). It should also include looking after sick and elderly persons.

APL, FFW, TUCP (Philippines). The following definition is recommended: “Domestic work is remunerated work performed in the principal domicile of the family, performed by workers hired for the purpose, and primarily involves housekeeping, which includes cooking, cleaning, laundry and general house maintenance for the immediate family of the direct employer and not for the commercial activities of

the employer. Other services requiring special skills or licenses may also be included, such as providing care for children, the sick and the elderly and securing the house, provided that the worker receives additional pay for each of these services.”

FNPR (Russian Federation). The term “domestic work” should be supplemented by the words “within the meaning of this Convention”, as “domestic work” is otherwise often used to refer to unpaid domestic work by family members.

FEDUSA (South Africa). It should include work performed in a domestic environment, not only in a household.

CCOO (Spain). Within the category of social and community services, it is necessary to make a distinction between domestic work, home-based childcare and home-based care work, each of which involves different tasks, requirements and responsibilities.

NTUF (Sri Lanka). Reference should be made to cooking and washing.

NUDE (Trinidad and Tobago). Domestic work should be clearly defined to prevent the exploitation of workers by adding to their list of duties tasks which were not agreed to at the outset.

AFL-CIO, NDWA (United States). It must be ensured that part-time, full-time, live-in and live-out workers and workers who provide care for the elderly and sick are included.

(b) *should the term “domestic worker” mean any person who undertakes domestic work, whether on a full-time or part-time basis, for remuneration?*

Governments

Total number of replies: 75.

Yes: 61. Albania, Argentina, Australia, Bahrain, Belgium (SPF), Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Guatemala, Guinea, India, Indonesia, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Qatar, Romania, Serbia, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 6. Japan, Jordan, Oman, Poland, Slovenia, Saudi Arabia.

Other: 8. Austria, Belgium (CNT), Greece, Netherlands, New Zealand, Portugal, South Africa, Switzerland.

Comments

Argentina. Regardless of hours worked, domestic workers are under an employment relationship.

Australia. A very broad definition may be beneficial for domestic workers in general. However, in order to avoid compliance issues, it is recommended that the Convention provides for the exclusion of workers operating under genuine commercial arrangements (independent contractors as opposed to “employees”), in order to provide choice and flexibility for participation in the workforce. The definition should also be narrow enough so that it does not inadvertently apply to workers other than domestic workers. See question 61.

Austria. Austria’s Act Governing Domestic Help and Domestic Employees (HGHAG) differentiates between domestic helpers and domestic workers, the latter of which provide services of a “higher kind” (such as private secretaries). Therefore, it should be clarified that all persons working in or for a household are covered by the Convention and that no reservation is made from the outset by the use of the term “domestic worker”. Only domestic workers working under a contract of employment should be covered.

Belgium (CNT). See question 6(a).

Belgium (SPF). It may also be specified that live-in and live-out domestic workers are included. The term “domestic worker” as proposed covers several categories of workers. In Belgium, domestic workers are those that work for remuneration under the authority of the employer and perform mainly manual household tasks for the household of the employer or his family, and do not include workers such as governesses, persons caring for a sick person and tutors. Regarding social security, workers are not liable for insurance if they work on a casual basis and do not exceed a specific number of hours per day or week.

Plurinational State of Bolivia. See question 6(a).

Brazil. Remuneration is an essential element of the employment relationship. Also, it is important to distinguish between regular domestic work and casual domestic work, as the latter does not entail an employment relationship. Domestic workers should also include care workers looking after elderly and disabled persons in or outside a private household, even when the employer is a public body which offers care services as part of social assistance programmes.

Canada. However, there should be flexibility to take into account national circumstances. For example, in Canada, some jurisdictions apply definitions which distinguish between domestic workers and caregivers, such as sitters.

China. The person has to meet the statutory national minimum age requirement for employment.

Colombia. Like any other work, domestic work should be valued and remunerated for the tasks that have been carried out, whether on a full-time or part-time basis.

Egypt. Provided that the work is performed on a daily basis and the contract is permanent and not casual or temporary, ending with the termination of the work.

El Salvador. Occasional work should be included.

Greece. See question 6(a).

Guatemala (DPS). Part-time workers should be granted special conditions.

Guatemala (UMT, ONAM). The term “domestic worker” should be replaced by the term “private household workers”, as the term “domestic” is offensive to workers due to its negative connotation.

Japan. This definition would encompass both workers employed by companies that provide domestic work services and those directly employed by households. However, the latter are excluded from many labour-related regulations, while the former are protected under various regulations including international labour standards. Accordingly, approaches for both categories vary, and it has to be determined which of these two categories of domestic workers will be dealt with by the instrument(s), while sufficiently taking into consideration the purpose of adopting the said instrument(s).

Jordan. A distinction should be made between full-time and part-time workers.

Lebanon. It is advisable to replace the term “domestic workers” by the term “workers in domestic service”.

Mexico. The definition must be linked to the workplace, which should always be a household.

Netherlands. A domestic worker is anyone employed by a natural person who performs work, on a regular basis for remuneration, in and for the private household of this person.

New Zealand. See question 6(a). A comparable definition may be that of homemaker, who the law defines as a person engaged, employed or contracted by any person to do work for the latter in a dwelling house, excluding work on the house or on any fixture, fitting or furniture in it.

Oman. The focus should be on full-time work, in order to ensure coverage by national legislation.

Peru. See question 6(a).

Poland. The definition should emphasize the full-time nature of domestic work, to exclude situations of part-time work and isolated cases of work in the household (home repairs, single cases of care of family member or cleaning).

Portugal. The nature of the relationship should also be specified: it should be an employment relationship involving subordination and dependence.

Romania. It should be mentioned whether this term comprises the employer's relatives and up to what degree of kinship.

Saudi Arabia. The term should only include a person who undertakes domestic work on a full-time basis.

Slovenia. The notion "on a full-time or part-time basis" should be omitted, as it limits the range of protected persons. Domestic work could also be done as a form of self-employment.

South Africa. While in South Africa the Basic Conditions of Employment Act does not make a distinction between full-time or part-time employment, the sectoral determination for domestic workers makes a distinction on the basis of the number of hours worked, and the law allows multiple employers to register domestic workers for unemployment insurance benefits. Domestic workers working less than 24 hours a month are paid a minimum wage at a higher rate.

Switzerland. This definition appears to correspond to the one used in Swiss substantive law.

Thailand. Caregivers for sick persons in private homes should be acknowledged separately in the instruments.

United States. The term "remuneration" may be understood to refer only to wages. The words "or in-kind payments" may be inserted subsequently. In the United States, instead of notions such as "full-time" or "part-time", earnings or hours-of-work thresholds are determinative in regard to coverage by law.

Employers

Total number of replies: 16.

Yes: 9. ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea), CONEP (Panama), ECOP (Philippines).

Other: 7. CNI (Brazil), ESEE (Greece), SEV (Greece), Business NZ (New Zealand), NHO (Norway), EFC (Sri Lanka), IOE.

Comments

CNI (Brazil). Domestic work, which involves an employment relationship, should be distinguished from casual work, as casual workers do not work under an employment contract.

ESEE (Greece). A distinction should be made between part-time and full-time and live-in and live-out work.

SEV (Greece). This should be considered during the negotiations.

DPN APINDO (Indonesia). Domestic workers are required to have a particular competency.

Business NZ (New Zealand). Existing international instruments already cover domestic workers. The issue is how to apply them in practice. Any countries whose laws exclude domestic work from their scope are unlikely to change those laws readily, making it improbable that such countries would adopt or ratify a new instrument, thereby defeating the purpose of having one.

NHO (Norway). See question 6(a).

EFC (Sri Lanka). See question 3.

IOE. See question 6(a).

Workers

Total number of replies: 126.

Yes: 123. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), NTUF (Sri Lanka), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. CTS (El Salvador), JTUC–RENGO (Japan).

Other: 1. GEFONT (Nepal).

Comments

CTA (Argentina). Both regular and occasional workers should be included. No minimum hours of work per day or per week should be required in order to be considered a “domestic worker”.

BAK (Austria). See question 6(a).

ÖGB (Austria). In order to avert possible difficulties of interpretation with the German translation of the Convention, which could arise because different terms are used in Austria, some of which exclude certain workers from the concept of domestic work (for example, persons performing higher level activities, such as housekeepers, who are responsible for the full range of household management), it should be made clear that the Convention applies to all workers employed in a household.

COB, FENATRAHOB (Plurinational State of Bolivia). The term “remunerated household workers” should be used instead.

ONSL (Burkina Faso). The actual work and remuneration are what matters, not whether it is performed full time or part time.

CFITU, CLUF, CWLFU (Cambodia). This would exclude domestic workers who are not paid for their work.

CGT (Colombia). Colombian legislation states that a worker in domestic service is any natural person who renders his or her services directly and continuously to one or various natural persons in exchange for remuneration, regardless of whether he or she lives in the workplace or not. Cooking, washing, ironing, childcare and other household-related tasks are included.

CUT (Colombia). Regardless of the basis on which the worker is hired, remuneration is fundamental.
 CMTA (Costa Rica). Reference should also be made to “housewives”.

CNUS (Dominican Republic). It should be mentioned that these workers are under an employment contract.

CTS (El Salvador). Only full-time workers should be included.

CGT-FO (France). While the term “domestic work” is acceptable, as it refers to the type of work, the term “domestic worker” is pejorative. The term used to describe the category of the workers in question should therefore be modified.

COSYGA, JOC (Gabon). These workers should receive equal pay for equal work, taking into account the minimum hourly wage.

UNSTRAGUA (Guatemala). The correct term should be “private household worker”.

CGT (Honduras). The definition could be broader, in order not to leave some activities unprotected.

HMS (India). Part-time work is very common in countries like India where a domestic worker works in five or six houses a day.

JTUC-RENGO (Japan). Domestic workers can be employed by firms providing household services, by individual households and by companies which hire workers for the company executives, and so on.

GEFONT (Nepal). Persons performing unpaid work should also be included.

FNV (Netherlands). Self-employed workers should be included. Remuneration should be understood in the broad sense of the concept.

NSZZ (Poland). Special attention should be paid to ensure that domestic workers who are paid in kind, including those working for extended family members, remain included in the definition.

CCOO (Spain). Royal Decree No. 1424/85, which regulates the special employment relationship of “service in family homes”, provides that paid domestic service or activity is performed under an employment relationship.

NUDE (Trinidad and Tobago). The definition must include live-in domestic workers.

AFL-CIO, NDWA (United States). The terms “household worker” or “household work” are used in the industry to define more accurately the home as a workplace. While the term “domestic” is still considered by some to have negative connotations, elsewhere it has been re-appropriated and redefined by the workers themselves. Both terms should be included in a definition, in order to reflect workers’ perspectives, experiences and preferences.

IUF. In addition, the Recommendation should provide for specific mechanisms to add up the different domestic employment arrangements for part-time domestic workers, to give them access to all the rights connected with a full-time employment relationship, especially with regard to social protection (see question 12).

(c) *should the term “standby” mean periods during which a domestic worker is not free to dispose of time as the worker pleases?*

Governments

Total number of replies: 73.

Yes: 48. Albania, Argentina, Australia, Austria, Belgium, Bahrain, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Croatia, Cyprus, Ecuador, Egypt, Finland, Greece, Guinea, India, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Philippines, Romania, Saudi Arabia, Serbia, South Africa, Sri Lanka, Suriname, Thailand, United Arab Emirates, United States, Bolivarian Republic of Venezuela, Yemen.

No: 9. Colombia, Czech Republic, France, Indonesia, Republic of Korea, Paraguay, Portugal, Qatar, Slovenia.

Other: 16. Belgium, Costa Rica, Cuba, El Salvador, Guatemala, Mexico, New Zealand, Oman, Panama, Peru, Poland, Spain, Switzerland, Syrian Arab Republic, Tunisia, Uruguay.

Comments

Argentina. However, it is necessary to ensure that meal breaks and periods of rest between working days are respected, in order to avoid arbitrary decisions by the employer to the workers' detriment.

Belgium (CNT). The term "standby" should include also periods outside the workplace during which the domestic worker is not free to dispose of time as she or he pleases. A failure to do so could lead to situations of abuse in which the worker is not remunerated, while still not being free to dispose of his or her time.

Belgium (SPF). The term "standby" should refer to periods when the worker is at the workplace and is not free to dispose of time as she or he pleases.

Plurinational State of Bolivia. See question 6(a).

Brazil. In Brazil there are no limits on daily hours for domestic work. If limits are set, there should be provisions for instances in which the worker is required to be fully available for the employer, such as when accompanying the employer on travels, when minding children or elderly persons, or in other special situations.

Canada. The term "on call" is preferred.

China. It should include standby during working hours in the home of the employer (such as taking care of persons at night) as well as standby during the interval between two assignments by a household services company.

Colombia. Domestic workers, especially those who live in, are normally required to work up to 12 consecutive hours. The law establishes daily limits on working hours that all employers should comply with. It is essential that limits on daily hours are stipulated in the employment contract.

Cuba. This term should be eliminated or restricted as much as possible, in view of the risk of promoting forced labour. Hours of work during which domestic workers should perform their activities should be defined.

El Salvador. Standby should be regarded as an exceptional practice and not as a general rule, in order to prevent any arbitrary demands by employers.

Finland. Standby should be allowed in specific cases, with the consent of the worker, who should be allowed to withdraw that consent during the employment relationship.

France. This is the definition of normal working time. "Standby" in France is understood to be a period during which the employee, without being at permanent and immediate disposal of the employer, is obliged to stay in the house or nearby in order to be called upon if necessary.

Greece. The definition should refer to national legislation.

Guatemala (DPS). Yes.

Guatemala (UMT, ONAM). No. The concept of standby should be eliminated, unless it is considered overtime work.

Indonesia. The work should be carried out within the agreed time frame.

Mexico. This notion should be related to that of working day: a domestic worker must be on standby during a working day.

Mozambique. This kind of work is performed in periods during which the worker should be resting.

Nepal. The term “standby” should imply the period during which the domestic worker is free to rest but should remain nearby, so that the employer can call upon the worker if necessary. In Nepal, where most domestic workers live in, standby does not seem practical in case of part-time domestic workers who leave the employer’s house after they have completed their work.

New Zealand. New Zealand legislation neither defines the term “standby”, nor prescribes its remuneration. Employers may agree on standby arrangements on a case-by-case basis in their employment agreements.

Panama. When workers are on duty and when it is not a holiday period or after their shift, they are on “standby”. We believe that standby arrangements must be agreed in writing and that the worker must be compensated by the payment of an allowance per standby shift. We also believe that the hours and compensation must be clearly defined in the employment contract.

Peru. The term “standby” does not match the definition given by the question. It is implicit that, like all other employees, domestic workers should be available for the employer during working hours and are not free to carry out activities different from those included in the employment contract.

Poland. This is to be regulated in domestic law.

Portugal. The permanent presence of live-in domestic workers in the workplace is often not imposed by the employer, but inherent to the job. Therefore, establishing a period of time during which the worker should stay in the workplace at the employer’s disposal is pointless. In addition, domestic work, especially when performed by live-in workers, can be intermittent. In Portugal, without prejudice to daily and weekly hour limits, only effective hours of work are calculated.

Qatar. The term does not suggest the meaning proposed in the definition.

Romania. According to national legislation, working time means all periods during which the worker works, is available to the employer, and complies with her or his tasks in accordance with the labour contract, applicable collective agreements and/or the applicable legislation. Therefore, standby periods, where the worker is available to the employer even if she or he is not actually working, are considered working time.

Slovenia. Standby does not need to be regulated.

Spain. The term seems to refer to time spent on call, which is different from effective hours of work and is comprised under the general concept of working time. This is specific to live-in workers and should be dealt with in very precise terms, especially with regard to the working week and daily and weekly rest periods. It should be based on the parties’ agreement.

Switzerland. This definition of standby could also be a matter for procedural law or criminal law and is already influencing the orientation of the draft instrument, which should be avoided. Standby should be defined so that the person concerned is not obliged to remain available to the employer outside scheduled hours of work and no distinction should be made between effective hours of work and hours of availability. The problem of standby time is not in itself specific to domestic work and the need for special rules for domestic work should be established.

Syrian Arab Republic. Rest periods should be defined as time during which a worker is free and must benefit from determined annual leave.

Tunisia. Standby applies outside the normal working hours of part-time domestic workers.

Uruguay. Standby is not regulated by national legislation.

Employers

Total number of replies: 18.

Yes: 7. EK (Finland), KT (Finland), VTML (Finland), JCC (Jordan), KEF (Republic of Korea), CONEP (Panama), ECOP (Philippines).

No: 5. CNI (Brazil), BDA (Germany), ESEE (Greece), DPN APINDO (Indonesia), IOE.

Other: 6. HUP (Croatia), SEV (Greece), Business NZ (New Zealand), NHO (Norway), EFC (Sri Lanka), UPS (Switzerland).

Comments

CNI (Brazil). This decision should be left to each member State.

HUP (Croatia). Standby time should not be regarded as hours of work and should not be regulated by a standard, as this would be complicated and inappropriate.

BDA (Germany). See question 20.

SEV (Greece). See question 6(b).

DPN APINDO (Indonesia). Standby is not required, as domestic work is part of the household cycle.

JCC (Jordan). Standby is not to be considered as leave.

Business NZ (New Zealand). New Zealand legislation neither defines the term “standby”, nor prescribes its remuneration. Employers may agree on standby arrangements on a case-by-case basis in their employment agreements.

NHO (Norway). This matter should be examined at a later stage.

ECOP (Philippines). Standby is compensable working time.

EFC (Sri Lanka). See question 3.

UPS (Switzerland). This definition is unclear.

IOE. See question 22.

Workers

Total number of replies: 123.

Yes: 106. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), CNTG (Guinea), ASI (Iceland), CFTUI (India), HMS (India), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), UGL (Italy), UIL (Italy), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), TUC (United Kingdom), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 6. CTRN (Costa Rica), CTS (El Salvador), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), CGTP-IN (Portugal).

Other: 11. ÖGB (Austria), ONSL (Burkina Faso), CUT (Colombia), UNSITRAGUA (Guatemala), CGT (Honduras), JTUC-RENGO (Japan), CROC (Mexico), CTM (Mexico), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay).

Comments

CTA (Argentina). Employers consider that, when living in the household, the worker should be available at any time.

BAK (Austria). Standby time should be considered as working time which is to be remunerated, especially for live-in work. The standard could follow Austrian legislation concerning the differentiation of maximum working hours between live-in and live-out workers.

ÖGB (Austria). Standby periods should be clearly defined and limited. Austrian legislation foresees shorter periods of standby for live-out than for live-in workers.

COB (Plurinational State of Bolivia). See question 6(a).

FENATRAHOB (Plurinational State of Bolivia). See question 6(a).

FENATRAD (Brazil). This means that domestic work should be carried out in specified periods.

CTRN (Costa Rica). This is unnecessary, especially if the provisions of the instruments regulate daily working hours.

DEOK (Cyprus). It must be considered as working time.

CFDT (France). The time spent commuting between one employer's home and another, and the time spent waiting between one job and the next for another employer, should be taken into account when calculating working time. The same applies to the concept of being on call (especially for people who care for sick persons or who have to be generally available during the night); under this system, a worker who is on call for one hour may be paid a third of the hourly rate. The time spent in the employer's household should be regarded as working time.

COSYGA, JOC (Gabon). The privacy of the workplace exposes domestic workers to numerous constraints concerning stable working hours.

UNSI TRAGUA (Guatemala). In view of the principle of equality before the law and of other constitutional provisions, the term "effective work" should be used and defined as the time during which the worker remains available to the employer as agreed by the parties.

CNTG (Guinea). This must be in line with the relevant legislation.

CGT (Honduras). The concept of standby is very subjective, as it often depends on the employer's will.

KSPI, KSPSI, KSBSI (Indonesia). The length of standby needs to be specified in relation to working hours, breaks, holidays and leave.

UGL (Italy). The term "standby" should include all time during which the employee is in any way and in any place at the disposal of the employer.

CROC (Mexico). This concept should be broad.

UNT (Mexico). Standby should take place within the agreed working day.

APL, FFW, TUCP (Philippines). The instrument should state that "standby time" should be compensated, should form part of the total daily hours of work and should not exceed the maximum hours of work.

CGTP-IN (Portugal). Attention should be paid to the context more than to the term. Domestic work is the activity where the worker, when provided with accommodation, stays in the workplace. Hence, it does not make much sense to establish a period of time during which the worker should stay in the workplace at the employer's disposal. In addition, domestic work, especially when performed by live-in workers, can have an intermittent nature; for example, in Portugal, only effective hours of work are calculated.

FNPR (Russian Federation). Standby hours are not to be considered as free time, but on the same basis as regular working time. They should be remunerated at least at the same rate as that determined by the labour standards in force.

FEDUSA (South Africa). Standby should have a standard meaning, as applied in other sectors.

AFL–CIO and NDWA (United States). The term “standby” creates a grey area that should not exist. The line between time on duty, the use of which is determined by the employer or employment contract, and time off should be clear.

PIT–CNT (Uruguay). Standby should not be allowed. If permitted, it should be voluntary and regarded as overtime work.

(d) *should the term “employer” include intermediaries?*

Governments

Total number of replies: 75.

Yes: 25. Albania, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Chile, Croatia, Czech Republic, El Salvador, Finland, France, Greece, India, Latvia, Mauritius, Montenegro, Paraguay, Romania, Slovenia, South Africa, Sri Lanka, Suriname, Thailand, United Arab Emirates, Bolivarian Republic of Venezuela.

No: 31. Argentina, Brazil, Colombia, Costa Rica, Cyprus, Ecuador, Guatemala, Guinea, Indonesia, Italy, Japan, Jordan, Republic of Korea, Malaysia, Mauritania, Mexico, Republic of Moldova, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Oman, Peru, Qatar, Serbia, Spain, Syrian Arab Republic, Saudi Arabia, Ukraine, Yemen.

Other: 19. Austria, Canada, China, Cuba, Egypt, Lebanon, Lithuania, New Zealand, Nicaragua, Norway, Panama, Philippines, Poland, Portugal, Sweden, Switzerland, Tunisia, United States, Uruguay.

Comments

Albania. The employer must hire the employee directly, even in case of public or private mediating employment agencies.

Australia. “Intermediaries” should mean suppliers of labour. The exact scope of this definition may pose compliance issues for Australia. See question 61.

Austria. If “intermediary” means placement officers (*Arbeitskraftevermittler/innen*), they should be included, as long as an employment relationship with these persons exists.

Belgium. The term “intermediary” needs to be specified. An employer should also be the person who employs workers in order to place them with another person (user). This guarantees the domestic worker a single employer and stability of employment while satisfying the needs of the different users. In addition, the authority of the employer over the worker should be stressed, as this is an essential aspect of an employment contract.

Plurinational State of Bolivia. See question 6(a).

Brazil. The intermediary is not the employer. The former should only be liable for the unlawful acts committed by the employee placed by the intermediary.

Canada. The term “employer” should not exclude intermediaries, but whether or not a specific intermediary is an employer should be determined based on national law and practice.

China. The term “employer” should not include household service brokers, but should include companies employing domestic workers. Further research should be carried out on the relationship between and responsibilities of these companies.

Colombia. An intermediary is not an employer, as the former solely puts labour demand and labour supply into contact with each other.

Costa Rica. The intermediary is different from the employer and, rather than be included in the definition of “employer”, should be defined separately. In receiving countries such as Costa Rica,

intermediation has caused serious inconvenience for workers, especially regarding payments. The participation of private employment agencies should be revisited, especially because of the guarantee mechanisms whereby they make their clients pay the amounts due.

Cuba. The definition of “intermediaries” should be clarified and their activities specified, in order to prevent cases of abuse.

Cyprus. However, the obligations of any intermediaries should be included.

Egypt. A distinction must be made between employer and intermediary, provided that the instrument defines the responsibilities of each separately.

El Salvador. To protect workers from any violation of their labour rights.

Finland. The Convention should include workers who work in the employer’s household either as paid workers or as employees of, for example, the municipality or a private employment agency. Attempts to evade existing norms by using intermediaries should be prevented.

France. In France, the employer may be an individual or an intermediary such as an association or an enterprise.

Greece. See question 6(c).

Guatemala (DPS). Domestic work does not need intermediaries, as it involves a relationship of trust.

Guatemala (UMT, ONAM). Household workers are normally recruited directly by the employer. If and when intermediaries are involved, they either employ workers with a view to making them available to a household or they provide job-placement services. In neither case can they be considered employers. Contracts stipulated by private employment agencies should be regulated by the Convention, in order to prevent trafficking.

India. Given the diverse nature of many domestic work arrangements, the term “employer” should include intermediaries such as any agent, representative, company or third party that is responsible directly or indirectly for the employment or payment of a domestic worker.

Japan. The basic responsibility for protecting domestic workers should be borne by the persons who supervise them and give them orders on a regular basis.

Jordan. This would prevent the exploitation of domestic workers.

Republic of Korea. Intermediaries are usually only middlemen. However, if they play the role of employers, they should be regarded as such.

Latvia. It should be stressed that fee-charging private agencies acting as brokers between migrant domestic workers and employers in the receiving countries and companies and agencies that hire workers to perform home-help activities for an individual at home or for the home, should also be included in the definition of employer.

Lebanon. The term “intermediary” should be clearly defined. If an intermediary is responsible for the payment of the domestic worker’s wages, it can be included in the term “employer”.

Lithuania. The term “employer” should be determined by national law.

Malaysia. Fee-charging agencies acting as brokers between migrant domestic workers and households should not be regarded as employers, as they often exploit these workers. The Convention should promote direct negotiations between workers and private employers.

Mauritius. There are instances where workers are not paid by the person they work for, but by a third party.

Mexico. The employment relationship is established directly between the employer and the worker.

Montenegro. It should include intermediaries such as representatives, companies and any agent and third party that is responsible, directly or indirectly, for domestic workers' employment or payment.

Mozambique. Intermediaries are not employers; they have no contractual relationship with the employee (only with the employer).

Nepal. This term seems impractical in the case of domestic work.

New Zealand. See question 6(b).

Nicaragua. In some instances yes, because they act as employers eluding the law.

Norway. While the Convention should mainly apply to employment relationships in which the employee works in the household of a private employer, special regulations should be considered to ensure that, in the event that the household or person receiving the services is not formally the employer, the worker is adequately protected. The term "employer" should not include intermediaries which do not have employers' responsibilities.

Paraguay. Companies and agencies which hire workers to perform home-help activities for an individual user at home or for his or her home should be included.

Panama. Intermediaries are those who engage or are involved in engaging the services of one or more workers to perform work for an employer.

Peru. According to Peruvian legislation, legal entities acting as intermediaries are not regarded as employers.

Philippines. In the Philippines, in the case of migrant domestic workers, the term "employer" refers to both the principal employer and the foreign placement agency, who are both liable in case of violations of the workers' rights. On the other hand, local placement agencies are not considered to be employers, although they are also considered to be liable for violations.

Poland. According to Convention No. 181, only entities with which the employee has entered into an employment relationship may be understood as the employer; this includes private employment agencies which employ workers with a view to making them available to a third party and which assign their tasks and supervise the execution of these tasks. Other entities, such as private employment agencies that match offers of and applications for employment without becoming a party to the employment relationship, may not be the employer of the domestic worker.

Portugal. It depends on the concept of intermediary. In Portugal, domestic services rendered to a household on account of non-profit legal entity qualify as domestic work. An employment agency can supply, on a temporary basis, workers who offer domestic services to a household for some days or part of the day. Any definition of the term "employer" should make it possible to identify who is liable for any contractual obligations.

Qatar. The term "employer" does not include intermediaries but the head of the household.

Romania. This would help prevent any abuse.

Saudi Arabia. The role of intermediaries ends with the completion of the contract procedures and the period of probation in some cases. They therefore cannot be considered as employers.

Serbia. The term "employer" should only include legal entities which employ workers.

Slovenia. The responsibilities between the user and the employer must be appropriately differentiated.

Spain. Except when authorized by national legislation, only the household owner (or whatever term is used to describe that person) should be the employer.

Sri Lanka. Employment in most instances is secured through intermediaries. Hence, they also should bear responsibilities as employers. However, the responsibilities of the principal employer and the intermediary need to be clearly defined.

Sweden. The key point here should be who the employer is. A personnel outsourcing firm should be included as an employer. A simple recruitment agency, however, plays a different role.

Switzerland. The term “intermediary” should be defined. Employment through agencies should also be covered, to prevent attempts to circumvent national law.

United Arab Emirates. Domestic workers working for the head of the family, but through an employment agency (intermediary), should be covered.

Tunisia. The term “employer” should not be confused with the term “intermediary”, which includes placement agencies, and the legal responsibilities of each should be defined.

Ukraine. Under Ukrainian legislation, an intermediary does not employ workers, but provides paid services for helping unemployed persons find employment.

United States. To be decided when the terms “employer” and “intermediary” are defined. An employer should be defined as any person or entity acting directly or indirectly in the interest of an employer in relation to an employee. Any intermediary meeting this definition should be considered as an employer.

Uruguay. According to national legislation, subcontractors and intermediaries also have to comply with labour law provisions.

Employers

Total number of replies: 17.

Yes: 2. ANDI (Colombia), ESEE (Greece).

No: 8. CNI (Brazil), HUP (Croatia), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea), CONEP (Panama), UPS (Switzerland), IOE.

Other: 7. EK (Finland), KT (Finland), VTML (Finland), SEV (Greece), NHO (Norway), ECOP (Philippines), EFC (Sri Lanka).

Comments

EK, KT, VTML (Finland). The term includes only those parties who have concluded an employment contract.

SEV (Greece). See question 6(b).

KEF (Republic of Korea). Intermediaries are only agents between employers and domestic workers without authority or supervisory powers.

NHO (Norway). See question 6(c).

CONEP (Panama). Intermediaries are not the beneficiaries of the services provided.

ECOP (Philippines). The term “intermediary”, which is understood in the ILO questionnaire to mean recruiters, should be distinctly defined. The role of intermediaries in the recruitment and placement of migrant domestic workers should be subject to the national policies, laws and rules and regulations of the home countries.

EFC (Sri Lanka). See question 3.

UPS (Switzerland). Any ambiguity in this regard should be avoided.

IOE. See question 6(a).

Workers

Total number of replies: 125.

Yes: 96. UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CLC (Canada), CUT (Chile), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), DGB (Germany), GSEE (Greece), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), Histadrut (Israel), CGIL (Italy), UGL (Italy), UIL (Italy), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), CROC (Mexico), CTM (Mexico), UNT (Mexico), NIDWU (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 20. GFBTU (Bahrain), CGT (Colombia), CTRN (Costa Rica), DEOK (Cyprus), CTS (El Salvador), COSYGA (Gabon), JOC (Gabon), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), CISL (Italy), JTUC–RENGO (Japan), MTUC (Malaysia), GEFONT (Nepal), NTUC (Nepal), CGTP–IN (Portugal), FEDUSA (South Africa), SADSAWU (South Africa), CSTT (Togo).

Other: 9. CTA (Argentina), BAK (Austria), ÖGB (Austria), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CUT (Colombia), UNSITRAGUA (Guatemala), PIT–CNT (Uruguay).

Comments

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BWU (Barbados), CSA–Bénin (Benin), FS and UGT (Brazil), CLC (Canada), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), AKAVA, SAK and STTK (Finland), CFDT (France), ASI (Iceland), HMS (India), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), FNV (Netherlands), LO (Norway), PWF (Pakistan), CUT–A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS (Turkey), TUC (United Kingdom), AFL–CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. Both fee-charging private agencies acting as brokers between migrant domestic workers from countries of origin and employers in countries of destination, and agencies which hire workers to perform home-help activities for an individual user at home or for his or her home, should be included.

CTA (Argentina). Intermediation through employment agencies should be prohibited as such agencies are often involved in the trafficking of persons. Moreover, these agencies should not be given supervisory responsibility concerning domestic work.

BAK (Austria). The standard has to clarify who bears the responsibilities of an employer (such as who can conclude a contract, who is allowed to issue instructions, against whom claims should be directed). The term “intermediary” may create too much legal uncertainty and should in any case be clearly defined.

ÖGB (Austria). The term “employer” should clearly define who the employer and party to the contract is. The contract should clearly indicate if another person is authorized to give instructions.

GFBTU (Bahrain). Intermediaries are brokers between workers and employers.

COB (Plurinational State of Bolivia). See question 6(a).

FENATRAHOB (Plurinational State of Bolivia). See question 6(a).

FENATRAD (Brazil). Intermediaries should be jointly liable with respect to compliance with the relevant legislation and subject to inspection, including in cases involving the recruitment of migrant domestic workers.

ONSL (Burkina Faso). Provided that they offer employment and give instructions to the worker.

CFITU, CLUF, CWLFU (Cambodia). Intermediaries should have similar responsibilities and obligations to the employers. A separate and clear definition of intermediaries should be provided.

CUT (Colombia). The responsibility should lie with the person who hires the worker, even through intermediaries.

CTRN (Costa Rica). Any persons who hire the services of other persons to perform work for them should be regarded as employers. Since intermediaries hire the services of persons to perform work for a third person, there is no employment relationship between the intermediary and the worker working for the household.

DEOK (Cyprus). Intermediaries are not employers and are not responsible for domestic employees.

UGTE (Ecuador). Intermediation should not exist. Employment agencies should be included under the scope of the Convention.

AKAVA, SAK, STTK (Finland). This should go hand in hand with joint liability.

CGT-FO (France). The organization of work, through enterprises or associations that render domestic or care services to private households, contribute to the formalization of the employment relationship (through employment contracts, collective agreements, labour inspection interventions and the unionization of workers). The question remains as to their role (whether they are job-placement agencies or employers), and as to the mutual obligations between the service provider and the individual service user, including in respect of the conditions of work.

COSYGA, JOC (Gabon). A worker should only have one employer.

DGB (Germany). The definition of employer should include fee-charging employment agencies, as well as enterprises that employ and place domestic workers.

GSEE (Greece). The legal aspects of intermediation should be specified (for example, the duty to carry out intermediation activities, with or without remuneration, in order to find jobs for workers). The definition of “employer” should highlight that intermediaries should operate legally, making reference to the Private Employment Agencies Convention, 1997 (No. 181), and the Private Employment Agencies Recommendation, 1997 (No. 188). Emphasis should be placed on the legal operation and strict control of intermediaries also in other parts of the Convention and/or Recommendation.

UNSITRAGUA (Guatemala). The term “intermediary” should be clarified, as in Guatemala no intermediaries exist in domestic work. In Spanish, the term “*empleador*” is preferable to the term “*patrón/a*”, which is used in Guatemala.

CGT (Honduras). The intermediary should be responsible in the event of labour violations.

HMS (India). In many cases, domestic workers are employed through intermediaries and there is no direct relation between the employer and the worker. Even payments are made through intermediaries.

KSPI, KPSPI, KSBSI (Indonesia). The employer is the householder who provides the job.

ICTU (Ireland). While the responsibilities of private agencies acting as brokers between migrant domestic labour from countries of origin and employers in countries of destination have to be recognized, the employer is the person by whom the domestic worker is employed.

CGIL (Italy). Intermediaries should be included if so provided by national legislation and collective agreements.

CISL (Italy). In Italy it is not foreseen. The instrument should include provisions on the role of intermediaries and their tasks and duties.

JTUC-RENGO (Japan). The basic responsibility of protecting domestic workers lies with the employer. If intermediaries are also deemed to have responsibilities, these should be stipulated in separate provisions pertaining to “intermediaries”.

SEKRIMA (Madagascar). Companies and agencies which hire workers to perform home-help activities for an individual user or for his or her home should be considered as employers.

MTUC (Malaysia). It is not appropriate to define fee-charging private agencies acting as brokers for migrant domestic workers as employers. In Malaysia, these agencies charge exorbitant fees from the employers, leading domestic workers to work for nothing for months; employers keep their passports in order to ensure the return of their payment. The Convention should promote direct negotiation between workers and employers, and include separate and different provisions on the responsibilities of private agents or brokers of migrant domestic workers. However, cleaning services companies that hire domestic workers to perform services for households and companies should be considered employers and guarantee the workers all applicable rights.

CROC (Mexico). In this way, intermediaries will be also held responsible.

UNT (Mexico). To avoid confusion, employment agencies which place workers and receive their salaries should be distinguished from non-profit household workers' organizations which provide assistance to workers in the event of labour disputes.

GEFONT (Nepal). The term "intermediary" should be defined separately.

NIDWU (Nepal). Both fee-charging private agencies acting as brokers between domestic workers from rural areas and employers in urban areas or between migrant domestic workers from countries of origin and employers in countries of destination, and agencies which hire workers to perform home-help activities for an individual user at home or for his or her home, should be included.

NTUC (Nepal). Notwithstanding that intermediaries are involved in employment, they are not direct employers. An employer is the person or institute which generates and provides employment.

CNT (Niger), TÜRK-İŞ (Turkey). Private agencies acting as brokers between migrant domestic workers from countries of origin and employers in countries of destination should be included.

CONATO (Panama). Intermediaries should be considered to be employers, at least until the domestic worker is placed in a household.

CS (Panama). Agencies should be included due to their level of responsibility in placing workers.

CTP (Peru). Employment agencies should be supervised.

APL, FFW, TUCP (Philippines). The term "intermediaries" should be defined to include persons, agencies and enterprises that facilitate the recruitment and placement of domestic workers. The instruments should clearly define the obligation of intermediaries and employers to ensure that both parties comply with the terms and conditions set forth in this instrument and in the employment contract and that, if civil, administrative and criminal redress against the employer for violations of rights are not possible, the intermediary shall be jointly and solidarily liable. Member States shall ensure that all intermediaries are capable of performing their duties and responsibilities and set up a registration and accreditation system for them that includes the posting of bonds that would defray costs for potential liabilities.

NSZZ (Poland). Representatives or third parties that are responsible directly or indirectly for employing or paying domestic workers should be considered as employers.

FNPR (Russian Federation). Intermediaries should be included if they are responsible for complying with national and social legislation, and if they are authorized to work in the country of destination. The relations of the worker with the intermediary during a period of absence from work should be regulated.

FEDUSA (South Africa). The definition should be limited only to the person for whom the work is being done.

SADSAWU (South Africa). Intermediaries in South Africa are not abiding by the labour law and have exploited domestic workers.

NTUF (Sri Lanka). Intermediaries should be included as far as migrant domestic workers and companies and agencies are concerned. It is not feasible to include individual intermediaries.

LCT, NCPE, SERC, TTUC (Thailand). Companies and agencies hiring workers and sending them to work in a client's home should be included.

CSTT (Togo). Intermediaries may be dubious persons who may abuse the rights of domestic workers.

UGTT (Tunisia). Fee-charging private agencies acting as brokers between domestic workers and employers both at the national and at the international levels should be included.

PIT-CNT (Uruguay). Intermediaries for domestic work should not be allowed.

CTV (Bolivarian Republic of Venezuela). Provided that the person who hires the worker is a representative of an employment agency.

ZCTU (Zimbabwe). The term should also include judicial managers, liquidators or trustees of an insolvent employer's estate, executors of a deceased employer's estate and custodians of sick persons.

- (e) *should any other terms be defined by the instrument or instruments?*
If yes, please provide particulars.

Governments

Total number of replies: 54.

Yes: 36. Albania, Argentina, Australia, Austria, Belgium, Plurinational State of Bolivia, Brazil, Canada, China, Colombia, Croatia, Guatemala, Guinea, India, Indonesia, Lebanon, Malaysia, Mauritania, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Paraguay, Peru, Philippines, Romania, Saudi Arabia, Slovenia, South Africa, Spain, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Bolivarian Republic of Venezuela.

No: 13. Bahrain, Egypt, El Salvador, Jordan, Republic of Korea, Lithuania, Mauritius, Mexico, Netherlands, Oman, Qatar, United Arab Emirates, Yemen.

Other: 5. Chile, Costa Rica, Ecuador, Finland, Latvia.

Comments

Albania. The terms “family assistant” and “other personal care provider” should be defined.

Argentina. The term “employer” should be defined, taking into account that domestic work does not generate profits. The term “employer” should be defined as the person who gives work and the “private household worker” as the person who offers his or her work in exchange for remuneration. Provisions on compensation should be also established.

Australia. The terms “remuneration”, “household” and “intermediary” should be defined. These definitions should be carefully drafted to ensure that the Convention only captures workers to which the specific Convention should apply. See question 6(a) and (b).

Austria. The term “household” should be replaced by “private household”.

Belgium. The terms “personal care” and “childcare” should be defined.

Plurinational State of Bolivia. See question 6(a).

Canada. If the instrument includes specific provisions related to migrant domestic workers, this term should be defined consistently with national law and practice. For example, in Canada, immigrants with permanent resident status are not considered to be “migrants”.

Chile. This question should be left open.

China. The term “legal relationship between an employer and a domestic worker” should mean a legal work relationship established under labour law or a legal private employment relationship established under civil law. If the term is not clearly defined, it might be misunderstood as a relationship of consumption in Chinese law, depriving domestic workers in the end of the special protection under labour or civil law. Also, the term “minor domestic worker” should be defined, as a worker who has reached the age of 16 but is under 18 years of age. Provisions on work intensity, working hours and conditions for minor workers should also be stipulated.

Colombia. All matters related to the employment contract (benefits, leave and full social security coverage) should be defined.

Costa Rica. It should define the workers to which it applies. It could include definitions of the terms “intermediary”, “overtime”, “annual leave”, “payment in kind”, and any other term, allowing a better understanding of the instrument.

Croatia. Special attention should be given to the term “child domestic worker” and its definition. A definition of those who play an intermediary role in the recruitment and placement of domestic workers and who are different from employers should be included.

Ecuador, Latvia. Question to be left open for the moment.

Finland. This question may be considered, if necessary.

Guinea. In accordance with the socio-cultural reality of Guinea, other terms should be defined. The term “employer” should be limited to members of the household (of the family who uses services), such as the husband, the wife and their children. This should be indicated in the employment contract.

India. The term “young domestic worker” should be used instead of child domestic worker.

Indonesia. The terms “agencies”, “terms of employment”, “welfare”, “protection” and “payment” should be defined.

Lebanon. The instrument should include a definition of the terms “intermediaries”, “migrant workers’ recruitment offices” and “employment agencies”.

Malaysia. A child performing household work should be a person under 18 years of age. Payment should be in money or in kind.

Mauritania. Other definitions should be provided if necessary.

Montenegro. The term “child domestic worker” should be defined as a person under 18 years who performs work in and for a household, which includes housekeeping, childcare and other personal care as well as helping employers with running small businesses.

Morocco. The categories of domestic workers (such as governesses, chauffeurs, gardeners and guards) should be defined.

Mozambique. The domestic employment contract and casual work should be defined.

Myanmar. The term “intermediary” should be defined separately.

Nepal. The term “contractor” should be introduced, implying the person mediating between the employer and the domestic worker searching for work, who should be liable for inspecting the living and working conditions of the employee from time to time and should submit reports about the workers and their conditions at fixed time intervals to a municipal authority with which he or she must be registered.

Paraguay. The terms “patrons”, “guardians” or “close relatives” who provide accommodation and food in exchange for domestic services provided by a worker should also be included.

Peru. The term “domestic worker” should be substituted by “household worker”. The terms “live-in”, “live-out”, “fair terms of employment”, “equity”, “decent work” and “decent living conditions” should be defined. The Convention should contain a glossary.

Philippines. The term “household” should be defined as “an aggregate of persons generally but not necessarily bound by ties of kinship, who sleep in the same dwelling unit and have common arrangements for the preparation and consumption of food”.

Saudi Arabia. The terms “intermediaries”, “agents” and “agencies that recruit workers from abroad” should be defined.

Slovenia. The terms “in-kind wages” and “child domestic worker” should be defined.

South Africa. The term “day” should be defined as a period of 24 hours, measured from the time when the domestic worker normally commences work; the term “night work” should be defined as work performed between 6 p.m. and 6 a.m. which renders a premium for night work necessary; and the term “workplace” should be defined as any place where domestic workers work, which would allow for labour inspectors to visit the private household as a workplace.

Spain. The term “employer” should be defined.

Syrian Arab Republic. The term “employer” must be clarified, as Syrian law defines the employer as the person benefitting from the worker’s service.

Thailand. The term “intermediaries” should be defined.

Tunisia. The terms “minimum wage”, “intermediary”, “national workers” and “migrant workers” should be defined.

Bolivarian Republic of Venezuela. The following terms should be defined: “weekly rest” (at least one full day should be provided); “annual leave”; “social security”; and terms describing other social benefits that all other workers are entitled to.

Employers

Total number of replies: 10

Yes: 3. CNI (Brazil), DPN APINDO (Indonesia), ECOP (Philippines).

No: 3. ANDI (Colombia), JCC (Jordan), KEF (Republic of Korea).

Other: 4. ESEE (Greece), SEV (Greece), NHO (Norway). EFC (Sri Lanka).

Comments

CNI (Brazil). See question 6(a).

ESEE (Greece). The terms that are used should be analysed, taking into account the legislation of as many groups of States as possible and European Union (EU) terminology.

SEV (Greece). See question 6(b).

NHO (Norway). See question 6(c).

ECOP (Philippines). The term “employer” means any natural person employing the services of a domestic worker.

EFC (Sri Lanka). See question 3.

Workers

Total number of replies: 83.

Yes: 28. ÖGB (Austria), BILS (Bangladesh), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), CNTB (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CGT (Colombia), CUT (Colombia), CMTC (Costa Rica), CTRN (Costa Rica), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), CISL (Italy), UNT (Mexico), NTUC (Nepal), FNV (Netherlands), CGTP-IN (Portugal), FNPR (Russian Federation), FEDUSA (South Africa), NUDE (Trinidad and Tobago).

No: 11. ONSL (Burkina Faso), COSYGA (Gabon), JOC (Gabon), CFTUI (India), CTM (Mexico), CAUS (Nicaragua), NSZZ (Poland); NTUF (Sri Lanka), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay).

Other: 44. UGTA (Algeria), CGTRA (Argentina), CSA–Bénin (Benin), UGT (Brazil), CLC (Canada), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT (Honduras), ASI (Iceland), HMS (India), ICTU (Ireland), UIL (Italy), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), NIDWU (Nepal), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CATP (Peru), CTP (Peru), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), NATURE (Sri Lanka), NWC (Sri Lanka), USS (Switzerland), CHODAWU (United Republic of Tanzania), UGTT (Tunisia), TOLEYİS (Turkey), TUC (United Kingdom), ZCTU (Zimbabwe), ITUC, IUF.

Comments

UGTA (Algeria), CGTRA (Argentina), CSA–Bénin (Benin), UGT (Brazil), CLC (Canada), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), ASI (Iceland), HMS (India), ICTU (Ireland), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), CNT (Niger), LO (Norway), PWF (Pakistan), CATP and CTP (Peru), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), CHODAWU (United Republic of Tanzania), UGTT (Tunisia), TOLEYİS (Turkey), USS (Switzerland), TUC (United Kingdom), AFL–CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. This question should be left open for the moment.

ÖGB (Austria). The term “free time without compulsory attendance” should be defined.

BILS (Bangladesh). The term “workplace” should be defined.

COB (Plurinational State of Bolivia). See question 6(a).

FENATRAHOB (Plurinational State of Bolivia). See question 6(a).

FENATRAD (Brazil). The specific characteristics of domestic work are: the fact that it is performed in a private household; the employment relationship with and subordination to the family; fixed remuneration; fixed hours of work; and the tasks determined by the employer. The term “domestic workers” indicates the category of work, within which there are different functions or tasks, such as cooking, cleaning, ironing and washing. The functions of drivers, guards, butlers, housekeepers, pilots and others should also be included.

CNTB (Burkina Faso). Specific types of domestic workers should be defined, such as “home help” and domestic personnel.

CFITU, CLUF, CWLFU (Cambodia). The terms “employment”, “placement agencies”, “personal care” and “decent work” should be defined.

CGT (Colombia). The term “domestic” is not the most adequate to refer to workers working in or for a household. This term should be reconsidered.

CUT (Colombia). A definition of paid and unpaid work should be provided. Although not captured by the UN System of National Accounts, unpaid care work contributes to national development by influencing the quantity and quality of both labour supply and demand for goods and services.

CMTIC (Costa Rica). Terms such as “hours of work”, “remuneration”, “specification of tasks”, “type of employment contract” and “rights and guarantees” should be defined, among others.

CTRN (Costa Rica). The term “intermediary” should be defined.

CNUS (Dominican Republic). This question should be left pending for the time being. Other terms should also be defined, including “gardeners”, “guards” and “male domestic workers”.

CFDT (France). Other terms may be defined at a later stage.

COSYGA, JOC (Gabon). This is not necessary. The term “employer” should be understood to have the meaning as used by the ILO.

GSEE (Greece). The difference between live-in and live-out workers should be clarified, given the practical impact of this distinction on basic working terms (for example, working hours).

UNSITRAGUA (Guatemala). Domestic work should be called “private household work” as the term “domestic” has discriminatory and racist connotations and alludes to a master/servant relationship. The terms “employer” and “working day” should follow the relevant national legal terminology.

CNTG (Guinea). The worst forms of child labour and forced labour should be defined.

KSPI, KPSPI, KSBSI (Indonesia). Terms such as “employer” and “intermediary” should be defined.

UNT (Mexico). Employment agencies which are direct intermediaries should promote the labour rights of household workers. For the purpose of this instrument, all intermediaries are direct employers and as such should be legally defined as such, in order to be considered a legal entity, comply with their responsibilities and be monitored by the State.

NTUC (Nepal). The term “intermediary” should be defined.

FNV (Netherlands). The concept of “migrant domestic worker” should be defined in such a way that the worker is entitled to protection whether or not she or he is documented.

CGTP-IN (Portugal). “Hours of work” and “period of rest” should also be defined.

FNPR (Russian Federation). The term “payment for labour” should be defined and used instead of “work remuneration” or “work on a reimbursable basis”.

FEDUSA (South Africa). The terms “agent brokers” as intermediaries who do not pay the salary, “work” and “services” should be defined. “Child labour” should be defined and prohibited for domestic work.

NUDE (Trinidad and Tobago). The definition of the term “employer” should include placement agencies which provide domestic workers to employers and any other agencies that provide this service.

AFL-CIO and NDWA (United States). A “child domestic worker” should be defined as a person under 18 years of age who performs work in and for a household, either paid, unpaid, or with “in-kind” remuneration. Recruiters or brokers who play an intermediary role in the recruitment and placement of workers, but who are distinct from employers, should be defined.

Qu. 7 *Should the instrument or instruments apply to all domestic workers?*

Governments

Total number of replies: 73.

Yes: 64. Albania, Argentina, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Indonesia, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 5. Australia, Italy, Japan, Republic of Korea, Syrian Arab Republic.

Other: 4. Canada, Guatemala, New Zealand, Norway.

Comments

Argentina. Distinctions based on hours of work or categories of domestic workers or any other consideration would mean depriving domestic workers of any legal protection, thus undermining the basic principles of equality and equity.

Australia. It should exclude domestic workers in genuine commercial arrangements (see questions 6(b) and 61).

Austria. See question 6(b).

Brazil. Provided that an employment relationship exists and that casual workers are excluded.

Canada. See question 8.

Costa Rica. Those who do not receive a salary cannot be considered domestic workers, as the requirements of an employment relationship are not met.

Egypt. Domestic workers have to be classified according to the nature of their work.

El Salvador. The instrument(s) should apply to all domestic workers, without discrimination.

Greece. Certain modifications may apply to live-in workers due to the specificity of their work relationship.

Guatemala (DPS). No. Part-time workers should be excluded because of their different working conditions.

Guatemala (UMT, ONAM). Yes. Equality is fundamental in all employment relationships.

India. Both full-time and part-time workers should be covered progressively.

Japan. See question 6(b).

Jordan. Local and migrant workers and men and women have to be treated equally.

Republic of Korea. Close relatives who live with the employer should be excluded.

Mozambique. They are equal, regardless of the different tasks they perform and the category they belong to.

Netherlands. However, the instrument shall not apply to employees of a company (intermediary). Au pairs working as childminders in a private household (in the Netherlands they work up to 30 hours a week, with free board and lodging and some pocket money), who are employed primarily as part of a cultural exchange should not be covered by all the protection provided under the draft instrument. It is arguable whether workers performing household work just a few half-days per week should be afforded the same protection as regular domestic workers.

New Zealand. See questions 1 and 2.

Nicaragua. This will prevent any discrimination against them.

Norway. While a final opinion cannot be provided at this stage, it should be considered whether employment of a short or occasional character should be exempted, such as babysitting.

Poland. See question 6(a)–(b).

Portugal. The instrument should apply only to relationships of dependence and subordination.

South Africa. Provided that they are not covered by other national legislation or collective bargaining agreements.

Spain. If the definitions are sufficiently clear, the instrument could be applied to all those workers who fall under its scope.

Switzerland. In principle yes, but certain special conditions may have to be reserved, if necessary.

Syrian Arab Republic. The instrument(s) should apply only to female domestic workers.

Thailand. See question 2(c).

Tunisia. There should be no discrimination between domestic workers, be they nationals, migrants or part- or full-time workers.

Employers

Total number of replies: 18.

Yes: 5. CNI (Brazil), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama), ECOP (Philippines).

No: 11. ANDI (Colombia), HUP (Croatia), EK (Finland), KT (Finland), VTML (Finland), BDA (Germany), SEV (Greece), KEF (Republic of Korea), NHO (Norway), EFC (Sri Lanka), IOE.

Other: 2. ESEE (Greece), UPS (Switzerland).

Comments

CNI (Brazil). The instrument(s) should not apply to casual workers.

ANDI (Colombia). The term “domestic worker” should be clearly, unequivocally defined.

HUP (Croatia). Certain areas of work undertaken in a family home should be excluded, through either the definition of a domestic worker or the scope of the standard.

BDA (Germany). See question 20.

ESEE (Greece). It depends on the work relationship and whether it is domestic or not.

SEV (Greece). There should be a clear distinction between the various categories of domestic workers.

JCC (Jordan). It is important not to discriminate between workers and to ensure equality between national and migrant workers and men and women.

KEF (Republic of Korea). Dispatched domestic workers should be excluded.

EFC (Sri Lanka). See question 3.

UPS (Switzerland). This depends on the definition of the term “domestic worker”.

NHO (Norway), IOE. There are categories to be excluded, either by the definition of a domestic worker, the scope of the standard or particular provisions.

Workers

Total number of replies: 125.

Yes: 120. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), UGL (Italy), UIL (Italy), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland),

CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CISL (Italy).

Other: 4. CMTC (Costa Rica), CGT (Honduras), CFTUI (India), JTUC–RENGO (Japan).

Comments

ACTU (Australia). Care should be taken when drafting the instrument(s) to ensure that any existing national regulation of certain types of domestic workers (for example, workers who provide home-care services) is not undermined or potentially reduced in any way.

BAK (Austria). Workers such as gardeners, drivers, tutors and persons caring for children, the elderly and the sick should also be covered. Concerning remuneration, it has to be ensured that the principle of non-discrimination and equal treatment between the sexes is applied.

ÖGB (Austria). Specific types of activity such as drivers, household staff, horse grooms or trainers, private secretaries, home tutors, and persons caring for children, people with special needs or older people, should be clearly defined.

CLC (Canada). It should apply to all workers who provide care and support to individuals in a home-based residential setting.

CUT (Colombia). It should apply to both paid and unpaid work.

COSYGA, JOC (Gabon). All groups of domestic workers (for example, childminders, cooks and launderers) are equal and have to be included.

UNSI TRAGUA (Guatemala). Failure to cover all workers would constitute a violation of the constitutional principle of the equality of all human beings as regards their rights and dignity.

CGT (Honduras). Standards should be defined for more developed countries, which should show the way to the other countries.

CFTUI (India). Payment may vary between urban and rural domestic workers.

UGL (Italy). The instrument(s) should apply to all people who carry out domestic work for remuneration.

JTUC–RENGO (Japan). This depends on the definition of the term “domestic worker”. See question 6(b).

CNT (Niger). The ILO promotes equality and non-discrimination among workers.

APL, FFW, TUCP (Philippines). The instruments should stress that undocumented migrants are covered.

CNS–Cartel Alfa (Romania). The question should be rephrased as follows: “the instrument should provide that close relatives have the possibility of opting for the application or non-application of the instrument”.

FNPR (Russian Federation). National legislation should be taken into consideration.

FEDUSA (South Africa). Child domestic work should be prohibited.

CTV (Bolivarian Republic of Venezuela). It should apply to all domestic workers by virtue of the principle “equal work, equal pay”. Nonetheless, the reality of each country and individual should be taken into account.

Qu. 8 *Should the instrument or instruments provide for the possible exclusion of limited categories of domestic workers and, if so, under what circumstances? Please specify.*

Governments

Total number of replies: 71.

Yes: 20. Australia, Belgium (SPF), Canada, China, Egypt, Italy, Japan, Republic of Korea, Mauritania, Netherlands, Poland, Romania, Saudi Arabia, South Africa, Spain, Sri Lanka, Suriname, Switzerland, Thailand, Tunisia.

No: 43. Albania, Argentina, Austria, Bahrain, Belgium (CNT), Plurinational State of Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Ecuador, El Salvador, France, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Nepal, Nicaragua, Oman, Panama, Paraguay, Peru, Qatar, Serbia, Slovenia, Sweden, Syrian Arab Republic, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

Other: 8. Finland, Greece, Guatemala, Guinea, India, New Zealand, Norway, Portugal.

Comments

Argentina. The use of child domestic work should be expressly prohibited even when there may be a bond of kinship between the child and the employer.

Australia. Only workers in genuine commercial arrangements should be excluded. See questions 6(b) and 61.

Belgium (CNT). The instrument is aimed at protecting domestic workers who are very often excluded from the scope of other ILO instruments.

Belgium (SPF). If childcare is included in domestic work, it should be possible to exclude babysitting and all casual work. See question 6(b).

Brazil. A maximum time frame of ten years within which to grant coverage to all domestic workers could be established.

Canada. Competent national authorities should determine appropriate exclusions. For example, in some Canadian jurisdictions, the definition of domestic worker as pertaining to care work requires a relationship with some permanence and does not include occasional babysitting.

Chile. This practice has caused precariousness in the domestic work sector.

China. The instrument should provide for some flexibility with regard to adapting to different situations of economic development and labour markets, protecting domestic workers and promoting the development of domestic work as a business.

Costa Rica. There should be no exclusions other than those mentioned under question 7.

Cuba. There should be no exclusions, due to the high vulnerability of this category of workers.

Ecuador, Latvia. One of the main reasons for the decent work deficits affecting domestic workers is their exclusion from many of the provisions of international labour standards.

Egypt. Companions for children, sick and old persons and babysitters should be excluded.

El Salvador. Under no circumstances should there be any exclusions.

Finland. If the instrument is a Convention, exclusions of some groups need to be considered, provided that their protection as domestic workers is guaranteed otherwise. A Recommendation could include all categories of domestic workers.

Greece. Self-employed workers could be excluded. Social security coverage may differ, depending on whether the worker is employed by one or several employers.

Guatemala (DPS). Yes. Part-time domestic workers should be excluded.

Guatemala (UMT, ONAM). No.

Guinea. The instrument could provide for the eventual exclusion of limited categories of workers in conformity with the eight ILO fundamental Conventions.

India. This needs greater deliberation, for which a paper may be prepared by the ILO.

Italy. In Italy, au pairs carrying out a limited number of domestic tasks in exchange for accommodation (unless the characteristics of the employment relationship are prevalent), assistants of disabled children working outside the family home, those who perform their work for the professional activity of the employer, and relatives doing unpaid household work are not regarded as domestic workers.

Japan. Exclusions should be allowed since the need for protection and the actual working conditions differ widely, depending on the types of work performed (such as general domestic work; childcare, including the education of children; and other care). In particular, the workplace may be somewhere other than in the employer's home, depending on the work description. This means that uniform provisions for all types of work are not always appropriate.

Jordan. This would prevent evasion of obligations and discrimination.

Republic of Korea. See question 7.

Mexico. In principle, the instrument should apply to all domestic workers working inside the household. Any exclusion should apply to workers performing cleaning, customer services and other similar activities in hotels, boarding houses, restaurants, bars, hospitals, clinics, schools and other similar places, as well as to the guards of those and apartment or office buildings.

Mozambique. This is important in order to prevent discrimination.

Netherlands. See question 7.

New Zealand. New Zealand law recognizes the need to exclude genuine independent contractors doing work in a domestic setting from the definition of homemaker/employee.

Norway. See question 7.

Oman. A distinction should be made between domestic workers who live in the household permanently and workers voluntarily living outside of it and who are not obliged to live in.

Poland. Possible exclusions should be based on reasonable prerequisites, without discrimination.

Portugal. In Portugal, domestic work, casual and occasional work, own-account work, voluntary work and work under the au pair regime are not considered domestic work. Nonetheless, the Government is willing to consider the issues concerning the au pair regime raised by Report IV(1): *Decent work for domestic workers*.¹

Romania. Any exclusion should be acceptable to all Members, in accordance with their respective legislation.

¹ ILO: *Decent work for domestic workers*, Report IV(1), International Labour Conference, 99th Session, Geneva, 2010.

Saudi Arabia. Domestic workers who do not work full time should be excluded.

Slovenia. Consideration must be given to the global trend in labour law, which aims to ensure that uniform regulations apply to as many workers as possible, regardless of the sector.

South Africa. It should exclude domestic workers who are covered by other national labour laws or the agreement of a bargaining council.

Spain. The work carried out by a legal person (even if it entails domestic tasks), unpaid work for the family and work performed by way of friendship, benevolence or neighbourliness, among other things, should be excluded.

Sri Lanka. Exclusions may be determined by Members in consultation with employers' and workers' organizations.

Suriname. The categories and extent of exclusions should be determined after tripartite national consultations, provided that the government supplies information about these groups following surveys and research.

Switzerland. This question is of special relevance to persons who work for limited periods (on an hourly basis) in households.

Thailand. The instrument or instruments should provide for the possible exclusion of limited categories of domestic workers who perform work which is of a different nature than other domestic work in general.

Tunisia. Workers who do not carry out the types of work described under question 6(a) (such as maintenance and repair work, gardening on an occasional, non-regular basis and health assistants) should be excluded.

United States. It should be possible to exclude domestic workers who do not meet certain reasonable thresholds regarding earnings, hours of work and duration of employment from limited benefits and social security schemes only.

Uruguay. Domestic workers should be entitled to all the labour rights provided by national and international legislation for all other workers.

Employers

Total number of replies: 15.

Yes: 10. CNI (Brazil), ANDI (Colombia), BDA (Germany), ESEE (Greece), SEV (Greece), DPN APINDO (Indonesia), KEF (Republic of Korea), NHO (Norway), UPS (Switzerland), IOE.

No: 1. JCC (Jordan).

Other: 4. HUP (Croatia), EK (Finland), KT (Finland), VTML (Finland).

Comments

CNI (Brazil). See question 7.

ANDI (Colombia). The following types of work should be excluded: domestic work performed by family members; voluntary charitable or social work (care of sick and old persons); work performed by care workers in private homes (permanent nursing and medical assistance); and commercial activities carried out in households.

HUP (Croatia). Exclusions should be discussed, inter alia, with regard to: contractors; tradesmen; self-employed workers; those employed within a household for a minimal number of hours per week or month; babysitters; those with multiple domestic engagements for a number of households; and family members. See question 6(a).

EK, KT and VTML (Finland). See question 6(a).

BDA (Germany). See question 3.

ESEE (Greece). Exclusions should be allowed, in accordance with national legislation.

SEV (Greece). Workers such as temporary domestic workers, those working for a minimal number of hours per month or week, workers who are employed for the performance of a specific task and family members should be excluded.

DPN APINDO (Indonesia). This is possible for workers carrying out a specific task that requires a specific level of competency, such as those providing childcare.

KEF (Republic of Korea). See question 7.

UPS (Switzerland). Exclusions should be allowed for persons working in old people's homes, for example.

NHO (Norway), IOE. There must be a number of exclusions, but no comprehensive list can be provided at this stage, as obligations under the instrument are unclear. Areas of concern include, inter alia, workers employed by an entity other than the householder (such as contractors, tradespersons, self-employed workers, agency workers), workers working for a minimal number of hours per week or month, even if the arrangement persists across extended periods, babysitters (teenagers providing ad hoc, cash-in-hand childminding in their neighbourhoods), workers with multiple domestic engagements, workers employed for a specific temporary task (such as a builder renovating a house) and family members (such as children doing their household chores).

Workers

Total number of replies: 124.

Yes: 8. GFBTU (Bahrain), ONSL (Burkina Faso), CGT (Honduras), CFTUI (India), CISL (Italy), UGL (Italy), UNT (Mexico), PIT–CNT (Uruguay).

No: 107. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), ÖGB (Austria), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CGT (Colombia), ASTRADOMES (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), UIL (Italy), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Other: 9. BAK (Austria), CUT (Colombia), CMTC (Costa Rica), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), JTUC–RENGO (Japan), CTM (Mexico), CGTP–IN (Portugal).

Comments

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), FS and UGT (Brazil), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), GSEE (Greece), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), FNV (Netherlands), CNT (Niger), LO (Norway), PWF (Pakistan), CUT–A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), UGTT (Tunisia), TOLEYİS and TÜRK-İŞ (Turkey), TUC (United Kingdom), AFL–CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. One of the main reasons for the decent work deficits affecting domestic workers is their exclusion from many of the provisions of international labour standards.

CTA (Argentina). Except for family members, no categories of domestic workers should be excluded.

BAK (Austria). In Austria, problems exist with regard to determining the applicable legal provisions in relation to self-employed persons who carry out work for both the household and the office premises of an employer. Other problematic cases relate to international private law and the question of immunity regarding employees working in the private residences of embassy personnel.

GFBTU (Bahrain). Part-time workers should be excluded.

FENATRAD (Brazil). One of the main causes of decent work deficits affecting domestic workers is their exclusion from the scope of many international labour standards.

ONSL (Burkina Faso). All work which transcends the domestic sphere and is related to the commercial, industrial activities of the employer's household should be excluded.

CFITU, CLUF, CWLFU (Cambodia). Member States should be free to define categories of domestic workers.

CLC (Canada). See the broad category of workers covered under question 7.

CUT (Colombia). Specific tasks and functions should be defined (such as cleaner or guard).

ASTRADOMES (Costa Rica). This could lead to additional exclusions and contradict the rationale of the Convention, which is meant to overcome the historical exclusion suffered by these workers.

CMTC (Costa Rica). Instead of exclusions, specific situations such as that of the housewife should be covered as well.

CTRN (Costa Rica). This would amount to discrimination and would violate the provisions of related ILO instruments.

AKAVA, SAK, STTK (Finland). Family members performing household work for their immediate family may be excluded.

CGT–FO (France). The purpose of this instrument is to include domestic workers on an equal basis within the scope of labour law and collective agreements.

DGB (Germany). It must be recalled here that domestic workers are excluded from numerous Conventions, which has to be changed.

UNSTRAGUA (Guatemala). It is recommendable to define what is included under the term “domestic work”.

CGT (Honduras). This could be envisaged for less developed countries.

CFTUI (India). Domestic employees of governments or companies, who are paid by the institution to serve as domestic help for their officers, may be excluded.

HMS (India). No category should be excluded under any circumstances.

KSPI, KPSPI, KSBSI (Indonesia). Exceptions for domestic workers regarding wages, working hours and social security should be possible.

UGL (Italy). People who perform medical or nursing activities (the administration of medical care and treatment) should be excluded, because they perform a work with different responsibilities and need specific qualifications.

JTUC–RENGO (Japan). This depends on the definition of the term “domestic worker”. If a broad definition is adopted, it is possible to exclude, for example, workers employed by a company that provides household services.

CTM (Mexico). As in all other work, many different tasks or functions are carried out in the household, and not all domestic workers are able to perform them. Household tasks should be specified.

UNT (Mexico). There are three categories of household workers: live-outs, live-ins and casual workers.

LO (Norway). Attention should be directed to the system of cultural exchange programmes for au pairs, which is open to abuse. Most au pairs are in fact working as domestic workers, and au pairs should therefore be defined as domestic workers.

CS (Panama). They have been excluded from many labour law provisions of national and international legislation.

CGTP–IN (Portugal). The instruments could include special provisions for domestic workers in charge of taking care of children or sick or disabled persons.

FEDUSA (South Africa). People working outside the household performing the same tasks should be included, such as cleaners in hospitals, hotels and schools.

SADSAWU (South Africa). Domestic workers have been excluded, in the past, from many human rights.

NTUF (Sri Lanka). As domestic workers are excluded from the labour laws of many countries, they are exposed to harassment and exploitation.

LO (Sweden). If exclusions are provided, they should only be possible through collective agreements.

CSTT (Togo). If exclusions were possible, decent work could never be achieved for domestic work.

PIT–CNT (Uruguay). Child labour should be prohibited.

CTV (Bolivarian Republic of Venezuela). See question 7.

ZCTU (Zimbabwe). Taking into account international instruments that prohibit discrimination, there is no basis upon which the exclusion of any category of employees can be reasonably justified.

Qu. 9 *Should the Convention provide that each Member should take measures to ensure the enjoyment by domestic workers of 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 and compulsory labour;*
- (c) the effective abolition of child labour; and*
- (d) the elimination of discrimination in respect of employment and occupation?*

- (a) freedom of association and the effective recognition of the right to collective bargaining*

Governments

Total number of replies: 67.

Yes: 54. Albania, Argentina, Australia, Austria, Belgium, Plurinational State of Bolivia, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, Italy, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Serbia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Tunisia, United States, Uruguay.

No: 7. Bahrain, Jordan, Qatar, Saudi Arabia, South Africa, United Arab Emirates, Yemen.

Other: 6. Brazil, Canada, Czech Republic, Guatemala, New Zealand, Peru.

Comments

Brazil. In Brazil, the Constitution does not establish explicitly that domestic workers are entitled to the right to collective bargaining. Based on this reasoning and the fact that domestic work cannot be considered an economic activity, the High Labour Court ruled that the domestic workers' trade unions have no right to collective bargaining. However, they have exercised the right to organize.

Canada. Reference to fundamental rights and principles should be included in the preamble.

Chile. It should be expressly mentioned that the application of such principles and guarantees should be in accordance with the national legislation of each country on the subject.

Colombia. These rights should be enjoyed by domestic workers on equal terms with all other workers.

Costa Rica. Domestic workers should enjoy the same rights as all other workers.

Egypt. Domestic workers should enjoy these rights, in order to be able to defend their rights and develop their competencies.

Guatemala (DPS). No, because the minimum number of workers required to create a trade union would not be reached.

Guatemala (UMT, ONAM). Yes.

Jordan. The relationship between workers and householders is private and such workers are not usually included in unions or associations.

Malaysia. This may require the establishment of associations of domestic employees.

Mozambique. Forming associations is the most efficient way of exercising rights at work.

New Zealand. See questions 1 and 2. These rights apply to all workers.

Nicaragua. In the case of Nicaragua, notwithstanding that the Constitution and the Labour Code protect domestic workers, they do not exercise this right.

Oman. Provided that workers' representations are organized and covered by the trade union federation.

Panama. They are workers and, as such, should enjoy all the rights that all other workers enjoy, in accordance with the relevant labour law provisions which are also recognized by international organizations.

Peru. A provision should be included in the Convention stating that domestic workers are entitled to these rights and that national legislation should be harmonized with the Convention on this point.

Poland. Collective bargaining should be ensured if it can be accommodated to the nature of the work.

Portugal. Although ILO Conventions Nos 87 and 98 do not exclude domestic work from their scope, it could be important to reaffirm these principles also specifically for domestic work.

South Africa. The core ILO Conventions already provide these rights. Reference in the preamble is sufficient. This Convention should not serve as a back door means of achieving the ratification of the core ILO Conventions, although such ratification is desirable.

Spain. Due to the specific nature of domestic work, it is very difficult to exercise these rights.

Sweden. This should be done, in keeping with the eight basic ILO Conventions in this field.

Switzerland. Although such rights should be guaranteed in principle, the right to collective bargaining can be difficult to implement. Associations representing employers and workers in the sector that are able to bargain do not automatically exist.

United States. Such a provision is difficult to draft and should be reframed to require that Members respect, promote and realize in good faith for domestic workers the fundamental principles and rights at work.

Employers

Total number of replies: 12.

Yes: 4. ANDI (Colombia), HUP (Croatia), SEV (Greece), JCC (Jordan).

No: 4. CNI (Brazil), DPN APINDO (Indonesia), CONEP (Panama), UPS (Switzerland).

Other: 4. Business NZ (New Zealand), NHO (Norway), EFC (Sri Lanka), IOE.

Comments

CNI (Brazil). This should be left to the decision of each member State.

HUP (Croatia). The Convention may have to identify a range of options for the implementation of the fundamental principles and rights at the country level or stipulate such implementation, while duly recognizing the unique nature of domestic work.

DPN APINDO (Indonesia). This is not necessary.

JCC (Jordan). See ILO Convention No. 98.

Business NZ (New Zealand). These rights apply to all workers, including domestic workers in New Zealand.

NHO (Norway). This might not be necessary, because these rights are already covered by key ILO Conventions (Nos 29, 87, 98, 100, 111, 138 and 182).

CONEP (Panama). It is difficult to apply these principles to domestic workers.

EFC (Sri Lanka). Support for the 1998 Declaration is reiterated. However, the issue is how these concepts could operate in practice, in the context of the unique issues and complexities that arise when applying them to domestic work.

IOE. Employers reiterate support for the 1998 Declaration. However, there are unique complexities when applied in practice to domestic work. A standard addressing these fundamental issues would only be sensible in the context of real world examples and it may be necessary to provide further qualifying text, rather than simply reciting the fundamental principles. Alternatively, the standard should identify a range of options for the national-level implementation of these issues, or express these issues as a generality and give proper recognition to the unique nature of the work concerned.

Workers

Total number of replies: 124.

Yes: 124. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia),

SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Comments

CTA (Argentina). These are fundamental rights which are indispensable if working conditions are to be improved and if workers are to receive decent treatment by the employer.

FENATRAD (Brazil). In Brazil, legal restrictions make it difficult to exercise these rights. Furthermore, trade union confederations, despite their overall support to domestic workers, still discriminate against domestic workers' organizations.

CGT (Colombia). The instrument should provide for the enjoyment of these rights, in conformity with the Colombian Constitution and with Conventions Nos 87 and 98.

CMTC (Costa Rica). Domestic workers should enjoy the same rights as all other workers.

CTRN (Costa Rica). This instrument should provide for the enjoyment of these rights, in line with ILO Conventions Nos 87 and 98 and the UN Universal Declaration of Human Rights.

UNSITRAGUA (Guatemala). Unfortunately, in Guatemala a culture of anti-trade unionism exists and employers might feel threatened by the unionization of their employees.

CGT (Honduras). Through serious and responsible unionization, workers would be more eager to work.

CROC (Mexico). Recognition should also be given to domestic workers' organizations.

CTM (Mexico). However, its practical implementation may be difficult because of, for example, the household's right to privacy.

CNT (Niger). The ILO and trade unions should create conditions in which these workers, who are often illiterate, are able to enjoy the rights granted to them by ILO Conventions.

FEDUSA (South Africa). However, the right to collective bargaining is problematic, as there is often only one worker in a household.

NTUF (Sri Lanka). According to Sri Lankan law, a trade union should have 40 per cent of the workforce of a particular establishment to be recognized for the purpose of collective bargaining. Domestic workers serve in scattered individual residences for a large number of employers. These aspects need to be considered when drafting the instruments.

AFL–CIO, NDWA (United States). However, collective bargaining for domestic work does not work in the same way as in other industries. The Recommendation should include best practices and examples of how domestic workers are working together with or in unions to ensure fair working conditions.

PIT–CNT (Uruguay). Due to the specificities of domestic work, it is difficult to exercise these rights.

ZCTU (Zimbabwe). It should be noted that the term "collective job action" also covers actions by individual domestic workers if they are the only worker employed in the household.

(b) the elimination of all forms of forced and compulsory labour

Governments

Total number of replies: 68.

Yes: 64. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Chile, China, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland,

France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

Other: 4. Canada, Colombia, Czech Republic, New Zealand.

Comments

Belgium. By reiterating this prohibition, it may be possible to reduce existing slavery in certain States, including cases of human trafficking (for example, the situation of domestic workers in certain embassies).

Brazil. Without this, no freedom or citizenship rights would exist.

Canada. See question 9(a).

Chile. See question 9(a).

Colombia. Domestic work should not be depicted as forced labour; however, the exploitation of domestic workers should not be permitted.

El Salvador. Domestic work is a sector that is more prone to forced labour than other sectors.

Mozambique. This would prevent any exploitation by the employer.

New Zealand. See questions 1 and 2.

Nicaragua. The Convention would strengthen the provisions of national legislation. The Ministry of Labour has proved that forced labour in this sector exists.

Portugal. Domestic work is the type of work that is most vulnerable to forced labour.

Sweden. See question 9(a).

United States. See question 9(a).

Employers

Total number of replies: 11.

Yes: 7. CNI (Brazil), ANDI (Colombia), HUP (Croatia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama).

No: 1. UPS (Switzerland).

Other: 3. NHO (Norway), EFC (Sri Lanka), IOE.

Comments

HUP (Croatia). See question 9(a).

JCC (Jordan). These rights should be guaranteed, in accordance with international human rights law.

NHO (Norway). This might not be necessary, because these rights are already covered by key ILO Conventions (Nos 138 and 182).

EFC (Sri Lanka). See question 9(a).

UPS (Switzerland). See question 9(a).

IOE. See question 9(a).

Workers

Total number of replies: 122.

Yes: 122. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUW.

Comments

CTA (Argentina). These rights should be guaranteed, in line with Conventions Nos 29 and 105, which apply to all workers, including domestic workers.

FENATRAD (Brazil). It is important that domestic workers are recognized as human beings, citizens and workers, and that their rights are respected.

CMTC (Costa Rica). See question 9(a).

COSYGA, JOC (Gabon). This has to be mentioned both in the Convention and the Recommendation.

UNSITRAGUA (Guatemala). This is indispensable, as forced labour in domestic work is a recurring problem.

CFTUI (India). In developing and underdeveloped countries, forced labour is prevalent.

UIL (Italy). The existence in many countries, as in Italy, of a large number of irregular domestic workers, helps the proliferation of forms of forced and compulsory labour. The elimination of forced labour is very difficult, because of the invisibility of these workers.

FNV (Netherlands). This is very important, as domestic workers are vulnerable to trafficking and forced labour.

CGTP–IN (Portugal). These workers are among the most vulnerable to abuse.

CSTT (Togo). This will draw the employers' attention to the fact that they will incur a penalty if they subject domestic workers to forced and compulsory labour.

(c) *the effective abolition of child labour*

Governments

Total number of replies: 68.

Yes: 65. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

Other: 3. Canada, Czech Republic, New Zealand.

Comments

Brazil. In Brazil, in conformity with Articles 3(d) and 4 of Convention No. 182, young persons below 18 years of age are prohibited from performing domestic work. The relevant law also lists the occupational hazards and occupational diseases which justify the prohibition of domestic work for minors.

Canada. See question 9(a).

Chile. See question 9(a).

Colombia. In Colombia, domestic work is prohibited for young persons below 18 years of age. This form of child labour should be eradicated.

Costa Rica. Costa Rican legislation includes in the list of hazardous work prohibited to young persons below 18 years any domestic activities in which a person's safety is placed under the responsibility of the young person, such as activities involving surveillance, taking care of children, elderly or sick persons, and money transfers.

El Salvador. This principle should be emphasized throughout the instrument.

Guatemala. This is one of the worst forms of child labour in Guatemala.

Jordan. This would emphasize that domestic workers should not be exploited.

Malaysia. The abolition of child labour is crucial, in line with the UN Convention on the Rights of the Child.

New Zealand. It is common in New Zealand for children to earn pocket money for helping their parents or family friends around the home by doing domestic chores and to be employed in a range of different types of work of a part-time nature. Provided that working conditions are not exploitative, do not interfere with the education of children and do not raise any health and safety issues, this employment is not harmful, but socially desirable, as it prepares children for independence and greater responsibility.

Nicaragua. This should be emphasized, as the consequences for children are more serious than for adults.

Poland. This should be within the meaning of Convention No. 182. It is necessary to ensure that supplementary work performed by a young person in a household, which has a positive impact on the economy and on society, which is commonly accepted in a given society and which has an educational effect, is not eliminated.

Sweden. See question 9(a).

United States. See question 9(a).

Employers

Total number of replies: 12.

Yes: 7. CNI (Brazil), ANDI (Colombia), HUP (Croatia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama).

No: 1. UPS (Switzerland).

Other: 4. Business NZ (New Zealand), NHO (Norway), EFC (Sri Lanka), IOE.

Comments

HUP (Croatia). See question 9(a).

JCC (Jordan). A specific age limit should be set for domestic work.

Business NZ (New Zealand). It is common in New Zealand for children to earn pocket money for helping their parents or family friends by doing domestic chores and to be employed in a range of different types of work of a part-time nature. Provided that working conditions are not exploitative, do not interfere with the education of children, and do not raise any health and safety issues, this employment is not harmful, but socially desirable, as it prepares children for independence and greater responsibility.

NHO (Norway). This is not necessary because these rights are already covered by key ILO Conventions (Nos 138 and 182).

EFC (Sri Lanka). See question 9(a).

UPS (Switzerland). See question 9(a).

IOE. See question 9(a). Additional information is requested from the ILO on concerns relating to children who are born to domestic workers, with regard to schooling, and on the existence of practices that encourage these young people themselves to enter domestic work. This may influence questions 10 and 11.

Workers

Total number of replies: 123.

Yes: 122. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil) UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT

(Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Other: 1. CTM (Mexico).

Comments

CTA (Argentina). The worst forms of child labour as defined by Article 3 of Convention No. 182 should be expressly prohibited.

FENATRAD (Brazil). Child labour, which is mainly caused by social inequalities, is not only illegal but also hazardous to the health of the child. The State should guarantee the enforcement of legislation and an adequate infrastructure for children to have a decent childhood.

CGT (Colombia). This issue should be addressed, in conformity with ILO Conventions and national legislation.

CTRN (Costa Rica). This issue should be addressed, in line with ILO standards on the issue.

COSYGA, JOC (Gabon). See question 9(b).

UNSITRAGUA (Guatemala). The State, through social programmes, should ensure the right of children to education and to a decent life.

CGT (Honduras). Children should study and be prepared for a better world.

CIAWU (Malawi). The instrument should emphasize the penalties that are incurred when children are employed.

CTM (Mexico). An in-depth study should be carried out on this subject. While it is true that countries are generally against child labour, many young persons get the necessary means to have access to education by working in a household.

NTUF (Sri Lanka). Due to poverty, some parents voluntarily hand over their children for domestic services. Law enforcement and awareness-raising are essential.

CSTT (Togo). This issue should be covered, in order to draw the employers' attention to the weak state of children and to the fact that they incur a penalty if they exploit children in domestic work.

(d) the elimination of discrimination in respect of employment and occupation

Governments

Total number of replies: 68.

Yes: 64. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

No: 1. South Africa.

Other: 3. Canada, Czech Republic, New Zealand.

Comments

Australia. However, Australia may have compliance issues with regard to anti-discrimination legislation which, for example, may preclude discrimination on certain grounds based on the inherent requirements of some occupations.

Belgium. This is especially important with regard to migrant workers. Conventions Nos 111 and 100 should be applied.

Canada. See question 9(a).

Chile. See question 9(a).

Colombia. This aspect should be strengthened by promoting equal conditions from a gender perspective.

El Salvador. Every type of discrimination should be prohibited, including workplace and sexual harassment.

France. The words “and access to goods and services” should be added after the word “occupation”.

Guatemala (ONAM). This is a major problem, especially for indigenous and older age women.

Jordan. This would serve to abolish wage gaps between men and women.

Mozambique. This would prevent gender bias and ensure that everyone is permitted to perform the same type of work.

New Zealand. In New Zealand, the law prohibits discrimination on the grounds of employment status, as well as social and cultural factors.

Nicaragua. This should also be specifically included in ILO Convention No. 111.

Saudi Arabia. Except for cases inconsistent with Islamic religion.

South Africa. Although desirable, it would be very difficult to enforce this. The Convention should rather refer to the implementation by member States of practices and procedures to address discrimination, as part of its non-binding provisions.

Sweden. See question 9(a).

United States. See question 9(a).

Employers

Total number of replies: 11.

Yes: 7. CNI (Brazil), ANDI (Colombia), HUP (Croatia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama).

No: 1. UPS (Switzerland).

Other: 3. NHO (Norway), EFC (Sri Lanka), IOE.

Comments

ANDI (Colombia). Nonetheless, due to the specificity and the heterogeneity of domestic work, situations could occur where fundamental principles are difficult to apply.

HUP (Croatia). See question 9(a).

JCC (Jordan). There are wage differences between men and women.

NHO (Norway). This is not necessary, because these rights are already covered by key ILO Conventions (Nos 100 and 111).

EFC (Sri Lanka). See question 9(a).

UPS (Switzerland). See question 9(a).

IOE. See question 9(a). Many families have clear preferences when it comes to choosing a person to care for their children, which may be discriminatory under the law (for example, a mother may refuse to leave her children with a man, or intuitively find that a person just does not seem right). The question is whether this should be actionable discrimination, or an area of exceptions and exemptions, at a national or international level.

Workers

Total number of replies: 123.

Yes: 123. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Comments

CTA (Argentina). This should be included, considering the special vulnerability of this sector, which is composed mainly of undocumented migrant women.

FENATRAD (Brazil). Domestic workers face discrimination because of the undervaluation of domestic work, as well as on the basis of sex, age and education.

CGT (Colombia). This should be included, in conformity with the Colombian Constitution and international legislation.

CUT (Colombia). Any discrimination regarding access to employment and in respect of wages should be eliminated, as should occupational segregation by gender.

COSYGA, JOC (Gabon). See question 9(b).

UNSITRAGUA (Guatemala). Discrimination based on sex, race, nationality, social status and age should be prohibited and mechanisms to monitor compliance with this prohibition should be established at the national level.

CGT (Honduras). Discrimination undermines the right to a decent life.

CFTUI (India). The principle of equal pay for equal work should be taken into account.

UIL (Italy). Regarding the implementation of Convention No. 143, unfortunately several cases of direct and indirect discrimination against migrant workers with regard to both access to employment and salary levels occur in Italy.

CROC (Mexico). Discrimination on the basis of sex, sexual orientation or migrant status should be also prohibited.

FNPR (Russian Federation). In addition, the right to protection against unemployment and the right to employment assistance, obligatory social insurance, fair working conditions, occupational safety and

health, limits to working time, daily rest, days off, holidays, annual paid leave, compensation for damages caused to the worker, public supervision, protection and control over the observance of workers' rights, including judicial protection, and the protection of dignity at work should be included.

NTUF (Sri Lanka). Domestic workers are often treated as second class citizens. A change of concepts and attitudes is necessary.

NUDE (Trinidad and Tobago). In Trinidad and Tobago, domestic workers who are paid by the householder are not considered as workers, whereas people doing the same work, paid by a company or in the public sphere, are considered to be workers.

Qu. 10 *Should the Convention stipulate a minimum age for admission to domestic work? Please specify.*

Governments

Total number of replies: 68.

Yes: 61. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Chile, China, Colombia, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

No: 1. Mauritius.

Other: 6. Canada, Costa Rica, Czech Republic, New Zealand, Sweden, Switzerland.

Comments

Argentina. A minimum age of 16 years, as in Argentinean law, would be desirable. However, according to international legislation, the minimum age should correspond to that fixed by ILO Convention No. 138.

Australia. It should be in line with ILO Convention No. 138. States should be permitted to specify the types of work that children over a certain age may perform, for example, "light work" such as mowing the lawn or babysitting. Children under compulsory school age must not work during school hours or at a time or under conditions that render them unfit for school.

Austria. In Austria, children under 15 years of age or who have not finished compulsory education, whichever is later, are in general prohibited from working, with some exceptions.

Bahrain. The minimum age should not be less than 18 years.

Belgium. It should be in line with Convention No. 138.

Brazil. See question 9(c). The minimum age for admission to domestic work should be 18 years.

Canada. Provisions must be fully consistent with Convention No. 138 and take into consideration the nature of the work; for example, part-time housekeeping may have a different minimum age than live-in caregivers.

Chile. It should be in conformity with Conventions Nos 138 and 182.

Colombia. The age of admission should be the age of majority; in Colombia, this is 18 years.

Costa Rica. With reference to comments under question 9(c), a minimum age should be specified for the instances in which domestic work is considered hazardous work.

Croatia. The Convention needs to specify a minimum age of not less than the age of completion of compulsory schooling and, in any case, not less than 15 years, in accordance with other international instruments. In cases where domestic work is likely to harm the health, safety or morals of a young worker, the minimum age should be 18.

Cuba. The minimum age should be that established by each country for other sectors.

Ecuador. It should be in accordance with Conventions Nos 138 and 182.

Egypt. It should be in line with Convention No. 138.

El Salvador. It could be 18 years of age.

Finland. It should be in line with Convention No. 138.

France. It should correspond to Conventions Nos 138 and 182.

Greece. The minimum age could follow Council of the European Union Directive No. 94/33/EC on the protection of young people at work and relevant ILO standards. However, taking the specificity of domestic work into account and the difficulty of inspecting workplaces, it could be set at 18 years.

Guatemala. The minimum age should be the age of majority.

Guinea. It should be in line with the national legislation fixing the minimum age for admission to employment or work.

Jordan. The minimum age should be 18 years.

Latvia. It should be in accordance with Conventions Nos 138 and 182.

Lebanon. It should be 18 years.

Malaysia. It should be at least 18 years, in line with the UN Convention on the Rights of the Child.

Mauritania. The minimum age should be the age of majority, in order to prevent paedophilia.

Mauritius. The minimum age for domestic work should be the same as for other sectors of employment under national law.

Mexico. Because of the responsibility and risks that this work involves, the minimum age should be 18 years.

Montenegro. It should not be less than the age of completion of compulsory schooling and in any case not less than 15 years.

Morocco. It should be in line with the domestic legislation in force.

Mozambique. It should be in line with Convention No. 138.

Myanmar. The minimum age for admission to domestic work should not be lower than 18.

Nepal. The minimum age should be 18. A child or adolescent is more vulnerable to all kinds of abuses than an adult. Employing individuals at a very young stage of life affects their mental and physical development and deprives them of opportunities relating to education and personal development. However, in Nepal, an underdeveloped country, it has been a general practice in the domestic sector to employ children. Therefore, young labourers above 16 years of age can be considered.

Netherlands. In the Netherlands, the general minimum working age is 16 years.

New Zealand. See question 9(c).

Nicaragua. In Nicaragua, the minimum age for admission to work is 14 years; for domestic work, it should be at least 16 years.

Norway. It should be in line with Convention No. 138.

Oman. The minimum age should be 21 years.

Panama. According to Panamanian labour law, minors are not prohibited from carrying out domestic work provided that it does not jeopardize their lives, health or morals. However, the relevant legislation, which determines the list of types of hazardous work for children, establishes that domestic work in the household of a third party is hazardous in so far as “it entails work – whether as live-in or live-out – without rest days or limited rest, over prolonged, continuous working days, without fixed places to stay; or work involving caring for property and people, with multiple responsibilities which are undervalued or not valued at all, and which are not commensurate with age and maturity”.

Paraguay. It should be in line with Conventions Nos 138 and 182. Also, national lists of types of hazardous work for children, determined on a tripartite basis, should be considered.

Philippines. The national laws on the minimum age for admission to employment should be upheld.

Peru. As Members have different legislation on child labour, a unique age to perform domestic work should be agreed upon by them and reflected in the Convention, which should also specify what types of activities young domestic workers may carry out.

Poland. It should be in line with the general national minimum age for admission to employment.

Portugal. The difficulties of countries which make use of the exclusions allowed by Convention No. 138 should be taken into account. In Portugal, the minimum age of employment for domestic work is 16 years.

Qatar. The minimum age should be 18 years.

Saudi Arabia. The minimum age should be defined in accordance with the international Conventions that define minimum age.

Slovenia. Young persons under 18 years of age need protection with regard to restrictions on working hours and the prohibition of work hazardous to health and physical and mental development.

South Africa. The minimum age should be 15 years or the minimum school-leaving age in the respective country.

Spain. In Spain, the minimum age for admission to work in general is 16 years with the consent or authorization of parents or persons or institutions legally responsible for the young person.

Sri Lanka. The minimum age should be the age of completion of compulsory education in the country.

Sweden. The norms set by Conventions Nos 138 and 182 apply here as well.

Switzerland. The minimum age for admission to employment as defined in Convention No. 138 and the age stipulated in Convention No. 182 in cases where domestic work might mask the worst forms of child labour should be applied or referred to.

Thailand. It should be no less than the age of completion of compulsory schooling and, in any case, no less than 15 years.

United Arab Emirates. The minimum age should be 18 years, in accordance with Article 3 of Convention No. 138.

Uruguay. It should be in line with Conventions Nos 138 and 182.

Yemen. Female domestic workers shall not be younger than 30 and not older than 50 years of age.

Employers

Total number of replies: 11.

Yes: 7. CNI (Brazil), ANDI (Colombia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), NHO (Norway), CONEP (Panama).

No: 1. UPS (Switzerland).

Other: 3. HUP (Croatia), EFC (Sri Lanka), IOE.

Comments

CNI (Brazil). The minimum age should be 18 years.

ANDI (Colombia). The employers could consider regulating the minimum age for domestic work, provided that the impact is fully understood. Teenagers who take care of children on an hourly basis should be exempted.

HUP (Croatia). National law and practice and all practical issues involved in setting a minimum age in this area have to be considered. Further information on the minimum age for labour migration is needed.

JCC (Jordan). The minimum age should be 18 years.

NHO (Norway). The Convention must be flexible, for example with regard to babysitting.

CONEP (Panama). The minimum age should be 15.

EFC (Sri Lanka). A minimum age may be considered, pending a full understanding of the impact. Teenagers doing babysitting should be exempted from these provisions.

UPS (Switzerland). See question 9(a).

IOE. It is premature to set a particular age limit. National law and practice and practical issues should be considered. The minimum age should not be higher than the general legal minimum age in any country. Possibly, some flexibility for reflecting national practice and perhaps different treatment for differing forms of work should be introduced. There must be scope for teenagers to act as babysitters on an ad hoc basis and informally, for example for neighbours. Additional information on experiences regarding the children of domestic workers residing in the employers' household is required (see question 9).

Workers

Total number of replies: 125.

Yes: 123. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV

(Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), CSDR (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

Other: 2. GSEE (Greece), CTV (Bolivarian Republic of Venezuela).

Comments

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BWU (Barbados), CSA–Bénin (Benin), FS and UGT (Brazil), CLC (Canada), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), AKAVA, SAK and STTK (Finland), CFDT (France), ASI (Iceland), ICTU (Ireland), Histadrut (Israel), UIL (Italy), COTU–K (Kenya), FKUTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), MTUC (Malaysia), SEKRIMA (Madagascar), NIDWU (Nepal), CNV (Netherlands), LO (Norway), PWF (Pakistan), CS (Panama), CUT–A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), UGTT (Tunisia), TOLEYİS and TÜRK–İŞ (Turkey), TUC (United Kingdom), ZCTU (Zimbabwe), ITUC, IUF. The minimum age should be in line with ILO Conventions Nos 138 and 182.

CTA (Argentina). The minimum age should be higher than that fixed for other occupations and equal to the age required to perform hazardous work.

BAK (Austria). The minimum age should be 18 years, as efficient controls of households are hardly possible and a lack of evidence in cases of violations prevails. Moreover, this would dispense with the necessity to adopt specific protective provisions. If this age limit is not realized, protections should be guided by Council of the European Union Directive No. 94/33/EC and certain duties, such as the care of infants and babies or other care duties, should be excluded for persons under 18 years of age. Measures to protect the morals of young workers as provided for in Austrian law should be included.

ÖGB (Austria). The minimum age should be 18 years.

GFBTU (Bahrain). It should be in line with Conventions Nos 138 and 182.

BILS (Bangladesh). It should be 14 years and in line with Conventions Nos 138 and 182.

FENATRAHOB (Plurinational State of Bolivia). It should be in line with national legislation.

FENATRAD (Brazil). It should be 18 years, in conformity with Conventions Nos 138 and 182.

CNTB (Burkina Faso). It should be 15 years or in line with Convention No. 138.

ONSL (Burkina Faso). The minimum age should be 18 years, in conformity with national laws on education, the general age for admission to employment provided in the Labour Code and Conventions Nos 138 and 182.

CGT (Colombia). It should be in conformity with Conventions Nos 138 and 182 and with national legislation, if any.

CUT (Colombia). The minimum age should be the same as that applicable to all other activities (the age of majority).

CTRN (Costa Rica). It should be in line with ILO standards on the issue.

DEOK (Cyprus). The minimum age proposed is 21 years. Domestic workers are very vulnerable workers, so they must not be too young.

UGTE (Ecuador). The minimum age should be the age of majority.

CTS (El Salvador). The minimum age should be 16 years, under authorization of the Ministry of Labour.

CGT–FO (France). It should be in accordance with Conventions Nos 138 and 182. The employment of minors should be restricted to babysitting. Domestic workers are often isolated and more likely to be at risk of child labour, including its worst forms.

COSYGA, JOC (Gabon). It must be the same as that determined by ILO standards.

DGB (Germany). It should be in compliance with Conventions Nos 138 and 182. The question of training workers under 18 years of age has to be dealt with separately.

UNSITRAGUA (Guatemala). In line with Guatemalan legislation, the Convention should establish that a minor may be authorized to work only when the following requirements are met: (a) the work of the young person is needed due to the extreme poverty facing his or her family; (b) he or she only performs light work compatible with his or her physical, mental and moral development; and (c) he or she should complete compulsory schooling. The issuance of the authorization should be based on an assessment carried out by a social work professional.

CNTG (Guinea). The minimum age should be 15 or 16 years, in conformity with the relevant legislation.

HMS (India). It should be in conformity with national laws.

CGIL (Italy). It might be worth considering a different (higher) age for admission to domestic work, since it should be linked to the worker's acquired personal autonomy, especially (see question 11) if no differentiation is made between domestic and migrant workers.

CISL (Italy). It should be over 18 years and, in case it is lower, it should be consistent with Conventions Nos 138 and 182.

UGL (Italy). As for other types of work, the minimum age should be 18 years.

UIL (Italy). The limits shall be the same as those provided for all other workers, which is 16 years of age in Italy, which makes compulsory schooling possible.

JTUC-RENGO (Japan). It should be in line with Conventions Nos 138 and 182.

CROC (Mexico). It should be fixed in line with national legislation and international Conventions on the matter.

CTM (Mexico). Admission to domestic work should be from 16 years.

UNT (Mexico). The minimum age should be 14 years. Young workers from 14 to 18 years should have the authorization of their parents or legal representatives. The government should adopt the necessary measures to ensure compliance with this and other instruments regarding the work of young persons. Their education and right to enjoy their childhood should be guaranteed.

GEFONT (Nepal). Children who work, even if under the minimum age, should have the right to seek legal remedies.

FNV (Netherlands). It should be fixed in line with Conventions Nos 138 and 182. In national legislation, domestic work should be covered by the same regulations as other work.

CAUS (Nicaragua). The minimum age should be 18 years.

CNT (Niger). As Convention No. 138 prohibits child labour and as member States have accordingly fixed a minimum age for admission to work, domestic work should not be treated differently from other types of work.

APL, FFW, TUCP (Philippines). It should be in line with Conventions Nos 138 and 182 and their corresponding Recommendations. Children below 15 years of age should not be allowed to work, while children between 15 and 17 years of age should not be engaged to work in situations where they are exposed to abuse, hazards or any form of exploitation.

CSDR (Romania). A minimum age of 16 years should be fixed for housekeeping activities, and 18 years for childcare and other personal services.

FNPR (Russian Federation). It should be in accordance with ILO Conventions Nos 138 and 182.

FEDUSA (South Africa). A minimum age should be fixed in order to minimize the risk of abuse and ensure the right of every child to protection and education.

LCT, NCPE, SERC, TTUC (Thailand). It should be in line with Conventions Nos 138 and 182.

CSTT (Togo). It should be 15 years, in line with Convention No. 138. However, at this age, domestic workers should not undertake work included in the list of worst forms of child labour.

NUDE (Trinidad and Tobago). Child labour should be abolished.

FPU (Ukraine). The minimum age should be 18 years.

PIT-CNT (Uruguay). The minimum age should be 18 years and 15 years in special situations after authorization of the competent authorities and provided that the workers can complete their studies.

CTV (Bolivarian Republic of Venezuela). The minimum age should be 16 years, in accordance with the legislation of the Bolivarian Republic of Venezuela.

Qu. 11 *Should the Convention provide that the minimum age of employment for migrant domestic workers should be 18?*

Governments

Total number of replies: 67.

Yes: 37. Albania, Bahrain, Brazil, Chile, China, Colombia, Cuba, Ecuador, Egypt, El Salvador, Greece, Guatemala, Guinea, Jordan, Latvia, Lebanon, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Mozambique, Myanmar, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Philippines, Qatar, Slovenia, Spain, Suriname, Syrian Arab Republic, Uruguay, Yemen.

No: 15. Argentina, France, Italy, Lithuania, Malaysia, Morocco, Nepal, Oman, Poland, Portugal, Saudi Arabia, Serbia, South Africa, Thailand, United Arab Emirates.

Other: 15. Australia, Austria, Belgium (CNT), Plurinational State of Bolivia, Canada, Costa Rica, Croatia, Czech Republic, Finland, Panama, Sri Lanka, Sweden, Switzerland, Tunisia, United States.

Comments

Argentina. No distinction is made in Argentina between national and foreign workers, whether they have a regular or irregular status. The criteria specified under question 10 apply.

Australia. The same minimum age as for Australian workers should apply, particularly in relation to the performance of “light work”.

Austria. It is difficult to find an objective justification for different treatment on the grounds of the country of origin; the term “migrant” has to be defined.

Bahrain. Especially for women, as they are more vulnerable to sexual harassment by the employer.

Belgium (CNT). See question 10.

Plurinational State of Bolivia. Minors should not be exploited and should not be obliged to work.

Brazil. This should apply not only for migrant workers, but for all workers, as explained above.

Canada. Age restrictions should apply to all workers, regardless of whether they are migrants.

China. For migrant workers, the minimum age should be in line with Convention No. 138. For transnational migrant domestic workers (especially female), it should be raised appropriately.

Colombia. In view of the risks that this situation may cause for children and young persons.

Costa Rica. See question 10.

Croatia. There is no need for potential discrimination. The Convention should propose the same minimum age for everybody.

Ecuador. This would ensure conformity with Article 3, paragraph 1, of Convention No. 138, which states that the minimum age for admission to hazardous work shall not be less than 18 years, and with Article 3(d) of Convention No. 182, which defines the worst forms of child labour as work which is likely to harm the health, safety and morals of children.

El Salvador. This will prevent children from becoming victims of trafficking or commercial sexual exploitation.

Finland. If immigrant workers younger than 18 years are allowed, member States should make provisions for special conditions and require that such employment relationships be supervised.

France. The minimum age in France is 16 years.

Guinea. This will prevent the worst forms of child labour.

Latvia. This would ensure conformity with Article 3, paragraph 1, of Convention No. 138 and Article 3(d) of Convention No. 182.

Malaysia. The minimum age for migrant domestic workers should be raised at least to 21, which would ensure a higher level of maturity and more housekeeping experience.

Mauritius. Migrant children and young persons may be particularly vulnerable to abuse and exploitation.

Mexico. In this way, child labour would be discouraged. However, considering the circumstances of migrant workers, it might be opportune to adopt flexible provisions which make it possible gradually to increase the minimum age for migrant workers up to 18 years.

Montenegro. Young migrant workers are twice as vulnerable as other workers, because of their age and migration status.

Morocco. The age has to be in compliance with the legislation of the member State, provided that it is not less than 15 years.

Mozambique. This will prevent trafficking of minors for purposes of labour exploitation.

Nepal. The minimum age may be 21 or more. While 18 is quite a suitable age for other sectors, it is not for migrant domestic workers, as they work in a foreign country individually within the four walls of an individual house far away from the protection given by their government, and thus can be vulnerable to abuse; women especially are at risk of being trafficked.

Netherlands. Work permits in the Netherlands are only issued to migrant workers aged 18 years and older.

New Zealand. Under New Zealand immigration policy, migrants must be aged 18 years or older to apply for a work visa.

Norway. However, young migrant workers between 15 and 18 years of age should be allowed to work with their parents' consent.

Oman. The minimum age should be between 21 and 25 years. Younger persons lack awareness.

Panama. Panama provides protection to all minors living in its national territory without distinction based on nationality. In the case of domestic migrant workers, according to section 10 of the Migration Agreement between Argentina and Peru, non-national workers "shall enjoy treatment no less favourable than that accorded to nationals of the host country with respect to the application of labour legislation, especially with regard to wages, working conditions and social security".

Paraguay. Such a provision is important, especially for the purposes of the migration of minors and to prevent child trafficking.

Peru. Consideration should be given to social and cultural factors and to the need to prevent minors from being removed from their own environment.

Philippines. It may be necessary to provide a higher minimum age than that for national workers, due to the vulnerability of domestic work, which requires the worker to be physically and emotionally mature.

Poland. The general minimum age for admission to employment should be applied, without discrimination. It may be considered necessary to differentiate between the age for admission to labour migration (which may be justified to prevent juveniles from migrating on their own) and the age for admission to work by persons who have already migrated (for other reasons).

Portugal. Although migrant workers may be more vulnerable than nationals to poor working conditions, increasing the minimum age for employment for migrant workers to 18 years is not likely to solve the problem and could be discriminatory.

Saudi Arabia. The minimum age for the citizens of the State must be 18, but for migrant workers it must be at least 21. The Convention could stipulate that States may define the minimum age for non-national domestic workers according to their needs, beyond the minimum age stipulated in the Convention.

Serbia. The minimum age should be 15.

South Africa. The minimum age should not discriminate against migrant workers, but be applied consistently.

Spain. This is because of the special circumstances of labour migration and the difficulty of verifying the required authorization of parents.

Sri Lanka. A minimum age of 18 years should be stipulated in cases where night work or hazardous work is involved.

Sweden. See question 10.

Switzerland. See question 10.

Thailand. The minimum age should be equal to that applied for national domestic workers.

Tunisia. Fixing a minimum age is necessary in order to protect migrant domestic workers against all forms of abuse and exploitation.

United Arab Emirates. The minimum age should be 21 years.

United States. No position can be given on this issue at present. At a minimum, the Convention should clarify that for any domestic work that constitutes the worst forms of child labour as defined in Convention No. 182, the minimum age should be 18.

Yemen. See question 10.

Employers

Total number of replies: 11.

Yes: 2. CNI (Brazil), JCC (Jordan).

No: 3. DPN APINDO (Indonesia), CONEP (Panama), UPS (Switzerland).

Other: 6. ANDI (Colombia), HUP (Croatia), SEV (Greece), NHO (Norway), EFC (Sri Lanka), IOE.

Comments

ANDI (Colombia). For all domestic workers, migrants or not, the minimum age should be 18 years. See question 10.

HUP (Croatia). See question 10.

SEV (Greece). This matter should be discussed in the negotiations.

DPN APINDO (Indonesia). The minimum age should be set according to the regulations in each country.

NHO (Norway). See question 10.

CONEP (Panama). The age of 15 years would be acceptable.

EFC (Sri Lanka). See question 10.

UPS (Switzerland). See question 9(a).

IOE. See question 10. Discussions would be assisted by further information on minimum ages for labour migration and on any existing safeguards under migration law for younger persons.

Workers

Total number of replies: 125.

Yes: 109. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), CNTG (Guinea), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CISL (Italy), UGL (Italy), RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), LO (Norway), PWF (Pakistan), CONATO (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 4. DEOK (Cyprus), CGIL (Italy), CTM (Mexico), FEDUSA (South Africa).

Other: 12. COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), UNSITRAGUA (Guatemala), CGT (Honduras), UIL (Italy), CNT (Niger), CS (Panama), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CTV (Bolivarian Republic of Venezuela).

Comments

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BWU (Barbados), CSA–Bénin (Benin), FS and UGT (Brazil), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), AKAVA, SAK and STTK (Finland), CFDT (France), DGB (Germany), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), FNV (Netherlands), LO (Norway), PWF (Pakistan), CUT–A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT–P (Portugal), BNS (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), UGTT (Tunisia), CHODAWU (United Republic of Tanzania), TOLEYİS (Turkey), TUC (United Kingdom), ZCTU (Zimbabwe), ITUC, IUF. This would ensure conformity with Article 3, paragraph 1, of Convention No. 138 and Article 3(d) of Convention No. 182.

CTA (Argentina). A minimum age should be set, because of the vulnerability of this sector to hazardous working conditions, discrimination and abuse.

BAK (Austria). See question 10. No distinction should be made between national and migrant workers. However, given the specific need of young migrants for protection, the minimum age is to be set in any case at 18.

COB (Plurinational State of Bolivia). Minors should not be exploited and should not be obliged to work.

FENATRAHOB (Plurinational State of Bolivia). Minors should not be exploited and should not be obliged to work.

FENATRAD (Brazil). This would ensure conformity with Article 3 of Convention No. 138 and Article 3(d) of Convention No. 182.

ONSL (Burkina Faso). This would ensure conformity with Article 3(1) of Convention No. 138 and Article 3(d) of Convention No. 182.

CLC (Canada). See question 10.

CGT (Colombia). This would ensure conformity with Article 3(1) of Convention No. 138 and with Article 3(d) of Convention No. 182.

CMTC (Costa Rica). This should be also established for other types of work.

DEOK (Cyprus). The minimum age should be at least 21 years.

CNUS (Dominican Republic). Domestic work is hazardous as it involves constant exposure to toxic cleaning products. Therefore, it should only be carried out by adults.

AKAVA, SAK, STTK (Finland). Children and migrant domestic workers are particularly vulnerable to abuse, as they have far fewer resources for escape from abusive situations than nationals. Consideration could be given to part-time work connected with basic education given in an official school, in which case the minimum age could be lower.

CFDT (France). Notwithstanding that in France the minimum age for admission to work is 16 years, the minimum age for migrant domestic workers should be 18 years, as young people are more vulnerable to illegal migration, which could lead to slavery-like situations. The domestic work and personal services sector includes occupations requiring a high degree of civil responsibility, which even if open to persons aged 16 years or over, in practice are rarely performed by young people as apprenticeships in this sector are not developed and the competent authorities are unlikely to give a nanny younger than 18 years authorization to work.

CGT-FO (France). See question 10.

COSYGA, JOC (Gabon). Young persons under 18 years of age should go to school.

UNSI TRAGUA (Guatemala). Special authorizations for young migrant domestic workers should be granted which should meet the requirements specified under question 10.

CNTG (Guinea). The minimum age should be in line with international legislation.

CGT (Honduras). It should be 19 years.

KSPI, KPSPI, KSBSI (Indonesia). The minimum age should be in line with Convention No. 182.

CGIL (Italy). The minimum age should not vary according to status.

UIL (Italy). Notwithstanding that in Italy this would not be possible considering the legislation in force, it is necessary to take into account the particular nature of domestic work.

CROC (Mexico). The minimum age should be in accordance with national practice.

CTM (Mexico). Young persons aged 16–17 should have employment opportunities.

UNT (Mexico). This would ensure that migration is legal and that the legislation of the country of destination applies.

CNT (Niger). Further discussion is expected to take place on this point. The position of member States will depend on their respective socio-economic situations.

CONATO (Panama). Minors are more likely to be exploited.

CS (Panama). Domestic work is exhausting; therefore the minimum age for admission to this work should be 18 years.

APL, FFW, TUCP (Philippines). However, given the difficulties and hazards of domestic work, especially for migrant workers, States should be free to establish a minimum age above 18.

CNS–Cartel Alfa (Romania). A minimum age of 16 years for housekeeping activities and 18 years for childcare and other personal services should be fixed, in accordance with the Labour Code.

FEDUSA (South Africa). It should be 15 years, as for the general admission to work.

SADSAWU (South Africa). A minimum age should be fixed, as many young workers from the age of 15 years are exploited.

NTUF (Sri Lanka). For domestic services, 18 years is acceptable.

LCT, NCPE, SERC, TTUC (Thailand). The minimum age should be the same as for local domestic workers and in line with Conventions Nos 138 and 182.

CSTT (Togo). This is the age of majority.

PIT-CNT (Uruguay). The competent authorities should verify compliance with this provision. The principle of equality of treatment between nationals and foreigners should be applied.

CTV (Bolivarian Republic of Venezuela). See question 10.

Qu. 12 *Should the Convention provide that each Member should take measures to ensure that domestic workers, like all wage earners, have:*

- (a) fair terms of employment as well as decent working conditions and, where applicable, living conditions;*
- (b) a safe and secure workplace; and*
- (c) social security, including maternity protection?d)*

(a) fair terms of employment as well as decent working conditions and, where applicable, living conditions

Governments

Total number of replies: 68.

Yes: 64. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

Other: 4. Plurinational State of Bolivia, China, Czech Republic, New Zealand.

Comments

Argentina. These are inherent to the human condition, especially in the case of domestic work which is performed in households.

Australia. Provided that this excludes workers in genuine commercial arrangements. See question 61.

Brazil. These are minimum labour rights which should be ensured to all workers. Besides, domestic workers are more vulnerable due to their isolation.

Chile. This would make it possible to overcome the inequalities in this work and improve the situation of live-in domestic workers, who are more vulnerable as they cannot dispose of their time as they please.

China. Measures should be taken to ensure fair terms of employment and decent working conditions. Given the special characteristics of domestic work, it is inappropriate to make a simple comparison with other full-time employment.

Colombia. Like any other workers, domestic workers should be entitled to wages, full social security coverage, basic social protection and all other benefits. Domestic workers are exempted from the payment of bonuses. This is the only exclusion compared to other workers as the law considers that this obligation only applies to productive enterprises.

Ecuador. This should be covered in further detail in the Recommendation.

El Salvador. This is a fundamental human right.

Guatemala (UMT and ONAM). As established by the Constitution and the Labour Code. It is necessary to enforce the existing provisions, rather than introduce new ones.

Guinea. This is in conformity with the concept of decent work adopted by the ILO.

Jordan. Domestic workers should enjoy the same rights as other workers.

Latvia. This should be covered in further detail in the Recommendation.

Mozambique. Domestic workers, even if subject to a special regime are, and should be treated as, workers.

Nepal. The employment terms and conditions should specify clearly the duties and responsibilities to be performed by the domestic worker, which have to be fair and decent and acceptable under the laws and social norms of the country. The working and living conditions where applicable should be satisfactory and free from health hazards, with proper safety measures and proper arrangements of all basic requirements.

New Zealand. New Zealand employment legislation generally applies to all employees, irrespective of occupation.

Nicaragua. Domestic workers should be entitled to better conditions in view of the nature of their work.

Panama. It is, however, essential to place more emphasis on women, as there are many factors that can make them more vulnerable with regard to exercising their labour rights (pregnancy, ethnic group, race and wage inequality with regard to male domestic workers).

Peru. The term “fair conditions of employment” should be defined by indicating in respect of what or whom conditions should be fair. The terms “decent work” and “decent living conditions” should also be defined.

Poland. Decent living conditions should only cover cases in which the employer provides accommodation.

South Africa. The minimum standard regarding living conditions should be specified in line with national policies and practices.

Switzerland. In principle, yes, but the measures should be in accordance with national conditions. See question 2.

Tunisia. Because of the specificity of domestic work, it is necessary to define the terms “fair terms of employment”, “decent working conditions” and “decent living conditions”.

United States. This should reflect the extent to which such measures are taken for most formal sector workers.

Employers

Total number of replies: 11.

Yes: 6. CNI (Brazil), ANDI (Colombia), SEV (Greece), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

Other: 5. HUP (Croatia), DPN APINDO (Indonesia), Business NZ (New Zealand), EFC (Sri Lanka), IOE.

Comments

ANDI (Colombia). Due to its unique nature, general provisions cannot apply to domestic work. These concepts should be better defined.

HUP (Croatia). The unclear wording (“fair”, “decent”) needs to be changed.

DPN APINDO (Indonesia). Working conditions should be in accordance with the socio-economic conditions of the household and the agreement of the parties.

Business NZ (New Zealand). New Zealand legislation generally applies to all employees, irrespective of occupation.

EFC (Sri Lanka). A comparison to general standards should not be drawn, as domestic work is a unique kind of employment. The concepts of “fair” and “decent” need to be defined.

IOE. Any standard should not include the notion “like all wage earners”, the intended benefit of which remains unclear. It may be more appropriate to consider measures towards particular outcomes or practices, without any comparisons. Certainly, there would be no basis to privilege domestic workers at the national level in comparison with other categories of workers, for example, if maternity benefits are not foreseen in general under national law. Notions of “fair” and “decent” are relative and too inexact to be enforced. They need to be tightened up, taking the specificity of domestic work (for example, food and accommodation as payment in kind) into consideration. It may be useful to separate employment and living conditions in different paragraphs. The practicality and effect of addressing “living conditions” should be considered and could be made redundant by question 19. In the case of live-out domestic workers, they should remain a private matter of the employee.

Workers

Total number of replies: 124.

Yes: 124. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FK TU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL

(Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Comments

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), FS and UGT (Brazil), ONSL (Burkina Faso), CLC (Canada), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), AKAVA, SAK and STTK (Finland), CFDT (France), COSYGA and JOC (Gabon), DGB (Germany), GSEE (Greece), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), JTUC–RENGO (Japan), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), FNV (Netherlands), CNT (Niger), LO (Norway), PWF (Pakistan), CS (Panama), CUT–A (Paraguay), CATP, CTP and CUT (Peru), APL, FFW and TUCP (Philippines), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), UGT (Spain), NATURE and NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), UGTT (Tunisia), TOLEYİS and TÜRK-İŞ (Turkey), TUC (United Kingdom), AFL–CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. This should be covered in further detail in the Recommendation.

BAK (Austria). The Recommendation should at least provide that live-in workers receive sufficient food and decent living conditions. In-kind payment should be granted during annual and sick leave as an additional payment in money.

COB (Plurinational State of Bolivia). This is established by Plurinational State of Bolivian legislation. However, no public body has been established by law to enforce these provisions.

FENATRAD (Brazil). Domestic workers should be entitled to the same rights as all other workers. Decent working conditions should include decent housing conditions (a decent separate room, guaranteeing the worker's privacy); the supply of working equipment; periods of rest; the prohibition of physical, verbal, sexual, mental and psychological harassment; good-quality free food; the right to health care; and a health certificate at the moment of recruitment and termination of contract. Furthermore, employers should be prohibited from keeping in their possession a worker's documents. For the implementation of these conditions, domestic workers' trade unions should enjoy the same rights as other trade unions and labour inspection in the workplace should be authorized.

CMTC (Costa Rica). Every worker is a human being and as such should not be discriminated against.

CTRN (Costa Rica). No worker should be discriminated against in respect of employment and occupation.

DEOK (Cyprus). In many cases, domestic workers have no decent work or appropriate living conditions.

UNISITRAGUA (Guatemala). All these provisions are already contained in both international and national legislation but it is preferable to reiterate them in order to fill any possible legal gaps. Effective enforcement mechanisms, including appropriate sanctions, should be established.

CGT (Honduras). Sometimes their working conditions are degrading, inhuman and discriminatory.

CGIL (Italy). This is particularly important, as this kind of work takes place in a household, which acts as both a living and a working environment at the same time.

CISL (Italy). In Italy, this is provided for by the national collective agreement.

CTM (Mexico). This should apply, as it does for all types of work.

(b) *a safe and secure workplace*

Governments

Total number of replies: 67.

Yes: 64. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

No: 1. New Zealand.

Other: 2. Plurinational State of Bolivia, Czech Republic.

Comments

Argentina. Occupational safety and health (OSH) provisions should be respected and workers provided with insurance and adequate medical care in case of work-related accidents.

Australia. See question 12(a).

Belgium (CNT). However, it is difficult to impose on employers of domestic workers the same OSH obligations as on other employers. Specific provisions should thus be set in order to provide a minimum standard of protection to all domestic workers.

Belgium (SPF). Prevention and the provision of information are important in this regard.

Chile. Health and safety conditions appropriate to their work should be guaranteed.

Colombia. Given the conditions in which domestic work is carried out, preventive and protection measures should be favoured.

El Salvador. This is a fundamental human right.

Mexico. Workers should be prohibited from using toxic products and dangerous tools and from engaging in highly hazardous activities. The health and safety measures that must be respected in the household should be specified.

Mozambique. Employers should ensure that their employees work in conditions that are not hazardous to their life and safety.

New Zealand. In New Zealand, householders hiring people to work in their home do not have the same responsibilities regarding health and safety at work as other employers, given the private nature of the workplace. Responsibilities are agreed between the parties.

Nicaragua. Domestic workers are often exposed to hazards which jeopardize their life.

Peru. Definitions in this field should be as clear and as technical as possible.

Portugal. Due regard should be given to the specificities of domestic work and the place in which it is carried out.

Spain. According to Spanish legislation, the right to OSH applies to all workers. However, the act regulating the prevention of occupational hazards is not applicable to domestic workers.

United States. See question 12(a).

Employers

Total number of replies: 9.

Yes: 7. CNI (Brazil), ANDI (Colombia), HUP (Croatia), SEV (Greece), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

Other: 2. DPN APINDO (Indonesia), IOE.

Comments

HUP (Croatia). Household safety should be generally promoted and the government should offer services and training on household safety, rather than including statements on OSH liability in a standard. A domestic employer is in practice not capable of assuming the full OSH responsibility and liability as other employers.

DPN APINDO (Indonesia). See question 12(a).

IOE. See question 12(a) regarding the notion “like all wage earners”. Household safety in general could be promoted, with the government offering services and training on household safety, rather than including statements of OSH liability in a standard. The term “secure” seems inappropriate. It is unclear if personal security, security of possessions or security of employment is meant.

Workers

Total number of replies: 120.

Yes: 119. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Other: 1. CGT (Honduras).

Comments

CTA (Argentina). Domestic work tends erroneously to be perceived as safe and non-threatening, although it entails a number of risks, which increase with the fatigue of long working hours. The work involves a great deal of repetition, bending and reaching, lifting heavy objects, extremes of heat (cooking, ironing), sharp objects (knives), handling potentially toxic cleaning products and prolonged exposure to dust. Vulnerability to these risks may be higher among migrant domestic workers, with their lack of knowledge of local products and of the local language. Moreover, they hardly exert any control over the conditions in which they work, the tools used, the hours of work and their safety.

ACTU (Australia). This should be covered in further detail in the Recommendation.

FENATRAHOB (Plurinational State of Bolivia). This is established by Plurinational State of Bolivian legislation. However, no public body has been established by law to enforce these provisions.

CLC (Canada). Domestic workers should have the same protection as other workers under national legislation.

CGT (Colombia). In Colombia, this is an employer's obligation and all household workers should be affiliated to the regime providing compensation to workers for occupational injuries.

CMTC (Costa Rica). General occupational safety and health provisions as established in national laws should apply to domestic workers as well.

UNSI TRAGUA (Guatemala). Historically, domestic workers have performed their tasks in indecent, hazardous and inhumane conditions.

ICTU (Ireland). This should include social security and protection in case of occupational injury.

CISL (Italy). See question 12(a).

FEDUSA (South Africa). Measures should also ensure that workers have access to telephones in case of an emergency and that they are not locked up, in order to allow them to seek help in case of imminent threat or danger.

IUF. Domestic workers are exposed to many of the health and safety hazards which hotel and restaurant workers and care workers are facing (such as burns, cuts, falls, exposure to chemicals, repetitive strain injuries, allergies, stress, sexual harassment, violence). Therefore, the Occupational Safety and Health Convention, 1981 (No. 155), and its Protocol of 2002 and Conventions Nos 187 and 111 should also apply to domestic workers.

(c) *social security, including maternity protection*

Governments

Total number of replies: 67.

Yes: 58. Albania, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Latvia, Lebanon, Lithuania, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Tunisia, United Arab Emirates, United States, Uruguay.

No: 4. Bahrain, Jordan, Malaysia, Saudi Arabia.

Other: 5. Plurinational State of Bolivia, Czech Republic, New Zealand, Syrian Arab Republic, Yemen.

Comments

Argentina. Provisions on maternity protection should include not only the guarantee of employment stability, but also the payment of maternity leave benefits. Job security should be guaranteed also in the event of the worker's marriage.

Australia. See question 12(a).

Belgium (CNT). See question 12(b).

Belgium (SPF). See question 6(b).

Plurinational State of Bolivia. In Plurinational State of Bolivia, this is provided for by legislation; the problem is enforcing these provisions.

Colombia. The Convention should include as a basic aspect of decent work full social security coverage, including protection of maternity and paternity, the respective leave and access to and payment of these benefits. No additional benefits beyond the provisions of the Labour Code should be granted to domestic workers, as all workers enjoy equal conditions.

Ecuador. While maternity protection is essential, all other aspects of social security are also important for domestic workers. The Recommendation should provide for specific mechanisms to consider the particular situation of domestic workers working for several employers and to grant them access to social security benefits.

Greece. The formulation should reflect national variations concerning the scope of employment relationships that are liable for social insurance and involve an entitlement to benefits.

Guatemala (ONAM). Very often, the right of women domestic workers to maternity protection is violated.

Jordan. A study should be carried out into this issue, as including such provisions would place an additional burden on employers, given the fact that contracts are often of limited duration.

Latvia. While maternity protection is essential, all other aspects of social security are also important for domestic workers. The Recommendation should provide for specific mechanisms to consider the particular situation of domestic workers working for several employers and to grant them access to social security benefits. A positive step towards this goal is found in models aimed at guaranteeing the regular payment of fair wages and some social security benefits to part-time and casual domestic workers, such as the service cheque systems in France and Belgium.

Lebanon. The principle of reciprocity must be applied with regard to the social security of migrant workers.

Nepal. It should be the same as for other wage earners and include a provident fund, medical benefits, accident insurance, maternity protection and a financial grant upon termination of employment.

Netherlands. The instrument should give member States sufficient leeway to take into account the exceptional position of private employers when determining the scope and details of social security legislation affecting domestic workers.

New Zealand. Domestic employees and self-employed domestic workers in New Zealand may be eligible for paid parental leave, depending on their employment status.

Nicaragua. Generally, the employer dismisses the pregnant domestic worker, who is left totally unprotected. This is an act of discrimination.

Portugal. In Portugal, the general social security regime applies also to domestic workers, although with some particularities.

Romania. Maternity protection should be included.

South Africa. The instrument should provide for the progressive introduction of these rights. Care should be taken not to place an undue burden on member States in cases where domestic workers do not contribute to the social security scheme, where social security is contributory.

Spain. This is as provided by Spanish legislation.

Suriname. Implementation will be complex due to the fact that most domestic workers have several jobs. Sometimes their status is unclear and they are not regarded as employees.

Syrian Arab Republic. This should depend on the recruitment conditions.

Thailand. This should be in accordance with the laws of each member State. Maternity leave with pay for domestic workers should be determined in an appropriate manner by considering the conditions of employment which may be different from other wage earners.

United States. See question 12(a).

Uruguay. The Uruguayan law establishes that all labour law and social security provisions are applicable to domestic workers.

Yemen. Although domestic workers should benefit from maternity protection, end-of-service rights with regard to social security are sufficient.

Employers

Total number of replies: 8.

Yes: 7. CNI (Brazil), ANDI (Colombia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

Other: 1. IOE.

Comments

JCC (Jordan). Extensive studies should be carried out into social security for domestic workers, as their period of work is often of limited duration and such provisions would create an additional burden for employers.

IOE. See question 12(a) regarding the notion “like all wage earners” and question 25.

Workers

Total number of replies: 123.

Yes: 121. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand),

NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Other: 2. CFTUI (India), CTM (Mexico).

Comments

UGTA (Algeria), CGTRA (Argentina), FS (Brazil), BWU (Barbados), CSA-Bénin (Benin), UGT (Brazil), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), CNV and FNV (Netherlands), NIDWU (Nepal), LO (Norway), PWF (Pakistan), CUT-A (Paraguay), CATP, CTP and CUT (Peru), APL, FFW and TUCP (Philippines), NSZZ (Poland), BNS and CNS-Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYIS (Turkey), TUC (United Kingdom), AFL-CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. While maternity protection is essential, all other aspects of social security are also important for domestic workers. The Recommendation should provide for specific mechanisms to take into consideration the particular situation of domestic workers working for several employers and to grant them access to social security benefits.

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BWU (Barbados), CSA-Bénin (Benin), FS and UGT (Brazil), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), NIDWU (Nepal), LO (Norway), PWF (Pakistan), CUT-A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), BNS and CNS-Cartel Alfa (Romania), CNTS (Senegal), UGT (Spain), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYIS (Turkey), TUC (United Kingdom), ZCTU (Zimbabwe), ITUC, IUF. A positive step towards this goal is found in models aimed at guaranteeing the regular payment of fair wages and some social security benefits to part-time and casual domestic workers, such as the service cheque systems in France and Belgium.

ACTU (Australia), ASTRADOMES (Costa Rica), COSYGA and JOC (Gabon), UGTT (Tunisia), TÜRK-İŞ (Turkey). The Recommendation should provide for specific mechanisms to consider the particular situation of domestic workers working for several employers and to grant them access to social security benefits.

BILS (Bangladesh). While maternity protection is essential, all other aspects of social security are important for domestic workers.

FENATRAD (Brazil). This should also be applicable to casual workers.

CLC (Canada). This should be the same as that provided to other full-time, part-time and casual workers by the legislation of member States and the various jurisdictions of a federated State.

CUT (Colombia). This is one of the pillars of decent work.

ASTRADOMES (Costa Rica). The circumstances of migrant domestic workers should also be considered in order to allow them to enjoy their old-age pension in their countries of origin.

CTRN (Costa Rica). All workers, with no exceptions and regardless of their employment or occupation, should be entitled to social security as a human right.

DEOK (Cyprus). In most countries, maternity protection is not envisaged for domestic workers and pregnant workers are sent back to their countries by the employer or employment agencies.

CNUS (Dominican Republic). All domestic employees should be entitled to maternity protection, even if they work for multiple employers.

AKAVA, SAK, STTK (Finland). It should provide for specific mechanisms to take account of the specific situation of many domestic workers who work for instance part time for multiple employers.

CFDT (France). Regarding the development of personal services in France, we are promoting the professionalization of workers in this sector. It is essential to consider the working time, often intermittent, of domestic workers in order to afford them a higher degree of social protection.

DGB (Germany). Maternity protection should be provided, as well as all other aspects of social security. Special attention should be paid to workers that work for several employers part time and consideration should be given to the service cheque systems in France and Belgium.

GSEE (Greece). Considering the special working conditions of live-in workers and those employed part-time by numerous employers and the fact that insurance coverage is not retroactive in cases of undeclared and illegal employment, special provisions and mechanisms should be included to ensure access to social security benefits and regular remuneration, also ensuring the legality of employment.

CGT (Honduras). Women workers should have the right to give birth in certified medical centres and to breastfeed at opportune times.

CFTUI (India). From a practical point of view, it would be difficult to implement maternity protection. Domestic workers should be able to be substituted by another person for the leave period.

KSPI, KSPSI, KSBSI (Indonesia). It should include opportunities for breastfeeding.

CISL (Italy). This is in line with Italian legislation.

UIL (Italy). Maternity protection is essential, taking into account that major charges can hardly be borne by families and must mainly be borne by the State. In Italy, the voucher system is a quite recent measure, the success of which it is too soon to assess. Certainly in countries like Italy, where the phenomenon of illegal migrant domestic workers is so widespread, this measure is insufficient to formalize irregular work and guarantee equal access to social security benefits to domestic workers.

CTM (Mexico). Not every employer is able to grant this benefit.

GEFONT (Nepal). Sickness benefits, compensation for occupational injuries and maternity protection should be granted as a minimum.

CNV (Netherlands). A positive step towards this goal is found in models aimed at guaranteeing the regular payment of fair wages and some social security benefits to part-time and casual domestic workers.

FNV (Netherlands). A positive step towards this goal is found in models aimed at guaranteeing the regular payment of fair wages and some social security entitlements to part-time and casual domestic workers.

CS (Panama). Social security protection is fundamental for domestic workers as they are often recruited temporarily and are unprotected. Moreover, employers do not pay their social security contributions and pay these workers very low wages.

CUT (Peru). Regarding maternity protection, they should have the same rights as other wage earners, in line with the Maternity Protection Convention, 2000 (No. 183).

APL, FFW, TUCP (Philippines). This should be guaranteed on the basis of national or international law and practice, whichever provides greater protection. It should also include paternity benefits.

UGT-P (Portugal). In addition to maternity leave, it is very important to take into consideration other issues regarding social security. Social security benefits must be ensured, even for those workers working part-time or for different employers. There are examples of best practices in this area, such as the service cheque system in France, which has been created to ensure fair remuneration, as well as social security benefits.

FEDUSA (South Africa). Domestic work is physically strenuous and workers need to recover from giving birth before performing their tasks.

CCOO (Spain). In Spain, as regards social security protection, the main differences compared with other dependant employment is that domestic workers lack unemployment protection, while health benefits in case of inability to work are only granted from the 29th day from the date of commencement of the illness or occurrence of the injury, as opposed to the fourth day in the case of other workers (for general non-work related contingencies) or on the first day (in the case of work-related illness or accident). Moreover, domestic workers are not protected by an occupational injuries compensation fund, thus, in case of work inability, they are only covered within the terms of general health-care protection. Moreover, in the special social security regime for domestic workers, the contribution base is restricted to the minimum basis established every year and so bears no relationship to the actual wage paid. This affects the regulatory basis of all social security benefits.

NTUF (Sri Lanka). There should be no problem as far as maternity protection is concerned, as childbirths are very rare. However, as far as social security is concerned, it will be difficult to implement the Employees' Provident Fund or the Employees' Trust Fund due to reasons given under question 9(a).

AFL-CIO, NDWA (United States). Sick leave must also be ensured. Access to information about workers' rights and organizations that can provide information to and support for workers (such as consulates for migrant workers and workers' rights organizations) should be guaranteed.

Qu. 13 *Should the Convention provide that employers should inform domestic workers of their terms and conditions of employment, in particular:*

- (a) the name and address of the employer;*
- (b) the type of work to be performed;*
- (c) the rate of remuneration, method of calculation and pay interval;*
- (d) the normal hours of work;*
- (e) the duration of the contract;*
- (f) the provision of food and accommodation, if any;*
- (g) the period of probation, if applicable; and*
- (h) the terms of repatriation, if applicable?*

(a) the name and address of the employer

Governments

Total number of replies: 67.

Yes: 63. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Yemen.

Other: 4. Czech Republic, Guatemala, New Zealand, Switzerland.

Comments

Argentina. This is basic information that every worker should know.

Australia. See question 12(a).

Brazil. It is important that this information is included in a public document.

Chile. The contract should be as clear as possible and include all these terms.

Colombia. The workplace should be clearly and precisely indicated.

Egypt. This will allow workers to benefit from their rights. The intermediary should also keep a copy of the contract.

El Salvador. This is an indispensable requirement.

Guatemala (DPS). Yes.

Guatemala (UMT). Yes. This should be included in the employment contract.

Guatemala (ONAM). No, first name is necessary as in Guatemala for the safety of employers sometimes it is not convenient to give too many information on them.

Jordan. This enables workers to correspond with their family and provides them with a reference when they leave the house.

Malaysia. This helps protect both domestic workers and their employers.

Mexico. This information is fundamental for identifying the parties to the labour relationship and for filing claims.

New Zealand. In New Zealand, individual agreements must include the name of the employer concerned and an indication of where the employee is to perform the work.

Nicaragua. All these terms and conditions should be included in a written labour contract.

Panama. Regarding the terms of employment, special emphasis should be placed on women who may be more vulnerable, for example in the case of pregnancy.

Peru. This information should preferably be provided in writing.

Romania. It is sufficient to quote the standard principle and add the words “in conformity with national legislation and practice”.

South Africa. This information is essential when it comes to determining the domicile in case of dispute. It should be part of the non-binding provisions of the Convention, as it places an undue burden on member States in light of the envisaged details.

Spain. Even when the employment contract is verbal, its basic terms should be communicated to the worker.

Switzerland. This question appears to be relevant only if intermediaries are defined and targeted (see question 6(d)), and if the worker is placed by an intermediary or is employed under a similar arrangement, and not if the worker is employed at the employer’s home.

Tunisia. Domestic workers should be informed before the signature of the contract of all employment conditions, including the place of work.

Employers

Total number of replies: 10.

Yes: 7. CNI (Brazil), ANDI (Colombia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

Other: 3. HUP (Croatia), EFC (Sri Lanka), IOE.

Comments

HUP (Croatia). Providing this information in writing may pose a problem, for example when the employee and the employer speak different languages. Governments should be encouraged to provide assistance (for example in cases where there is a high level of illiteracy).

JCC (Jordan). This information serves as a reference when the worker leaves the house and for correspondence with relatives.

EFC (Sri Lanka). Although the provision of some written information to domestic workers could be considered, the outlined particulars are not practical.

IOE. Some items regarding information appear valid, but specific items remain to be discussed. Information exceeding the information to be provided to the general category of workers should not be prescribed for domestic workers. Concerning problems that arise with written contracts, such as when the employer and the employee speak different languages and in cases of illiteracy, governments should be encouraged to provide assistance. Questions 13 and 38 should be considered together and only fundamental points should be included in the standard.

Workers

Total number of replies: 125.

Yes: 124. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados),

CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), NTUC (Nepal), NIDWU (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: I. GEFONT (Nepal).

Comments

CTA (Argentina). This will allow workers to file a claim promptly in the event that there is a breach of contract.

BAK (Austria). The standard could be based on the example of the Austrian service voucher.

ONSL (Burkina Faso). The identification of the employer is especially necessary for litigation purposes.

CGT (Colombia). This is indispensable in an employment contract.

CMTC (Costa Rica). This will allow the filing of complaints in the event that the employment contract is breached.

COSYGA, JOC (Gabon). This will ensure that the necessary administrative arrangements can be made, including with regard to the payment of social insurance; likewise, the employee should provide his address to the employer.

UNSITRAGUA (Guatemala). The employment contract for domestic work should be the same as for all other sectors. It should contain minimum terms such as the identification of the parties, the workplace, the salary and the working conditions (the rights and obligations of the parties). A copy of the contract should be sent to the Ministry of Labour.

CGT (Honduras). This would allow the worker to file a complaint, if and when needed.

JTUC–RENGO (Japan). The responsibilities of intermediaries should also be specified.

GEFONT (Nepal). This should not be included in the Convention, because making this provision binding could have adverse effects on the workers.

NIDWU (Nepal). The name and address of mediators should also be mentioned.

CS (Panama). All these terms should be clearly established in order to prevent cases of abuse. In Panama, most domestic workers come from rural and indigenous areas and are recruited outside the law and exploited.

CUT (Peru). The employment contract should be in writing and should include these terms.

FNPR (Russian Federation). These and other issues as provided for in national legislation should be extended to domestic workers and included in the labour contract.

(b) the type of work to be performed

Governments

Total number of replies: 67.

Yes: 63. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

No: 1. Brazil.

Other: 3. Colombia, Czech Republic, New Zealand.

Comments

Australia. See question 12(a).

Brazil. As many tasks could be forgotten and therefore excluded, the worker might understand that these are not to be carried out. The worker should be informed of the tasks at the moment of admission to work. A probation period could be envisaged for the parties to get to know each other and verify whether the terms of work are mutually satisfactory.

Chile. See question 13(a).

China. The Convention should also provide that employers are not allowed unilaterally to add tasks or increase the quantity and intensity of work. If domestic workers agree to take on additional tasks, employers shall provide for minimum rest periods and increase the wages proportionately.

Colombia. The determination of the work to be performed is a responsibility of both parties.

El Salvador. This is necessary, to ensure that the worker is not assigned different tasks.

Jordan. This will make the worker aware of his obligations.

Malaysia. See question 13(a).

Mozambique. This will enable the worker to refuse to carry out work under the conditions imposed by the employer.

Nepal. Workers will be fully aware of their duties and disputes regarding the type of work can be settled on the basis of the signed contract, thus leading to sound employer-worker relationships.

New Zealand. In New Zealand, the law requires individual agreements to contain a description of the work to be performed by the employee and requires employers to keep wage and time records which include the type of work usually performed by the worker.

Nicaragua. See question 13(a).

Panama. See question 13(a).

Peru. See question 13(a).

South Africa. This will help to determine activities that fall outside the domestic worker's scope of work. It should be part of the non-binding provisions of the Convention (see question 13(a)).

Spain. See question 13(a).

Switzerland. The conclusion of written employment contracts specifying such details should be encouraged.

Tunisia. This should cover the types of work as specified in question 6(a).

Employers

Total number of replies: 10.

Yes: 6. ANDI (Colombia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

No: 1. CNI (Brazil).

Other: 3. HUP (Croatia), EFC (Sri Lanka), IOE.

Comments

CNI (Brazil). This should be left to the parties' agreement.

HUP (Croatia), EFC (Sri Lanka), IOE. Comprehensive statements of the specific work to be performed in the home are often impossible to produce in advance or arguably at any time. Domestic work is so complex and unknowable that levels of generality are unavoidable.

UPS (Switzerland). However, defining the type of work is difficult. It could possibly mention the work that does not have to be done.

IOE. See question 13(a).

Workers

Total number of replies: 125.

Yes: 123. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE

(Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. GEFONT (Nepal).

Other: 1. CNT (Niger).

Comments

CTA (Argentina). This would help reduce abuses.

ONSL (Burkina Faso). This would allow equitable appraisal and remuneration.

CUT (Colombia). This should include a code of conduct and a manual of functions.

COSYGA, JOC (Gabon). This would help prevent misunderstandings about the type of work to be carried out. A model contract and a note enumerating the tasks may be foreseen.

UNSITRAGUA (Guatemala). See question 13(a).

CGT (Honduras). The worker should be able to assess whether he or she is able to perform the tasks. This is also important to prevent the worker from being given an excessively heavy workload.

JTUC-RENGO (Japan). See question 13(a).

CROC (Mexico). This list should not be exhaustive.

UNT (Mexico). Tasks not included in the list may be carried out with the worker's consent.

GEFONT (Nepal). See question 13(a).

CNT (Niger). The employer should list the tasks to be carried out in order to prevent abusive practices.

CS (Panama). See question 13(a).

CUT (Peru). See question 13(a).

NSZZ (Poland). Making such terms and conditions explicit at the outset provides clarity and protection for both domestic workers and their employers.

FNPR (Russian Federation). See question 13(a).

NUDE (Trinidad and Tobago). This can curb or eliminate conflicts.

AFL-CIO, NDWA (United States). Employers should be required to be specific about the scope and time frame of both the work to be performed and the work not to be performed.

PIT-CNT (Uruguay). All tasks should be specified.

(c) the rate of remuneration, method of calculation and pay interval

Governments

Total number of replies: 69.

Yes: 65. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

No: 1. China.

Other: 3. Czech Republic, New Zealand, Bolivarian Republic of Venezuela.

Comments

Argentina. The rate of remuneration should be fixed in any employment contract. The State should establish minimum wages, while the Convention should determine the conditions and intervals of payment.

Australia. See question 12(a).

Chile. See question 13(a).

China. National legislation and the relevant provisions of international Conventions should be followed. In line with the principle of non-discrimination, there is no need to make special regulations for domestic work.

Egypt. This will enable workers to organize their lives.

El Salvador. Other salary protection measures should also be included.

Guatemala (UMT and ONAM). The employment contract should specify wages, days of payment and intervals of payment (bimonthly or monthly). It should also specify whether the salary is per hour, per month or per task, and whether or not it includes food and accommodation.

Jordan. This should be set out in writing, to avoid complications.

Malaysia. See question 13(a).

Mexico. This will allow the competent authorities to identify the amount of any possible compensation.

New Zealand. New Zealand legislation requires individual employment agreements to state the wages or salary payable to the employee and to include the wages paid to the worker each week and the method of calculation.

Nicaragua. See question 13(a).

Panama. See question 13(a).

Peru. See question 13(a).

South Africa. This is essential for when disputes arise between the parties and should be part of the non-binding provisions of the Convention (see comment under 13(a)).

Spain. Spanish legislation establishes the application of minimum wages to domestic workers. It also regulates the possibilities and limits of payments in kind, the triennial salary increase, bonuses and the periodicity of the payment (which must be at least monthly).

Switzerland. See question 13(b).

Bolivarian Republic of Venezuela. The rate of remuneration should not be less than the minimum wage.

Employers

Total number of replies: 10.

Yes: 7. CNI (Brazil), ANDI (Colombia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

Other: 3. HUP (Croatia), EFC (Sri Lanka), IOE.

Comments

HUP (Croatia). See question 13(a).

JCC (Jordan). This information should be provided in writing, to avoid any problems.

EFC (Sri Lanka), IOE. See question 13(a).

Workers

Total number of replies: 125.

Yes: 125. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Comments

CTA (Argentina). In-kind payment for food and accommodation generally leads to cases of abuse, undermining provisions on minimum wages. It is indispensable to distinguish between remuneration and food and accommodation and prohibit in-kind payment. In accordance with Convention No. 95, pay intervals should be regular, with a bimonthly periodicity when the remuneration is calculated per hour.

FENATRAD (Brazil). The salary should be paid in money and receipts should be provided for both parties.

ONSL (Burkina Faso). This ensures transparency.

CGT (Colombia). The contract should also establish whether wages may be paid partially in kind and the value thereof.

CUT (Colombia). These provisions should be in accordance with the relevant national legislation.

CMTC (Costa Rica). This is the minimum to be included in the employment contract.

COSYGA, JOC (Gabon). This should be included in the employment contract.

UNSITRAGUA (Guatemala). This should be fixed when signing the employment contract.

CGT (Honduras). The date of payment should also be indicated.

JTUC–RENGO (Japan). See question 13(a).

UNT (Mexico). This should apply in particular to casual workers. Regarding the periodicity of payment, it is also necessary to specify the place and form of payment.

GEFONT (Nepal). This should be in accordance with national legislation.

CNT (Niger). Many domestic workers are paid only for the tasks they carry out.

CS (Panama). See question 13(a).

CUT (Peru). See question 13(a).

FNPR (Russian Federation). See question 13(a).

PIT–CNT (Uruguay). This should include wage increases.

ZCTU (Zimbabwe). The particulars should also include the terms of any incentive, bonus or benefit and any benefits receivable during sickness or pregnancy.

(d) the normal hours of work

Governments

Total number of replies: 68.

Yes: 63. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay.

No: 1. Yemen.

Other: 4. Brazil, Czech Republic, Jordan, New Zealand.

Comments

Argentina. A schedule of hours of work must be established within which the parties could agree on the hours of work, depending on their needs.

Australia. However, this requirement should allow consistency with national law and practice. While strong minimum entitlements for all employees are supported, Australia may have compliance issues with prescriptive standards on issues that are, in Australia, usually negotiated at the enterprise level. Detailed employment entitlements would more appropriately be contained in a Recommendation. See question 12(a).

Brazil. In Brazil, no working day limits exist for domestic work, although such limits are an essential right which enables workers to dispose of rest and leisure time as they please. In special circumstances, however, time flexibility should be allowed and compensated with time off or extra payment.

Canada. Potential standby hours should be clarified in the employment contract.

Chile. See question 13(a).

China. In view of the specificity and complexity of domestic work, it is recommended that parties be allowed to consult with the relevant employers' and workers' organizations to reach consensus on working hours. It is inadvisable to provide mandatory provisions in this regard.

Colombia. The issues to be specified are hours of work, work schedules and overtime.

Egypt. The normal hours of work should be specified, provided that they are fair and not overly tiring for the worker. Any increase in the work hours should be accompanied by a wage increase.

El Salvador. This is important to prevent long hours of work and to give the worker time to rest.

Guatemala (UMT and ONAM). The length of the working day should be eight hours, with breaks.

Jordan. The determination of normal hours of work should be left to the discretion of each State.

Malaysia. See question 13(a).

Mauritania. Due to the intermittent character of domestic work, weekly working time of up to 56 hours may be foreseen.

Nepal. This reduces the possibility of the domestic worker being abused by being made to work continuously. However, as full-time domestic workers in Nepal live with their employer 24 hours a day, seven days a week, throughout the year, specific legislation should be targeted towards domestic workers to ensure that they benefit from normal working hours.

New Zealand. New Zealand legislation requires individual agreements to contain an indication of the arrangements relating to the times the employee is to work and wage and time records to include the hours between which the worker is employed on each day and the days of the worker's employment during each week.

Nicaragua. See question 13(a).

Panama. See question 13(a).

Peru. See question 13(a).

South Africa. See question 13(c).

Spain. Limits on hours of work should be established (daily, weekly and monthly) and effective hours of work should be distinguished from standby hours.

Switzerland. See question 13(b).

Employers

Total number of replies: 10.

Yes: 5. ANDI (Colombia), SEV (Greece), DPN APINDO (Indonesia), CONEP (Panama), UPS (Switzerland).

Other: 5. CNI (Brazil), HUP (Croatia), JCC (Jordan), EFC (Sri Lanka), IOE.

Comments

CNI (Brazil). This decision should be left to each member State.

HUP (Croatia), EFC (Sri Lanka), IOE. See question 13(a).

JCC (Jordan). Hours of work should be decided by the employer, who should organize the work according to the needs of the household.

UPS (Switzerland). This information should be provided in conjunction with information on rest periods.

Workers

Total number of replies: 124.

Yes: 123. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CGT (Honduras), ASI (Iceland),

CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Other: 1. CNTG (Guinea).

Comments

CNTB (Burkina Faso). The normal working period is 11 hours per day.

ONSL (Burkina Faso). This enables controls by the competent services.

CGT (Colombia). According to Colombian legislation, workers should be on duty for a maximum of ten hours per day.

COSYGA, JOC (Gabon). See question 13(c).

GSEE (Greece). The duration of breaks and the weekly rest period should also be specified, as provided for by national law.

UNISITRAGUA (Guatemala). By virtue of the Constitutional principle of equality before the law, normal hours of work should be equal for all workers, and should be eight hours.

CNTG (Guinea). There should be an indication of rest periods and the agreed beginning and end of the working day.

CGT (Honduras). This will prevent cases of abuse in this regard.

CFTUI (India). It should also mention that overtime hours will be paid extra.

HMS (India). The normal working day should be no more than eight hours.

JTUC–RENGO (Japan). See question 13(a).

CROC (Mexico). This concept should be broad enough to cover both live-in and live-out domestic work.

UNT (Mexico). Legally, it should be eight hours.

GEFONT (Nepal). See question 13(c).

NIDWU (Nepal). Conditions of overtime work and the respective remuneration should also be mentioned.

CNT (Niger). Some domestic workers have no daily rest and work 24 hours a day.

CONATO (Panama). The working day should be eight hours, as for all other workers.

CS (Panama). See question 13(a).

CUT (Peru). See question 13(a).

FNPR (Russian Federation). See question 13(a).

AFL–CIO, NDWA (United States). Special attention needs to be paid to live-in workers, who are often expected to work 24 hours per day, and to the unpaid overtime that live-out workers are often asked to do.

(e) *the duration of the contract*

Governments

Total number of replies: 68.

Yes: 65. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

No: 1. Brazil.

Other: 2. Czech Republic, New Zealand.

Comments

Australia. See question 13(d).

Brazil. The duration of the contract should be established only in cases of probation. In all other instances, the contract is to be issued without a time limit.

Chile. See question 13(a).

Egypt. The duration must be agreed between the parties, to preserve the worker's psychological, social and economical stability.

Guatemala (UMT and ONAM). The duration of the contract should be annual and renewable.

Mauritania. This should be specified for fixed-term contracts. For contracts of unspecified duration, a period of probation should be specified.

Mauritius. This should be specified for contracts of fixed duration.

New Zealand. New Zealand legislation allows for fixed-term employment for genuine reasons based on reasonable grounds.

Nicaragua. See question 13(a).

Panama. See question 13(a).

Peru. See question 13(a).

South Africa. See question 13(c).

Spain. A general rule should be established in the absence of an agreement by the parties.

Switzerland. See question 13(b). This is only useful for fixed-term contracts. A maximum duration of ten years as provided for in Swiss law must be respected.

Employers

Total number of replies: 10.

Yes: 6. ANDI (Colombia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

No: 1. CNI (Brazil).

Other: 3. HUP (Croatia), EFC (Sri Lanka), IOE.

Comments

CNI (Brazil). This should be regulated by national law and practice.

HUP (Croatia), EFC (Sri Lanka), IOE. See question 13(a).

JCC (Jordan). This should preferably be specified in writing. After a contract expires, it has to be renewed, for a period that should be in accordance with the interests of both parties.

UPS (Switzerland). This should apply only to fixed-term contracts. Regarding other contracts, date and terms of leave should be mentioned.

Workers

Total number of replies: 125.

Yes: 120. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. GEFONT (Nepal).

Other: 4. UNSITRAGUA (Guatemala), CFTUI (India), SADSAWU (South Africa), PIT–CNT (Uruguay).

Comments

CTA (Argentina). Even if contracts are issued without limits of time, except in cases of probation, the worker must be fully informed of the situation. In line with the Termination of Employment Convention, 1982 (No. 158), it should not be possible to dismiss a domestic worker without cause.

ÖGB (Austria). For contracts of specified duration, the duration of the contract and the period of probation should be stated; otherwise, the provisions governing notice periods for termination of employment should apply.

CGT (Colombia). It is also necessary to establish that there is a probation period and that, as provided by Colombian legislation, any contract, whether verbal or in writing, is considered to be stipulated without limit of time.

CMTC (Costa Rica). Even though contracts are often without limit of time, this information should be included.

COSYGA, JOC (Gabon). See question 13(c).

UNSITRAGUA (Guatemala). The contract should be without limit of time with a two-month period of probation. It should terminate when either of the parties infringes its provisions. If so stipulated, the contract may also come to an end by mutual agreement. When employers decide to terminate the contract without any reasonable cause, they should compensate the worker in conformity with the Labour Code.

CFTUI (India). It is very difficult to fix the duration of a contract, as the needs of both parties need to be satisfied.

HMS (India). The duration of the contract should be agreed by the parties to the contract.

JTUC-RENGO (Japan). See question 13(a).

CTM (Mexico). This would prevent workers from abandoning their jobs without giving notice after receiving loans or advance payments.

CS (Panama). See question 13(a).

CUT (Peru). See question 13(a).

FNPR (Russian Federation). See question 13(a).

SADSAWU (South Africa). After one year, the contract should be renewed or terminated with one month's notice.

AFL-CIO, NDWA (United States). This should include the conditions of the termination of employment by the employer, and two–four weeks' notice should be given for termination by either party.

PIT-CNT (Uruguay). Only contracts without limits of time should be allowed. Special situations justifying temporary contracts (such as work in a second home) should be specified.

(f) *the provision of food and accommodation, if any*

Governments

Total number of replies: 68.

Yes: 62. Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

No: 3. Albania, Netherlands, South Africa.

Other: 3. Brazil, Czech Republic, New Zealand.

Comments

Argentina. Accommodation should be provided for live-in workers and food should be provided for both live-in and live-out workers.

Australia. See question 13(d).

Brazil. In Brazil, the provision of food, accommodation, clothes and sanitary facilities is meant to permit a better delivery of services. For this reason, the cost of these cannot be deducted from or added to a worker's pay.

Chile. See question 13(a).

Colombia. This will depend on the method of remuneration agreed upon. It should be part of the in-kind remuneration, be in conformity with the established percentage and be subject to the agreement of the parties.

Egypt. This should be permitted if it is agreed between the parties.

El Salvador. This should be part of the employment contract.

Guatemala (DPS). This should represent a percentage of the salary.

Guatemala (UMT and ONAM). The provision of this service is particularly important for migrant domestic workers. Provisions on food and accommodation should be included in the employment contract: accommodation should be decent and food sufficient.

Mauritania. Provided that the employee has accepted this arrangement and that no deductions are made from the salary.

Mexico. In Mexico, the cost of food and accommodation, when supplied by the employer, is counted as 50 per cent of the salary.

Nepal. Employers should be responsible for providing full-time domestic workers – who in Nepal live with their employers 24 hours a day, seven days a week, throughout the year – with safe and personal accommodation and adequate food prepared in hygienic conditions. The costs of these amenities must not be deducted from the worker's pay, and this should be stated in the employment contract. For part-time workers, accommodation and food should be provided with the employer's consent and should not be compulsory.

New Zealand. In New Zealand, the parties may agree to any lawful terms and conditions they wish.

Nicaragua. See question 13(a).

Panama. See question 13(a).

Peru. See question 13(a).

South Africa. It is very difficult to define the term "food" as its meaning varies not only between member States, but also regionally within a State. However, the provision of accommodation should be regarded as part of the contractual obligations of the parties.

Spain. It should be specified whether it implies in-kind payment.

Switzerland. See question 13(b).

Tunisia. It is also necessary to specify the implications that these benefits in kind have on the calculation of the salary.

Employers

Total number of replies: 10.

Yes: 6. CNI (Brazil), ANDI (Colombia), SEV (Greece), DPN APINDO (Indonesia), CONEP (Panama), UPS (Switzerland).

Other: 4. HUP (Croatia), JCC (Jordan), EFC (Sri Lanka), IOE.

Comments

HUP (Croatia), EFC (Sri Lanka), IOE. See question 13(a).

Workers

Total number of replies: 125.

Yes: 120. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKUTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), NIDWU (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. GEFONT (Nepal).

Other: 4. UNSITRAGUA (Guatemala), CTM (Mexico), NTUC (Nepal), CNT (Niger).

Comments

CTA (Argentina). Decent accommodation and sufficient food should be provided, and the cost of this must not be deducted from the worker's pay or regarded as in kind payment.

CGT (Colombia). Moreover, the value should be specified. In Colombia, it should not exceed 30 per cent of the minimum wage.

COSYGA, JOC (Gabon). See question 13(c).

GSEE (Greece). It should state explicitly that food and accommodation have to be provided in the case of live-in work.

UNSI TRAGUA (Guatemala). It should be clear that food and accommodation do not form part of a worker's pay, but are an entitlement, unless otherwise agreed upon by the parties.

CGT (Honduras). No discrimination should exist in respect of the quality of meals.

JTUC–RENGO (Japan). See question 13(a).

CTM (Mexico). It should be specified which meals are included.

NIDWU (Nepal). Food should be nutritious and prepared in hygienic conditions and accommodation should be safe and separate in order to ensure the privacy of the worker.

NTUC (Nepal). This should be specified in advance.

CNV (Netherlands). The cost of food and accommodation should be included.

CNT (Niger). In Niger, most domestic workers are seasonal workers, who live during the working season in the employer's household and receive food and lodging.

CS (Panama). See question 13(a).

CUT (Peru). See question 13(a).

FNPR (Russian Federation). See question 13(a).

SADSAWU (South Africa). The food that is provided should not include leftovers or old food. Cash may be provided instead to allow the workers to buy their own food.

CSTT (Togo). However, this could be optional.

(g) *the period of probation, if applicable*

Governments

Total number of replies: 67.

Yes: 62. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Mauritania, Mauritius, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

Other: 5. Brazil, Czech Republic, Mexico, Nepal, New Zealand.

Comments

Argentina. The period of probation should not surpass three months.

Australia. See question 13(d).

Brazil. Probation is important to evaluate the worker's skills and personal conduct.

Chile. See question 13(a).

China. The Convention should provide that employers and domestic workers are free to decide on a period of probation and its length, but the length should not violate relevant national provisions.

Ecuador. See question 13(a)–(g). Contracts should be in writing and all these terms should be included in the employment contract.

El Salvador. It is important to fix clear legal limits in this regard.

Guatemala (UMT and ONAM). This is important for both parties.

Jordan. The period of probation should not exceed three months.

Latvia. Attention should be paid to the terms relating to the termination of employment, especially for live-in domestic workers. The question should be dealt with in the Recommendation (see question 52), but the respective principles should be laid down in the Convention to avoid situations of abuse.

Nepal. A probation period is already applied in the formal sector in Nepal and should be practiced for domestic workers, too.

New Zealand. In New Zealand, the inclusion and length of any probationary period is a matter of agreement between the parties.

Nicaragua. See question 13(a).

Panama. See question 13(a).

Peru. See question 13(a).

Portugal. The period of probation is particularly important in the case of domestic work and the determination of its duration should be left to national legislation.

South Africa. Disputes over the terms of probation are quite common. The issue should be covered by the non-binding provisions of the Convention (see comment under question 13(a)).

Spain. In Spain, the employment relationship is presumed to be established on a probationary basis for 15 days.

Switzerland. See question 13(b).

Syrian Arab Republic. The duration of the period of probation should be three months.

Employers

Total number of replies: 10.

Yes: 7. CNI (Brazil), ANDI (Colombia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

Other: 3. HUP (Croatia), EFC (Sri Lanka), IOE.

Comments

HUP (Croatia), EFC (Sri Lanka), IOE. See question 13(a).

JCC (Jordan). The duration of the period of probation should be three months, provided that this period is not considered as part of the duration of the contract.

Workers

Total number of replies: 125.

Yes: 117. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), NIDWU (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT

(Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 6. KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), GEFONT (Nepal), NTUF (Sri Lanka), PIT-CNT (Uruguay).

Other: 2. UNSITRAGUA (Guatemala), NTUC (Nepal).

Comments

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BWU (Barbados), CSA-Bénin (Benin), FS and UGT (Brazil), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), AKAVA, SAK and STTK (Finland), CFDT (France), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CNV and FNV (Netherlands), LO (Norway), PWF (Pakistan), CUT-A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT-P (Portugal), BNS and CNS-Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), CCOO and UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), UGTT (Tunisia), TOLEYİS and TÜRK-İŞ (Turkey), TUC (United Kingdom), AFL-CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. Attention should be paid to the terms of termination of employment, especially for live-in domestic workers. This question should be dealt with in the Recommendation (see question 52), but the respective principles should be laid down in the Convention, in order to avoid situations of abuse.

CTA (Argentina). The worker should also be informed of his or her right to be registered during the period of probation and from the first day of the employment relationship.

BILS (Bangladesh). Attention should be paid to the terms of termination of employment, especially for live-in domestic workers.

FENATRAD (Brazil). In accordance with Brazilian law, the period of probation should be recorded in the employment record book and the rights of domestic workers should be guaranteed from the start date of the probation period.

CNTB (Burkina Faso). The period of probation should be 15 days.

CMTC (Costa Rica). See question 13(e).

CTRN (Costa Rica). Attention should be paid to the terms of the termination of employment, as workers are often dismissed after three months – so that the employer is not obliged to affiliate them to social security – and then re-hired for another temporary assignment.

COSYGA, JOC (Gabon). See question 13(c).

DGB (Germany). Special attention should be paid to dismissal protection, especially for live-in domestic workers. The Recommendation should deal with this in more detail (see question 52).

GSEE (Greece). The period of probation should be short, in order to protect workers against abusive practices. It is possible to assess domestic work within a brief period of time.

UNSI TRAGUA (Guatemala). This is in line with the provisions of most national labour laws. The ideal duration would be two months.

CGT (Honduras). This would give the parties time to get know each other.

KSPI, KSPSI, KSBSI (Indonesia). This is not necessary.

JTUC-RENGO (Japan). See question 13(a). The terms of termination of employment require special attention, especially for live-in domestic workers. This issue is dealt with in the Recommendation (see question 52), but the basic principle should be included in the Convention.

CTM (Mexico). This should be included, as long as it does not involve costs for the employer. Four days are sufficient.

UNT (Mexico). The contract should specify a period of not more than 15 days, which should be remunerated.

NIDWU (Nepal). Attention should be paid to terms of termination of employment, especially for live-in domestic workers.

NTUC (Nepal). This depends on the type of work. The period of probation should be indicated if the work is without limits of time.

CONATO (Panama). One month would be feasible.

CS (Panama). See question 13(a).

CUT (Peru). See question 13(a).

FNPR (Russian Federation). See question 13(a).

SADSAWU (South Africa). The period of probation should be at least one month, as the employer and employee have to learn to work with each other.

NTUF (Sri Lanka). Such a provision is not necessary.

CSTT (Togo). A period of probation makes it possible to assess a worker's competence and allows the worker to appraise the working conditions.

AFL-CIO, NDWA (United States). A probation period creates a period of increased vulnerability to exploitation for the worker and it must be clear that it is not required.

PIT-CNT (Uruguay). No probation period should exist in domestic work.

(h) the terms of repatriation, if applicable

Governments

Total number of replies: 65.

Yes: 57. Albania, Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Egypt, El Salvador, Finland, France, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, United Arab Emirates, United States, Thailand, Tunisia, Uruguay, Yemen.

No: 1. Ecuador.

Other: 7. Brazil, Czech Republic, Nepal, New Zealand, Poland, Portugal, Spain.

Comments

Albania. The employer should be responsible for repatriation, except in cases when the employment contract is terminated immediately.

Australia. See question 13(d).

Belgium. Repatriation should only concern domestic workers who accompany their employers to a foreign country or who have been sent for by an employer in a foreign country.

Brazil. Every time the recruitment of domestic workers involves their transfer from another locality, the employer should be obliged to cover the cost of their travel back home.

Chile. See question 13(a).

China. The Convention shall also provide that employers have an obligation to prove the legitimacy of and reason for repatriation and to inform domestic workers in advance that they will be repatriated.

Colombia. According to international and national law, this should apply when human trafficking is involved. This should be addressed as a distinct issue in the Convention.

Croatia. Employers should also inform domestic workers about paid leave and health insurance.

El Salvador. This is necessary for the employment security of the migrant domestic worker.

Finland. Provided that the terms of repatriation are agreed upon between the parties in accordance with national law or practice.

Jordan. This should apply, provided that the contract is concluded for a period of not less than two years.

Latvia. Repatriation arrangements should be made at no cost to the worker. See question 28.

Malaysia. Attention should also be paid to the terms of termination of employment, with particular reference to live-in domestic workers. Basic principles should be included in the Convention in order to avoid cases of abuse.

Nepal. Workers who fail the probation period, who are dismissed or whose employment term expires should be repatriated without having to bear the costs.

Netherlands. This applies to legal employment. Illegal workers are deported, the costs of which are generally borne in the Netherlands by the State. See questions 28 and 56(a).

New Zealand. Migrants generally do not come to New Zealand to perform domestic work, which is a sector where there is not a skill shortage. Temporary migrants are required by law to leave New Zealand (financing their own travel) if they do not have lawful immigration status.

Nicaragua. See question 13(a).

Panama. See question 13(a).

Peru. See question 13(a).

Poland. “Yes” for the terms applied individually to a given person and “no” for the terms generally in force, stipulated for example in the agreement concluded between the receiving and sending State.

Portugal. Employers should not be obliged to cover repatriation costs for migrant domestic workers, as migratory rules differ from contractual obligations. However, different situations exist which warrant a special treatment.

Slovenia. The provisions of Directive No. 2008/115/EC of the European Parliament and of the Council of the EU on common standards and procedures in Member States for returning illegally staying third country nationals must be observed. Concerning EU citizens, the provisions of Directive No. 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States regulating repatriation must be observed.

South Africa. If a foreign domestic worker needs to be repatriated, the terms should be specified and in accordance with national laws, policies and practices. This should be part of the non-binding provisions of the Convention (see question 13(a)).

Spain. This is a matter for Governments.

Switzerland. See question 13(b). The question of repatriation is sensitive. It is important that an employer who brings a migrant worker to a country should contribute to the costs of repatriation. Nevertheless, employers cannot force a former employee, who wishes to pursue a lucrative activity in the host country, to return to his or her country of origin. The question of repatriation is often more important for the State which hosts the worker (migration policies) than for the employer.

Employers

Total number of replies: 9.

Yes: 7. CNI (Brazil), ANDI (Colombia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

Other: 2. EFC (Sri Lanka), IOE.

Comments

ANDI (Colombia). This could be useful to both parties in case of labour disputes.
EFC (Sri Lanka), IOE. See question 13(a).

Workers

Total number of replies: 125.

Yes: 120. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. GEFONT (Nepal), PIT–CNT (Uruguay).

Other: 3. ÖGB (Austria), CTM (Mexico), CTGP (Portugal).

Comments

UGTA (Algeria), CGTRA (Argentina), BWU (Barbados), CSA–Bénin (Benin), FS and UGT (Brazil), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), MTUC (Malaysia), LO (Norway), CUT–A (Paraguay), PWF (Pakistan), CATP, CTP and CUT (Peru), NSZZ (Poland), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (Tanzania), UGTT (Tunisia), TOLEYİS and TÜRK–İŞ (Turkey), TUC (United Kingdom), AFL–CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. Repatriation should incur no costs for the worker. See question 28.

CTA (Argentina). However, it is also important that workers do not lose their resident status when they lose their job, in accordance with Convention No. 143.

ACTU (Australia). Repatriation should incur no costs for the worker.

BAK (Austria). It has to be ensured that the residence status of migrants enables them to claim their labour rights in court. Also, provisions that suspend the limitation period after which suits cannot be brought should enable the claim of rights at a later point in time.

ÖGB (Austria). The term “Heimschaffung” (repatriation) in the German translation should be replaced by the term “Heimreise”. This could be organized by having the employer deposit funds to cover the costs (for example, in a state-run institution) before the start of the job. The money could be returned to the employer if no repatriation takes place.

FENATRAD (Brazil). The terms should be established in the employment contract or in the employment record book, and the related costs should be covered by the employer, both in cases of emigration and immigration.

ONSL (Burkina Faso). Repatriation should incur no costs for the worker.

CGT (Colombia). This is a State’s obligation. Under no circumstances should migrant workers cover repatriation costs.

CMTC (Costa Rica). See question 13(e).

CTRN (Costa Rica). Repatriation should never incur any costs for the worker.

COSYGA, JOC (Gabon). See question 13(c).

DGB (Germany). Repatriation should be free of charge for domestic workers (see question 28).

UNSI TRAGUA (Guatemala). This would ensure that repatriation is not motivated by xenophobia or by the desire to evade labour responsibilities.

CNTG (Guinea). These terms should be established beforehand.

CGT (Honduras). In cases involving the lawful termination of the employment contract, the repatriation costs should be covered by the employer.

CGIL (Italy). It should be stressed that repatriation is never automatic upon the interruption or termination of an employment relationship.

CISL (Italy). Workers should be free to return to their country whenever they wish. In the case of repatriation outside annual leave, no specific compensation should be granted to the worker.

JTUC–RENGO (Japan). See question 13(a).

SEKRIMA (Madagascar). This is especially important for migrant domestic workers.

CTM (Mexico). This is a sensitive issue and should be studied in depth in order to prevent trafficking.

UNT (Mexico). The respective costs should be covered by the employer or the intermediary (not by the worker or the State).

NIDWU (Nepal). Repatriation should incur no costs for the worker.

CNV (Netherlands). The issue of repatriation costs should also be included.

CS (Panama). See question 13(a).

CUT (Peru). See question 13(a).

APL, FFW, TUCP (Philippines). The contract should be in writing in a language that the domestic worker understands; furthermore, the employee should be given sufficient time to consider it and to seek information and counselling before signing it. It should be signed before the domestic worker travels to the place of work. The terms of employment should include the contact details of both the domestic worker and the employer, allow additional compensation for special skills, provide compensation and guarantees for domestic workers in case of the relocation of the employer and set out the terms of immediate termination of the contract and specified just causes for termination, including abuse or imminent danger to the life of the worker. It should also define legal entitlements (such as overtime pay, 13th month pay and the employer’s contribution to social security and health insurance) as mandated in the laws of the country or the Convention, whichever is more favourable to the worker and the obligations of the employer to register the domestic worker with relevant authorities, to inform regularly the relevant authorities on the situation of the domestic worker and to ensure that workers have unhampered access to communication facilities.

CGTP–IN (Portugal). The terms of repatriation should not only be communicated orally, but also in writing.

UGT–P (Portugal). The terms of repatriation should be without prejudice to the worker.

FNPR (Russian Federation). See question 13(a).

SADSAWU (South Africa). Repatriation should incur no costs for the worker.

NTUF (Sri Lanka). This should apply to migrant workers.

AFL–CIO, NDWA (United States). Workers should be able to choose whether to repatriate or not. Employers should not have the power to deport workers and should cover the costs of repatriation. They should be prohibited from demanding possession of workers’ passports and other travel documents.

CTV (Bolivarian Republic of Venezuela). This aspect warrants a deeper analysis, as the decision on whether or not to repatriate depends on the worker.

Qu. 14 *Should the Convention provide that each Member should take measures to ensure that domestic workers are protected against all forms of abuse and harassment, including physical, verbal, sexual and mental abuse and harassment?*

Governments

Total number of replies: 66.

Yes: 64. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Oman, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

Other: 2. Czech Republic, New Zealand.

Comments

Argentina. This is crucial as domestic workers, because of where they work, are exposed more than any other worker to abuse and harassment.

Belgium. This is especially important, as young workers (most often girls) are affected by maltreatment and harassment. Migrant workers are even more vulnerable as they are foreigners and live in the home of their employer.

Brazil. This is a matter of human dignity and is necessary to promote decent work.

Chile. Special mention should be made of sexual harassment at the workplace, which is an unacceptable form of violence.

China. The instrument should contain provisions on the concept and prohibition of sexual harassment and on punitive measures. Because of the isolation and privacy of the domestic workplace and the relatively low levels of education among domestic workers, these workers lack awareness, do not have the ability to protect themselves and are more vulnerable to sexual harassment than other workers.

Colombia. The measures should be the same as those taken for other types of work subject to the same risks, without discrimination. All workers, without exclusions, are entitled to decent work.

Costa Rica. The Convention should also establish that the laws of member States should regulate these aspects, as domestic workers are subject to sexual harassment at work in the majority of Latin American countries.

Croatia. This should be provided for in national legislation.

Guatemala (UMT). Strengthening these principles could be important to make cases of sexual abuse more visible.

Guatemala (UMT, ONAM). Existing legislation already prohibits physical and sexual abuse. It is important to monitor compliance with this legislation and to promote complaints, which should be suitably reported.

Malaysia. Domestic workers are particularly vulnerable in this regard.

Mexico. The instrument should provide for the prevention and punishment of sexual harassment and ensure that victims receive assistance.

Nepal. Such measures could include the registration of domestic workers with the local government authorities so that their living and working conditions can be monitored, the establishment of complaint mechanisms for domestic workers who are treated unfairly and the provision of free legal services in case of dispute.

New Zealand. New Zealand legislation provides specific rights and processes for employees who may be subject to racial and sexual harassment.

Nicaragua. National and international research has shown that domestic workers are victims of sexual, physical, verbal and psychological abuse.

Panama. It should also cover abuse of property.

Poland. Workers should be protected by way of the commonly applied legal regulations and activities of a preventive and supportive nature.

Spain. It would be appropriate to set a specific provision on this matter, due to the circumstances of domestic work.

Switzerland. If the constituents agree to declare applicable the existing ILO instruments (see question 3), it is questionable whether a specific provision is necessary and whether it would bring greater protection.

Tunisia. This is necessary because of the exceptional conditions of cohabitation in which domestic work is carried out.

Employers

Total number of replies: 9.

Yes: 7. CNI (Brazil), ANDI (Colombia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

Other: 2. HUP (Croatia), IOE.

Comments

HUP (Croatia). The wording is unclear and needs clarification (for example, the term “all forms” should be clarified).

UPS (Switzerland). The application of such measures is complex.

IOE. Protection from violence, intimidation and threats are important issues for any employment. Employers do not agree to the use of the terms “abuse” and “harassment”. The notions of “all forms” and “including” should be deleted. It is unclear what they would meaningfully add to any standard. The wording should reflect a closed set of concepts rather than be open ended. Also, concepts of national law and practice have to be taken into account. It is unclear if “verbal harassment” that does not stray into discriminatory grounds is actionable at the national level. The instrument might also offer some guidance on what the “measures” might be that ratifying States would need to take. They might include offering complaints mechanisms and services, establishing well understood points of contact and advice and promoting best practices, and, in countries where the necessary services already exist, promoting public safety protection to the domestic worker.

Workers

Total number of replies: 123.

Yes: 122. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican

Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Other: 1. CGT (Honduras).

Comments

CTA (Argentina). This is important, especially in the case of live-in workers who are more likely to be exposed to abuse.

ONSL (Burkina Faso). The domestic worker is vulnerable to all kinds of harassment.

CGT (Colombia). The protection should be the same as that provided to all other workers.

CMTC (Costa Rica). This prohibition should be included in the employment contract.

CTRN (Costa Rica). This should include xenophobic behaviour against migrant workers.

DEOK (Cyprus). In many cases, women domestic workers face different kinds of harassment and must be protected.

CFDT (France). See question 24.

DGB (Germany). Domestic workers should be allowed to terminate employment in these cases without notice, without any financial disadvantages (no contractual fines for non-compliance with the notice period).

UNSITRAGUA (Guatemala). This is one of the most recurring types of abuse suffered by domestic workers, which has been concealed due to the slavery-like conditions faced by these workers and the prevailing machismo. If a worker is dismissed after filing a complaint regarding such offences, he or she should be compensated. The labour inspection authorities should work towards preventing these offences.

CGT (Honduras). Public bodies in charge of protecting the rights of domestic migrant workers should be created.

CFTUI (India). Most domestic workers, especially women, are subjected to these types of abuses.

KSPI, KSPSI, KSBSI (Indonesia). This is necessary, as the workplace is secluded from public observation.

UIL (Italy). As in some countries, such as Italy, the law is very specific in combating these serious forms of abuse, it could be important not only to reiterate these concepts, but also to aggravate the terms of punishment for such crimes.

JTUC-RENGO (Japan). Victims of harassment should be able to claim compensation.

SEKRIMA (Madagascar). This is necessary because domestic workers have an inferior status and are not considered to be or paid the same as other workers. This inferior social status leads to abusive treatment and intimidation.

CTM (Mexico). This provision should also protect the employer (as there may be cases where the employer is a woman and the domestic worker a man).

UNT (Mexico). This is important, especially for women household workers.

FNV (Netherlands). As domestic workers are very vulnerable to these forms of abuse, it is very important that special measures are taken to protect them.

CNT (Niger). This kind of abuse is part of the everyday life of domestic workers in Niger.

CONATO (Panama). The dignity of every human being should be respected.

CS (Panama). Domestic workers have a poor level of education and suffer from this kind of abuse.

APL, FFW, TUCP (Philippines). The instrument should state that the confiscation of personal documents and articles and restrictions in communication are prohibited forms of abuse.

FEDUSA (South Africa). Unlawful confinement also amounts to abuse.

NTUF (Sri Lanka). It is absolutely necessary, as migrant workers – especially women – are very often harassed.

NUDE (Trinidad and Tobago). National laws should be enacted and mechanisms put in place for monitoring and enforcement.

UGTT (Tunisia). Abuses should be punished by penal sanctions.

IUF. In cases of abuse, as indicated in the question, the Convention should make it possible for a domestic worker to terminate their contract unilaterally, without any responsibility to fulfil their requirements under the contract; however, the employer would still have a responsibility to fulfil his or her obligations under the contract and to comply with national laws and regulations and collective agreements, where applicable.

Qu. 15 *Should the Convention provide that each Member should ensure that domestic workers enjoy minimum wage coverage where such coverage exists?*

Governments

Total number of replies: 66.

Yes: 59. Albania, Argentina, Australia, Austria, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United States, Uruguay, Yemen.

No: 4. Bahrain, Jordan, Mozambique, United Arab Emirates.

Other: 3. China, Czech Republic, New Zealand.

Comments

Argentina. Minimum wages should be established according to different categories of domestic workers and hours of work.

Australia. See question 12(a).

Plurinational State of Bolivia. Although in practice the payment of minimum wages is subject to the specificities of each household.

Brazil. This is the minimum requirement to put domestic workers on the same level as all other workers.

China. The situation and the work carried out by domestic workers vary from household to household. It is difficult to establish clear and specific standards for the minimum wage.

Ecuador. The objective should be to achieve uniformity between the minimum wages of domestic workers and general minimum wages, if any. In countries where minimum wages are set by occupation,

special measures should be taken to ensure that the skills and responsibilities associated with domestic work, as well as the working conditions in which it is carried out, are assessed without gender bias in the light of the fact that domestic work is often undervalued.

Finland. It should be accepted that minimum wages are set according to national minimum wage fixing mechanisms. Minimum wage legislation as such should not be required, which could affect the preconditions for ratification.

Greece. However, the special conditions of live-in workers are incompatible with the application of minimum wages. Thus, the wages of live-in workers in Greece are agreed between the parties. If they fail to agree, the standard wage applies.

Guatemala (DPS). However, the proportion represented by food and accommodation within the minimum wage should be considered.

Guatemala (UMT). Minimum wages should be established by a joint committee and be adapted to the economic situation of women domestic workers.

Jordan. This should be left to the discretion of each State.

Latvia. In countries where minimum wages are set by occupation, special measures should be taken to ensure that the skills and responsibilities associated with domestic work, as well as the working conditions in which it is carried out, are assessed without gender bias in the light of the fact that domestic work is often undervalued.

Lebanon. The minimum wage should cover in-kind payments such as food, accommodation and medical treatment.

Malaysia. Domestic workers are generally underpaid.

Montenegro. Domestic workers are underpaid relative to other sectors of employment and excluded under existing labour law, including minimum wage requirements.

Mozambique. It may happen that employers do not earn minimum wages themselves. In such cases, they will not be in a position to grant minimum wages to their workers, unless they are minimum wages for domestic workers.

New Zealand. In New Zealand, domestic workers over the age of 16 engaged through a third party may qualify as “homeworkers” and therefore be entitled to the minimum wage. Domestic workers engaged as genuinely self-employed independent contractors are free to negotiate their payment.

Nicaragua. In Nicaragua, minimum wages apply to domestic workers. Including this aspect in the Convention would strengthen its application.

Oman. The standard of living in each country should be taken into account.

Peru. It would be appropriate to fix standardized minimum wages for domestic workers based on the analysis of the standard wages established by each Member.

Poland. Provided that the workers perform their work within an employment relationship.

Portugal. In Portugal, general minimum wages apply to domestic work.

South Africa. Members should be given a time frame for establishing such minimum wage coverage.

Spain. In Spain, minimum wages are explicitly applicable to domestic workers. Member States should ensure minimum wages for domestic workers and establish effective enforcement mechanisms, such as referring to the labour inspectorate and to competent courts.

Switzerland. It should be specified that each country has its own policy in the area of minimum wages.

Syrian Arab Republic. This should be in accordance with the minimum wage applicable in the country concerned.

Employers

Total number of replies: 11.

Yes: 4. CNI (Brazil), ANDI (Colombia), DPN APINDO (Indonesia), CONEP (Panama).

No: 4. HUP (Croatia), BDA (Germany), JCC (Jordan), EFC (Sri Lanka).

Other: 3. NHO (Norway), UPS (Switzerland), IOE.

Comments

ANDI (Colombia). In general terms, employers could not subscribe to the inclusion of a minimum wage in any international labour standard. This is a unique form of work, thus the criteria on which to fix a minimum wage are different. Some countries have been able to fix minimum wages for domestic workers.

HUP (Croatia). Minimum wages cannot be extended to domestic work because, for example, of its unique nature and working time patterns, the difficulty to measure, conceptualize and operationalize hours of work, and the widespread provision of board and lodging.

BDA (Germany). Minimum wage requirements should not be included in any standard. Domestic work is a unique type of employment which differs fundamentally from the types of work in which minimum wages are set. Minimum wages can also have negative effects on the job market and can contribute to higher unemployment rates and an increase in the size of the shadow economy. Furthermore, the effects of a minimum wage in the field of domestic work have not been sufficiently examined. The requirement of minimum wages could become also a major barrier to ratification for countries without minimum wage schemes.

BDA (Germany). It is not clear that there is a deficiency in this area that needs to be redressed by extending minimum wages to domestic employment at a national level. It is unclear which level would apply in countries with several minimum wages. Also, minimum wages and measured hours of work are difficult to conceptualize and operationalize in domestic work, because of its unique working time patterns (see question 20).

JCC (Jordan). The circumstances, interests and sovereign decisions of States vary regarding minimum wages.

NHO (Norway). A blanket assumption that minimum wages should be applied to domestic work is not supported.

EFC (Sri Lanka). A minimum wage requirement should not be included in any standard, as domestic work is a unique type of employment, which differs fundamentally from the types of employment for which minimum wages are set.

UPS (Switzerland). This has to be regulated at the national level. The application of the minimum wage, parts of which may be board and lodging, can be complex.

IOE. It is not clear that there is a deficiency in this area that needs to be redressed by extending minimum wages to domestic employment at a national level. It is unclear which level would apply in countries with several minimum wages. Also, minimum wages and measured hours of work are difficult to conceptualize and operationalize in domestic work, because of its unique working time patterns (see question 20). A blanket assumption that minimum wages should be applied to domestic work is not supported, since the basis for the setting of minimum wages does not take into account the specificity of domestic work and sometimes was made expressly excluding domestic workers. Deductions for board and lodging (see question 44) must remain possible in order to ensure equality of treatment with live-out workers who have to pay for their accommodation. More fundamentally, costs of accommodation and food are often taken into account in the overall remuneration, rendering the comparison to general minimum wages unsustainable (general minimum wage setting focuses on costs for accommodation and food in general). It may be relevant to set special minimum wages which take into account the specific circumstances of domestic employment and the contribution that accessible and affordable domestic work makes to society.

Workers

Total number of replies: 125.

Yes: 124. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El-Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Comments

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BWU (Barbados), CSA–Bénin (Benin), FS and UGT (Brazil), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), FNV (Netherlands), LO (Norway), PWF (Pakistan), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS and TÜRK–İŞ (Turkey), AFL–CIO and NDWA (United States), TUC (United Kingdom), ZCTU (Zimbabwe), ITUC, IUF. In countries where minimum wages are set by occupation, special measures should be taken to ensure that the skills and responsibilities associated with domestic work, as well as the working conditions in which it is carried out, are assessed without gender bias in the light of the fact that domestic work is often undervalued.

BAK (Austria). In countries where domestic workers are not covered by a minimum wage, the Convention should oblige States to implement one.

BILS (Bangladesh). In countries where minimum wages are set by occupation, special measures should be taken to ensure that the skills and responsibilities associated with domestic work are taken into account.

COB (Plurinational State of Bolivia). In practice, the payment of minimum wages is subject to the specificities of each household.

FENATRAHOB (Plurinational State of Bolivia). Minimum wages established by the Ministry of Labour should be applied to household workers, who should also have the right to seniority increases.

FENATRAD (Brazil). Minimum wages should be in line with those established by national legislation and should have the same increases as other categories (for example, for seniority). The salary should be based on the tasks performed (this should be provided by the relevant collective agreements).

ONSL (Burkina Faso). Attention should be paid to this issue, to ensure that domestic work is not undervalued and poorly remunerated.

CLC (Canada). The Convention should ensure that domestic workers are covered by any and all minimum wage legislation that exists within member States and the various jurisdictions of a federated State.

CGT (Colombia). A minimum wage should be part of their basic rights.

ASTRADOMES (Costa Rica). The minimum wage of domestic workers should be no less than that which applies to similar types of work. For example, in Costa Rica, there is a minimum wage for domestic workers, but it is at the lowest end of the wage scale and there is a significant difference between the minimum wage for domestic workers and that for category above, which applies to non-qualified workers.

CTRN (Costa Rica). Overtime should be regulated by the general labour law provisions and be in line with ILO Conventions.

DGB (Germany). A minimum wage should be gender neutral and should take into account the competence and responsibility of the worker.

GSEE (Greece). It should also provide that domestic workers should be paid in accordance with any collective agreement that provides for a more favourable remuneration for their work.

UNSTRAGUA (Guatemala). The establishment of a tripartite wage board is recommended, which would fix minimum wages for this sector.

CISL (Italy). However, in Italy the minimum wage is not defined by the law but by the collective agreement on domestic workers, which lasts four years with annual adjustments.

UIL (Italy). This should apply only in countries where minimum wages are set by law. Special measures should be taken to ensure that the skills and responsibilities associated with domestic work as well as conditions under which it is carried out are assessed without gender bias in the light of the fact that experience shows that domestic work is often undervalued. It would be preferable to adopt measures to promote collective bargaining for setting and regulating wage levels. Only in cases where there is a lack of agreement, the State should define minimum wages in line with other workers' wages.

SEKRIMA (Madagascar). Domestic work is often undervalued.

CTM (Mexico). This is irrelevant as long as the Convention establishes the remuneration for domestic work.

UNT (Mexico). In Mexico, minimum wage protection is equivalent to an unemployment benefit, which is granted to workers also when they lose their jobs. No discrimination or cases of abuse should occur in this regard.

CNT (Niger). These workers are often exploited. For example, in Niger, 98 per cent of domestic workers are paid less than the minimum wage.

CONATO (Panama). Domestic workers should receive the same minimum wage as all other workers.

CS (Panama). In Panama, a minimum wage for domestic workers is fixed by law, but it is often not applied.

CTP, CUT (Peru). The minimum wage for domestic workers should progressively be brought into line with the general minimum wage, if such a wage exists.

CUT-A (Paraguay). Domestic workers are systematically paid less than other categories of workers and are often excluded from labour legislation. Moreover, they have no right to minimum wages. In order to guarantee no discrimination against them and to ensure compliance with minimum standards of decent work, it should be provided that domestic workers have same right to minimum wages as all workers in the formal sector.

APL, FFW, TUCP (Philippines). Members, together with workers', employers' and other stakeholders' organizations, shall establish mechanisms for the determination of fair and decent living wages for domestic workers and, upon ratification, review existing wages, set a minimum wage and institute a mechanism for its regular review, taking into consideration inflation, gender bias and other factors eroding the minimum wage.

NSZZ (Poland). In order to ensure non-discrimination and the achievement of minimum standards for decent work, domestic workers should be explicitly entitled to minimum wage coverage equivalent to that for workers in the formal sector.

NTUF (Sri Lanka). This should be included in the labour contract.

UGTT (Tunisia). Sex discrimination or undervaluation of competences and responsibility concerning domestic work should be avoided through specific measures.

PIT-CNT (Uruguay). Minimum wages for domestic workers should be established at the national level.

Qu. 16 *Should the Convention provide that all domestic workers should be paid for their work at no greater than monthly intervals?*

Governments

Total number of replies: 67.

Yes: 61. Albania, Argentina, Australia, Austria, Belgium, Bahrain, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Nepal, Netherlands, Norway, Oman, Panama, Peru, Philippines, Portugal, Paraguay, Poland, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

No: 2. Nicaragua, Sweden.

Other: 4. Colombia, Czech Republic, Lithuania, New Zealand.

Comments

Argentina. Whatever the work – whether casual, live-in or live-out – the method and time of payment should be always specified.

Australia. See question 13(d).

Austria. Regular payment is meant to prevent relationships of dependence.

China. The wage and payment date must be agreed upon between employers and domestic workers. In case of holidays or periods of rest, payment should be made in advance on the last working day.

Colombia. The method of remuneration shall be the same as that established by the Labour Code for all types of work. The salary is the minimum monthly salary fixed for all workers.

Egypt. This has to be stipulated in the employment contract.

El Salvador. They should be paid in legal tender.

Guatemala (ONAM). A weekly or bimonthly payment would be very convenient and would meet the workers' needs.

Guinea. However, within this provision, the parties should be free to agree upon the interval of payment (weekly, bimonthly or monthly).

Lithuania. Not necessarily.

Malaysia. This would prevent abuse related to non-payment and mean that an employer would not be able to withhold pay in order to prevent the worker from fleeing or engaging in specific activities, to punish the worker for mistakes and to cover recruitment fees.

Mozambique. The employer should not extend these intervals.

Netherlands. This should apply unless the parties have agreed otherwise.

New Zealand. In New Zealand, the frequency of payment is flexible and payments must be made at intervals agreed to by the parties.

Nicaragua. The payment should be established according to the worker's needs or twice a month as in Nicaragua. The method of payment should be included in the contract.

Oman. The Recommendation should provide that payment should be monthly.

Panama. All possible means should be used to guarantee decent work for domestic workers. Convention No. 95 provides that wages shall be paid regularly, while its corresponding Recommendation (No. 85) calls for the payment of wages twice a month for workers whose wages are calculated by the hour, day or week, and not less often than once a month for persons whose remuneration is on a monthly or annual basis.

Peru. The periodicity of payment should be weekly, bimonthly or monthly. According to Peruvian legislation, in absence of provisions, it should be monthly.

South Africa. However, national laws should prescribe the interval or payment.

Sweden. It should provide that domestic workers should be paid at regular intervals.

Tunisia. See question 13(c).

United States. A provision could be modelled on Article 12(1) of Convention No. 95, requiring that all domestic workers be paid at regular intervals and not less frequently than prescribed by national laws or regulations for most formal sector workers.

Uruguay. The terms that apply to domestic workers should be the same as those that apply to all other workers.

Employers

Total number of replies: 9.

Yes: 5. CNI (Brazil), ANDI (Colombia), DPN APINDO (Indonesia), CONEP (Panama), UPS (Switzerland).

No: 1. JCC (Jordan).

Other: 3. HUP (Croatia), EFC (Sri Lanka), IOE.

Comments

ANDI (Colombia). An interval of no less than a month could be fixed.

HUP (Croatia). Requirements with regard to periodicity of pay should be consistent with general national law and practice.

DPN APINDO (Indonesia). However, parties may agree to a different regulation.

JCC (Jordan). This is to be agreed by the parties.

EFC (Sri Lanka). A standard including payment at no greater than monthly intervals could be discussed.

IOE. This appears valid to ensure that employers do not withhold pay for an excessive period. A requirement regarding periodicity should be consistent with national law and practice and should not provide standards more favourable for domestic workers, unless there is a clear basis or justification to do

so. A minimum wage arbitrator (or a collective or individual agreement) could set the maximum period for payment for domestic work. This should be a voluntary option for ratifying States.

Workers

Total number of replies: 124.

Yes: 121. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Other: 2. CGT (Honduras), CAUS (Nicaragua).

Comments

CTA (Argentina). In accordance with Convention No. 95, wages should be paid regularly, at monthly or bimonthly intervals, when the remuneration is calculated per hour.

GFBTU (Bahrain). The salary should be paid through the bank or in accordance with any documented arrangements between the parties.

CNTB (Burkina Faso). The arrangements should be made with the consent of the worker.

CGT (Colombia). This is a fundamental clause of every employment contract.

DEOK (Cyprus). Employers must pay domestic workers monthly, on the same terms as all other workers.

COSYGA, JOC (Gabon). Domestic workers should be paid on the same terms as other workers.

CGT (Honduras). This aspect should be regulated in accordance with the national legislation of each member State.

UNT (Mexico). The terms should be as agreed by the parties.

CAUS (Nicaragua). They should be paid on a bimonthly basis.

CONATO (Panama). They should be paid at least at bimonthly intervals.

APL, FFW, TUCP (Philippines). It should prohibit the unauthorized deduction of wages.

FNPR (Russian Federation). The arrangements should be in conformity with national law.

SADSAWU (South Africa). Domestic workers should receive proper payslips, ensuring that weekly payment is possible.

CSTT (Togo). This is necessary so that domestic workers can ensure that their basic needs are met.

NUDE (Trinidad and Tobago). This should be included in the employment contract.

FPU (Ukraine). Twice a month would be preferable.

PIT-CNT (Uruguay). Intervals for payment may vary according to the periodicity of work (whether it is performed per hour, day, week or month).

Qu. 17 *Should the Convention allow partial payment of wages in kind? If so, please specify any circumstances and limits, in particular whether a domestic worker can refuse such in kind payments.*

Governments

Total number of replies: 69.

Yes: 29. Albania, Australia, Austria, Belgium (SPF), Brazil, Canada, Egypt, Latvia, Lebanon, Lithuania, Morocco, Myanmar, Netherlands, Norway, Oman, Peru, Poland, Portugal, Qatar, Serbia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Tunisia, United States.

No: 31. Argentina, Bahrain, Plurinational State of Bolivia, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, El Salvador, Finland, Greece, Italy, Jordan, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Mozambique, Nepal, Nicaragua, Panama, Paraguay, Philippines, Romania, Saudi Arabia, Syrian Arab Republic, United Arab Emirates, Yemen.

Other: 9. Belgium (CNT), Czech Republic, France, Guatemala, Guinea, Montenegro, New Zealand, South Africa, Uruguay.

Comments

Albania. With the approval of the parties to the contract.

Argentina. This would lead to a distortion of the concept of the employment relationship.

Australia. However, the quality of in-kind payments (see question 19) has to be ensured. Any deductions from pay should be declared up front by the employer, to be agreed by the worker. Workers should be able to refuse in-kind payments, if payments constitute an inappropriate portion of total wages, or where accommodation and good quality meals are not provided.

Austria. This should be allowed in so far as it is objectively justified and the valuation of the payments in kind is carried out under objective criteria (for example a general valid valuation for tax purposes). In Austria, the minimum wage provisions provide different wages for domestic workers that receive board and lodging from their employer and for those who do not. The Convention should foresee that payments in kind have to be agreed upon expressly in advance and that a partial payment in kind can be refused if it does not comply with the agreed or legally provided requirements.

Belgium (CNT). In principle no, as this may lead to cases of abuse. However, if partial payment in kind cannot be entirely avoided, it should be circumscribed to a very small percentage of the worker's remuneration. A ceiling could be fixed to this end. Payments in kind should not exceed the actual value of the benefits provided (see question 44).

Belgium (SPF). Yes, but such payments should be limited to certain items only (such as food, lodging and heating) without exceeding a certain percentage of the total remuneration. The value of the in-kind payment should not surpass the actual value of the benefit.

Brazil. It should only be allowed when it is agreed upon by the parties at the time of recruitment. In accordance with the sole subsection of section 82 of the Consolidation of Labour Laws, a minimum of 30 per cent of the salary should be paid in money.

Canada. However, limitations should be set. The nature of payment and in-kind deductions should be agreed to by the worker before signing a contract.

Chile. This should be eradicated and should therefore not be included.

Colombia. In-kind payment should be agreed upon by the parties and shall not exceed 30 per cent of the total remuneration. This is provided by national law.

Costa Rica. Remuneration in kind is different to the minimum wage. Partial payment of wages is prohibited under national law, and should not be confused with in-kind remuneration, which is to be paid over the basic wage.

Cuba. Payment in money should not be substituted by payment in kind. Payment in kind should be additional to the previously agreed upon payment in money.

Egypt. The nature of in-kind payment and the percentage of the overall wage that can be paid in kind should be stipulated in the contract.

El Salvador. This is likely to cause abuse by the employer.

Finland. It would be best not to allow the partial payment of wages in kind. However, if this is allowed, in-kind wages should be limited to accommodation and food, and domestic workers should be able to refuse them. A maximum ceiling, such as 30 or 40 per cent, could be defined to guarantee that the worker receives most of the salary in money.

France. In-kind payment cannot substitute a salary. The employee has to receive a salary off which he or she can live.

Greece. As a rule, wages should be paid in money.

Guatemala (DPS). Yes, food and accommodation should be considered as a proportion of the salary.

Guatemala (UMT). No, because the economic and financial situation of the country is variable and the value of the payment in kind could be incorrect.

Guatemala (ONAM). Food and accommodation should be additional to minimum wage. Payment in kind should be eliminated.

Guinea. The Convention should provide that the form of the payment of wages should be left to the decision of the parties.

Jordan. This will create complications and ambiguities concerning whether or not to pay the whole wage.

Latvia. Payment of wages in kind should be strictly limited and regulated. The value attributed to the allowances should be fair and reasonable. In this regard, Article 8, paragraph 1, and Article 4, paragraph 1, of Convention No. 95 make exclusive reference to national laws or regulations, collective agreements and arbitration awards as being the only valid legal bases for effecting deductions from wages. The aim is to exclude private arrangements which might involve unlawful or abusive deductions or unsolicited payments in kind, to the detriment of the worker's earnings.

Lebanon. See question 15.

Lithuania. It could be allowed (if the instrument is a Recommendation).

Mauritius. This may open the door to abuse on the part of the employer and may undermine minimum wage provisions.

Montenegro. It should discourage the payment of in-kind wages due to the high risk of abuse.

Morocco. Such payments should be allowed in cases where the worker does not live with and does not spend free time with the employer.

Mozambique. Payment in kind may be more viable in rural areas than in urban areas.

Myanmar. However, a domestic worker should be able to refuse in-kind payment that is undesirable.

Nepal. The system of payment of wages in kind has given rise to cases of exploitation, disagreement and dispute, and therefore should be eradicated.

Netherlands. See question 44.

New Zealand. New Zealand legislation requires that wages are paid in money and prohibits the employer in general from making any deductions from wages without the written consent of the employee.

Norway. While in general remuneration should be agreed to collectively or individually between the parties, some kind of regulation may be needed in order to prevent possible abuse in the case of live-in arrangements. In any case, workers must have the right to refuse such payments.

Oman. Yes regarding food and housing. However, the decision of whether to accept this type of payment should be left to the domestic worker, or the matter should be agreed between the parties.

Panama. Wages must always be paid in money to prevent any exploitation.

Paraguay. No, in general. However, payment of wages in kind should be regulated and permitted in those countries which already provide for it, on equal terms with all other workers.

Peru. In-kind payment should be allowed only for part of the salary and if the parties agree. The value of in-kind payment should be established by the parties or determined according to the market value.

Poland. It should be allowed to the extent foreseen by the national and international law (ILO Conventions) currently in force, but should be limited, as the infringement of the employee's rights may be common in this area.

Portugal. Partial in-kind payment of wages should be allowed when accommodation or food are provided. In Portugal, the limit to in-kind payment varies depending on whether the worker is paid the minimum monthly wage or a higher wage. In the first case, the value of the in-kind payment, calculated according to the current regional prices, cannot surpass 35 per cent of the remuneration when all meals are provided, 15 per cent when only the main meal is provided and 12 per cent when accommodation is provided. In the second case, in-kind payment cannot exceed the pecuniary part of the remuneration, unless otherwise provided through a collective agreement.

Saudi Arabia. In general, payment in kind should not be provided for, as it is not appropriate to use this means of payment for migrant domestic workers.

Serbia. Provided that this is consistent with national law. The conditions for partial payment of wages in kind should be determined very precisely.

South Africa. The greater portion of the wage should be monetary. When payment in kind is considered, it provides its own sets of difficulties, such as quantifying the value of such payment. It is by its

very nature arbitrary and more often than not serves to entrench the culture of serfdom in the employment relationship. Only accommodation could constitute payment in kind.

Spain. However, this should be a matter of agreement and subject to a limit. In Spain, the limit of in-kind payment to domestic workers is 45 per cent of the remuneration.

Sri Lanka. This requires the consent of the worker, who has the right to refuse such payment.

Suriname. Suriname restricts payment to money, food, light, clothing, products for basic needs, lodging, services (such as free transportation), education, annual leave and free transportation to the country of origin.

Sweden. This issue should be addressed in the Recommendation, not the Convention.

Switzerland. Swiss employment contract law provides that if the worker lives in the household of the employer, his or her board and lodging constitute part of the wage, unless otherwise arranged.

Thailand. Payment of in-kind wages should be possible upon the prior consent of the worker. The maximum percentage of in-kind wages of total remuneration should be fixed by each member State.

Tunisia. Payment in kind (lodging, food and clothing) should be subject to an agreement between the parties.

United States. It should specify that in-kind payments should only be made when agreed voluntarily by the employee and when furnished primarily for the benefit or convenience of the employee, not the employer.

Uruguay. Neither the national legislation nor the first collective agreement of the sector establishes this. Nonetheless, it may be a subject of negotiation in future rounds of collective bargaining, in accordance with international conventions.

Yemen. Wages must be paid in money so that the worker is able to use it and send it totally or partly to his or her family.

Employers

Total number of replies: 10.

Yes: 7. CNI (Brazil), ANDI (Colombia), HUP (Croatia), DPN APINDO (Indonesia), NHO (Norway), UPS (Switzerland), IOE.

No: 2. JCC (Jordan), CONEP (Panama).

Other: 1. EFC (Sri Lanka).

Comments

CNI (Brazil). Provided that it is agreed by the parties at the time of recruitment and that not less than 30 per cent of the salary is paid in money.

ANDI (Colombia). In-kind payments should correspond to up to 50 per cent of the remuneration. However, when a worker earns the minimum wage, the value of the in-kind payment cannot exceed 30 per cent of the total. In Colombia this provision already exists.

HUP (Croatia). Payment in kind for (at least) board and lodging should be recognized.

DPN APINDO (Indonesia). Provided that both parties agree.

JCC (Jordan). In order to prevent the unfair treatment of the worker due to the varying value of payment in kind.

NHO (Norway). Deductions or payments in kind for (at least) board and lodging must be properly recognized and accepted in any standard.

NHO (Norway), IOE. The question of whether board and lodging should be conceived as partial payment, deductions or an adjusted rate of wages may be left open to national law and practice. A

mechanism could be considered and promoted as best practice providing tools to employers to calculate more accurately the value of board and lodging rather than additionally regulating this in a standard.

EFC (Sri Lanka). See question 19.

IOE. Any standard must recognize the specificity of domestic work with its often substantial deductions for lodging, food and health care. Regarding a possible right to refusal, employees can decide for themselves whether they regard the employment terms as fair and whether to enter into employment.

Workers

Total number of replies: 126.

Yes: 84. UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BAK (Austria), BWU (Barbados), CSA–Bénin (Benin), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CTRN (Costa Rica), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), DGB (Germany), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), GEFONT (Nepal), NIDWU (Nepal), CNV (Netherlands), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CATP (Peru), CUT (Peru), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), UGT (Spain), NATURE (Sri Lanka), NWC (Sri Lanka), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 35. CTA (Argentina), ÖGB (Austria), BILS (Bangladesh), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FEDATRAD (Brazil), CUT (Chile), CMTC (Costa Rica), DEOK (Cyprus), CNUS (Dominican Republic), CTS (El Salvador), COSYGA (Gabon), JOC (Gabon), GSEE (Greece), CFTUI (India), KSBSI (Indonesia), CGIL (Italy), CISL (Italy), UIL (Italy), JTUC–RENGO (Japan), UNT (Mexico), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), CUT–A (Paraguay), CTP (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), CCOO (Spain), NTUF (Sri Lanka), LO (Sweden), CSTT (Togo), NUDE (Trinidad and Tobago), PIT–CNT (Uruguay).

Other: 7. GFBTU (Bahrain), UGTE (Ecuador), UNSITRAGUA (Guatemala), CNTG (Guinea), UGL (Italy), NTUC (Nepal), UGTT (Tunisia).

Comments

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BWU (Barbados), CSA–Bénin (Benin), FS and UGT (Brazil), CLC (Canada), CGT (Colombia), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), ICTU (Ireland), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), CNV (Netherlands), LO (Norway), PWF (Pakistan), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS (Turkey), TUC (United Kingdom), AFL–CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. Payment of wages in kind should be strictly limited and regulated. The value attributed to the allowances should be fair and reasonable. In this regard, Article 8, paragraph 1, and Article 4, paragraph 1, of Convention No. 95 make exclusive reference to national laws or regulations, collective agreements and arbitration awards as being the only valid legal

bases for effecting deductions from wages. The aim is to exclude private arrangements which might involve unlawful or abusive deductions or unsolicited payments in kind, to the detriment of the worker's earnings.

CTA (Argentina). See question 13(c).

BAK (Austria). Concerning payments exceeding a defined fixed gross salary, in-kind payments should be possible.

ÖGB (Austria). Payment in kind should only be allowed over and above the legal minimum wage.

FEDATRAD (Brazil). Wages should be entirely paid in money and the provision, for example, of basic meals should be additional to the salary.

ONSL (Burkina Faso). Payment in kind should be limited and regulated in order to avoid abuse.

CUT (Colombia). This should apply in the case of live-in workers.

CTRN (Costa Rica). In-kind payment should be strictly regulated and national legislation should not discriminate against domestic workers, who should be treated equally to all other workers in this regard.

DEOK (Cyprus). In order to protect domestic workers, payment in kind should not be allowed.

CNUS (Dominican Republic). It is not appropriate to allow any payment in kind as Dominican employers fix the value of in-kind payment themselves, which leads to violations of the workers' rights.

AKAVA, SAK, STTK (Finland). The value attributed to the allowances should be fair and reasonable. Article 8, paragraph 1, of Convention No. 95 (much like Article 4, paragraph 1, regulating payments in kind) makes exclusive reference to national laws or regulations, collective agreements and arbitration awards as being the only valid legal bases for effecting deductions of wages. The Convention should discourage the payment of wages in kind due to the high risk of such arrangements being abused. The most common form of payment in kind is provision of room and board. However, live-in arrangements are primarily for the benefit of the employer who is then able to have the domestic worker on standby around-the-clock (see question 44).

CFDT (France). The value attributed to the allowances should be calculated and included in the payslip.

CGT-FO (France). Very strict legislation and regulations are required to prevent any abuse with regard to deductions from wages corresponding to payment in kind. Such payment should be very limited and effective means of informing workers and monitoring their rights are required.

COSYGA, JOC (Gabon). Payment in kind should not be allowed, and this should be stipulated in the employment contract and in the Convention.

DGB (Germany). Payment in kind should be very limited and safeguards should be put in place to ensure that no excessive prices are set as countervalue (such as rent). See Articles 4.1 and 8.1 of Convention No. 95.

GSEE (Greece). It should ensure that wages are paid in money, including for live-in workers, whose board and lodging should not to be considered as remuneration, but rather as a provision to meet the employer's needs better and to offset the constant, immediate and daily dependence of the workers on their employer and their way of living.

UNSI TRAGUA (Guatemala). It is preferable not to establish any in-kind payment as, due to the nature of the work, abuses may occur.

CNTG (Guinea). This is optional and decisions in this regard should be left to the parties to the employment contract.

CGT (Honduras). Provided that the worker agrees.

CFTUI (India). To avoid any confusion, the Convention should prohibit any payment in kind. However, if it is allowed, the employee should have the liberty to accept or decline it.

KSPI, KPSPI, KSBSI (Indonesia). This would cause confusion and deviations regarding the value of the wage.

ICTU (Ireland). The value attributed to the allowance should not bring the salary paid in money to below 90 per cent of the total amount.

Histadrut (Israel), UGTT (Tunisia). Payment of wages in kind should be strictly limited and regulated. The value attributed to the allowances should be fair and reasonable.

CGIL (Italy). In general terms, payments in kind should be avoided.

UGL (Italy). Payment in kind should be regulated by collective bargaining to replace a portion of the payment in money. It should be strictly regulated to prevent abuses. It must be agreed in advance and must be economically equivalent to the money payment replaced.

UIL (Italy). The concept of "fair and reasonable" is very vague.

JTUC–RENGO (Japan). Payment of in-kind wages should be prohibited.

COTU–K (Kenya). In-kind payments should be strictly limited and regulated and the corresponding value should be fair and reasonable.

CROC (Mexico). Accommodation, meals, transport and other items should not be considered as in-kind payments.

CTM (Mexico). This should be allowed in the provinces in particular, as long as the worker agrees to it.

UNT (Mexico). In order to avoid in-kind payment, payment in money should be clearly specified in the employment contract.

GEFONT (Nepal). When workers are provided by the employer with accommodation and meals, a maximum of 25 per cent may be deducted from monthly wages.

CNT (Niger). This should be left to the legislation of member States.

CONATO (Panama). It should be the smallest amount and regulated.

CS (Panama). This aspect should be regulated.

CUT–A (Paraguay). The instrument should discourage the payment of wages in kind due to the high risk of abuse. The most common form of payment in kind is food and accommodation. However, when the domestic worker lives in the employer's house, this is principally beneficial to the employer who counts on the worker's availability 24 hours a day. The instrument should not allow any type of payment in kind or any deductions for food and lodgings, but should be flexible enough to allow member States to provide payment in kind through other goods. This should be allowed in limited circumstances, through a provision stating that such payment shall not exceed 25 per cent of the total remuneration, and that domestic workers can refuse this kind of payment.

CTP (Peru). Payment of wages in kind should be absolutely prohibited. Payment in money should not be lower than the minimum wage.

CUT (Peru). Payment of the salary in money should not be lower than the minimum wage.

APL, FFW, TUCP (Philippines). Partial payment of wages should not be allowed. In-kind benefits, to be provided additionally to the wage, should be agreed upon in advance in the contract. For limited and regulated situations, Members should establish standards for the fair valuation of payments in kind and of services not normally compensated.

CGTP–IN (Portugal). This should be limited to the amount corresponding to the value of accommodation and food.

FNPR (Russian Federation). The restrictions stipulated by Convention No. 95 have to be considered.

FEDUSA (South Africa). However, this can lead to abuse. The parties should agree beforehand on wages in kind.

SADSAWU (South Africa). In-kind payment partly includes things employees do not want. If this is allowed, it should be strictly limited and regulated (see the comment by ITUC).

CCOO (Spain). However, an exception should be made for live-in domestic workers, as long as they are provided with accommodation and meals. Royal Decree No. 1424/85 regulating domestic work states that the total amount of wages paid in kind should be agreed by the parties, such that at least 55 per cent of the total wages are paid in money.

NTUF (Sri Lanka). It may lead to disputes.

LCT, NCPE, SERC, TTUC (Thailand). Payment of wages in kind should be strictly limited and workers should be able to refuse such payments.

NUDE (Trinidad and Tobago). In Trinidad and Tobago, the Truck Act forbids employers to pay workers in kind, and NUDE has tried for years to include domestic workers under this act.

TÜRK–İŞ (Turkey). Payment of wages in kind should be strictly limited and regulated.

FPU (Ukraine). Payment of wages in kind should be allowed up to the level provided for by national legislation.

AFL–CIO, NDWA (United States). However, workers should have the right to refuse in-kind compensation.

CTV (Bolivarian Republic of Venezuela). It should be allowed in connection with accommodation, food, medical expenses and the use of household equipment.

Qu. 18 *Should the Convention provide that each Member should ensure that domestic workers are not required by national law or regulation to reside in the home of the employer?*

Governments

Total number of replies: 66.

Yes: 50. Albania, Argentina, Australia, Austria, Belgium, Plurinational State of Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Latvia, Lebanon, Malaysia, Mauritania, Republic of Moldova, Montenegro, Mozambique, Myanmar, Netherlands, Nicaragua, Norway, Oman, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Serbia, Slovenia, Sri Lanka, Suriname, Sweden, Thailand, Tunisia, United States, Uruguay, Yemen.

No: 13. Bahrain, Canada, Jordan, Mauritius, Mexico, Morocco, Nepal, Saudi Arabia, South Africa, Spain, Switzerland, Syrian Arab Republic, United Arab Emirates.

Other: 3. Czech Republic, New Zealand, Panama.

Comments

Albania. Unless agreed by the parties.

Argentina. The Convention should cover the various forms of the employment relationship such as casual, live-in or live-out domestic work.

Australia. The employer and worker should agree on a suitable accommodation arrangement, meeting the requirements of the Convention. It should also allow workers to move out of the accommodation if they have reasonable grounds to consider that their rights have been violated, without such action constituting a breach of contract or of visa conditions.

Brazil. This permits the worker to better enjoy his or her leisure time and dilutes the intimate relationship with the employer, thus highlighting the professional nature of the services rendered.

Canada. Residence in the household in the case of providing personal care may be a condition of employment.

Chile. This should not be provided by law. However, live-in domestic workers are obliged due to the nature of their work to reside in the employer's house. The most favourable conditions should be ensured to them, which guarantee their quality of life.

China. Domestic workers should have the right to decide freely whether or not to reside in the home of the employer.

Colombia. This should be optional, also because national law envisages both live-in and live-out domestic work. This should be specified in the instrument.

Costa Rica. This should be agreed by the parties. Domestic workers should not be obliged by law to reside in the employer's household, except in special cases, for instance in cases involving care of sick or old-age persons.

Cuba. This should be in accordance with the national circumstances.

Ecuador, Latvia, Malaysia. Such requirements have shown to lead to abusive conditions and should be prohibited.

Egypt. Lodging should not be imposed by law or regulation, but may be agreed upon by the parties.

El Salvador. This would help prevent forced labour.

Finland. The parties should be able to agree on the provision of accommodation.

Greece. The issue of whether or not a domestic worker lives in the employer's home should be left to the agreement of the parties.

Guatemala (UMT). This is relative and optional as many women domestic workers are migrant workers and need to receive accommodation and food.

Guatemala (ONAM). Any provision in this sense should be agreed upon by the parties and the rights of women domestic workers should be respected.

Jordan. Distinctions must be made between national and migrant workers. Traditions and religious beliefs in each State must be respected.

Lebanon. Provided that it is specified in the employment contract.

Mauritius. However, the privacy of workers residing in the employer's home as well as their physical comfort should be safeguarded.

Mexico. This should be freely and mutually agreed by the parties.

Mozambique. Provided that the worker agrees.

Nepal. This seems impractical. Unlike part-time workers, full-time workers in Nepal live permanently with the employer, as they are brought to the employer's house and are far away from home. The workers are generally employed also to provide support to the employer and to look after the house when the employer is absent.

New Zealand. There is no such requirement in New Zealand legislation.

Nicaragua. This should be a strategic point.

Oman. The choice should be left to the worker.

Panama. Unless the parties agree that a worker can sleep at the home of the employer, there should be no requirement for the worker to reside at the place of work. Domestic workers are entitled to a private life and to realize their own personal plans as far as possible, and living in the employer's home can seriously limit the realization of these plans.

Peru. The domestic worker must be free to decide whether to reside or not in the employer's household. Peruvian legislation foresees live-in work as a type of domestic employment.

Poland. However, the Convention should not prohibit the employer from making domestic work-related employment conditional upon residing in his or her home.

Portugal. In Portugal, the domestic employment contract may or may not include accommodation and food. The workers should be free to opt for the arrangement which better suits them.

Saudi Arabia. The fact that the employer is responsible for a female migrant domestic worker may require her residence in the employer's home.

South Africa. This should be left to national laws and policies. However, such policies should not impinge on the family lives of domestic workers so that it prevents them from exercising their family responsibilities.

Spain. It is not necessary. However, it could be included when the term domestic work is defined.

Sri Lanka. This may be a condition agreed upon by the employer and the worker in the terms of employment.

Switzerland. See question 17. This point should be left to the individual States. The quality of the available accommodation is the determining factor. Accommodation in the employer's home has its disadvantages, but can also offer some advantages, such as ensuring that domestic workers are not obliged to return home late at night when public transport is no longer running (safety risks, long journey home).

Tunisia. This should be left to the parties, who can agree on lodging and its conditions.

United Arab Emirates. This is because of the specificity of domestic work and the fact that it is performed especially by women.

Employers

Total number of replies: 12.

Yes: 6. CNI (Brazil), ANDI (Colombia), SEV (Greece), DPN APINDO (Indonesia), Business NZ (New Zealand), EFC (Sri Lanka).

No: 4. HUP (Croatia), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

Other: 2. NHO (Norway), IOE.

Comments

ANDI (Colombia). However, it should be possible, upon the decision of the worker, to reside in the employer's household.

HUP (Croatia). This would cause many difficulties.

SEV (Greece). Provided that this does not create obstacles to the performance of domestic work (for instance, difficulties may arise when workers move outside the household).

DPN APINDO (Indonesia). To be agreed by the parties.

JCC (Jordan). Domestic workers must stay in the house, respect habits, traditions and religious beliefs, and are under the employer's responsibility and protection.

Business NZ (New Zealand). Often, the nature of the work requires residence. This should be a matter of agreement appropriate to the circumstances.

NHO (Norway). Workers may reside outside the home, if they can be present and do the work as agreed and if living in the household is not a term of employment.

EFC (Sri Lanka). See question 19. This would prevent many domestic workers who live in their own homes from obtaining employment.

UPS (Switzerland). The question is unclear. Residing in the home of the employer can be a condition of the employment relationship.

IOE. The basis for question 18 needs clarification and national practices need to be further investigated and properly understood. Workers may reside outside the home if they can do the work as agreed and if live-in work is not agreed. However, it seems fundamental to many domestic work arrangements that the worker resides in the home and employers should remain free to offer only live-in domestic work. Domestic workers not living in may have difficulties getting to work if they live in remote areas. There may also be problems with migration laws and visa, if the householder sponsor is required to have the workers reside within their home.

Workers

Total number of replies: 124.

Yes: 113. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FEDATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CTRN (Costa

Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), UNT (Mexico), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 6. CROC (Mexico), CTM (Mexico), GEFONT (Nepal), CAUS (Nicaragua), NTUF (Sri Lanka), FPU (Ukraine).

Other: 5. CMTC (Costa Rica), COSYGA (Gabon), JOC (Gabon), CGT (Honduras), CTV (Bolivarian Republic of Venezuela).

Comments

UGTA (Algeria), CGTRA (Argentina), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), FS and UGT (Brazil), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), LO (Norway), PWF (Pakistan), CUT-A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT-P (Portugal), BNS and CNS-Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NWC (Sri Lanka), USS (Switzerland), CHODAWU (United Republic of Tanzania), UGTT (Tunisia), TOLEYİS and TÜRK-İŞ (Turkey), TUC (United Kingdom), AFL-CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. This requirement has led to abusive conditions and should therefore be proscribed.

CTA (Argentina). Unless the employment relationship requires it. This ensures a work-life balance which would otherwise be limited.

ACTU (Australia). Such requirements render the workers more vulnerable and have been shown to lead to abusive conditions.

BAK (Austria). Workers should be free to choose their place of living.

FEDATRAD (Brazil). Living in the workplace makes domestic workers more vulnerable to physical, verbal, sexual, mental and psychological abuse and to multiple forms of discrimination. Cases of abuse regarding working hours are also frequent and no working-day limits are defined. Sometimes employers do not allow live-in workers to attend school. On the other hand, migrant domestic workers often do not have another place to stay other than the workplace.

ONSL (Burkina Faso). Provisions in the employment contract which oblige the worker to live with the employer or in the house should be suppressed.

CLC (Canada). In order to avoid possible situations of abuse.

CGT (Colombia). However, it would depend on the worker's situation, as many workers, due to their low wages, cannot afford to pay for food and separate accommodation.

CMTC (Costa Rica). This should be established in the employment contract, depending on the parties' needs.

DEOK (Cyprus). It should be flexible and not compulsory.

AKAVA, SAK, STTK (Finland). Live-in arrangements can contribute to situations of forced labour for migrants due to restrictions on movement outside the employer's home. Issues also arise in case of termination of the employment relationship.

COSYGA, JOC (Gabon). Yes and no. The Convention should clearly stipulate the situations for which live-in work may be required, depending on the field of activity (for example, childminders). This requirement should then be mentioned in the employment contract.

DGB (Germany). Such regulations have shown that they can lead to exploitative conditions.

GSEE (Greece). Otherwise, there would be extensive cases of abuse.

UNSI TRAGUA (Guatemala). This is a worker's right and should be included in the employment contract. The worker should be left free to decide whether or not to live in the employer's household.

CGT (Honduras). This could be problematic, especially for migrant workers who should be provided with accommodation.

HMS (India). They should not be forced to reside in their employers' home against their will; this would amount to a sort of bonded labour.

KSPI, KPSPI, KSBSI (Indonesia). Domestic workers may decide whether they stay in the employer's house.

CGIL (Italy). This grants more freedom to the worker and prevents abuse.

SEKRIMA (Madagascar). Cases have been noted in which such a requirement entails serious drawbacks for the worker, including inadequate nutrition (sometimes food consists of leftovers), a lack of furniture, the absence of space for the worker to live and sleep in and a general lack of privacy.

CROC (Mexico). This should be matter of agreement between the parties.

CTM (Mexico). This depends on the distance from the workplace and the tasks agreed upon by the parties.

UNT (Mexico). It should also be specified that live-in workers should not work outside normal hours of work and that workers who need accommodation should not be subject to abuse.

GEFONT (Nepal). The Convention should not necessarily deal with this subject.

FNV (Netherlands). Domestic workers should be free to choose their place of residence.

CNT (Niger). In Niger, the fact that domestic workers are provided with food and lodging by the employer is often used to blackmail them and as an excuse for not paying them the minimum wage.

CS (Panama). This is the prevalent trend. Advertisements require that the domestic workers live in the employer's household and do not study, which leads to maximum exploitation.

NSZZ (Poland). Domestic workers should have the right to choose their own housing and to live separately from their employers, if they so choose. Live-in arrangements often contribute to violations of working time limits as well as to domestic workers' isolation.

CNS–Cartel Alfa (Romania). However, this should be in compliance with provisions on the protection of minimum wages. It is important to comply with the same legal regime applicable to other workers.

SADSAWU (South Africa). It should be a worker's decision.

NTUF (Sri Lanka). Domestic workers have to reside in the employers' house because some of their duties occur during the night or early in the morning. However, abusive conditions may occur.

LCT, NCPE, SERC, TTUC (Thailand). Such requirements will lead to abusive conditions.

PIT–CNT (Uruguay). The decision to stay in the employer's household should be made by the worker.

CTV (Bolivarian Republic of Venezuela). Every State is supposed to act in compliance with international law and supra-constitutional laws. A provision in that sense would generate a conflict of powers. What is important is that the States act in conformity with the Conventions that they have ratified, which have force of law between the parties.

Qu. 19 *Should the Convention provide that, when accommodation and food are provided by the employer, the accommodation should be safe and decent, and should respect the worker's privacy, and the meals should be of good quality and sufficient quantity?*

Governments

Total number of replies: 67.

Yes: 61. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, Spain, Sri Lanka, Suriname, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, Uruguay, Yemen.

Other: 6. Czech Republic, Netherlands, New Zealand, South Africa, Sweden, United States.

Comments

Argentina. Food and accommodation are basic human needs.

Brazil. This would prevent abuse and promote decent work.

Canada. However, provisions dealing with meals should be non-binding, as specific provisions would be challenging to define and implement.

Colombia. However, the requirements of food or accommodation should not exceed the obligations and rights of other employers and workers.

El Salvador. These conditions should be theoretically established. However, it should be taken into account that in practice domestic workers are not only employed by upper-class employers but also by other classes that need to employ these workers but are not really able to offer them safe and decent accommodation which respects the worker's privacy or meals of good quality and sufficient quantity.

Guatemala (ONAM) Compliance with these requirements should be verified. Meals should be sufficient for the physical efforts needed for the heavy work performed.

Malaysia. Accommodation should include a small storage space for the worker's belongings.

Morocco. The worker should enjoy the same living conditions as the employer (decent standard of living).

Mozambique. The employer should ensure that his or her employee enjoys the minimum housing conditions and that food is not hazardous to his or her health.

Nepal. Accommodation should make it possible for domestic workers to maintain a healthy working life. Meals should be nutritious, adequate and prepared in hygienic conditions, so that the worker can maintain a healthy life and provide uninterrupted service.

Netherlands. Yes regarding safe and decent accommodation. The quality and quantity of meals is primarily a matter between the parties concerned, and not to be included in an ILO instrument.

New Zealand. There is no such requirement under New Zealand law.

Nicaragua. This is really necessary, as generally domestic workers have very bad living conditions in the employer's household.

Norway. See question 43.

Saudi Arabia. Provided that the respect of privacy does not mean that the worker can behave in contradiction with the privacy and values of the employer's family.

Slovenia. Ideally, domestic workers should have private access to their accommodation, which they should be able to lock or is at least suitably private, including appropriate rooms for the storage of personal belongings, washing and rest.

South Africa. With regard to accommodation, we would agree; however, there are aspects of security and safety that need to be taken into consideration when determining what the terms "privacy" and "fair access" mean. With respect to food, there are cultural factors that would determine what the terms "good quality" and "sufficient quantity" mean and thus such a provision would place an undue burden on member States. It could possibly form part of the non-binding provisions.

Spain. A failure to comply with this provision would constitute grounds for terminating the employment relationship by the worker.

Suriname. It is important that religious and cultural beliefs and customs of the worker are taken into account regarding accommodation and meals.

Sweden. This should be addressed in the Recommendation.

United States. The provision should require that national laws and regulations governing employer-provided meals, housing and accommodation should be extended to domestic workers. It should allow employers to deduct from a worker's wages only the "fair value" of in-kind payments. See question 17.

Employers

Total number of replies: 10.

Yes: 6. CNI (Brazil), ANDI (Colombia), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

Other: 4. HUP (Croatia), SEV (Greece), EFC (Sri Lanka), IOE.

Comments

CNI (Brazil). However, the criterion of reasonability and local practices should be taken into account.

HUP (Croatia). It is unclear how this could be put into practice.

SEV (Greece). See question 11.

DPN APINDO (Indonesia). This should be in accordance with the social and economic conditions of the household.

EFC (Sri Lanka). Live-in employment is a legitimate arrangement and needs to be properly taken into account in any standard.

IOE. This seems to be a valid point. However, the practicality and possible implementation of this provision is questionable. See question 43.

Workers

Total number of replies: 125.

Yes: 124. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FEDATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa

Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Other: 1. FEDUSA (South Africa).

Comments

CTA (Argentina). They should not be regarded as in-kind payment.

FEDATRAD (Brazil). The space normally allocated to domestic employees is the worst of the household, being small and poorly ventilated, often used as storeroom for cleaning products, old books or as a place for pets. It is essential that this space guarantees the privacy of the worker. Moreover, meals should be of good quality and sufficient quantity.

CGT (Colombia). This is the minimum which should be offered to any worker who resides with the employer.

CMTC (Costa Rica). This provision should be very detailed, as domestic workers suffer abuses in this regard.

CNUS (Dominican Republic). The time for meals should also be fixed.

AKAVA, SAK, STTK (Finland). “Good quality and sufficient quantity” is very difficult to define and prove. An alternative could be, for example, that “the meals should be similar in nature to the everyday meals eaten by the members of the household”.

CGT (Honduras). This would prevent cases of abuse by the employers.

ICTU (Ireland). Accommodation and food should also be appropriate for the individual.

COTU-K (Kenya). This should be a minimum requirement.

CIAWU (Malawi). If the employee is healthy, this will also benefit the employer.

CROC (Mexico). However, reference to quality and quantity should be eliminated as it is a subjective requirement.

CTM (Mexico). Otherwise there would be violation of human rights.

CONATO (Panama). This should be included in the written employment contract.

APL, FFW, TUCP (Philippines). It should state that food should comply with the worker’s needs, culture and religious practices. Separate accommodation should be provided.

FEDUSA (South Africa). This provision may be overly restrictive for employers in certain circumstances.

SADSAWU (South Africa). The employer should not enter the worker’s room when the worker is off duty.

Qu. 20 *Should the Convention provide that each Member should ensure that domestic workers have normal hours of work, overtime compensation, periods of daily and weekly rest, and annual leave as determined by national laws and regulations, and which are not less favourable than those applicable to other wage earners?*

Governments

Total number of replies: 67.

Yes: 54. Albania, Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Guinea, Italy, Latvia, Lebanon, Lithuania, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United States, Uruguay.

No: 4. Austria, Jordan, Malaysia, United Arab Emirates.

Other: 9. Canada, Czech Republic, Greece, Guatemala, New Zealand, Oman, Portugal, Switzerland, Yemen.

Comments

Argentina. Daily and weekly hour limits should be established and overtime remunerated. The Convention should clearly state that the hours of work and periods of rest should ensure the worker's psychophysical health.

Austria. The specificity of arrangements in private households makes it absolutely necessary to allow for regulations for domestic workers that differ from those for other workers.

Brazil. Domestic workers should progressively enjoy the same rights as all other workers.

Canada. National laws and regulations should include appropriate standards on these topics.

Chile. The working day of domestic workers should be the same as for all other workers.

China. However, in view of the specificity of domestic work, each Member should be allowed to set its own specific and flexible provisions. Standards for other full-time workers should not be applied for domestic workers.

Croatia. Domestic workers are entitled to have the same rights as other workers.

Ecuador. The objective should be to align their working time provisions with those applicable to all other workers.

France. A comparison could be drawn to employees who carry out the same type of activities.

Greece. Provisions should be consistent with national legislation and case law, and combine the protection of domestic workers with the specificity of their work.

Guatemala (DPS). No, domestic work is not carried out over consecutive hours of work. For this reason, provisions on normal hours of work should not apply. General provisions on the daily and weekly rest and on annual leave apply.

Guatemala (UMT). Yes.

Guatemala (ONAM). Yes. Domestic workers should work eight hours a day, just like any other worker. The same working time provisions applicable to all other workers should apply.

Jordan. Specific regulations may apply to domestic workers, due to the nature of the employment relationship.

Mozambique. All workers have a right to periods of rest. They also have a right to fixed hours of work in order to be able to carry out other activities, including for profit.

Nepal. However, it could be hard to give effect to normal working hours and overtime compensation for full-time domestic workers in Nepal, since they live with the employer and are present at the employer's request, making it difficult for any records of time to be kept.

New Zealand. In New Zealand, all employees (including domestic workers) are entitled to statutory minimum employment terms and conditions such as the minimum wage, annual leave and rest and meal breaks.

Oman. Leave should be coordinated between the employer and the worker, provided that is it foreseen in the employment contract.

Paraguay. Domestic workers should work a maximum of eight hours daily with rest breaks and a maximum of three overtime hours per day, the remuneration of which will depend on whether the work is performed during the day, the night or both.

Peru. Normal hours of work should be eight daily and 48 weekly.

Poland. However, flexibility must be ensured in terms of the date of weekly rest and annual leave, in order to reconcile the reasonable interests of the employer and the employee and considering the specific nature of domestic work and work providing care for family members.

Portugal. Weekly limits vary between countries, while many others fix no limits at all. The question should be tackled with flexibility.

Spain. The provisions on working time might be different from those applicable to other workers, especially those regarding daily rest periods in the case of live-in workers or standby hours.

Switzerland. See question 13.

Tunisia. Taking into account the specificity of domestic work, the terms "normal hours of work", "overtime compensation", "periods of daily and weekly rest" and "annual leave" should be defined.

United Arab Emirates. It is not possible to apply to domestic workers the same working time provisions as those applied to other workers.

Yemen. Yes for the daily and weekly rest and annual leave; no for overtime hours.

Employers

Total number of replies: 12.

Yes: 4. ANDI (Colombia), NHO (Norway), CONEP (Panama), UPS (Switzerland).

No: 7. CNI (Brazil), HUP (Croatia), BDA (Germany), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), EFC (Sri Lanka).

Other: 1. IOE.

Comments

CNI (Brazil). This should be regulated by the national law and practice of each member State.

HUP (Croatia). Domestic work is specific in nature. It is not possible to measure hours of work accurately.

BDA (Germany). There should be no detailed regulation of hours of work. This would be too impractical and unsuited to the domestic environment. In particular, there is no need to consider complex questions of standby versus active working time.

JCC (Jordan). Domestic workers are not equal to other wage earners.

NHO (Norway). However, the specificity of domestic work with long periods of attendance or of availability for duty with only isolated periods of activity, and significantly differing work intensity, must be considered. A strict hours-based model is impossible and impractical. Exceptions may be provided for calculating hours of work and overtime, covering periods of non-activity. Weekly rest and annual leave have to be provided and should be equal to that provided to other wage earners.

EFC (Sri Lanka). Detailed regulation of hours of work is impractical and unsuited to the domestic environment. Daily rest may be encouraged, but not unduly prescribed.

UPS (Switzerland). It can be difficult to count overtime hours, for example for childminding.

IOE. Employment models based on measured hours of work do not apply to domestic work. Its specificity with varying intensity and rhythms, long periods of attendance and availability for duty renders an accurate measurement of time worked impossible and practically undesirable. An hours-based model could also restrict the degree of self-management of workers, rendering work more directed, supervised and intense, and less familial and supportive. Notions of overtime are particularly impractical and inapplicable since in domestic work the dichotomy between working and non-working time is blurred. Overtime is also not a universal concept and not present in all national labour law systems. By contrast, providing a weekly rest period and annual leave could be considered (see questions 23 and 51).

Workers

Total number of replies: 125.

Yes: 123. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC

(United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Other: 2. CSDR (Romania), FEDUSA (South Africa).

Comments

CTA (Argentina). They should not be discriminated against in respect of other workers in this regard.
FENATRAD (Brazil). Moreover, employers should guarantee that live-in workers have a right to remunerated weekly rest.

CMTC (Costa Rica). Domestic work should be regulated as much as possible, like all other types of work.

AKAVA, SAK, STTK (Finland). Protection regarding hours of work for domestic workers between 15 and 18 years of age must be equal to those workers of the same age in other sectors.

UNSITRAGUA (Guatemala). This should be in accordance with the constitutional principle of equality before the law.

CNTG (Guinea). In addition, workers should be informed of the relevant provisions of the applicable legislation.

CROC (Mexico). A certain flexibility should be applied in the case of live-in workers, when such arrangements should be agreed by the parties.

CTM (Mexico). Hours of work for domestic work should not exceed eight daily hours as household tasks are heavy and, most of the time, domestic workers work more hours than other workers in other sectors.

CS (Panama). Domestic workers are not paid for overtime work and they provide childcare services for their employers at night and on public holidays.

CTP, CUT (Peru). Working time provisions for domestic workers should be progressively brought into line with those applicable to all workers.

APL, FFW, TUCP (Philippines). The period of weekly rest and annual leave should take the worker's religious and cultural practices into consideration. The Convention should provide for eight hours of work, with additional work being treated and compensated as overtime as provided for under national or international standards (whichever is higher), at least eight hours of continuous, uninterrupted rest, and the remaining eight hours to be designated as free time for domestic workers.

CSDR (Romania). This provision should not necessarily be included in the Convention, but it should certainly be included in national legislation.

FEDUSA (South Africa). Overtime may be difficult to regulate. It should be referred to as additional time.

NTUF (Sri Lanka). Where feasible.

AFL–CIO, NDWA (United States). Members should also ensure that safeguards regarding hours of work for domestic workers between 15 and 18 years of age are equal to those for workers of the same age group in other sectors. Maximum number of hours of work should be established to ensure that these workers have access to basic education and higher secondary education, including vocational training. Weekly day(s) of rest are particularly important to ensure their right to contact their family.

IUF. The Convention should make reference to Conventions Nos 1 and 47, which regulate working time and should also be applicable to domestic workers. The Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), and the Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172), Articles 4 and 5, may serve as guidelines. Reference should also be made to existing laws, for example in South Africa and Austria, and to collective agreements, like in France, where regulations of working time, weekly rest and annual leave for domestic workers exist, which should be taken into consideration.

Qu. 21 *Should the Convention provide that each Member should ensure that domestic workers are not bound to remain in the household during the period of daily or weekly rest?*

Governments

Total number of replies: 68.

Yes: 55. Albania, Argentina, Australia, Austria, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Latvia, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Serbia, Slovenia, South Africa, Spain, Suriname, Sweden, Syrian Arab Republic, Thailand, United States, Uruguay, Yemen.

No: 8. Bahrain, Jordan, Lebanon, Qatar, Saudi Arabia, Sri Lanka, Tunisia, United Arab Emirates.

Other: 5. Brazil, Czech Republic, Nepal, New Zealand, Switzerland.

Comments

Argentina. Workers must be free to dispose of their free time as they please.

Brazil. During daily rest it is difficult to oblige domestic workers to stay outside the household, as many cannot afford a home of their own. Regarding weekly rest, this provision should take the form of a Recommendation, as verifying compliance would be difficult and such a requirement may sometimes be prejudicial to the worker.

China. No restriction should be made to limit the freedom of domestic workers to engage in social activities during the period of rest.

Colombia. To be agreed by the parties.

Costa Rica. The place where the worker spends the period of rest cannot be imposed by the employer; it should be agreed by the parties.

Egypt. The parties may agree that the employee remains in the household during rest periods and is compensated accordingly.

El Salvador. To prevent forced labour.

Guatemala (UMT). They should be free to spend their time as they please.

Jordan. This must be agreed upon by the parties, since it has a negative impact on the employer's family.

Latvia. Attention should be paid to the right of live-in domestic workers to receive visits of relatives and friends.

Lebanon. There is no need to specify this in the Convention. Nevertheless, it can be mentioned in the employment contract.

Malaysia. However, this does not apply to daily rest.

Mauritius. Restriction of the freedom of movement of domestic workers by the employer is tantamount to unlawful confinement.

Mexico. Domestic workers should spend the period of rest as they please.

Mozambique. Since workers can devote this period to personal needs and to their family.

Nepal. Yes for full-time workers during weekly rest and part-time workers. A prohibition on requiring an employee to stay in the household during daily rest may not be applicable for full-time domestic workers in Nepal, where such workers are semi-literate or illiterate people brought from rural areas to a completely new place in urban areas which they are not familiar with.

New Zealand. In New Zealand, rest breaks are generally to be taken at mutually agreed times and places.

Oman. Provided that employers are not responsible for workers in the event of danger or abuse.

Peru. See question 18.

Portugal. However, this provision should allow for a certain flexibility. In Portugal, live-in domestic workers are not obliged to stay in the employer's household during the periods of daily and weekly rest, with the possible exception of serious or unexpected events or force majeure. Live-in workers might be asked to interrupt their rest when they are employed to look after sick persons or children aged up to three years.

Spain. Once the working day and the agreed standby hours are over, a worker should not be obliged to remain in the employer's household.

Sri Lanka. This may be a condition agreed upon by employer and worker in the terms of employment.

Switzerland. See questions 13, 17 and 18.

Tunisia. This should be negotiated freely between the parties, especially with regard to workers who do not have a home of their own.

Employers

Total number of replies: 10.

Yes: 4. CNI (Brazil), ANDI (Colombia), DPN APINDO (Indonesia), UPS (Switzerland).

No: 3. JCC (Jordan), CONEP (Panama), EFC (Sri Lanka).

Other: 3. HUP (Croatia), SEV (Greece), IOE.

Comments

HUP (Croatia). Yes, for weekly rest. Daily rest may be more complicated if the householder is absent and the domestic worker takes care of children or highly dependent persons.

SEV (Greece). See question 11.

JCC (Jordan). To be agreed upon between the parties.

CONEP (Panama). This should apply only to the weekly rest period.

EFC (Sri Lanka). See question 20.

IOE. Employers would recommend encouraging a weekly rest period that workers can spend where they please. Daily rest may be more complicated if the householder is absent and the domestic worker is taking care of children or persons who are highly dependent, or where lunch/dinner is provided in the home.

Workers

Total number of replies: 125.

Yes: 124. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa

Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: I. CAUS (Nicaragua).

Comments

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), FS and UGT (Brazil), CLC (Canada), CGT (Colombia), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), FNV (Netherlands), LO (Norway), PWF (Pakistan), CUT-A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT-P (Portugal), BNS and CNS-Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), UGTT (Tunisia), TÜRK-İŞ and TOLEYİS (Turkey), TUC (United Kingdom), AFL-CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. Attention should be paid to the right of live-in domestic workers to receive visits of relatives and friends.

CTA (Argentina). In order to enjoy their rest fully.

CLC (Canada). It should also provide for the right of live-in workers to receive visits of relatives and friends during the period of daily or weekly rest.

CUT (Colombia). They should have the right to enjoy their free time, and have time to exercise their freedom of association and to organize.

CMTC (Costa Rica). However, if workers have no place to go, they should be allowed to stay in the household without working.

CTRN (Costa Rica). Domestic workers who, because of their duties, cannot visit their families should be permitted to receive visits of relatives and friends.

CNUS (Dominican Republic). This should be coordinated with the employer.

COSYGA, JOC (Gabon). This should be stipulated in the employment contract, in order to avoid misunderstandings and last-minute impediments.

DGB (Germany). It should be guaranteed that live-in domestic workers are allowed to receive friends and relatives.

GSEE (Greece). Special reference should be made to live-in domestic workers.

UNSITRAGUA (Guatemala). Since domestic workers are often obliged to stay and take care of the household when the employer is away.

CNTG (Guinea). Workers should have freedom of movement and enjoy their rest periods fully.

CGT (Honduras). They should be free to stay or to leave.

UGL (Italy). They should be completely free during weekly, daily and annual rest periods.

SEKRIMA (Madagascar). Because some employers will still take advantage of their presence to force them to work.

CROC (Mexico). However, if workers wish to stay in the household, they should not be obliged to go out.

CTM (Mexico). It should provide that it is for the worker to decide whether to remain in the employer's household, because in many cases, this is advantageous for the worker, while in others, although the worker wishes to stay in the household, the employer does not have an appropriate place for the purpose.

CNT (Niger). To prevent cases of abuse by the employer.

CONATO (Panama). If workers are obliged to stay in the household, it is most likely that they will work, and this is not rest.

APL, FFW, TUCP (Philippines). Live-in domestic workers shall have the right to receive visits of relatives and friends at appropriate times.

NSZZ (Poland). Domestic workers are entitled to freedom of movement. Restrictions on leaving the household are a major contributing factor to the isolation of domestic workers, exploitation, including excessive hours of work, and situations of forced labour. Freedom to leave the house during rest periods is important to allow access to important services and programmes, including workers' associations.

CGTP-IN (Portugal). However, this provision should be flexible enough to permit exceptions in some specific situations (e.g. force majeure and assisting sick persons or caring for children aged up to three years).

FEDUSA (South Africa). The period of daily or weekly rest should be separated from standby time.

NTUF (Sri Lanka). Supervision is necessary when young women go out during their daily rest, as well as when they receive visits from friends.

AFL-CIO and NDWA (United States). This would allow them to access important services and programs, including workers' associations, recreation centres, labour resource centres, to benefit from schooling opportunities and to be able to visit their families regularly. Unlawful confinement to the employer's premises should be criminalized in national law. The Convention should provide that workers should not be required to remain in or with the household during their annual leave, and that time spent accompanying the household on vacation is not considered annual leave.

PIT-CNT (Uruguay). Workers should be free to spend their daily and weekly rest as they please.

Qu. 22 *Should the Convention provide that periods of standby should be regarded as hours of work to the extent determined by national laws and regulations, collective agreements or any other means consistent with national practice?*

Governments

Total number of replies: 67.

Yes: 54. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lithuania, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Saudi Arabia, Serbia, South Africa, Spain, Sri Lanka, Suriname, Switzerland, Thailand, United States, Uruguay, Yemen.

No: 8. Brazil, Lebanon, Malaysia, Qatar, Slovenia, Syrian Arab Republic, Tunisia, United Arab Emirates.

Other: 5. Czech Republic, Morocco, New Zealand, Oman, Peru.

Comments

Australia. Otherwise employers could deem standby periods to be periods of rest to avoid paying the worker for those hours.

Austria. In general yes, if the working time limit can be extended in the case of standby work and if it is possible to pay periods of standby duty differently from periods in which work is actually performed. For care workers in private households in Austria, periods of standby do not count as working time under specific circumstances. It should be possible to keep this exception for the care sector.

Belgium. Standby time is working time, according to the interpretation by the European Court of Justice on Directive No. 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time.

Brazil. This is not in conformity with Brazilian legislation.

Canada. See question 6(c).

China. If working hours are delayed on account of the employer, periods of standby shall be paid. In the case of care for the elderly, children and patients, which requires standby for unexpected work at night, these “periods of standby” should be regarded as hours of work.

Colombia. In accordance with the principle of equality of treatment. It is important that these aspects are agreed by the parties, so that it is clear when and what type of compensation for hours worked is due. In any event, the working day should not exceed ten hours a day, and any additional hour of work is to be considered as night work.

Ecuador. A distinction should be drawn between standby and free time. Standby should be considered as hours of work, as provided by the legislation.

Egypt. Workers’ obligations during standby and its duration should be stipulated in the contract.

Guatemala (UMT). Standby hours should be paid as overtime hours and should not be detrimental to the physical, mental and spiritual health of the worker.

Guatemala (ONAM). It is important to regulate standby to prevent cases of abuse.

Jordan. Working time exceeding specified hours is considered as overtime.

Lebanon. It is not necessary to refer to standby time.

Mauritius. Standby hours should be remunerated at the normal rate, unless a lower rate or a compensatory rest period has been agreed upon between the parties.

Morocco. Given the special characteristics of domestic work, it is not practicable to consider standby work as normal work.

Mozambique. To ensure that workers performing overtime work have the right to compensatory rest.

Myanmar. Standby hours should be considered as overtime and remunerated according to overtime wage rates.

Nepal. Standby periods should be included in overtime work and paid as such. National laws should also regulate the maximum number of possible standby hours per day, week or month, since standby is an extra effort made by workers at the request of the employer. Long hours of continuous daily standby can harm the mental and physical health of workers and thus reduce their efficiency.

New Zealand. In New Zealand, standby and its remuneration are to be negotiated between the parties.

Panama. The very serious issue of standby should be addressed through all means necessary – legislation, collective agreements or any other type of instrument.

Peru. See question 6(c). “Periods of standby” should not be included in the Convention; when they occur, they could be considered as overtime. If it is included, the term and the situations it covers should be defined.

Poland. If provided by the national law in force.

Portugal. This would allow adjustments to national specificities.

Slovenia. Regulation of standby is not required.

Spain. Standby periods should be agreed by the parties and be remunerated, which is not the same as considering them as hours actually worked.

Sri Lanka. Periods of standby should be regarded as hours on call.

Switzerland. See question 6(c).

United Arab Emirates. The worker is not working during standby.

Employers

Total number of replies: 10.

No: 9. CNI (Brazil), ANDI (Colombia), HUP (Croatia), BDA (Germany), DPN APINDO (Indonesia), CONEP (Panama), EFC (Sri Lanka), UPS (Switzerland), IOE.

Other: 1. JCC (Jordan).

Comments

CNI (Brazil). This should be regulated by national law and practice.

ANDI (Colombia). It is not necessary to address complex issues regarding working time, such as standby periods and hours of work.

HUP (Croatia), BDA (Germany), EFC (Sri Lanka), and IOE. See question 20.

DPN APINDO (Indonesia). Since domestic work is part of the household cycle.

UPS (Switzerland). Standby hours are more difficult to assess than in other employment.

IOE. See question 20. The hours-based employment model does not apply to domestic work, and therefore standby regulation, which is already inherently complicated in relation to hours-based employment, is not viable in the case of domestic work, especially regarding live-in workers, who are arguably on standby every night.

Workers

Total number of replies: 125.

Yes: 122. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI

(Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CROC (Mexico).

Other: 2. JTUC–RENGO (Japan), CSDR (Romania).

Comments

CTA (Argentina). Moreover, protective measures should be adopted which limit standby and ensure that it is remunerated according to overtime wage rates.

BAK (Austria). Standby should be considered as working time that should be remunerated. See question 6(c).

FENATRAD (Brazil). Standby hours should be counted as hours of work and remunerated. It is therefore important that domestic work, including provisions on working time, is regulated by collective agreement or legislation.

UNSITRAGUA (Guatemala). In accordance with the relevant legislation.

CGT (Honduras). Rest is interrupted and standby hours should be remunerated as hours actually worked.

ICTU (Ireland). All periods that are not at the workers' free disposal are working time.

JTUC–RENGO (Japan). Comment on hours of work and periods of standby reserved. This depends on how “domestic worker” is defined.

SEKRIMA (Madagascar). Standby periods must be regarded as hours of work, because they prevent workers from using the time as they wish.

CROC (Mexico). This should be agreed upon by the parties.

LO (Norway). It is important to emphasize that domestic workers should have the same rights and protection as other workers. For example, while in Norway in general one fifth of standby duty is included in ordinary working hours, the regulation concerning domestic workers does not include standby in ordinary working hours unless the worker is actually working.

CONATO (Panama). Otherwise domestic workers would be exposed to more abuse by the employer.

CTP and CUT (Peru). As standby is not free time.

APL, FFW, TUCP (Philippines). Standby time should be compensated. Standby time exceeding normal working hours should be remunerated as overtime work.

NSZZ (Poland). Excessive hours of work is a major problem faced by domestic workers and standby periods often prevent workers from actually taking rest, especially in the case of domestic workers caring for babies, the elderly or sick persons at night.

CSDR (Romania). Not necessarily in the Convention.

FEDUSA (South Africa). Standby time should be paid.

AFL–CIO and NDWA (United States). Because workers under 18 years of age have particular needs for adequate rest, they should not be expected to work (whether on “standby” or otherwise) in the early morning or late at night, i.e. between 9:00 p.m. and 7:00 a.m.

PIT–CNT (Uruguay). Standby hours should be regarded as hours of work.

IUF. The Convention should provide for limitations in time and compensation of standby work. Existing laws, for example in South Africa, and collective agreements, such as those in France, could serve as guidelines, as well as the Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172), Articles 4 and 5.

Qu. 23 *Should the Convention provide that each Member should take measures to ensure that domestic workers enjoy at least 24 consecutive hours of rest in every seven-day period?*

Governments

Total number of replies: 68.

Yes: 62. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Qatar, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Uruguay, Yemen.

No: 3. Colombia, New Zealand, United Arab Emirates.

Other: 3. Czech Republic, Greece, United States.

Comments

Argentina. 36 hours of weekly rest for each period of seven consecutive days should be guaranteed.

Australia. See question 13(d).

Brazil. Daily rest is essential to promote OSH and to recover physical and mental energy.

Colombia. It depends on whether the work is regular or casual. Under the Labour Code, domestic workers are entitled to rest on Sundays and public holidays, provided that they have worked seven days a week.

El Salvador. Domestic workers should not be treated less favourably than other workers.

Greece. Any regulation has to take the special characteristics of domestic work into account.

Guatemala (UMT). Rest supports the worker's physical, mental and spiritual health.

Guatemala (ONAM). Domestic workers should be entitled to the same two days of rest as all other workers.

Mozambique. As for other wage earners.

Myanmar. At least 30 consecutive hours of rest every seven-day period should be ensured.

New Zealand. Weekly rest periods should be negotiated between the parties.

Panama. The guarantee of one day of rest in every period of seven consecutive days is the minimum. Depending on the level of responsibility, seriousness and physical effort needed to perform domestic work, it may be necessary to have more regular rest periods. Consideration should also be given to circumstances which might require female domestic workers to request more frequent rest periods, for example in the case of single mothers or those with high-risk pregnancies. Specific reference to female domestic workers should be included in the Convention. The adoption of a model contract covering these issues is also suggested.

Poland. However, the actual amount of working time should be taken into consideration and flexibility must be ensured (see question 20).

Spain. In Spain, domestic workers have the right to 36 hours of weekly rest, of which at least 24 should be consecutive.

United Arab Emirates. The weekly rest period should be optional for domestic workers, so that they may either take it or add it to annual leave.

United States. The provision should require that rest periods of domestic workers should be governed by the same legal framework as most formal sector workers.

Uruguay. National legislation provides that weekly rest shall be a minimum of 36 consecutive hours, which must include the whole Sunday. The parties can agree on the day of the week in which the remaining period of rest should be taken.

Employers

Total number of replies: 12.

Yes: 8. CNI (Brazil), ANDI (Colombia), HUP (Croatia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

No: 3. BDA (Germany), Business NZ (New Zealand), EFC (Sri Lanka).

Other: 1. IOE.

Comments

HUP (Croatia). This provision should be grouped together with any other provisions on rest periods.

BDA (Germany). See question 20.

SEV (Greece). To be considered in combination with question 50.

Business NZ (New Zealand). Weekly rest periods should generally be negotiated between the parties.

EFC (Sri Lanka). See question 20.

IOE. This seems a valid issue for further discussion, to be considered with any other provision on rest periods. See question 50.

Workers

Total number of replies: 125.

Yes: 122. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI

(India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. BAK (Austria), FEDUSA (South Africa).

Other: 1. PIT-CNT (Uruguay).

Comments

BAK (Austria). 24 hours are insufficient. Instead, 36 hours should be guaranteed, including every other Sunday (or the national or culturally determined equivalent), plus an additional half day off, to be agreed upon, in addition to statutory public holidays. Where a day off is not given on the weekly rest day or public holiday, a compensatory rest period and additional remuneration should be provided.

FENATRAD (Brazil). To this end, the State should establish specific monitoring mechanisms, especially for live-in domestic workers.

CGT (Colombia). In accordance with international legislation, including ILO Conventions. The same provisions applicable to all workers should apply.

CMTC (Costa Rica). Domestic workers should be entitled to the same weekly rest as other workers.

CNUS (Dominican Republic). 36 hours of rest should be guaranteed.

UGTE (Ecuador). Under the Labour Code, weekly rest should be on Saturday and Sunday.

AKAVA, SAK and STTK (Finland). Hours of weekly rest should be the same for all wage earners.

UNSITRAGUA (Guatemala). However, this could vary according to the national legislation.

CTM (Mexico). It could be longer than 24 hours, depending on the place where the work is carried out and on the working conditions.

CONATO (Panama). As all other workers.

SADSAWU (South Africa). After every seven days, 24 or 48 hours of rest shall be provided.

AFL-CIO and NDWA (United States). In addition, a 36-hour period should be recommended, and it should be provided that if national labour regulations establish minimum weekly rest periods for other workers exceeding 24 hours, domestic workers should be entitled to the same protection. Workers under 18 years of age should have adequate time available to visit their families regularly.

PIT-CNT (Uruguay). They should have 36 consecutive hours of weekly rest after every six-day period of work.

Qu. 24 *Should the Convention provide that each Member should take measures to ensure equality of treatment between domestic workers and other wage earners in respect of OSH? Should the Convention provide that such measures may be applied progressively? Please elaborate.*

Governments

Total number of replies: 66.

Yes: 53. Albania, Australia, Belgium (CNT), Plurinational State of Bolivia, Chile, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Guatemala, Guinea, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Oman, Panama, Paraguay, Peru, Philippines, Portugal, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

No: 6. Argentina, Bahrain, China, Italy, Qatar, Spain.

Other: 7. Belgium (SPF), Brazil, Canada, Czech Republic, New Zealand, Norway, Poland.

Comments

Argentina. Special OSH measures should be established, bearing in mind the tasks of domestic workers, such as carrying heavy weights and using toxic substances. These measures should be applied immediately.

Belgium (CNT). Domestic workers, like all other workers, should be covered by OSH provisions. However, since it is difficult to impose on all domestic employers without distinction the same obligations applicable to all other employers, specific provisions should be laid down in order to provide a minimum standard of protection to all domestic workers.

Belgium (SPF). In principle, domestic workers have the same right as other workers to carry out their work in safe conditions. Prevention and information play a key role here. States should be allowed to limit provisions to specific areas and to introduce measures progressively. It is not realistic to impose the same obligations on domestic employers (who are private individuals) regarding safety and health at work as on other employers, subjecting them to heavy financial and administrative burdens. In Belgium, this problem is solved in most cases through the service voucher system (“titres services”). The employer, who bears the obligations regarding health and safety, is an enterprise that places the worker with a user who remunerates the working time with service vouchers.

Brazil. In Brazil, OSH provisions are adopted through tripartite consultations (including government, employers’ and workers’ representatives). At present, domestic workers’ representatives do not participate in this process.

Canada. The instrument should provide guidance on health and safety protection for domestic workers, including appropriate information dissemination and education for them and their employers.

Chile. Progressive application, implemented through national legislation.

China. The Convention should provide that each Member should take measures to ensure OSH, which may be applied progressively in accordance with the specific circumstances of each Member, in order not to affect employment and business development. However, the specificity of domestic work makes it inadvisable to stipulate the same measures for domestic workers as for other wage earners.

Colombia. In accordance with the principle of equality of treatment with all other workers.

Croatia. Additional regulations for domestic workers may be necessary, owing to the special circumstances of employment in private households.

Cuba. According to national circumstances.

Egypt. To be applied immediately.

Guinea. Measures should be applied progressively, taking into account the type of work and working conditions.

Italy. To be applied progressively.

Jordan. Progressively, in order not to put pressure on the householder. However, the protection granted to industrial workers does not apply. Specific provisions have to be drafted.

Latvia. The right to a safe and healthy environment is a key right for workers. Measures should be introduced which combine: protection of domestic workers' safety and health; awareness raising and training for workers and their employers on their respective rights, duties and responsibilities in this domain; a regulatory framework providing meaningful protection; and a system of monitoring and enforcement. In this regard, roving representatives could be a valuable option.

Lebanon. To be applied progressively in order to adopt procedures which ensure both privacy within the home and protection of domestic workers' rights.

Malaysia. Measures combining workers' protection and employers' responsibilities regarding health and safety, awareness raising and training for both on their respective rights and duties, a regulatory framework providing meaningful protection and a system of monitoring and enforcement should be introduced progressively.

Mauritius. To be applied progressively, given that the employers and employees in the sector might need some time to comply with safety and health provisions.

Montenegro. Member States should regulate accessible complaints mechanisms and inspection bodies authorized to inspect homes in accordance with national laws.

Morocco. While the working conditions of domestic workers are not the same as those of other workers owing to their different status, safety at work has to be ensured.

Mozambique. Employers should guarantee the physical and moral safety of workers and promote the constant improvement of OSH conditions.

Nepal. It is expected that the Convention will provide protective measures to control and promote health and safety conditions of domestic workers at the workplace by creating awareness among domestic workers and their employers through the media.

New Zealand. The New Zealand Health and Safety in Employment Act applies neither to a person performing "residential work" in a private home nor to the home as a workplace.

Nicaragua. To be applied immediately.

Norway. It should provide for the immediate application of the basic principles in national law regarding occupational health and safety, but the regulatory framework must also be practical. It should not weaken the rights of workers already covered by national law.

Oman. To be applied progressively.

Panama. Domestic workers should enjoy the same treatment as other workers in regard to OSH. The tasks performed by domestic workers are often hazardous; it is thus essential to adopt measures to protect their safety and health, especially for pregnant domestic workers. Specific provisions on pregnant workers should be included in employment contracts.

Peru. See question 12(c). Since the right to a safe and healthy environment is a key right for workers, measures should be introduced which combine the protection of domestic workers' safety and health by their employers and awareness raising and training for domestic workers and their employers on their respective rights, duties and responsibilities.

Poland. The employer should be obliged to ensure OSH. However, specifying the content of this obligation may entail difficulties concerning the nature and scale of the work performed, and conditions in a given household. Some problems may arise in monitoring this obligation, in particular by the labour inspection (consideration must be given to protecting family life and respecting the home).

Portugal. The specificities of domestic work should be taken into account, as in Portugal, where the application of the general regime is complemented by specific provisions for domestic work. The application of health and safety protection should be immediate.

Qatar. Since domestic workers mostly live and work in the house of the employer.

Saudi Arabia. Since the work environment in enterprises is different from the domestic environment, not all OSH standards applied to other workers can be applied to domestic workers, but only those that suit the specific conditions and nature of domestic work.

South Africa. National laws and regulations should apply.

Spain. Equal treatment of domestic workers with other workers in regard to OSH does not apply. The instrument should simply provide that the householder has the obligation to ensure safe and healthy working conditions. It could also provide that failure to do so would constitute valid grounds for the worker to resign.

Sri Lanka. Constituents should be allowed to determine the measures, taking national conditions into consideration.

Tunisia. Measures could be applied progressively.

United States. However, the provision should clarify that this does not necessarily require absolute equality of enforcement machinery and procedures, but rather equality of results with respect to safe and healthy workplaces.

Yemen. To be applied immediately.

Employers

Total number of replies: 12.

Yes: 5. CNI (Brazil), ANDI (Colombia), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama).

No: 5. HUP (Croatia), BDA (Germany), NHO (Norway), EFC (Sri Lanka), IOE.

Other: 2. SEV (Greece), UPS (Switzerland).

Comments

CNI (Brazil). In accordance with national law and practice.

ANDI (Colombia). No reference to OSH should be made. The ILO should promote household safety in general, in regard to both workers and employers. It should be possible for countries to extend their OSH legislation to domestic workers, if they so wish.

HUP (Croatia). There should be no attempt to implement general commercial OSH duties in the unique field of domestic work.

BDA (Germany). This would be impracticable and difficult to implement. Council Directive No. 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work, which EU member States are required to comply with, explicitly excludes domestic servants.

SEV (Greece). Matters relating to health and safety of domestic workers should be examined taking into account the particularities of their work.

JCC (Jordan). Progressively, in order not to put employers under pressure.

NHO (Norway). While it may provide for application of the basic principles in national law regarding occupational health and safety, the regulatory framework must be practical.

NHO (Norway), IOE. The specificity of domestic work, often undertaken beyond the householder's control and supervision, renders general commercial OSH obligations inapplicable.

EFC (Sri Lanka). Any standard should avoid detailed references to health and safety measures. The ILO could work instead on promoting general safety for both householders and domestic workers.

UPS (Switzerland). This would be very difficult to apply. A more pragmatic approach is more effective.

IOE. The Occupational Safety and Health Convention, 1981 (No. 155), provides an adequate OSH framework where this is considered applicable to domestic work at the national level. Further regulation is not necessary. A domestic employer is not capable of assuming full OSH capacity and responsibility as applicable to general employment, including financial liability, safety adjustments at home, and micro and process management. There is also a considerable risk of discouraging future domestic work or driving it into informality by subjecting employers to general OSH laws. Any potential additional OSH measure would need to be based on the specificity of domestic work and limited. Wording such as "equality of treatment" should be omitted. The International Labour Office might usefully identify and promote best practice (without additional compliance obligations) regarding household safety in general for all family members and domestic workers (e.g. first-aid courses) and training courses for domestic workers (e.g. on food hygiene or care of children), which could be provided by governments. It might encourage States to insure domestic workers against illness or injury and provide equivalent rights to traffic accident insurance.

Workers

Total number of replies: 125.

Yes: 122. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Other: 3. CTRN (Costa Rica), JTUC–RENGO (Japan), GEFONT (Nepal).

Comments

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BWU (Barbados), CSA–Bénin (Benin), FENATRAD, FS and UGT (Brazil), CGT (Colombia), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FK TU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), CNV and FNV (Netherlands), LO (Norway), PWF (Pakistan), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS (Turkey), TUC (United Kingdom), AFL–CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. Since the right to a safe and healthy environment is a key right for workers, instead of progressive application, measures should be introduced which combine: protection of domestic workers' safety and health; awareness raising and training for domestic workers and their employers on their respective rights, duties and responsibilities in this domain; a regulatory framework providing meaningful protection; and a system of monitoring and enforcement.

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), CSA–Bénin (Benin), FENATRAD, FS and UGT (Brazil), CGT (Colombia), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), ASI (Iceland), HMS (India), Histadrut (Israel), UIL (Italy), FK TU and KFTU (Republic of Korea), LBAS (Latvia), CNV (Netherlands), LO (Norway), PWF (Pakistan), CATP, CTP and CUT (Peru), NSZZ (Poland), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS (Turkey), AFL–CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. In this regard, roving health and safety representatives could be a valuable option.

CTA (Argentina). Measures should be of immediate application.

BAK (Austria). It is questionable how effective control can be ensured without violating the privacy of the home. Provision may be made for the duty to inform the labour authority of an employment relationship; the former may then at least provide information on the worker's rights. Consideration should also be given to whether OSH should in certain cases be given more weight than protection of the privacy of the employer's home.

ÖGB (Austria). Progressive application is not supported.

BILS (Bangladesh). Progressive implementation should be linked to a specific time frame.

FENATRAD (Brazil). Domestic workers should enjoy job security in the event of absence due to an occupational injury, and employers should provide workers with adequate equipment to prevent occupational hazards. Mechanisms should be developed to prevent employers from obliging domestic workers to perform tasks which do not constitute domestic work (such as cleaning windows or swimming pools, or joinery). Health professionals should be trained to deal with the specificities of domestic work in order to overcome its invisibility.

ONSL (Burkina Faso). A combination of measures should be provided to make the parties more aware of their responsibilities in regard to OSH. Concerning information on respective rights and duties, provision should be made for regulation and control.

CLC (Canada). See question 15.

CUT (Colombia). Statistics would be useful in this regard.

CTRN (Costa Rica). Migrant domestic workers should also be guaranteed equal treatment in respect of OSH.

DEOK (Cyprus). To be applied immediately.

CFDT (France). There should be broad discussion on the issue of the psychosocial risks involved in occupations providing human services.

CGT–FO (France). The OSH responsibility of the employer should be made clear, and a system of information and monitoring established.

COSYGA, JOC (Gabon). Measures should be applied progressively.

DGB (Germany). The Convention should place domestic workers on an equal footing with other workers as regards OSH, including awareness raising for employers and an inspection system.

GSEE (Greece). Progressive implementation would diminish the importance of this right and would favour States whose institutional framework does not observe the right to a safe and healthy workplace, promoting competition to lower social standards.

UNSI TRAGUA (Guatemala). By virtue of the principles of non-discrimination and equality of treatment concerning employment. Measures could be progressive, as is the case in Guatemala, where social security coverage for domestic workers has been initially limited to compensation for occupational injuries and maternity protection, but should be extended to other benefits. A time frame should be established at the national level for progressive application.

CNTG (Guinea). As all workers should be entitled to OSH protection.

CGT (Honduras). As domestic workers are exposed to many occupational hazards. Measures should be applied progressively.

CFTUI (India). Training should be provided to domestic workers for electronic or gas-based equipment to prevent accidents. If a domestic worker is injured on duty, treatment should be at the employer's expense.

KSPI, KPSPI and KSBSI (Indonesia). Progressively, to be applied within two years.

CGIL (Italy). To be applied gradually, alongside tax deductions for families acting as employers, in order to alleviate costs and foster regular employment and compliance with legislation.

CISL (Italy). Taking into account the working environment and the kinds of occupational hazards faced by domestic workers.

JTUC-RENGO (Japan). Protection of health and safety of domestic workers and the employers' obligations in that regard should be stipulated.

SEKRIMA (Madagascar). To prevent discrimination and violations of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

NTUC (Nepal). The Convention should develop suitable mechanisms to allow the effective implementation of this provision.

CNT (Niger). The Convention should also consider the responsibility of the employer in this regard. A monitoring mechanism should also be established as in other sectors.

CS (Panama). Protection by, and compliance with, provisions on OSH should be ensured as for all other workers.

CUT-A (Paraguay). To be applied immediately.

APL, FFW, TUCP (Philippines). The Convention should provide that member States should immediately adopt measures for the occupational safety and health of domestic workers, including monitoring mechanisms, respect their reproductive health rights and ensure access to related facilities and information.

FNPR (Russian Federation). It should contain provisions concerning the right of trade unions to exercise control over occupational health and safety of domestic workers, if so envisaged by national legislation or collective bargaining agreements.

SADSAWU (South Africa). Domestic workers should be covered by legislation on occupational health and safety.

LCT, NCPE, SERC, TTUC (Thailand). Occupational safety and health is a key right for workers.

NUDE (Trinidad and Tobago). Domestic workers are confronted with frequent health issues and are victims of serious and minor accidents in the workplace (the home).

UGTT (Tunisia). A regulatory framework providing meaningful protection and a system of monitoring and enforcement should be put in place.

AFL-CIO and NDWA (United States). Protection for women against domestic violence should be strongly considered, since women constitute the majority of domestic workers. The fact that the workplace is a private home means that violence against women is an occupational safety issue.

PIT-CNT (Uruguay). To be applied immediately.

CTV (Bolivarian Republic of Venezuela). Progressively, in accordance with the law and human rights.

Qu. 25 *Should the Convention provide that each Member should take measures to ensure the application of social security schemes, including maternity protection, to domestic workers? Should the Convention provide that certain measures may be applied progressively? Please elaborate.*

Governments

Total number of replies: 65.

Yes: 56. Albania, Argentina, Austria, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, Greece, Guinea, Italy, Latvia, Lebanon, Lithuania, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Tunisia, United States, Uruguay, Yemen.

No: 5. Australia, Bahrain, Jordan, Saudi Arabia, United Arab Emirates.

Other: 4. Czech Republic, Guatemala, New Zealand, Syrian Arab Republic.

Comments

Albania. On an equal footing with other workers.

Argentina. Social security, including maternity protection, is a right of all workers without distinction. Social security coverage should be ensured from the beginning of the employment relationship.

Australia. Social security should only apply where workers meet eligibility requirements prescribed under relevant national laws.

Austria. Progressive application should be possible if application is not feasible otherwise.

Belgium (SPF). See question 6(b). Domestic workers should be granted the same social protection as other workers. It is debatable whether certain domestic workers with only very low contribution rates might be excluded. Measures should be applied progressively in view of the difference between national social security systems.

Brazil. These measures should be applied immediately, as they constitute the minimum requirement to promote the worker's citizenship.

Canada. Subject to meeting eligibility requirements established by national laws and regulations.

Chile. Among others, old-age pension, health care and maternity protection. Progressive application should be implemented through national legislation.

China. But Members should be allowed to lower insurance standards appropriately in accordance with the specificity of domestic work, after consultation with the employers' and workers' organizations concerned, to avoid placing an excessive burden on employers, which might affect the employment of domestic workers.

Colombia. Domestic workers should be entitled to the same maternity protection mechanisms provided by the general legislation on the subject.

Croatia. This requires gradual application.

Cuba. According to national possibilities and characteristics.

Ecuador. Coverage with regard to pension, general health care, including maternity protection, compensation for occupational injuries and diseases and unemployment benefit are particularly important for domestic workers. Progressive application of social security measures can only apply for higher social security provisions and provided that, at the time of ratification, a mechanism is introduced which provides the time frame and the means to achieve broader social security coverage for domestic workers.

El Salvador. Maternity protection is a key element of decent work.

Greece. The Convention should include provisions on maternity leave. See question 12(c).

Guatemala (DPS). The affiliation of domestic workers to social security should be optional, depending on each country's practice.

Guatemala (UMT and ONAM). A pilot and voluntary one-year plan by the Social Security Institute is under way in Guatemala providing household workers with maternity protection, coverage against work-related accidents and vaccination for their children. It would be desirable to expand its coverage and make it compulsory.

Guinea. To be applied progressively.

Jordan. Employers (householders) would have to bear additional costs.

Latvia. Coverage with regard to pension, general health care, including maternity protection, compensation for occupational injuries and diseases and unemployment benefit are particularly important for domestic workers. Progressive application of social security measures can only apply for higher social security provisions and provided that, at the time of ratification, a mechanism is introduced which provides the time frame and the means to achieve broader social security coverage for domestic workers .

Lebanon. See question 12(c).

Malaysia. Insurance should cover health care and work injuries, but exclude maternity protection.

Mauritius. Certain measures, such as social security coverage for migrant workers, should be applied progressively.

Mexico. All member States should have legal provisions that grant to domestic workers conditions of equality, solidarity and social security which permit their personal and family development in a decent, safe and stable environment. When applicable, the measures to extend social security coverage to domestic workers should be applied progressively, according to the possibilities of the national social security systems and in conformity with the national legislation of member States.

Montenegro. Where social security schemes and maternity protection already exist under local law for other sectors, these should be extended immediately without discrimination.

Nepal. Social security schemes available for domestic workers should be similar to those for other wage earners. They should include a provident fund, accident insurance, medical benefits and the grant of a certain amount pertaining to the duration of employment upon termination or expiry of the contract.

Netherlands. See question 12(c).

New Zealand. In New Zealand, all employees (including domestic workers) have access to tax-funded social security arrangements and may enrol in the contributions-based national savings scheme, with the contribution automatically deducted from the employee's pay. The employer must also contribute to this account. All employees are entitled to parental leave and protection if they meet the eligibility criteria.

Nicaragua. Measures should be applied immediately.

Norway. Existing social security schemes should be extended immediately.

Panama. It is essential to strengthen existing mechanisms to punish those who evade payment of social security contributions. It is also essential to design mechanisms to raise awareness among employers with regard to the observance of the labour rights of domestic workers.

Oman. As for other workers.

Peru. See question 12(c).

Poland. The Convention should not assume that such measures will be applied progressively.

Portugal. See question 12(c). However, provision should be made for progressive application for countries which might have difficulties in applying social security provisions to domestic workers.

Romania. Access of domestic workers to unemployment insurance must be taken into account.

Sri Lanka. Maternity protection needs to be provided through compulsory social insurance, as underlined by the Committee of Experts on the Application of Conventions and Recommendations. Regarding social security, a “social floor” is advocated by the ILO. There are matters in which application should be progressive.

Syrian Arab Republic. According to the laws and regulations in each country.

Thailand. In accordance with national laws.

Tunisia. Certain measures could be applied progressively.

United States. To the extent to which such measures are taken for most formal sector workers.

Yemen. The Convention should provide that certain measures concerning social security, including maternity protection, may be applied progressively.

Employers

Total number of replies: 11.

Yes: 5. CNI (Brazil), ANDI (Colombia), DPN APINDO (Indonesia), NHO (Norway), CONEP (Panama).

No: 1. JCC (Jordan).

Other: 5. HUP (Croatia), SEV (Greece), EFC (Sri Lanka), UPS (Switzerland), IOE.

Comments

CNI (Brazil). In accordance with national law and practice.

ANDI (Colombia). Universal principles and national approaches should apply to domestic workers. Any special requirement should be defined locally in conformity with national legislation and practice.

HUP (Croatia). It would be sensible to apply social security schemes to domestic work where they already apply to general employment in a country.

SEV (Greece). See question 11.

DPN APINDO (Indonesia). But it needs to be adjusted to the socio-economic conditions of the household.

JCC (Jordan). Maternity leave would entail additional costs and burden employers.

NHO (Norway). Existing social security schemes should be applied, as far as practical.

EFC (Sri Lanka). It is not clear whether this is practical. In Sri Lanka it must first be ensured that those who are already covered receive social security benefits, before extending it to other workers. Besides, the practical benefits of the current social security system are not attractive, with the amount of benefits very low. A domestic worker would be better off investing money in a fixed deposit.

UPS (Switzerland). This should be regulated at national level.

IOE. This issue needs further discussion. It seems sensible to apply social security schemes only where they already exist in the country concerned. Obligations arising from ILO standards (e.g. maternity

protection) should only apply to States that have ratified those standards. Compliance with social security laws is difficult for householders, given their lack of resources, expertise and advice, and governments would need to support household employers in this regard through practical information, advice and services (see question 54). An instrument should focus on simplifying and supporting domestic employment, including through simplified pay mechanisms for contributions to improve compliance (e.g. a mandatory percentage of wages, payable to the taxation department). Measures requiring additional costs to employers should be applied progressively, without limitations on progress or periods of implementation.

Workers

Total number of replies: 126.

Yes: 121. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), CSDR (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), SADSAWU (South Africa), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. CTM (Mexico), FEDUSA (South Africa).

Other: 3. CFTUI (India), CCOO (Spain), FPU (Ukraine).

Comments

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BWU (Barbados), CSA–Bénin (Benin), FENATRAD, FS and UGT (Brazil), CGT (Colombia), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), NIDWU (Nepal), CNT (Niger), LO (Norway), PWF (Pakistan), CUT–A (Paraguay), CATP, CUT and CTP (Peru), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), UGTT (Tunisia), TÜRK–İŞ and TOLEYİS (Turkey), TUC (United Kingdom), AFL–CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. Coverage for pension, general health care

including maternity protection, compensation for occupational injuries and diseases and unemployment benefits is particularly important for domestic workers.

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BWU (Barbados), CSA–Bénin (Benin), FENATRAD, FS and UGT (Brazil), CGT (Colombia), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), NIDWU (Nepal), CNT (Niger), LO (Norway), PWF (Pakistan), CTP and CUT (Peru), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYÍS (Turkey), TUC (United Kingdom), AFL–CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. Progressive application of social security measures can only apply for higher social security provisions and provided that at the time of ratification a mechanism is introduced which provides the time frame and the means to achieve broader social security coverage for domestic workers.

CTA (Argentina). Measures should be of immediate application.

BAK (Austria). Implementation should be immediate. By allowing progressive implementation the ILO would risk legitimizing the denial of social security to a group of workers in particular need of protection. The ILO has no experience of progressive implementation of measures laid down in a Convention, particularly in regard to supervision of the application of standards. Provision could be made for ILO technical assistance for States encountering difficulties in developing social security systems.

ÖGB (Austria). Social security, including maternity protection, must apply immediately, as in other branches.

BILS (Bangladesh). Available social security measures, including maternity protection, should apply immediately. Other social security services, including health care and workers' insurance schemes, can be realized progressively, within a reasonable time frame set by the Convention.

FENATRAD (Brazil). Preventive action should be taken to protect domestic workers' health. Social security professionals should be trained to deal with the specificities of domestic work. Social security should be reformed so as to allow domestic workers to have immediate access to benefits.

CLC (Canada). See question 15.

CTRN (Costa Rica). Regardless of hours worked, they should be entitled to social security coverage for health care, maternity, invalidity, old age and death.

DEOK (Cyprus). To be applied immediately.

CNUS (Dominican Republic). Domestic workers should also be granted leave in order to take their children to the doctor.

CTS (El Salvador). See question 24.

COSYGA, JOC (Gabon). Certain measures should be applied progressively, taking national legislation into account.

DGB (Germany). Pension, general health provision including maternity protection, compensation for occupational accidents and diseases, unemployment insurance. Progressive introduction of high social security standards.

GSEE (Greece). See questions 12(c) and 24.

UNSI TRAGUA (Guatemala). Progressively. Member States should adopt measures for monitoring, protecting and enforcing this right.

CGT (Honduras). Maternity protection is important, as most domestic workers are women. Measures should be applied progressively.

CFTUI (India). The employer should also contribute to the social security scheme.

HMS (India). In India, the social security measures may be applied progressively through unorganized workers' social security schemes, which are contributory, but with the workers' contribution to be paid by the employer(s), as the case may be.

CGIL (Italy). See question 24.

CISL (Italy). Not progressively.

UGL (Italy). Social security coverage applicable to all other workers should also apply to domestic workers.

UIL (Italy). Yes, but without a progressive approach. Equal treatment with other workers is a key principle, and all measures relating to social security should be applied equally.

JTUC–RENGO (Japan). Public pensions, medical insurance schemes, worker's compensation, etc. are especially important for domestic workers.

MTUC (Malaysia). To provide health and accident insurance coverage.

CROC (Mexico). Member States should broaden social security coverage for domestic workers by extending to them the same benefits applicable to other workers.

CTM (Mexico). Social security should not be an employer's obligation.

UNT (Mexico). The right to health is a fundamental right and one of those most abused in this sector.

GEFONT (Nepal). Social security benefits should be introduced progressively.

NTUC (Nepal). It should provide and develop the necessary instruments for an effective implementation of this provision.

FNV (Netherlands). It is important that the entitlement of domestic workers to social security should not be different from that of other workers. Coverage regarding pension, general health care including maternity protection, compensation for occupational injuries and diseases, and unemployment benefits is particularly important for domestic workers.

CS (Panama). As regards old-age pension, compensation for occupational injuries and maternity protection.

APL, FFW, TUCP (Philippines). Members should immediately adopt measures to ensure coverage of social security schemes, including maternity and paternity benefits, and work towards ensuring portability of such schemes or, at the very least, establish a time frame for adoption of these measures.

FEDUSA (South Africa). Domestic employers may not be in a position financially to ensure that social security protection is provided.

SADSAWU (South Africa). Including maternity leave of four months and job security.

CCOO (Spain). In Spain, domestic workers affiliated to the special social security scheme for domestic workers are entitled to benefits for general health care, temporary and permanent incapacity, maternity, death and survival, old age and family allowances. However, they have no entitlement to unemployment insurance, and this should be provided for.

NUDE (Trinidad and Tobago). In Trinidad and Tobago, social security is only accessible to domestic workers if they are registered and contributions are paid on their behalf, which is often not the case. National laws must be monitored and enforced, with penalties for violations.

FPU (Ukraine). On a voluntary basis.

PIT–CNT (Uruguay). Domestic workers should be entitled to maternity protection, as are all other workers. Application should be immediate.

CTV (Bolivarian Republic of Venezuela). See question 24.

Qu. 26 *Should the Convention provide that each Member should take measures to ensure that domestic workers recruited or placed by employment agencies, particularly migrant domestic workers, are effectively protected against abusive practices?*

Governments

Total number of replies: 67.

Yes: 62. Albania, Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, Ukraine, United Arab Emirates, United States, Ukraine, Uruguay, Yemen.

No: 1. Switzerland.

Other: 4. Brazil, Colombia, Czech Republic, New Zealand.

Comments

Belgium (SPF). See also the Private Employment Agencies Convention, 1997 (No. 181).

Plurinational State of Bolivia. Measures should be adopted to ensure decent work for workers placed by employment agencies and thus protect them from abusive practices.

Brazil. Under Brazilian law, the agencies that place domestic workers are liable vis-à-vis the employer for one year for any unlawful conduct of the workers placed during the performance of their tasks.

Colombia. As far as possible, recruitment mechanisms adopted in all other types of work should be guaranteed, irrespective of whether the employment is direct or through intermediaries. All workers should be entitled to decent treatment.

Egypt. Since private employment agencies bear responsibility for the workers, take care of them and defend their rights.

France. It is important to regulate domestic work – whether performed by nationals or migrants – that consists of caring for vulnerable persons (children and other dependent persons). In France, bodies acting as intermediaries between workers and employers are therefore subject to state accreditation according to quality standards. In general, domestic work should be carried out within the framework of existing provisions regulating working conditions of national employees (general provisions and specific provisions for domestic workers).

Guatemala (UMT and ONAM). It is important to regulate and monitor employment agencies; for example, the fees they charge should be fair.

Italy. In Italy, the employment agencies authorized by the Ministry of Labour have to meet specific requirements as to reliability and professionalism. All workers, including domestic workers, are thus protected with regard to social security coverage and wages.

Mauritius. Rigorous criteria and monitoring should be established with regard to the registration/operation of employment agencies, and accessible complaints mechanisms should be made available to domestic workers to report abusive practices.

Mexico. Equal protection for all workers should be ensured and measures should be established to provide guidance to employment agencies and regularize the migration status of domestic workers, according to the conditions in each country.

Mozambique. Migrant domestic workers should have right to the same treatment and opportunities as other workers, since they are more vulnerable owing to their migrant status.

Nepal. Members are expected to provide that domestic workers shall be placed only through a government-registered employment agency in order to protect them against abusive practices. Receiving countries can devise a mechanism for the effective protection of migrant domestic workers by registered employment agencies on the basis of the records provided by them about the workers and their employment destinations. For sending countries, the appointment of a labour attaché in their mission in foreign countries, who maintains the record of each worker, settles labour disputes concerning their nationals and helps the worker in the event of an emergency, can be an effective protective measure to prevent abuse. Employment agencies can be made responsible for placing the migrant domestic workers in safe and decent working conditions and providing a timely report on the placed workers and their living and working conditions to the government authority concerned.

New Zealand. In New Zealand, all employees have access to specific rights and protections against unjustifiable actions by their employer, including harassment (including sexual harassment) or discrimination.

Nicaragua. It has been proven that these agencies not only are exploitative, but designate themselves as intermediaries to elude the law and, in some cases, they are involved in trafficking.

Panama. However, not only migrant domestic workers must be protected from abusive practices; all domestic workers must enjoy this protection. The special protection that can be given to migrant workers by virtue of their status as migrants is all the more important when the worker's situation is irregular, as unscrupulous individuals can exploit them by threatening to denounce them to the authorities.

Peru. Employment agencies should meet certain requirements which permit their prompt identification and verification of their financial reliability. They should be jointly liable with the employer for any abusive practices suffered by the workers. Every Member, following the guidelines of the Convention, should prepare a list of violations for which employment agencies are jointly liable with employers.

Portugal. In Portugal, documented migrant workers have the same rights as national workers: their employment contract should be in writing and the employer must inform the labour inspectorate of the signature of the contract before it begins, and of its termination within 15 days. The national legislation also protects migrant workers from abusive practices of employment agencies.

Saudi Arabia. But sending States must bear the responsibility where there are employment agencies and intermediaries which select the workers.

Spain. According to Spanish legislation, migrant workers who have not been recruited directly by the head of the household are deemed to be ordinary workers, not domestic workers, and are thus covered by the general labour law.

Switzerland. The agency helps domestic workers and potential employers to enter into an employment relationship. Once an employment contract is concluded, the agency has no further contractual relationship with either of the parties and therefore cannot guarantee that the employee will be well treated by the employer.

Tunisia. This is necessary, since domestic workers are more exposed to abusive practices than other workers.

Ukraine. In practice, there are a significant number of violations of labour rights and interests of employees, without legal consequences.

United Arab Emirates. Emphasizing the joint responsibility of sending and receiving States.

Employers

Total number of replies: 10.

Yes: 4. CNI (Brazil), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama)

No: 6. ANDI (Colombia), HUP (Croatia), BDA (Germany), SEV (Greece), EFC (Sri Lanka), IOE.

Comments

ANDI (Colombia). There is no reason why domestic workers hired through an agency should be given special attention. Once an agency has placed a domestic worker, the relationship of the worker with the agency comes to an end, and the employer becomes his or her boss.

HUP (Croatia). An employee remaining employed by an agency is not a domestic worker.

BDA (Germany). There is no reason for any special treatment of domestic workers placed by agencies. The relationship with an agency ends when an employee is placed with an employer. If the labour agency remains the employer (for example a nursing agency placing a nurse in a private household), the householder is not the employer. This situation should not be covered by a standard on domestic work.

SEV (Greece). The employment agency is considered as employer and therefore no special regulations are required.

IOE. It is not clear how this would add to question 14. It does not seem relevant who has recruited an employee. Employees remaining employed by an agency are not domestic workers. Concerns regarding their employment remain to be addressed separately, based on evidence of genuine concerns.

Workers

Total number of replies: 125.

Yes: 122. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CUT (Colombia), ASTRADOMES (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FK TU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADS AWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Other: 2. CGT (Colombia), CMTC (Costa Rica).

Comments

CTA (Argentina). Employment agencies should be monitored by the State to ensure protection against trafficking, especially of migrant workers, in which they may be involved.

BAK (Austria). Member States should only authorize employment agencies that comply with legal provisions and quality standards. They should be subject to effective control mechanisms.

ÖGB (Austria). State monitoring, with measures to impose bans and fines for violations, should be provided.

COB and FENATRAHOB (Plurinational State of Bolivia). Measures should be adopted to ensure decent work for workers placed by employment agencies, so as to protect them from abusive practices.

FENATRAD (Brazil). Employment agencies recruiting domestic workers to provide domestic services to third parties are the real employers.

ONSL (Burkina Faso). Distance is a factor exacerbating the risk of exploitation by the employer.

CUT (Chile). Employment agencies ensure that workers are placed and do not verify their working conditions. Therefore, measures should be adopted to secure the labour rights of domestic workers placed by agencies.

CGT (Colombia). Employment agencies should not be allowed.

CFDT (France). In France, the State authorizes employment agencies based on qualitative criteria. However, a permanent monitoring service should be put in place to ensure that these agencies continue to meet the necessary requirements, especially those regarding the employee (training and assessing skills).

COSYGA, JOC (Gabon). Members should work in partnership with employment agencies, in order to integrate protection against abusive practices in the contract between the employment agency and the employer.

GSEE (Greece). These agencies must be established and operate legally, and must be subject to regular and rigorous inspection. See question 6(d).

CGT (Honduras). Both migrant and national domestic workers should be protected.

CFTUI (India). Since abusive practices against migrant domestic workers are common.

KSPI, KSPSI and KSBSI (Indonesia). Agents and intermediaries should be involved to guarantee workers' protection.

MTUC (Malaysia). Member States should also develop mechanisms to allow direct employment. Concerning intermediaries, States should establish mechanisms to regulate and monitor agencies, with penalties for violations, preventing them from withholding workers' passports. This should prevent agencies and employers from deducting wages for recruitment and placement fees (see Convention No. 181), and ensure that intermediaries provide written contracts in the native language of the workers, clearly defining the job scope and other employment terms and labour rights – specifically prohibiting recruiting agents from physical and verbal abuse and punishment. Migrant workers should be allowed to switch agencies and be provided with accessible complaints mechanisms in case of exploitation and abuse.

CTM (Mexico). Close scrutiny of migrant workers' background and kinship with the persons recommending them is needed, since the household is a sacred and safe place for the family.

UNT (Mexico). No agency should operate outside the law.

CNV (Netherlands). They should be given the information referred to in question 13.

FNV (Netherlands). Both the formal and the actual employer and the recruiting and employment agencies are responsible for protecting the domestic worker against abuse.

CUT-A (Paraguay). Not only for migrant domestic workers, but for all domestic workers.

APL, FFW, TUCP (Philippines). Agencies and intermediaries are responsible for minimum standards of health and safety and monitoring living and working conditions of domestic workers. Agencies should be registered and accredited by the sending country for purposes of monitoring, and should be responsible for the repatriation of and facilitation of services for distressed domestic workers and for posting a bond that could cover such costs.

FNPR (Russian Federation). Private employment agencies should bear full responsibility for respecting labour law and human rights, as employers are required to do under international and national law.

FEDUSA (South Africa). Employment agencies or labour brokers usually exploit domestic workers.

CSTT (Togo). To ensure conformity with the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

UGTT (Tunisia). Only concerning countries which authorize private employment agencies.

AFL-CIO and NDWA (United States). Member States should establish criteria for the registration and qualifications of employment agencies, including publicly available information on any past violations; support accreditation programmes for employment agencies, with rigorous criteria and monitoring by independent auditors to improve their quality and accountability; inspect employment agencies regularly, including through unannounced inspections, to ensure compliance with relevant laws and regulations, and institute significant penalties for violations; provide accessible complaints mechanisms for domestic workers to notify authorities of abusive practices, including a phone number and contact information for a workers' rights organization, information on rights and complaint procedures and the formation of a bureau for domestic work in departments/ministries of labour; ensure that no deduction is made from remuneration for costs incurred by the employer in using an employment agency, as provided in ILO Convention No. 181, to prevent indebtedness and situations of debt bondage.

PIT-CNT (Uruguay). All domestic workers should be protected from abusive practices. Employment agencies which place domestic workers should not charge them anything.

Qu. 27 *Should the Convention provide that national laws and regulations should require that migrant domestic workers receive a written contract containing minimum terms and conditions of employment that must be agreed upon prior to crossing national borders?*

Governments

Total number of replies: 69.

Yes: 60. Albania, Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Sri Lanka, Suriname, Switzerland, Syrian Arab Republic, Thailand, Ukraine, United Arab Emirates, United States, Yemen.

No: 4. Austria, Netherlands, Tunisia, Uruguay.

Other: 5. Czech Republic, Guinea, New Zealand, Spain, Sweden.

Comments

Argentina. Migrant workers can be recruited either in the country of destination or in their country of origin. In the latter case, the contract should be signed in the country of origin to avoid breach of pre-contractual agreements.

Austria. The Convention should not include provisions for the admission of migrants working as domestic workers to the labour market. In Austria, all persons, irrespective of country of origin, are covered by the HGHA, and therefore have the same labour rights.

Belgium. The working conditions should be set out in writing or, when this is not common in the country concerned, in a form which offers equivalent guarantees. The contract should be drafted in a language that both parties can understand.

Plurinational State of Bolivia. A written contract should be signed, and endorsed by the Ministry of Labour, in order to guarantee compliance with its provisions.

Brazil. Especially in view of the abuses suffered by migrant workers, it is necessary to adopt protective measures to promote their safety.

Colombia. There should be clarity in the recruitment mechanisms and the related terms and conditions. Reference should be made to the relevant labour legislation of each country.

Costa Rica. This could help overcome non-compliance with national labour law.

Croatia. Migrant domestic workers need to have the same rights as the workers of the country of employment.

El Salvador. To guarantee the interests of the workers. The instrument should also state that such contracts should be revised and approved by the Ministries of Labour.

Finland. Council Directive No. 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship requires a written explanation on the terms of employment before employment begins abroad.

Greece. In Greece, migrants sign a contract of employment at the Greek consulate of the country of origin before entering the country of destination. The contract must have been signed beforehand by the employer.

Guatemala (ONAM). To prevent trafficking and abusive practices.

Jordan. So that the worker is aware of the content of the work and does not suffer prejudice.

Malaysia. It should be written in a language that the worker understands and is officially accepted in the country of employment.

Mauritius. Contracts should be translated into a language the worker understands and should be legally enforceable in the host country.

Montenegro. Written contracts are a critical step to formalizing the employment relationship, establishing minimum standards of decent work, and enabling workers to defend their rights in the event of violations.

Mozambique. To enable the workers to know the terms of employment and to decide whether to enter into the employment contract.

Nepal. Migrant domestic workers should receive a written employment contract, duly signed by the employer, stating all the necessary terms and conditions of employment, including the name and address of the employer, the nature of work to be performed, the rate of remuneration, intervals of pay, weekly and daily rest and others.

Netherlands. In the Netherlands the law allows verbal employment contracts, but requires employers to provide information in writing on a number of details, e.g. remuneration, holiday entitlement and conditions of work. For any migrant worker from outside the EU, a written employment contract specifying the level of remuneration, which must be not less than the minimum wage rate, is required as part of the procedure for applying for a work permit.

New Zealand. There is no such explicit requirement in New Zealand law. However, in practice, immigration authorities examine a migrant's employment agreement for consistency with employment law, prior to approving their work visa or permit.

Panama. This would be a major step forward in combating human trafficking. It is essential to define clearly the situations in which sexual exploitation of women may occur, including when employment contracts that are ambiguous and unclear may ultimately force migrant women into prostitution.

Paraguay. However, the absence of a contract should not prevent workers from filing a claim for their wages and social benefits.

Peru. To clearly identify and keep records of the parties, including third parties participating in the recruitment as employment agencies.

Poland. Provided that they do start searching for domestic work immediately after their arrival to the receiving State. The scope for binding the employer with an offer of domestic work prior to arrival of a migrant may be subject to national regulations.

Romania. The contract should be drafted in the mother tongue of the migrant worker or in another language she or he understands. It must include the remuneration, the employee's duties, the duration (of the contract) and the place of work.

Slovenia. The Convention should oblige the worker, prior to entering the country, to obtain all permits required for a foreign worker to enter and reside in the receiving State.

Spain. Provided that the legislation of the country of destination applies and not the terms imposed by the employer.

Sweden. Some form of statement concerning reasonable working conditions should be stipulated prior to entry into the country.

Switzerland. The requirement for a written contract seems to be essential. However, the absence of a contract does not absolve employers and employees from their respective obligations.

Thailand. In Thailand, employers from receiving countries have to submit the employment contract prior to the approval of employment; where workers come to Thailand from neighbouring countries, the employment contract from the Thai employer has to be submitted to the sending State.

Tunisia. Since the final decision on employment depends on the success of the probation period.

Employers

Total number of replies: 9.

Yes: 4. CNI (Brazil), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama).

No: 1. ANDI (Colombia).

Other: 4. SEV (Greece), EFC (Sri Lanka), UPS (Switzerland), IOE.

Comments

SEV (Greece). See question 11.

JCC (Jordan). So that the worker is aware of the work to be performed and does not suffer prejudice.

EFC (Sri Lanka). It would be useful to have further information on this matter.

UPS (Switzerland). This depends on national provisions and conditions of migration.

IOE. This seems a valid issue for further discussion. See questions 13 and 38.

Workers

Total number of replies: 125.

Yes: 120. UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United

States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. CTA (Argentina), CSTT (Togo).

Other: 3. CMTC (Costa Rica), CNTG (Guinea), CSDR (Romania).

Comments

CTA (Argentina). Minimum terms and conditions of employment are inalienable and the State should guarantee them to both national and migrant workers.

BAK (Austria). However, such a contract does not provide guaranteed protection for the workers concerned in case of emergency.

ÖGB (Austria). However, to avoid abuse, compulsory registration with the authorities of the receiving State and monitoring are more important.

BILS (Bangladesh). Bilateral agreements should provide for this.

COB, FENATRAHOB (Plurinational State of Bolivia). A written contract should be signed, which should be endorsed by the ministry of labour in order to guarantee compliance with its provisions.

CLC (Canada). In the worker's mother tongue.

CUT (Chile). To prevent unfair competition and abusive practices.

CGT (Colombia). Moreover, clear sanctions should be envisaged in the event of non-compliance.

DEOK (Cyprus). The contract must be written in their language.

CNUS (Dominican Republic). However, it should be clear that the lack of a written contract should not limit the enjoyment of minimum standards of decent work.

CGT–FO (France). However, this should not be used to deny the right to employment of migrant workers already living in the host country, or as a pretext for expelling migrant workers.

COSYGA, JOC (Gabon). In order to guarantee respect of workers' rights by employers and employment agencies. It should stipulate all the elements provided for under questions 12–25.

UNSI TRAGUA (Guatemala). Including for migrant domestic workers in an irregular situation.

CNTG (Guinea). This point needs further discussion, as persons seeking employment cannot have their employment contract before arriving in the place where they wish to seek employment.

KSBSI (Indonesia). A copy should be given to the worker.

CGIL (Italy). If possible in their own language, or in a language that is easy for them to understand. It should be possible for written proposals of employment contracts to be offered to migrant jobseekers in the receiving country as well.

MTUC (Malaysia). The contract should clearly state the worker's tasks. The Convention should prohibit a wide-ranging job scope that covers household chores, childcare and care for the elderly at the same time. A worker should not be required to perform the latter two tasks at the same time; they may be assigned household chores together with caring for one or two children if the house is of a reasonable size. If an elderly person is bedridden, the employer should seek nursing care instead of employing a domestic worker.

CTM (Mexico). Only after thorough scrutiny of the migrant. See question 26.

UNT (Mexico). All migrant household workers should be covered by the legislation of the country of destination, as are their employers.

FNV (Netherlands). In accordance with national legislation.

APL, FFW, TUCP (Philippines). To be written in a language that the domestic worker understands and containing, as a minimum, the provisions laid down in question 13.

NSZZ (Poland). Written contracts are a critical step to formalizing the employment relationship, establishing minimum standards of decent work and enabling workers to assert their rights in the event of violation. Member States should cooperate to develop national laws, as well as bilateral and multilateral agreements, to ensure that migrant domestic workers receive a written contract outlining their terms and conditions of employment prior to crossing national borders. These contracts should be translated into as many languages as necessary to ensure they are available in a language that domestic workers understand, and that they are legally enforceable in the country of employment.

CSDR (Romania). Not necessarily in the Convention.

FEDUSA (South Africa). This will provide some protection, because migrant workers are usually more vulnerable than other workers.

NWC (Sri Lanka). The contract should clearly state the scope of the tasks to be performed.

CSTT (Togo). This may constitute an obstacle for migrant workers when crossing borders.

PIT–CNT (Uruguay). Before crossing national borders, the migrant domestic worker should be informed of the laws of the country of destination, and the employment contract should specify the tasks, hours of work and wages.

CTV (Bolivarian Republic of Venezuela). This could be done when migrants enter a country legally. However, the reality is different and many migrants looking for this type of job are undocumented.

Qu. 28 *Should the Convention provide that migrant domestic workers should be entitled to repatriation at no cost on expiry or termination of the employment contract?*

Governments

Total number of replies: 67.

Yes: 44. Albania, Argentina, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Croatia, Cuba, El Salvador, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Oman, Panama, Paraguay, Philippines, Qatar, Serbia, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Tunisia, Ukraine, United Arab Emirates, United States, Yemen.

No: 16. Australia, Austria, Ecuador, Egypt, Finland, Netherlands, Norway, Poland, Portugal, Romania, Slovenia, South Africa, Spain, Sweden, Switzerland, Uruguay.

Other: 7. Colombia, Costa Rica, Czech Republic, Greece, New Zealand, Peru, Saudi Arabia.

Comments

Argentina. But only when required by the nature of the work or stipulated by the type of contract signed.

Australia. Mandating employers to meet return costs may result in unintended consequences, including exploitation of migrants in order to recoup these costs from the worker.

Austria. Payment of repatriation costs by the employer must be expressly agreed by contract under Austrian law (see question 56).

Belgium. Yes, in the case of domestic workers who accompany their employers to another country or those expressly sent for. Domestic workers who lose their employment also often lose their residence status.

Brazil. The situations giving rise to entitlement to repatriation should be specified.

Canada. This should be provided in the instrument as non-binding guidance. The conditions of repatriation, if applicable, should be covered in the contract.

Colombia. The Ministry of Foreign Affairs should be consulted. Repatriation costs could be included in an integrated system for the protection of migrants – whether migrating within or outside Colombia. At the end of the contract, the repatriation costs should be covered by the employer.

Costa Rica. As provided by migration laws.

Croatia. This may also depend on the type of written contract.

Egypt. This should be agreed upon between the parties to the contract.

El Salvador. This should be written in the employment contract.

Finland. Differing national practices should be allowed. Repatriation costs should be agreed upon in the employment contract.

Greece. The payment of repatriation costs should be provided for in the employment contract.

Guinea. Provided that this is included in the employment contract.

Latvia. Additional provisions should be included in the Convention regarding expulsion, back pay and the rights of migrant domestic workers who lost their employment through no fault of their own. In particular, migrant domestic workers legally residing in the territory shall not be regarded as illegal or irregular by the mere fact of loss of their employment, which shall not in itself imply the withdrawal of their residence or work permit; they shall enjoy equality of treatment with nationals regarding, in particular, security of employment, the provision of alternative employment, relief work and retraining; those in an irregular situation, including those whose position cannot not be regularized, shall enjoy equality of treatment with regard to employment rights such as remuneration, social security, trade union membership and trade union rights; they shall have the possibility, in the event of labour disputes, of filing claims before the competent authorities, either themselves or through a representative.

Malaysia. The costs should be borne by the employer, provided that the contract was not terminated owing to misconduct of the employee.

Mauritania. Provided that the employee has been displaced by the employer.

Mexico. Every worker should be entitled to repatriation at no cost to him or her. All related costs should be covered by the employer.

Republic of Moldova. Alternatively, the employer should bear the costs.

Mozambique. The employer should ensure protection of the worker with regard to repatriation and any related guarantees.

Nepal. The employer shall bear the repatriation costs.

Netherlands. The instrument should state that the parties should agree on the reimbursement of costs for repatriation and that the government of the country of employment is able to reclaim such costs from the employer, should the worker fail to leave the country after the termination of the contract and be subject to enforced repatriation.

New Zealand. In New Zealand, migrants themselves must fund their departure.

Nicaragua. Especially when the employer has found the worker in his or her country of origin or when the worker decides to terminate the contract.

Norway. Migrant domestic workers should be treated in the same way as all other migrant workers and not benefit from stronger protection.

Oman. Provided that the employer terminates the contract. If the worker commits an offence, the sending State should be responsible for his or her repatriation.

Peru. This could be included in the terms of employment, in which case it should be agreed upon by the parties. Otherwise, the Convention could stipulate that employers bear the costs when they require the services of a migrant worker; otherwise, the costs should be covered by the worker.

Poland. This issue could possibly be regulated in international agreements. Such a solution raises doubts. There is no definition of “repatriation at no cost” and it does not specify who covers the costs.

Portugal. This provision seems unnecessary.

Romania. Only if such a clause/obligation is included in the labour contract or is in conformity with national legislation or collective agreements.

Saudi Arabia. Yes, if the contract ends normally or the employer terminates it without any legal grounds. If the worker decides to put an end to the contract, he or she may have to bear the repatriation costs.

Slovenia. Slovenian law provides that the repatriation costs are borne by the migrant workers themselves or, if this is not possible, the State, and persons trafficking workers, providing illegal employment or residence, or enabling the receipt of a visa or residence permit based on false statements.

South Africa. This should be a contractual agreement and should be regulated by national laws and regulations. Where a domestic worker is stranded as a result of mischief by the employer, repatriation should be at no cost to the employee. Member States should be allowed to recoup such costs from the employer or its representatives.

Spain. This assumes an obligation for the employer which is not envisaged by Spanish legislation, which provides that for short-term migrant workers, the employer is required to organize their round-trip travel and to cover, at least, the cost of the first trip, but does not have to pay for the return trip. A recommendation to countries to adopt measures to help migrant workers would be more appropriate.

Sweden. The question of who is to bear the cost of repatriation could be provided for in the contract of service, in which case it should be addressed in the Recommendation.

Switzerland. States should be able to regulate this matter freely. See question 13(h), particularly as regards workers who refuse repatriation. Their refusal is often not motivated by the cost of repatriation, but by the wish to remain and work in the host country.

Tunisia. In order to ensure humane treatment and a return to the home country under adequate conditions.

United Arab Emirates. Provided the contract was not terminated because of breach of contract by the worker.

Yemen. however, the worker should bear the costs if the termination of the contract is due to infringement by the worker of his or her obligations or if he or she does not fulfil the contract.

Employers

Total number of replies: 10.

Yes: 5. CNI (Brazil), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama).

No: 2. ANDI (Colombia), UPS (Switzerland).

Other: 3. NHO (Norway), EFC (Sri Lanka), IOE.

Comments

CNI (Brazil). The contractual arrangements giving rise to the right to repatriation should be specified.

NHO (Norway). Not all migrants intend to return to their home country, or they might have already worked in the country concerned for a while before being hired.

EFC (Sri Lanka). See question 27.

UPS (Switzerland). See question 25.

IOE. Information is welcome on migration law and practice and obligations of employers in general towards migrant workers and payment responsibilities of governments or employers under national law and practice. Care should be taken to avoid creating disincentives to employment of migrant workers already living in a country rather than through a fresh sponsorship, and consideration should be given to cases in which migrant workers do not want to go back to their home countries.

Workers

Total number of replies: 124.

Yes: 116. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), FEDUSA (South Africa), SADSAWU (South Africa), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), UGT (Spain), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 4. UGTE (Ecuador), COSYGA (Gabon), JOC (Gabon), CTM (Mexico).

Other: 4. CMTC (Costa Rica), CNTG (Guinea), CSDR (Romania), CCOO (Spain).

Comments

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), FENATRAD, FS and UGT (Brazil), CLC (Canada), CGT (Colombia), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), FNV (Netherlands), LO (Norway), PWF (Pakistan), CUT–A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), SADSAWU (South Africa), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TÜRK–İŞ and TOLEYİS (Turkey), TUC (United Kingdom), AFL–CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. Additional provisions should be included by the Convention regarding expulsion, back pay, and the rights of migrant domestic workers who lost their employment not through their own fault.

UGTA (Algeria), CGTRA (Argentina), ACTU (Australia), CSA–Bénin (Benin), FENATRAD, FS and UGT (Brazil), CLC (Canada), CGT (Colombia), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), ICTU (Ireland), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), FNV

(Netherlands), LO (Norway), PWF (Pakistan), CTP and CUT (Peru), NSZZ (Poland), UGT-P (Portugal), BNS and CNS-Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), SADSAWU (South Africa), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS (Turkey), TUC (United Kingdom), AFL-CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. In particular, migrant domestic workers legally residing in the territory shall not be regarded as illegal or irregular by the mere fact of the loss of their employment, which will not in itself imply the withdrawal of their residence or work permit; they shall enjoy equality of treatment with nationals regarding, in particular, security of employment, the provision of alternative employment, relief work and retraining; those who find themselves in an irregular situation, including those whose position cannot be regularized, shall enjoy equality of treatment for themselves and their families in respect of rights arising out of present or past employment as regards remuneration, social security, trade union membership and trade union rights; they shall have the possibility, in the event of labour disputes, of filing claims before the competent authorities, either themselves or through a representative.

CTA (Argentina). See question 13(h).

BAK (Austria). Employers should bear repatriation costs. Workers should only be repatriated at their own wish or when the provisions on the right of residence so require. In no way should repatriation free employers from their obligations under labour law. To this end, emergency housing should be provided and residence rights should be developed which enable domestic workers to remain in the country in order to enforce their rights.

ÖGB (Austria). See question 13(h).

GFBTU (Bahrain). However, if the worker terminates the contract before the actual expiry date, he or she shall bear the costs.

CNTB (Burkina Faso). Workers should be able to conclude another contract of employment in the country concerned, if they so wish.

ONSL (Burkina Faso). However, loss of employment should not automatically cause the withdrawal of the residence or work permit at the end of the employment contract in so far as the workers has resided legally in the country.

CFITU, CLUF, CWLFU (Cambodia). Provided that termination of employment was not due to the worker's fault.

CUT (Chile). Provided that they agree to it.

CGT (Colombia). Repatriation is the responsibility of the State.

CMTC (Costa Rica). The general provisions applicable to all workers should apply.

CTRN (Costa Rica). In particular, migrant domestic workers legally residing in the territory shall not be regarded as illegal or irregular by the mere fact of the loss of their employment. They and their families shall enjoy equality of treatment with nationals and shall have the possibility, in case of labour disputes, of filing claims before the competent authorities.

CTS (El Salvador). Provided that this is agreed upon by the governments concerned.

AKAVA, SAK and STTK (Finland). The employer shall bear the round-trip costs and any associated fees for migrant domestic workers travelling to the employer's country to work for the employer.

CGT-FO (France). This should not be used to challenge the right of residence of migrant workers who lose their jobs in receiving countries. This requires that the same rights in regard to training, retraining and job search are guaranteed.

COSYGA, JOC (Gabon). All workers have the same rights in accordance with international labour standards. The conditions of repatriation should be clarified in the employment contract.

GSEE (Greece). In any case, consideration should be given to mechanisms or procedures to resolve problems faced by migrant domestic workers which are not due to their own misconduct.

UNSI TRAGUA (Guatemala). Repatriation should be motivated by a reasonable cause and migrant domestic workers should be guaranteed the rights provided by the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

CNTG (Guinea). Instead of being repatriated on termination of the employment contract, migrant domestic workers should be able to have their contract renewed or to have a new contract.

ICTU (Ireland). The basic principle must be that domestic workers have an equal entitlement to the employment rights and protection available to any other employee.

CGIL (Italy). Alternatively, a contribution from employers could be envisaged, in order to create a "repatriation fund" run by the government. It could be tax deductible, as indicated under questions 24 and 25. See question 13(h).

CISL (Italy). They should be entitled, not obliged, to leave the country.

UGL (Italy). Repatriation costs should be covered by the employer, not by the workers or the community.

CTM (Mexico). Repatriation should be dealt with by the competent authorities. Not all migrant workers are in the same situation.

UNT (Mexico). Where the workers do not have the necessary funds, the governments of the receiving countries and the embassies should ensure their repatriation, and harsh penalties should be applied to employers who fail to meet their obligations with regard to migrant workers.

CNV (Netherlands). Or they should be informed beforehand about the conditions of repatriation. Otherwise, the employer should pay for repatriation.

FNV (Netherlands). Domestic workers should not, however, be forced to repatriate after termination of the employment contract.

CNT (Niger). Additional provisions should be included regarding expulsion, back pay and other rights if migrant workers are legally residing in the country of destination.

APL, FFW, TUCP (Philippines). The employer and the recruitment agency shall cover the cost of repatriation. Migrant workers shall enjoy equality of treatment with nationals, especially with regard to guarantees of security of employment, the provision of alternative employment, relief work and retraining. The Convention should provide that migrant workers shall not be regarded as being in an illegal or irregular situation when they have lost their employment, which shall not in itself entail the withdrawal of authorization of residence or, as the case may be, of their work permit.

CSDR (Romania). Yes, but not necessarily in the Convention.

FNPR (Russian Federation). Depending on the conditions of entry, the issuance of an employment permit and the terms and conditions of the contract.

CCOO (Spain). In Spain, for women with a work permit, termination of the contract cannot be a ground for expulsion. However, public resources should be guaranteed to ensure that the rights of migrant workers are recognized and protected by law from the moment of their arrival, in order to prevent them from being exploited and defenceless.

NTUF (Sri Lanka). Provided that termination of employment is not due to the domestic worker's fault.

UGTT (Tunisia). It should also provide that migrant domestic workers who lost their employment not through their own fault should keep their residence and work permits.

AFL-CIO and NDWA (United States). The employer should bear the round-trip cost of the migrant domestic worker's travel at the beginning and end of employment and any associated fees.

PIT-CNT (Uruguay). As long as conditions are favourable and they agree to repatriation.

CTV (Bolivarian Republic of Venezuela). See question 13(h).

Qu. 29 *Should the Convention provide that each Member should prohibit employers from keeping in their possession domestic workers' travel and identity documents?*

Governments

Total number of replies: 69.

Yes: 63. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Ukraine, United States, Uruguay.

No: 4. Jordan, Saudi Arabia, United Arab Emirates, Yemen.

Other: 2. Czech Republic, New Zealand.

Comments

Argentina. If this is specifically classed as an offence in the national legislation.

Austria. In Austria, the keeping of travel and identity documents of migrants working as domestic workers is contrary to morality, if it is intended as a means of applying pressure for abuse, arbitrary treatment or domestic slavery and prevents the workers from terminating the employment relationship. A prohibition would be useful, since the work permit process requires submission of these documents to the authorities.

Belgium. This is often a modus operandi in cases of human trafficking.

Plurinational State of Bolivia. Personal effects, such as wages, should not be withheld either.

Brazil. Any act impeding freedom of movement degrades human dignity.

Canada. When employees do not give their full and free agreement.

China. This may lead to exploitation, trafficking, forced labour, etc.

Colombia. To be added to existing prohibitions on this subject.

Croatia. To prevent any abusive practices.

El Salvador. Inter alia to prevent trafficking.

Finland. Otherwise, this could lead to forced labour.

Guinea. Without the worker's consent.

Jordan. A text should be agreed upon that allows employers to keep these documents, provided that they are given back at the end of the period of service or when the employee leaves work.

Mauritius. This will help to prevent exploitation, forced labour and trafficking.

Mexico. In order to prevent abusive practices and exploitation, these documents should be kept by the workers.

Montenegro. This helps prevent exploitation, forced labour and trafficking.

Mozambique. Unless it is done in order to resolve work-related issues.

New Zealand. In New Zealand, there is no specific legislation relating to the taking or possession by an employer of a domestic worker's passport or travel documents, but the authorities will take action, including criminal prosecution, against persons who hold the document contrary to the wishes of the State. An employer taking an action with the intention of preventing or hindering an employee from leaving employment, or leaving New Zealand, is guilty of an offence.

Nicaragua. As it is a serious violation of the worker's human rights.

Oman. Provided that employers' rights are protected in cases where workers commit an offence and leave.

Peru. This practice would be discriminatory for domestic workers vis-à-vis other workers and could be a threat leading to forced labour and trafficking. It is also a violation of fundamental human rights.

Portugal. In Portugal the removal of documents is a criminal offence.

Romania. To prevent abusive practices against domestic workers.

Slovenia. Workers have to carry their documents at all times under Slovenian law.

Spain. This is prohibited by Spanish legislation. Otherwise, there would be forced labour.

Suriname. Member States should be encouraged or obliged to impose penalties for breach of this provision and institute monitoring mechanisms.

Tunisia. Provided the worker is employed without an intermediary.

Yemen. The employer must keep the domestic worker's travel and identity documents in his possession in order to safeguard the employment relationship and prohibit the worker from passing from the employer who recruited him or her to another.

Employers

Total number of replies: 10.

Yes: 6. CNI (Brazil), ANDI (Colombia), HUP (Croatia), DPN APINDO (Indonesia), CONEP (Panama), UPS (Switzerland).

No: 1. JCC (Jordan).

Other: 3. SEV (Greece), EFC (Sri Lanka), IOE.

Comments

SEV (Greece). See question 11.

JCC (Jordan). Keeping these documents is necessary to prevent workers from running away or stealing, for example.

EFC (Sri Lanka). See question 27.

IOE. This seems to be a valid issue to consider for further discussion.

Workers

Total number of replies: 125.

Yes: 122. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CATP (Peru), CTP (Peru), CUT (Peru), CONATO (Panama), CS (Panama), CUT-A (Paraguay), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand),

NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. CTM (Mexico), CTV (Bolivarian Republic of Venezuela).

Other: 1. CMTC (Costa Rica).

Comments

CTA (Argentina). Otherwise, this may lead to forced labour. In many cases these documents are indispensable for migrant workers to prove their resident status.

BAK (Austria). Since this is regularly connected to human trafficking, provision should also be made for effective and deterrent penal sanctions.

COB and FENATRAHOB (Plurinational State of Bolivia). Personal effects, such as wages, should not be withheld either.

FENATRAD (Brazil). In the event of violation of this provision, sanctions as provided by national legislation should apply.

ONSL (Burkina Faso). This practice carries the risk of human trafficking.

CGT (Colombia). This is one of the most common means used by employers to abuse their employees.

DEOK (Cyprus). In many cases the employer keeps these documents.

GSEE (Greece). Effective protection of affected domestic workers by the competent inspection authorities should be provided.

CNTG (Guinea). As migrant domestic workers should enjoy freedom of movement.

CGT (Honduras). The competent authority should not be allowed to withhold the documents either, except if the law is violated.

CFTUI (India). The employer can ask, at most, for a copy of the identity documents.

UIL (Italy). The Convention should place particular emphasis on prohibiting these forms of mobbing and blackmailing.

CTM (Mexico). This should be within the exclusive competence of the state authority concerned.

UNT (Mexico). Should that occur, workers must refer immediately to the competent authorities. Otherwise, the employer should be held guilty of the offence of human trafficking and punished accordingly.

NTUC (Nepal). However, mechanisms should be put in place to allow employers to prevent workers' behaviour such as stealing or abandoning the household and breaking the contract.

NSZZ (Poland). This is an important measure to prevent situations of exploitation, forced labour and trafficking.

FEDUSA (South Africa). This may be provided in the Recommendation, since in some countries such as South Africa, holding the identity documents is a security measure for some employers to ensure that workers cannot rob them and flee the country, which has happened many times. A Recommendation should provide that employers cannot hold documents for unlawful purposes.

CSTT (Togo). Since this may hinder the workers' free movement.

AFL-CIO and NDWA (United States). This is important to prevent situations of exploitation, forced labour, and trafficking.

PIT-CNT (Uruguay). Including any personal effects.

CTV (Bolivarian Republic of Venezuela). Documents are by definition personal and inviolable, therefore this provision is unnecessary.

Qu. 30 *Should the Convention provide that Members should cooperate with each other to ensure that migrant domestic workers enjoy benefits comparable with those of nationals?*

Governments

Total number of replies: 68.

Yes: 58. Albania, Argentina, Australia, Bahrain, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Thailand, Tunisia, Ukraine, United States, Uruguay, Yemen.

No: 6. Belgium (SPF), Jordan, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates.

Other: 4. Belgium (CNT), Czech Republic, New Zealand, Switzerland.

Comments

Australia. Cooperation in the form of information sharing, law enforcement and ensuring that migrant workers are fully informed of their rights prior to leaving their home countries.

Belgium (SPF). Migrant domestic workers should be guaranteed rights equal to those of other migrant workers.

Brazil. Domestic workers should enjoy the same labour protection, regardless of whether they are nationals or migrants, in order to prevent discrimination.

China. Members should cooperate with each other to facilitate migration of domestic workers through formal and legal channels, ensuring that they enjoy equality of treatment, protection against discrimination and legal assistance in the receiving States.

Colombia. Moreover, these benefits should be directly applicable.

Guinea. By virtue of the principle of reciprocity.

Malaysia. By sharing information on deceptive agencies and employers and combating unfair treatment and discrimination on grounds of national origin.

Mauritius. This could be the subject of a memorandum of understanding or a bilateral agreement between sending and receiving countries.

Mexico. Based on the principles of justice and non-discrimination. Equality of labour conditions with nationals in the country of destination is provided by the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Mozambique. Through cooperation agreements based on reciprocity.

Nepal. The Convention is expected to direct its members to make cooperative assistance between the sending and receiving countries mandatory in any migrant-worker-related cases.

Netherlands. It is relevant here to mention the proposed EU framework directive on the rights of third country workers.

New Zealand. All employees in New Zealand are subject to specific minimum employment rights and conditions.

Nicaragua. All human beings have the same rights.

Oman. In accordance with the laws of the country and agreement between the parties.

Panama. International labour instruments protecting domestic workers must guarantee decent work for all, regardless of their nationality.

Peru. According to the different national migration laws.

Poland. The specific benefits should be specified.

Saudi Arabia. The difference between the employment of nationals and the concept of migration and temporary employment means that it is not conceivable to apply the benefits granted to nationals, since the rights of temporary workers are defined in the employment contract.

Slovenia. Member States should cooperate to promote migration through regulated, documented channels to ensure that migrants enjoy benefits comparable to nationals and to avoid the risks associated with undocumented migration, including exploitation and limited access to the justice system; this should include exchanging information about migration flows, blacklisted employers and blacklisted agencies.

South Africa. However, national laws and regulations should regulate this.

Sweden. For third country nationals, but the provisions as a whole must be compatible with EU law.

Tunisia. To ensure equality of treatment.

Employers

Total number of replies: 9.

Yes: 8. CNI (Brazil), ANDI (Colombia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama), UPS (Switzerland), IOE.

Other: 1. EFC (Sri Lanka).

Comments

EFC (Sri Lanka). See question 27.

UPS (Switzerland). Application could be difficult. Only comparable issues should be compared.

IOE. Bilateral cooperation should be fostered. This is an area for International Labour Office assistance and promotion of best practice beyond the regulatory framework or to implement any new instrument. The wording should be restricted to comparison with national domestic workers.

Workers

Total number of replies: 125.

Yes: 122. UGTA (Algeria), CGTRA (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI

(India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Other: 2. CMTC (Costa Rica), CTV (Bolivarian Republic of Venezuela).

Comments

BAK (Austria). There should be no discrimination against migrant workers in regard to remuneration. The Convention should oblige member States to ensure that protection of wages and law enforcement are guaranteed even if the worker no longer resides in the country concerned.

FENATRAD (Brazil). National and migrant domestic workers should enjoy equal rights.

ONSL (Burkina Faso). Also in the case of irregular stay, workers and their families should nevertheless have the right to equal treatment in regard to employment rights, remuneration, social protection and protection under the law in the event of disputes.

CGT (Colombia). They should not be discriminated against on the basis of their migrant status.

CNUS (Dominican Republic). However, the reference to comparable benefits should be changed to equal treatment.

COSYGA and JOC (Gabon). Migrant workers can join trade unions under the same conditions as nationals, bearing in mind that international labour standards take the specific Conventions on migrant workers into account.

GSEE (Greece). Provided that it is strictly ensured that equal treatment will only apply to work-related benefits and not to national security issues, for example.

UIL (Italy). Standards could help to combat forms of social dumping.

CTM (Mexico). Nationals should be favoured (90 per cent of domestic work should be carried out by nationals).

UNT (Mexico). As the legislation of the receiving country applies without discrimination.

APL, FFW, TUCP (Philippines). Through bilateral, multilateral and regional cooperative mechanisms.

NSZZ (Poland). Member States should cooperate to promote migration through regulated, documented channels to ensure that migrants enjoy benefits comparable to those of nationals and to avoid risks associated with undocumented migration, including exploitation and limited access to justice. They should also cooperate to ensure the protection of migrant domestic workers, including through information sharing about migration flows and blacklisted employers and employment agencies.

FNPR (Russian Federation). Provided that employer and employee make all the compulsory payments and contributions, as provided by national legislation.

FEDUSA (South Africa). The same laws as for national workers should apply to migrant domestic workers.

SADSAWU (South Africa). All workers should be protected by the same labour and social benefits.

CSTT (Togo). In order to prevent all forms of discrimination.

AFL–CIO and NDWA (United States). Member States should cooperate to promote migration through regulated, documented channels and to avoid exploitation and limited access to justice systems. In cases of abuse or mistreatment, workers should be offered protective immigration status.

Qu. 31 *Should the Convention provide that each Member should ensure that domestic workers have easy access to fair and effective dispute settlement procedures? Please specify.*

Governments

Total number of replies: 67.

Yes: 60. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Ecuador, Egypt, El Salvador, Finland, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Paraguay, Peru, Philippines, Poland, Qatar, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

No: 2. France, Switzerland.

Other: 5. Croatia, Czech Republic, New Zealand, Panama, Portugal.

Comments

Albania. As domestic work necessitates mutual trust between the parties, mediation for the peaceful settlement of labour disputes should be ensured as a first step.

Argentina. A special dispute settlement procedure for domestic workers should be established. This employment relationship differs from all others, entailing emotional involvement. Conflicts are often due to reasons other than financial. Mediation prior to the filing of any legal claim could therefore help solve these disputes. Trials should be speedy and free from any administrative procedures to ensure cost-efficiency.

Australia. Procedures should be comparable to those for other employees.

Austria. The Convention should not provide that domestic workers have easier access to dispute settlement procedures than other workers.

Belgium. The Convention should at least guarantee access to courts. Relatively simple procedures (due to the low literacy level of certain migrant domestic workers) and assistance with regard to costs (such as legal aid) should be considered. Workers should also be informed about existing support organizations and unions.

Bahrain. They must present a claim to the Ministry of Labour before going to court.

Plurinational State of Bolivia. Domestic workers should have easy access to courts and free legal assistance and should be entitled to legal remedies in cases of abuse.

Brazil. All human beings should be entitled to equal rights.

Chile. This should include access to courts and legal assistance in cases of rights violations.

Colombia. They should have access to the same mechanisms as all other workers at the national level.

Croatia. Domestic workers need to have the same rights as all other workers in the country.

Cuba. This should be provided in accordance with national legislation and practice.

Ecuador. Labour inspection is important. It is also essential to establish efficient complaint mechanisms for domestic workers, facilitate access to court and provide free legal assistance and legal remedies in case of labour disputes. Sanctions in case of abuse by the employer should be provided for, which must be effective, dissuasive, appropriate and proportionate to the seriousness of the offences committed.

El Salvador. It is a fundamental right to have access to justice.

France. They should have the same access as other workers.

Guatemala (UMT, ONAM). To facilitate access to these procedures it is important to inform domestic workers about their existence.

Guinea. Given the vulnerability of domestic work, the Convention should provide that domestic workers have easy access to fair and effective dispute settlement procedures.

Jordan. This should be provided through inspection services and the Ministry of Labour in case of complaints.

Latvia. This should include access to court, the provision of free legal assistance and legal remedies in case of labour disputes. Sanctions in case of abuse by the employer should be provided which must be effective, dissuasive, appropriate and proportionate to the seriousness of the offences committed.

Malaysia. These should include expedited dispute settlement procedures, free legal assistance, sanctions in case of abuse and the ability to lodge complaints in the country of employment even after repatriation.

Mauritius. It should comprise effective enforcement mechanisms.

Mexico. All workers should be entitled to this right. Providing access to justice should be a priority for all member States.

Montenegro. Existing mechanisms often fail to address the unequal bargaining power of employers and domestic workers. Dispute settlement procedures need to include mechanisms for binding judgments by third parties with effective enforcement mechanisms.

Morocco. This should be done through labour inspection.

Mozambique. This would allow domestic workers to have their disputes lawfully settled.

New Zealand. In New Zealand, all employees are able to access the employment problem resolution services.

Nicaragua. It is very important to prevent impunity.

Norway. These procedures may be part of the general dispute settlement procedures.

Oman. Publications should raise awareness of how to access these procedures in the receiving countries.

Panama. All workers, not only domestic workers, should have access to fair and effective dispute settlement procedures. It is essential to strengthen existing procedures in this area in order to deal with these circumstances.

Paraguay. They should have access to mediation, conciliation and arbitration, as well as judicial procedures.

Peru. Peru's labour legislation provides that all workers, including domestic workers, have access to these procedures.

Poland. The rules that apply to domestic workers should be the same as those that apply to all other workers.

Portugal. It could be useful to include this in the Convention if it is important in order to prevent or settle disputes in some member States.

Qatar. By establishing a special body or settling issues and disputes rapidly through the competent body.

Saudi Arabia. Through labour dispute settlement bodies or special bodies for domestic work.

Spain. In cases of the employer's breach of the contract, alternative dispute settlement procedures such as mediation and arbitration would be appropriate.

Sweden. They should be provided with access to the same procedures as other workers.

Switzerland. States should be able to apply national systems, without an international instrument establishing a mandatory requirement.

Tunisia. The same conditions should apply to both national and migrant workers.

United Arab Emirates. Through workers' dispute settlement committees and bodies and specialized courts.

United States. It should be clarified that domestic workers should have the same access to procedures as other workers and, where appropriate, to specific procedures for domestic workers.

Employers

Total number of replies: 10.

Yes: 6. CNI (Brazil), ANDI (Colombia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), UPS (Switzerland).

No: 1. CONEP (Panama).

Other: 3. HUP (Croatia), EFC (Sri Lanka), IOE.

Comments

CNI (Brazil). This should be done in accordance with national law and practice.

HUP (Croatia). This is a very specific issue: for example, it is not possible to "repair" a situation through a conciliator if faith in someone caring for children or aged parents is lost.

SEV (Greece). The particularities of domestic work should be taken into account.

EFC (Sri Lanka). Regarding compliance, some serious concerns are raised. Particularly, allowing labour inspectors entry into family homes should not be required.

UPS (Switzerland). Domestic workers should have the same access as other employees.

IOE. The wording should be reconsidered. The uniqueness of domestic work has to be taken into account, for example, if faith in someone caring for children is lost, the order of a conciliator will not make a family take this person back into their home. Instead, governments should be encouraged to provide voluntary mediation services to householders and domestic staff, to promote its benefits and where appropriate and practical, require some form of dispute settlement prior to legal prosecution.

Workers

Total number of replies: 123.

Yes: 120. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin

(Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

Other: 3. UNSITRAGUA (Guatemala), CNTG (Guinea), CTV (Bolivarian Republic of Venezuela).

Comments

UGTA (Algeria), CGT (Argentina), ACTU (Australia), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), FENATRADE, FS and UGT (Brazil), CLC (Canada), CGT (Colombia), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), Histadrut (Israel), ITUC (Ireland), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), CNV (Netherlands), LO (Norway), PWF (Pakistan), CUT-A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT-P (Portugal), BNS and CNS-Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), UGTT (Tunisia), TOLEYİS and TÜRK-İŞ (Turkey), TUC (United Kingdom), AFL-CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. This should include access to court, the provision of free legal assistance and legal remedies in case of labour disputes.

UGTA (Algeria), CGT (Argentina), ACTU (Australia), BWU (Barbados), CSA-Bénin (Benin), FS and UGT (Brazil), CLC (Canada), ASTRADOMES (Costa Rica), LO (Denmark), CASC and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), ITUC (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), CNV and FNV (Netherlands), LO (Norway), PWF (Pakistan), CATP, CTP and CUT (Peru), CUT-A (Paraguay), NSZZ (Poland), UGT-P (Portugal), BNS and CNS-Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS (Turkey), TUC (United Kingdom), AFL-CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. Sanctions in case of abuse by the employer should be provided which must be effective, dissuasive, appropriate and proportional to the seriousness of the offences committed.

CTA (Argentina). Domestic workers should have the same access as all other workers.

BAK (Austria). This should include effective and fair dispute settlement procedures, in accordance with national legislation, effective counselling and legal protection.

BILS (Bangladesh). Domestic work should be covered by existing labour laws and be brought under the purview of labour authorities and inspection bodies.

COB, FENATRAHOB (Plurinational State of Bolivia). Domestic workers should have easy access to courts and free legal assistance and should be entitled to legal remedies in cases of abuse.

FENATRAD (Brazil). Labour inspections are essential. Mechanisms for promptly reporting complaints should be established.

CNTB (Burkina Faso). Labour inspection services and recourse to jurisdiction should be provided.

ONSL (Burkina Faso). This involves access to the courts, the provision of legal and judicial assistance and the right to defence and compensation for the damage suffered following a sanction of the employer.

CUT (Colombia). They should have right to due process of law and be trained on labour disputes.

ASTRADOMES (Costa Rica). The difficulties of providing evidence of the violations suffered by domestic workers should be considered as they share their workplace only with their employer. The difficulties of performing labour inspections should be also considered, as the workplaces are mostly private homes.

CMTC (Costa Rica). Domestic workers should be informed about these procedures.

CTRN (Costa Rica). They should have the right to pursue all legal avenues (administrative justice, labour inspection, labour courts or general courts).

DEOK (Cyprus). The contract should specify where domestic workers can file a claim.

CNUS (Dominican Republic). Labour inspectors should carry out random inspections and have the necessary skills to inspect private houses.

CFDT (France). The specificity of domestic workers, often isolated, should be taken into account to ensure them equal access to justice.

CGT-FO (France). This should include the right to seek judicial remedy and the right to legal assistance. Legislation should provide sanctions in the case of violations of rights by the employer, and those sanctions must be sufficiently dissuasive.

DGB (Germany). Domestic workers should have access to courts with absorption of the legal and court costs. Effective sanctions should be imposed for abuse by the employer.

GSEE (Greece). The effectiveness of legal recourse may be compromised by the workers' fear of retaliation by employers in case of complaint and questions are raised with regard to the effectiveness of the provision of legal aid to all affected persons with low income. Therefore, effective, direct and proportionate sanctions must be provided.

UNSI TRAGUA (Guatemala). Member States should promote measures to protect all migrant workers, including by establishing effective alternative dispute resolution mechanisms.

CNTG (Guinea). In this regard, Conventions, Recommendations and other relevant instruments on the protection of domestic workers should be harmonized.

CGT (Honduras). There should be an office providing them with all kinds of assistance.

CFTUI (India). Most countries have regulated procedures for the settlement of disputes, to which domestic workers should also have access. If these provisions are not sufficient, there must be special provisions for domestic workers.

CGIL (Italy). A joint body run by the social partners could be put in place in order to settle disputes alongside the traditional path offered by the national judiciary system.

CISL (Italy). In accordance with the national collective agreement, in Italy there are local mediation committees.

UIL (Italy). Reference to privacy should also be made.

JTUC-RENGO (Japan). In particular, sanctions against abuse or harassment by employers should be stipulated.

CTM (Mexico). This should be done for all workers.

UNT (Mexico). It would be advisable to create specific bodies or other effective adequately equipped mechanisms for assisting and settling labour disputes concerning household workers.

FNV (Netherlands). The procedures should be fair, effective and safe. They should include access to court, the provision of legal assistance and legal remedy in the event that there is a violation of rights.

CNT (Niger). Migrant workers should have access to legal assistance and legal remedies in case of labour disputes. Sanctions in case of abuse by the employer should also be provided for.

CONATO (Panama). Domestic workers, especially migrant workers, should have access to free legal assistance in the event that their rights are violated by the employer.

CTP, CUT (Peru). Labour inspection and prompt mechanisms for filing complaints are fundamental.

APL, FFW, TUCP (Philippines). Mechanisms for inspection, including village-level schemes, specialized courts or quasi-judicial agencies for resolving disputes, and mechanisms to ensure greater visibility and to allow for better access to domestic workers, such as registering them, should be instituted. Members should ensure that domestic workers have access to free legal assistance and other auxiliary services, including interpretation and psycho-social services, so that they and their employers are aware of their rights and responsibilities, and so that employers with a history of non-payment of domestic work and violent or abusive behaviour shall not be allowed to employ a worker.

CCOO (Spain). The aim should be to put the rights of all workers on the same level.

SADSAWU (South Africa). This should include access to unions, labour inspectors and human rights lawyers at no cost to the workers.

NATURE (Sri Lanka). This is to be provided for by national legislation.

LCT, NCPE, SERC, TTUC (Thailand). The Convention should provide for free legal assistance and legal remedies in case of the abuse of domestic workers' rights.

CSTT (Togo). These procedures should apply to all workers without distinction.

NUDE (Trinidad and Tobago). In Trinidad and Tobago, domestic workers can seek recourse only for violations of the Minimum Wages Order and the Maternity Protection Act, and not against wrongful dismissal.

UGTT (Tunisia). It should also provide sanctions in case of abuse by the employer.

FPU (Ukraine). This should be done in accordance with national legislation.

PIT-CNT (Uruguay). This should be done through bipartite or tripartite collective bargaining.

IUF. Domestic workers should have the right to seek legal advice, which should also be provided by trade unions, and to nominate another person of his or her own choosing as a representative in court or in any other dispute settlement procedures.

Qu. 32 *Should the Convention provide that each Member should ensure that arrangements are in place to ensure compliance with national laws and regulations applicable to domestic workers, such as labour inspection services, with due regard to privacy? Please elaborate.*

Governments

Total number of replies: 68.

Yes: 57. Albania, Argentina, Australia, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Italy, Latvia, Jordan, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay.

No: 5. Austria, Bahrain, Egypt, Mexico, Yemen.

Other: 6. China, Czech Republic, Guinea, New Zealand, Norway, Spain.

Comments

Argentina. A special labour inspection service should be created for domestic workers and inspections should be carried out with due regard to privacy.

Australia. Access should be comparable to that of other workers.

Austria. In Austria, private households are expressly exempted from the legal provisions that provide for labour inspection. An inspection of private households would also be prevented by the Constitution. The implementation of the provisions of the HGHA by a public authority is ensured by penal provisions, to be executed in case of a violation of the legal provisions.

Belgium (CNT). The Labour Inspection Convention, 1947 (No. 81), could play an important role in guaranteeing the implementation of measures.

Belgium (SPF). Concerning labour inspections in private homes, the Belgian system requires the agreement of the employer/resident of the home or the prior authorization of the judicial authority.

Plurinational State of Bolivia. Labour and occupational safety and health inspections should take place regularly or following a complaint.

Brazil. In Brazil, a judicial order is necessary in order to enter a private household.

Canada. Addressing privacy issues will be an important consideration.

Chile. Labour inspection should also cover domestic work, even if it is carried out in private homes. The labour inspection authorities should find a suitable way to verify alleged violations of labour law.

China. Members should ensure that national laws and regulations apply to domestic workers in accordance with the specific circumstances of each Member.

Cuba. Arrangements should be made to ensure the intervention of the labour inspection authorities following complaints by domestic workers.

Ecuador. As long as it does not violate privacy and property rights.

Egypt. Labour inspection services cannot be provided for domestic work, due to the nature and privacy of the workplace.

France. The application of laws on domestic workers should be facilitated without exposing labour inspectors to the risk of violating the privacy of the home.

Guatemala (DPS). However, inspection should be allowed following the issuance of a judicial order.

Guatemala (UMT). The establishment of a labour inspection service would be appropriate. A tripartite committee should evaluate the findings.

Guinea. Mechanisms should be put in place to ensure compliance with national legislation with regard to respecting the privacy of domestic workers.

Lebanon. Provided that the rules governing the entry into homes by the labour inspection service are defined, including with regard to the requirement of prior notification before undertaking the visit.

Jordan. This should be applied only when a complaint has been filed.

Malaysia. Arrangements should include the registration of all domestic workers with the responsible authority and sending inspection officers on a regular basis to monitor working conditions in households and to assess working conditions before approving employment.

Mauritius. Possible arrangements to be considered include the registration of domestic workers with an appropriate authority through their employers, pre-employment visits in the household by the authorities concerned and the establishment of accessible complaints mechanisms, including hotlines.

Montenegro. Designated inspectors should be required to monitor private households, including through unannounced visits and private interviews with domestic workers regarding their working conditions.

Morocco. The control mechanism should consist of a specialized labour inspection service.

Mozambique. Labour inspectors should verify compliance with labour laws as regards the duties and rights of domestic workers and measures should be taken to prevent hazards to the life or physical integrity.

Myanmar. Labour inspection services should be introduced on a step-by-step basis.

Nepal. The arrangements in place to ensure compliance with national laws and regulations should include a mechanism for the regular inspection of the living and working conditions of domestic workers. It is important, however, to respect the privacy of the employer.

New Zealand. In New Zealand, any worker may contact the labour inspectorate to enforce their minimum employment rights. However, labour inspectors may not enter a private house in the course of their investigation without the consent of the occupier, unless they have first obtained a specific entry warrant.

Nicaragua. Labour inspection is the most important instrument to verify compliance with the labour legislation. The rights of domestic workers should prevail over the privacy of the employer.

Norway. In Norway, the Labour Inspection Authority does not have the responsibility or authority to carry out inspections with regard to domestic workers, because of the privacy of the home and because domestic work has typically been considered less risky than other types of work. However, in an international context, provisions for striking a better balance between protecting the workers' rights and the privacy of the home should be considered.

Oman. A specific mechanism should be in place and inspectors should be required to obtain legal authorization by the competent authorities before visiting the house of the employer. The employer should be given sufficient notice.

Panama. Labour inspection services are crucial to ensure that domestic work meets the appropriate requirements. Strengthening inspection mechanisms and addressing the question of the right to privacy should be key concerns in the Convention that is to be adopted.

Peru. The Convention could provide that each member State has an obligation to carry out at least two labour inspections per year, which should respect the privacy of the home. Peruvian legislation provides that labour inspectors can only enter a household with the employer's consent. However, in the framework of the Convention, the employers' consent should be compulsory and their refusal punishable by penalties of fines. The entry of the duly identified inspector should be allowed in order to verify the existence of the employment contract and the living conditions of live-in domestic workers.

Philippines. This should be applied progressively, in accordance with the political and economic situation of the country in question. The privacy of the home, as provided for in the Constitution of the Philippines, makes labour inspections difficult. The fact that labour inspectors are limited in number may also pose challenges, especially for developing countries. For migrant domestic workers, the Philippines Overseas Labour Office conducts inspections or site visits to ensure appropriate working conditions for Filipino overseas workers.

Poland. The Convention should take into consideration the fact that the work is performed in private homes and efforts should be made to protect the right to privacy and to respect the family life of the employer.

Portugal. Provided that the inviolability of private property is guaranteed and the right to privacy is not undermined.

Qatar. Arrangements could include intensifying labour inspections, imposing sanctions and referring any violations to the legal system.

Saudi Arabia. It should be noted that the labour inspection of homes is a very sensitive issue and cannot be done without affecting the privacy and sanctity of homes. Labour inspections should therefore

only be undertaken on the basis of a complaint by a domestic worker and should be subject to a judicial authorization.

Serbia. Labour inspections should be carried out to monitor the implementation of all labour and employment legislation.

Spain. Labour inspection visits are generally constrained by the right to the inviolability of the home.

Sri Lanka. The inspection service should take into consideration the nature of the workplace, the cultural and social system of the country and matters relating to privacy.

Thailand. This should be done in accordance with national conditions.

Tunisia. Taking the specificity of domestic work into account, responsibility for ensuring compliance with national laws should be vested in a body authorized to access private homes.

United Arab Emirates. The inspection of homes must be authorized by the public prosecutor.

Employers

Total number of replies: 11.

Yes: 5. CNI (Brazil), ANDI (Colombia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan).

No: 2. CONEP (Panama), UPS (Switzerland).

Other: 4. HUP (Croatia), NHO (Norway), EFC (Sri Lanka), IOE.

Comments

CNI (Brazil). This should be done in accordance with national law and practice.

ANDI (Colombia). The issue of carrying out inspections in private homes raises serious concerns. Such inspections should not be regarded as a possible mechanism for ensuring compliance with the instrument.

HUP (Croatia). This is a very complex issue, for which cultural and privacy aspects and the role of the police and migration authorities should be taken into consideration.

SEV (Greece). See question 31.

DPN APINDO (Indonesia). This should only happen following a complaint.

JCC (Jordan). Such inspections should be carried out on the basis of coordination between labour inspection services, the domestic workers' directorate and the employers, provided that a complaint is submitted.

NHO (Norway). There are good reasons for which the police usually need a warrant from a state attorney or a judge before being allowed to enter a private home.

EFC (Sri Lanka). See question 31.

UPS (Switzerland). No additional mechanisms should be developed.

IOE. In many cultures, the family home is sacrosanct and the police need with good cause a warrant from a judge before entering a home. Enabling or requiring inspectors to enter homes against the wishes of householders would be a disincentive to ratification. Constitutional prohibitions may also exist. A viable standard cannot embody contradictory obligations or set up a situation in which conflict will occur. It also remains unclear why it would be necessary to provide for the entry of inspectors into the home. Criminal conduct can be addressed by the police and migration authorities already enjoy substantial powers of inspection and entry. Concerning alleged violations of labour law, household employers can be served with, among other things, notices to produce documents, invitations to attend investigatory meetings and lists of questions. Therefore, a greater degree of generality should be applied with a changed wording, as follows: "(...) applicable to domestic workers, taking into account the unique nature of domestic work performed in private homes. Nothing in this article or this instrument requires a member to impose government inspection of, or entry into, family homes".

Workers

Total number of replies: 123.

Yes: 119. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Other: 3. JTUC–RENGO (Japan), CCOO (Spain), CTV (Bolivarian Republic of Venezuela).

Comments

CTA (Argentina). It is necessary to create mechanisms involving also trade union representatives to ensure that labour inspections are carried out without prejudice to the inviolability of the home.

BAK (Austria). This should include obtaining the necessary information from the responsible authority (for example, information concerning the establishment of an employment contract and registration with the social security authorities in order to give the authorities the possibility of offering at least information, counselling and help).

COB, FENATRAHOB (Plurinational State of Bolivia). Occupational safety and health inspections should take place on a regular basis or following a complaint.

CLC (Canada). The arrangements should be the same as those provided to all other workers under the labour laws and privacy legislation laws that exist within the member State and the various jurisdictions of a federated state.

CGT (Colombia). Such mechanisms should be effective.

CMTC (Costa Rica). Multimedia campaigns should be promoted in this regard.

DEOK (Cyprus). It is important to create such labour inspection services to protect domestic workers from victimization.

GSEE (Greece). See question 31.

UNSI TRAGUA (Guatemala). Labour inspection should also cover migrant domestic workers. A hotline for complaints should be created for them, which should respect their privacy and should not discriminate against them on the basis of their migrant status.

CNTG (Guinea). Mechanisms should be put in place to ensure compliance with national legislation, because countries have national practices that are in line with the Convention.

CGT (Honduras). The authorities in charge of ensuring compliance with the Convention and national legislation should be trained.

KSPI, KSPSI, KSBSI (Indonesia). Inspection visits by labour inspectors should be conducted to ensure the compliance of both parties with the law.

CGIL (Italy). Households are difficult places to inspect. Therefore, greater emphasis should be placed on indirect methods, such as tax deductible contributions.

CTM (Mexico). Notwithstanding the fact that labour inspection is likely to guarantee workers' rights, this may also lead to corruption and violate the right to privacy.

UNT (Mexico). The instrument should specify that this provision should be included in the relevant national legislation, as the workplace (household) is a private environment which, nevertheless, should be monitored by the State in order to ensure compliance with relevant legislation.

LO (Norway). While the balance between the employer's right to privacy and the employee's right to a safe workplace is difficult, it should be emphasized that Norway already has a mechanism for inspecting people's private homes, for example in connection to foster homes and the homes of couples who want to adopt children.

APL, FFW, TUCP (Philippines). Members should ensure that domestic workers have the skills and knowledge necessary to protect themselves against exploitation, that existing immigration laws and policies are consistent with the Convention and that investigations are carried out into the conditions of domestic workers in their country with the participation of concerned employers' and workers' organizations.

FEDUSA (South Africa). However, inspections and monitoring might be difficult to conduct.

SADSAWU (South Africa). The privacy of the worker should be respected.

CCOO (Spain). Efforts are being made to promote the creation of enterprises that provide domestic services. The existence of these enterprises would make it possible to regulate domestic workers' rights through collective bargaining and to ensure trade union representation. This would also make it possible to control labour inspection in these enterprises which would guarantee compliance with the relevant standards.

NTUF (Sri Lanka). This should take place once labour laws to cover domestic workers are enacted.

CSTT (Togo). Appeals should be directed to the labour inspection authorities and thereafter, in the case of failure, to the court.

NUDE (Trinidad and Tobago). A system could be put in place to monitor violations against domestic workers without visiting the home, except in extreme cases of reported abuse, sexual harassment, forced labour and human trafficking. This system could include conducting interviews or giving the employers questionnaires concerning wages and terms and conditions of employment, with a stipulated time to respond. It should be mandatory to respond and a penalty should be imposed on anyone who refuses to do this or who gives false information.

AFL-CIO, NDWA (United States). Enforcement should be ensured in partnership with domestic workers organizations and unions that interact with domestic workers.

PIT-CNT (Uruguay). An adequate and efficient mechanism to inspect the workplace, while protecting both the employer and the worker, should be established.

CTV (Bolivarian Republic of Venezuela). National law (at least in the Bolivarian Republic of Venezuela) is not the cause of non-compliance by the State and by employers with ratified Conventions; rather, the reason for non-compliance is the lack of enforcement of international standards.

IUF. The right of the household to privacy should not deprive domestic workers of the right to a workplace with safe and healthy working conditions. Households, which are at the same time workplaces, should be treated as any other workplaces. The Convention should provide for the possibility that a household should be subject to regular labour inspection and upon request. Convention No. 81 should serve as a guideline.

Qu. 33 *Should the Convention provide that its provisions should be applied by laws, regulations, collective agreements or other measures consistent with national practice, by extending existing measures to cover domestic workers, adapting them, where appropriate, and developing specific measures for domestic workers?*

Governments

Total number of replies: 68.

Yes: 60. Albania, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, Costa Rica, Croatia, Cuba, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

No: 3. Colombia, Egypt, New Zealand.

Other: 5. Argentina, China, Czech Republic, Spain, Switzerland.

Comments

Argentina. See question 31.

China. The Convention should provide that existing measures suitable to the specificity of domestic work could be extended progressively to cover domestic workers, so as to integrate them into society.

Colombia. This should be included in the labour legislation of each country, not in the Convention.

Egypt. The specificity of domestic work renders it impossible to extend existing measures to it.

Guatemala (UMT, ONAM). Their application should be monitored.

Jordan. Specific measures must be developed, given the private character of domestic work.

Mexico. The specificities of the legislation of each member State should be taken into account; every Member should be free to include in its legislation the form under which domestic work is to be regulated.

Nepal. Specific and appropriate measures should be developed for domestic workers in national laws, regulations and collective agreements, for ensuring their rights and making them feel secure.

New Zealand. See questions 1–2.

Peru. The Convention should be applied by any member State only through laws and regulations which are in conformity with the provisions of the Convention while consistent with the national specificities. If legislation on domestic workers already exists, it should be harmonized with the Convention.

Portugal. Such a provision could serve as a guideline for member States.

Spain. Countries should adopt legal provisions of general application.

Sweden. The word “or” should be replaced by the word “and”.

Switzerland. Yes, if the sentence ends after the words “other measures consistent with national practice”.

Yemen. Domestic workers must be covered by laws and regulations and specific measures for them must be developed.

Employers

Total number of replies: 11.

Yes: 4. CNI (Brazil), ANDI (Colombia), DPN APINDO (Indonesia), JCC (Jordan).

No: 5. HUP (Croatia), SEV (Greece), NHO (Norway), CONEP (Panama), IOE.

Other: 2. EFC (Sri Lanka), UPS (Switzerland).

Comments

HUP (Croatia). This is not necessary if a Recommendation is adopted.

SEV (Greece). A Recommendation is favoured.

DPN APINDO (Indonesia). There should be specific regulations.

JCC (Jordan). This should be done through laws and national regulations.

NHO (Norway). This is a matter of national policy.

EFC (Sri Lanka). See question 31.

UPS (Switzerland). In Switzerland, the general labour laws are applicable to domestic workers.

IOE. This is not necessary in the case of a Recommendation and should be a matter for national policy and consultation only. Employers would be concerned about extending existing laws of general application to this unique area of work and in some cases would be strongly opposed to it. Proper wording can easily avoid this issue.

Workers

Total number of replies: 125.

Yes: 122. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTS (El Salvador).

Other: 2. FPU (Ukraine), CTV (Bolivarian Republic of Venezuela).

Comments

CTA (Argentina). In Argentina, legislation applicable to all workers should be extended to domestic work, which is regulated by a less favourable special regime. Moreover, collective bargaining for these workers, who are presently deprived of it, should be promoted.

CUT (Chile). Collective bargaining in this sector is critical.

UNSI TRAGUA (Guatemala). Member States should ensure that the working conditions applicable to domestic workers are applicable also to migrant domestic workers.

CISL (Italy). The Convention should be applied by laws and collective agreements.

CTM (Mexico). The regulation of domestic work should take into account national and international legislation and general principles.

FPU (Ukraine). Not necessarily. After ratification of the Convention, States should integrate it into their national legislation.

PIT-CNT (Uruguay). Domestic workers should enjoy the same rights as all other workers.

Qu. 34 *Should the Convention provide that, in implementing its provisions, each Member should consult the employers' and workers' organizations concerned?*

Governments

Total number of replies: 68.

Yes: 64. Albania, Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Jordan, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

Other: 4. Austria, Brazil, Czech Republic, New Zealand.

Comments

Brazil. A solution should be found to ensure the representation of the employers of domestic workers.

Canada. Alternatively, other organizations representing domestic workers and employers could be consulted.

China. Further clarifications regarding the employers' organizations and their representatives should be made.

El Salvador. This is important in order to strengthen governance and construct democracy.

Guatemala (ONAM). In Guatemala, domestic workers are not organized and this is one of the reasons why they are unaware of their rights and of how to enforce them.

Mexico. In this way, initiatives and public policies stemming from the instrument will be consistent with the circumstances in which domestic workers live.

New Zealand. New Zealand consults the social partners in tripartite discussions over the ratification and implementation of all international labour Conventions.

Nicaragua. This should be done progressively, as consolidated employers' and workers' organizations do not exist in this sector to date.

Panama. In order to ensure that member States implement the Convention, preparatory work involving the concerned stakeholders is required. On this basis, the necessary changes can be introduced. This implies prior consultations across sectors.

Peru. Employers' and workers' organizations should be consulted prior to the submission of the instrument to the competent authorities for ratification.

Poland. Consultations should include the associations of the employment agencies.

Switzerland. See question 9(a).

Tunisia. Employers' and workers' organizations should be consulted, where they exist.

Employers

Total number of replies: 11.

Yes: 9. ANDI (Colombia), HUP (Croatia), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), NHO (Norway), CONEP (Panama), UPS (Switzerland), IOE.

Other: 2. CNI (Brazil), EFC (Sri Lanka).

Comments

CNI (Brazil). Consultations should be carried out in conformity with the national law and practice of each member State.

HUP (Croatia). The word "concerned" is confusing and should be deleted.

EFC (Sri Lanka). See question 31.

NHO (Norway), IOE. The use of the word "concerned" may be unnecessary and confusing. Better wording may be found in the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), which refers to consultation with "the most representative organizations of employers and workers".

Workers

Total number of replies: 126.

Yes: 121. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), ASTRADOMES (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), CTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS

(Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), SADSAWU (South Africa), CCOO (Spain), UGT (Spain). NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), CTV (Bolivarian Republic of Venezuela), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. FEDUSA (South Africa).

Other: 4. CUT (Colombia), CMTC (Costa Rica), CGT (Honduras), CTV (Bolivarian Republic of Venezuela).

Comments

FENATRAD (Brazil). This should be done where applicable.

CGT (Colombia). Notwithstanding that the right of freedom of association is a fundamental right, its exercise is difficult in practice.

DEOK (Cyprus). Domestic workers in many countries are unorganized; they must count on the interest and protection of trade unions.

COSYGA, JOC (Gabon). See the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

UNSITRAGUA (Guatemala). The creation of a tripartite body within the ministry of labour of each member State could also be recommended, to coordinate the working conditions policies for this sector.

CGT (Honduras). This is unnecessary if the goal of the consultation is simply to inform the concerned organizations.

KSPI, KSPSI, KSBSI (Indonesia). This should be done in accordance with Convention No. 144.

UIL (Italy). Tripartite consultation is essential on this matter.

MTUC (Malaysia). Ultimately, governments need to take responsibility for safeguarding the interest of domestic workers.

UNT (Mexico). This should be done as a means to enrich the provisions of the instrument.

CONATO (Panama). Domestic workers cannot create trade unions because of their precarious working conditions, low wages and poor education. Therefore, the relevant legislation should afford them the necessary protection.

CUT-A (Paraguay). States should also recognize domestic workers' organizations and eliminate any potential structural or juridical barrier to their creation. Moreover, trade unions should be encouraged to recognize and incorporate domestic workers into their structures.

APL, FFW, TUCP (Philippines). The Convention should contain provisions that would encourage the organization and representation of domestic workers in decision-making bodies, including the ILO.

CGTP-IN (Portugal). National legislation on domestic work should follow the same legislative procedure as national legislation applicable to other workers.

FEDUSA (South Africa). Domestic workers are largely unorganized. Their employers will certainly not belong to employers' organizations.

Qu. 35 *Should the Recommendation provide that the competent authority should take or support measures to promote capacity building for representative organizations of employers and domestic workers, including collective bargaining?*

Governments

Total number of replies: 68.

Yes: 53. Albania, Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Finland, Greece, Guatemala, Indonesia, Italy, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Nepal, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Poland, Romania, Saudi Arabia, Serbia, South Africa, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 10. Austria, Czech Republic, France, Japan, Malaysia, Netherlands, Portugal, Qatar, Switzerland, United Arab Emirates.

Other: 5. Brazil, Guinea, India, New Zealand, Spain.

Comments

Argentina. The Government should promote the creation of employers' and workers' sectoral organizations so as to regulate domestic work through collective bargaining.

Austria. In Austria, the general wage policy is the autonomous responsibility of the representative organizations of employers and workers. An intervention by the State would be interference in the established system of collective autonomy. In areas like domestic work, where there are no established employers' organizations that could conclude collective agreements, the Federal Conciliation Agency can establish a minimum wage, following an application by the responsible union. The rationale behind this is to intervene with an authority in cases where autonomous collective legal provisions are missing.

Plurinational State of Bolivia. However, in Plurinational State of Bolivia the negotiation is individual (between the single employer and the worker), as no employers' organizations exist to date.

Brazil. See questions 9(a) and 34.

Chile. It should be expressly mentioned that the adoption of such measures should be in accordance with the national legislation of each country on the subject.

Colombia. They should have the same treatment as all other workers' organizations and be in conformity with the relevant legislation.

Costa Rica. The existing limitations regarding collective bargaining should be taken into account.

El Salvador. This should be guaranteed, as a fundamental decent work right.

France. There should be no distortions between different sectors.

Guatemala (UMT, ONAM). The right to create trade unions is essential and should be promoted by the ministry of labour in each member State.

Japan. Rather than individually specifying the detailed contents of measures, the Recommendation should set a promotional framework as guidance for countries specifying, for example, fundamental protection measures to allow each country to adopt an approach that is adapted to its own circumstances and to the actual conditions of domestic workers in their respective countries.

Montenegro. Authorities should also ensure access to information on all aspects of effective representation of domestic workers.

Morocco. The level of development of each member State has to be taken into consideration.

Mozambique. Due to the specificity of domestic work.

Netherlands. This is a matter for the social partners.

New Zealand. In New Zealand, collective bargaining and rights to join or not join unions cover all employees.

Nicaragua. This is very important because of the weaknesses that exist.

Panama. The ILO's support to strengthen employers' and workers' organizations is indispensable to ensure their participation in consultation processes.

Poland. This should be done in accordance with national conditions and actual needs.

Qatar. Employers' or workers' organizations must remain free, since interference may have negative impacts on them. Support can be provided indirectly through the competent bodies.

Romania. The Labour Code provides that all workers, including domestic workers, have the right to collective bargaining, the right to the protection of private data and the right to be protected in cases of illegal dismissal.

Saudi Arabia. If such organizations exist.

Spain. The provision should request member States to support but not to take such measures, given that it is difficult for workers and employers in this sector to organize and thus engage in collective bargaining.

Suriname. The implementation of this provision will put a heavy strain on the Government's resources.

Switzerland. This is not the responsibility of the State.

United States. However, it should rather provide that measures should be taken to ensure that any existing efforts to promote capacity building extend to the mentioned organizations as well.

Bolivarian Republic of Venezuela. This should apply also to all concerned civil society organizations and national authorities responsible for the promotion and protection of domestic workers' rights.

Employers

Total number of replies: 15.

Yes: 8. ANDI (Colombia), HUP (Croatia), ESEE (Greece), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), NHO (Norway), IOE.

No: 4. CNI (Brazil), KEF (Republic of Korea), CONEP (Panama), UPS (Switzerland).

Other: 3. EK (Finland), KT (Finland), VTML (Finland).

Comments

CNI (Brazil). This should be left to the decision of each member State.

HUP (Croatia). The specific reference to collective bargaining should be deleted.

EK, KT, VTML (Finland). Supporting measures can be taken in accordance with national practices, provided that they meet the requirements established in the ILO Conventions.

ESEE (Greece). Provided that this is feasible and that there are elected representatives from both employers and employees, covering a great share of the parties.

KEF (Republic of Korea). Domestic workers' contracts depend on a particular individual in a household. It is hard for employers' and workers' organizations to get engaged. Collective bargaining cannot be effective, since its purpose is to improve the working conditions of multiple employees. Contracts should therefore remain individual.

NHO (Norway). Capacity building should support existing representative employers' and workers' organizations at the national level in the field of organization and service. The highly individual nature of domestic work will raise special challenges.

UPS (Switzerland). This matter concerns the social partners.

IOE. The specific reference to collective bargaining seems unnecessary. Resources might be better spent at the national level on information, promotion and enforcement. Also, there may be more urgent issues at the national level (such as the payment of wages and protection from violence) to address first. Collective bargaining may also pose a conceptual and practical problem in this context, given the unique and highly individualistic nature of this type of employment.

Workers

Total number of replies: 123.

Yes: 121. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Other: 2. JTUC–RENGO (Japan), CGTP–IN (Portugal).

Comments

CTA (Argentina). It is fundamental to recognize the rights of domestic workers. One of the main deficits of the legislation on domestic work is that trade union rights are not taken into account.

BAK (Austria). Organizing domestic workers' unions has always been particularly difficult.

COB, FENATRAHOB (Plurinational State of Bolivia). However, in Plurinational State of Bolivia, the negotiation is individual (between the individual employer and the worker) since to date no employers' organizations exist.

FENATRAD (Brazil). It is important to avoid individual negotiations which would undermine the rights of domestic workers.

CGT (Colombia). This should be an established practice in a democratic country.

CFDT (France). The specificities of the sector should be considered.

UNSITRAGUA (Guatemala). The ministry of labour of each member State should ensure the exercise of the rights to freedom of association and collective bargaining for domestic workers.

CNTG (Guinea). They are in charge of ensuring that Conventions are implemented.

CFTUI (India). Collective bargaining should be specifically mentioned.

HMS (India). Due importance has to be given to the national trade unions recognized by the Government of India.

KSPI, KPSPI, KSBSI (Indonesia). This is important, in order to strengthen the role of these organizations in upholding regulations and supervising violations.

CGTP-IN (Portugal). All this relates to fundamental rights which have a binding nature and should be included in the Convention.

FEDUSA (South Africa). It is important to ensure that the parties can negotiate effectively and are aware of their rights.

AFL-CIO, NDWA (United States). However, the recommendation should focus on the establishment of standards, protective measures and safety nets.

Qu. 36 *Should the Recommendation provide that, when regulating working and living conditions, Members should give special attention to the needs of young domestic workers, including in respect of working time and restrictions on undertaking certain types of domestic work? If yes, please specify.*

Governments

Total number of replies: 69.

Yes: 54. Albania, Argentina, Australia, Austria, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Indonesia, Italy, Republic of Korea, Latvia, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Romania, Serbia, Slovenia, Spain, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United States, Uruguay, Bolivarian Republic of Venezuela.

No: 8. Bahrain, Cyprus, Japan, Lebanon, Saudi Arabia, South Africa, United Arab Emirates, Yemen.

Other: 7. Croatia, Guatemala, New Zealand, Oman, Panama, Qatar, Sri Lanka.

Comments

Albania. This should be done in accordance with national legislation.

Argentina. See question 10. Access to education and training is also to be considered.

Australia. The types of employment workers under the minimum age are allowed to perform and the working hours should be set out in detail, as for example under the Minimum Age Recommendation, 1973 (No. 146).

Austria. Yes, if the term “young domestic workers” means workers of up to 18 years of age.

Belgium. Young workers should not work excessively long hours or undertake work exceeding their strength or endangering their health and safety.

Brazil. Due to the occupational hazards inherent in domestic work, the age of employment for domestic workers should be 18 years. This requirement, however, could be implemented gradually in a given time frame.

Canada. See Convention No. 138.

Chile. This could be done by guaranteeing access to education and training.

China. Special attention should be paid to female minors.

Colombia. This should be done in accordance with international conventions and national legislation on the prevention and elimination of child labour and the protection of the young worker.

Costa Rica. A general prohibition on the performance of domestic work should be provided for young persons below 18 years of age.

Croatia. Since special attention to the needs of young domestic workers should be given primarily in the Convention, the Recommendation needs to ensure that relevant child protection systems are involved in the systematic monitoring of the well-being of child domestic workers.

Cuba. In addition, the possibility of facilitating the professional qualification of young domestic workers should be provided for.

Czech Republic. The provisions should be general, not dealing exclusively with domestic workers. See question 62.

Ecuador. These needs include access to education and training.

Finland. Special attention should be paid to hazardous working conditions, working time and possibilities to study and receive education in addition to work.

France. This should apply also with regard to work that could jeopardize the morals of young people and dangerous and prohibited work.

Greece. Directive No. 94/33/EC of the Council of the European Union on the protection of young people at work and relevant international labour standards governing the employment of minors should be taken into account. Young domestic workers should undergo medical examinations prior to starting work.

Guatemala (DPS). No, work of minors should be prohibited.

Guatemala (UMT). Yes, special attention should be given to hours of work, maternity protection and the prohibition of forced labour and hazardous work.

Guatemala (ONAM). Yes. Provisions should be established with regard to the obligation of granting young persons time for studying, the prohibition of excessive hours of work and the determination of the types of work that are not hazardous to their safety, health and morals.

Guinea. In line with the fundamental ILO Conventions. The working day should be six hours and only light work should be allowed.

India. Working hours for young workers should be less than those of adult workers. Night work should be prohibited.

Japan. See question 35.

Republic of Korea. The Recommendation should, among other things, prohibit the employment of workers under a certain age, ban their employment in work which is harmful and hazardous to their morals and health, guarantee their entitlement to make independent contracts and wage claims, limit their working hours and guarantee their compulsory schooling.

Latvia. These needs include access to education and training.

Lebanon. Since there is no discrimination concerning age, we see no interest in giving any special attention to young domestic workers.

Malaysia. Young domestic workers are particularly vulnerable to abuse.

Mauritius. Restrictions should be placed on work which, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of young persons.

Morocco. The minimum age for employment must be respected. Dangerous work has to be prohibited for workers between 15 and 18 years of age.

Mozambique. Measures should be adopted aimed at ensuring adequate working conditions for young persons, taking into account their age, health, safety, education and vocational training, as well as at preventing hazards to their physical, psychological and moral development.

Nepal. Young domestic workers should not be allowed to undertake certain types of domestic work which is hazardous and risky, such as working at great heights, mending electrical appliances, clearing tanks (below the earth surface) and lifting heavy weights or objects.

Netherlands. See question 10.

New Zealand. In New Zealand, special provisions exist for young workers regarding night work, school hours and the severity and type of work.

Nicaragua. Young persons are the most exploited and deprived of their rights.

Panama. The question should be clearer as regards the definition of “young domestic workers”. The emphasis previously was on suitable provisions for children and adolescents, while in this question reference appears to be made to a different category. However, we believe that regulation of working conditions arises from consultation between employers and workers, and that, depending on the specific situation, appropriate measures should be taken, for example in respect of working time limits and restrictions on undertaking certain types of work.

Peru. However, these provisions should be included in the Convention (see question 10). A list should be established determining types of work which can be performed by young persons. These should be performed for up to six hours per day from Monday to Friday.

Poland. Yes, in respect of guaranteeing their rights to sustainable development, health care, the protection of their morals and right to education.

Portugal. See question 10.

Qatar. The recommendation should provide for breaks during the working day for prayers and meals, during which the worker is not free to leave the house for his or her safety.

Serbia. The Recommendation should provide special protection for young workers.

South Africa. All domestic workers should be covered equally.

Spain. Special protection should be granted to young persons between 16 and 18 years of age, especially concerning daily hours limits and the prohibition of overtime and night work.

Sri Lanka. This depends on the minimum age. Issues do not arise if the minimum age is set at 18 years; otherwise, special needs should be addressed.

Suriname. Special attention should be paid to the nationality and caste of workers, to girls, to disabled, indigenous and tribal people and to hazardous work as prescribed in the Worst Forms of Child Labour Recommendation, 1999 (No. 190).

Sweden. This should be in keeping with ILO Conventions Nos 138 and 182.

Thailand. Standby and overtime should be of suitable duration. An appropriate workplace should be provided, which is not harmful to the health of young domestic workers and which provides a recreation area.

Uruguay. Young workers between 15 and 18 years of age are protected by ILO Conventions Nos 138 and 182.

Bolivarian Republic of Venezuela. The right of young workers to education and leisure should be established, as should a minimum age for admission to domestic work and the implementation of a special labour inspection plan. Assignments that may be hazardous for young workers should be prohibited.

Employers

Total number of replies: 15.

Yes: 6. CNI (Brazil), ANDI (Colombia), EK (Finland), KT (Finland), (VTML (Finland), ESEE (Greece).

No: 5. HUP (Croatia), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea), CONEP (Panama).

Other: 4. SEV (Greece), EFC (Sri Lanka), UPS (Switzerland), IOE.

Comments

HUP (Croatia), IOE. The needs of young domestic workers will differ in accordance with national circumstances. No assumed or generalized concerns should be identified.

SEV (Greece). See question 11.

JCC (Jordan). It should give attention to all workers without distinction.

EFC (Sri Lanka). See question 10.

UPS (Switzerland). The question is imprecise.

IOE. This may be considered for further discussions. The sentence should stop after the words “young domestic workers”. The working conditions should be only those applicable to domestic work under national law and practice. Exemptions foreseen by national law should remain in force. An instrument addressing working time or restrictions on particular types of work is not supported (see question 20). See also questions 10 and 11 and earlier comments on living conditions.

Workers

Total number of replies: 122.

Yes: 117. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya),

FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. CROC (Mexico), FPU (Ukraine).

Other: 3. CFDT (France), CGTP–IN (Portugal), CTV (Bolivarian Republic of Venezuela).

Comments

UGTA (Algeria), CGT (Argentina), ACTU (Australia), BWU (Barbados), CSA–Bénin (Benin), FS and UGT (Brazil), CGT (Colombia), ASTRADOMES (Costa Rica), LO (Denmark), CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), GSEE (Greece), ASI (Iceland), HMS (India), ITUC (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), NIDWU (Nepal), CNV and FNV (Netherlands), LO (Norway), PWF (Pakistan), CUT–A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE, NTUF and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), UGTT (Tunisia), TOLEYİS and TÜRK–İŞ (Turkey), TUC (United Kingdom), AFL–CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. The needs of young domestic workers include access to education and training and this should be taken into account when regulating working and living conditions for them.

CTA (Argentina). Besides establishing the minimum age for work and limits on working hours, provisions should be adopted which prohibit young domestic workers from performing hazardous work and require that they complete basic education.

BAK (Austria). However, the provisions regarding the special protection of young workers should in no case be only of a non-binding nature, but should be legally binding. See question 10.

ÖGB (Austria). The minimum age should be 18, to be regulated in the Convention.

BILS (Bangladesh). The issues of long working hours, non-dignified work, overnight work, sexual harassment, access to education and the training of young domestic workers should be considered.

FENATRAD (Brazil). It is important also to take into account the family needs of domestic workers, which are generally disregarded because of the long working hours of these workers.

CNTB (Burkina Faso). Particular attention should be given to the needs of young girls.

ONSL (Burkina Faso). It is necessary to take into account the needs of young domestic workers with regard to access education and training.

CFITU, CLUF, CWLFU (Cambodia). Young domestic workers cannot work for long hours and should have time for their education.

CLC (Canada). This should be in accordance with the principles of Conventions Nos 138 and 182.

CUT (Chile). Working hours should be regulated to allow education and training.

CGT (Colombia). Tasks which are likely to be harmful to the health, safety and morals of young persons should also be taken into account.

CMTC (Costa Rica). Different minimum ages should be established for different types of work, such as childcare.

CTRN (Costa Rica). This entails granting leave and special working hours to allow young workers to study.

DEOK (Cyprus). Young domestic workers are more vulnerable than adult domestic workers to many kinds of exploitation by their employers and thus need more protection.

CNUS (Dominican Republic). All workers, not only young workers, should have access to education and training.

UGTE (Ecuador). In line with Convention No. 182.

AKAVA, SAK, STTK (Finland). This includes access to education and training and should be included in the Convention.

CFDT (France). Lifelong education should be ensured, without age bias.

CGT-FO (France). Yes. In the case of young domestic workers, there must be provisions for parents or guardians to be informed of their terms of employment. See question 10.

COSYGA, JOC (Gabon). Attention should be paid to the needs of young workers to be granted time for education and to specific dangerous tasks that could endanger their health.

DGB (Germany). Special attention should be paid to education and further education.

UNSITRAGUA (Guatemala). Young migrant domestic workers should be entitled to the same rights as nationals.

CNTG (Guinea). The minimum age and types of hazardous work for young workers should be taken into account.

CGT (Honduras). This is important, as many violations occur.

HMS (India). Young workers should be allowed to have increased education when they work part time and to acquire more skills.

CGIL (Italy). See questions 10 and 11.

CISL (Italy). Should the Convention state that workers below 18 years of age are allowed to work in this sector in full respect of Conventions Nos 138 and 182, specific restrictions are to be applied in terms of working time.

UGL (Italy). Young domestic workers (under 18) constitute an exception. They must therefore have the right to a lighter workload, suitable to their age, limited hours of work and access to education and training.

SEKRIMA (Madagascar). Young domestic workers, just like any other workers with rights to education/training leave, should have the opportunity to improve their access to employment by having access to education and training, which should be taken into consideration when adopting provisions regulating working conditions.

CTM (Mexico). Protecting young domestic workers from labour exploitation is fundamental. Young workers should not work for more than six hours per day and should compulsorily start work at 9 a.m. in order to avoid having to work early in the morning or at night.

UNT (Mexico). As per Mexican law, the daily working hours limit for young persons between 16 and 18 years should be six hours. Moreover, young workers should not be asked to look after children or elderly or sick persons, or take care of the employer's businesses. Work should be assigned according to their age and experience and should permit their development.

FNV (Netherlands). Young workers in particular should be protected against forced labour and (sexual) abuse, as they are particularly vulnerable. A clear distinction from au pair arrangements should be made.

CNT (Niger). The fact that young domestic workers are for the most part illiterate and in need of support should be taken into account.

CS (Panama). Minors are the most exploited in domestic work.

CTP, CUT (Peru). The definition of young persons includes persons between 15 and 25 years of age. Young persons between 15 and 18 years of age are protected by Convention Nos 138 and 182.

APL, FFW, TUCP (Philippines). In line with ILO Conventions Nos 138 and 182.

CGTP-IN (Portugal). The issues relative to working time limits and the prohibition of hazardous work should be included in the Convention.

FEDUSA (South Africa). Young domestic workers should be compensated for working overtime. The duties that they perform must be clear. They also have a right to be educated and trained accordingly.

SADSAWU (South Africa). Young domestic workers should be encouraged to study, must be allowed time off work and should not be expected to perform heavy tasks.

LCT, NCPE, SERC, TTUC (Thailand). The needs of young domestic workers to access education and training should be given special attention.

PIT-CNT (Uruguay). The rights of young domestic workers to study, to work for limited hours and not to perform hazardous work should be protected.

Qu. 37 *Should the Recommendation provide that the terms of employment should be provided in writing?*

Governments

Total number of replies: 72.

Yes: 65. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, India, Indonesia, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Norway, Oman, Panama, Paraguay, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 3. Guinea, Japan, Netherlands.

Other: 4. Guatemala, New Zealand, Peru, United States.

Comments

Argentina. To avoid any misinterpretation or ambiguity.

Australia. In the native language of the worker.

Belgium (CNT). See question 27.

Belgium (SPF). Provided that this is common in the country in question. It should be in a language understandable to the worker, who should sign it.

Brazil. See question 13.

Chile. The terms of employment should be set out in a labour contract.

China. The wording in the contract should be easily understandable, even for less educated domestic workers. If a worker cannot read or write, necessary assistance should be offered to ensure full understanding of the content (for example, with the participation of domestic work companies).

Croatia. Yes, but this should be stipulated in the Convention.

El Salvador. Only in exceptional cases should the terms of employment be stipulated orally.

Finland. This protects both parties in cases of dispute.

Guatemala (DPS). No.

Guatemala (UMT). Yes, thereby the employer is obliged to comply with the contract.

Guatemala (ONAM). Yes. The written contract should include basic provisions such as minimum wages and other rights of the worker.

Guinea. This should be done by virtue of the principle of consensual agreement of an employment contract.

India. This should be introduced progressively, taking into account the complexities of the question.

Japan. See question 35.

Mauritius. Nevertheless, the contract may contain provisions for flexible arrangements between the parties due to the specificity of domestic work.

Montenegro. This is to be stipulated in the Convention.

Mozambique. It is important that the worker knows the terms of employment before signing the employment contract.

Nepal. It should include the nature of work, remuneration rate, pay interval, daily and weekly rests, annual leave, accommodation and details on the provision of food. This will help to make domestic work decent and safe.

Netherlands. See question 27.

New Zealand. In New Zealand, all matters agreed between the parties must be provided in writing.

Peru. However, this should be included in the Convention. See question 13.

Portugal. However, this provision should be included preferably in the Convention.

South Africa. This is crucial for cutting down conciliation, mediation and arbitration procedures, as the South African experience has taught.

Spain. It should at least be established that the employer has the obligation to inform the worker in writing of the basic terms of the employment contract, such as the starting date, the duration, the identity of the parties, the identification of the workplace, and other terms regarding working time and the execution of the contract.

Suriname. This should be provided before the beginning of the assignment and as far as possible in the worker's own or a language familiar to him or her.

Sweden. If either party so requests.

Tunisia. See question 27.

United States. Yes, for migrant domestic workers. Concerning nationals, laws and regulations governing written employment contracts for most formal sector workers should also cover domestic workers.

Employers

Total number of replies: 15.

Yes: 10. CNI (Brazil), ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea), CONEP (Panama), UPS (Switzerland).

No: 1. ESEE (Greece).

Other: 4. HUP (Croatia), NHO (Norway), EFC (Sri Lanka), IOE.

Comments

CNI (Brazil). As far as possible and in accordance with national law and practice.

ANDI (Colombia). This does not mean that verbal agreements are not valid any more.

HUP (Croatia). Requirements on domestic employers regarding contractual information should not exceed those that apply to general employment relationships, unless there is a specific justification for different treatment.

ESEE (Greece). This is unnecessary under Greek legislation.

JCC (Jordan). This is important, in order to ensure the rights of both parties.

KEF (Republic of Korea). Basic conditions could be stated in a written contract.

NHO (Norway), IOE. It is unclear what this would add to question 13.

EFC (Sri Lanka). See question 13.

UPS (Switzerland). In line with the provisions foreseen in the Swiss Code of Obligations.

IOE. The logic behind the dichotomy between the proposed Convention and Recommendation needs to be re-examined. The wider concept of providing contractual information to employees needs to be discussed as a whole (questions 13, 37 and 38). Contractual information for domestic workers should not extend or exceed any requirements applying to general employment, unless there is a specific reason for a different approach.

Workers

Total number of replies: 124.

Yes: 123. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. GEFONT (Nepal).

Comments

CTA (Argentina). This is important so that the worker is informed of his or her rights at work. The actual respect of these rights, however, would depend on the adoption of specific legal provisions and effective enforcement mechanisms.

BAK (Austria). An employment contract should be in writing, whenever possible, but should be also valid otherwise. This should be included in the Convention. See question 13.

ÖGB (Austria). This should be included in the Convention.

CFITU, CLUF, CWLFU (Cambodia). They should be written in three languages, including the mother tongues of the worker and the employer, and in English.

AKAVA, SAK, STTK (Finland). They should be written in a language that the domestic worker understands. To be stipulated in the Convention. See question 13.

COSYGA, JOC (Gabon). This is to be included in the employment contract.

UNSITRAGUA (Guatemala). For migrant domestic workers, the same terms should be respected as for nationals.

CGT (Honduras). This would make it possible to file a complaint, if and when needed.

CIAWU (Malawi). This should complement existing labour legislation.

UNT (Mexico). As for all other workers.

GEFONT (Nepal). No, but it should refer to national legislation.

CS (Panama). As domestic workers have no employment contracts and are exposed to abuse by the employers.

APL, FFW, TUCP (Philippines). This should be done in a language that the worker understands.

CGTP-IN (Portugal). Regarding migrant domestic workers, the terms of employment should be included in a written contract. This provision should be included in the Convention.

Qu. 38 *Should the Recommendation provide that additional particulars should be included in the terms of employment, such as:*

- (a) the starting date of the employment;*
- (b) a detailed list of duties;*
- (c) annual leave;*
- (d) daily and weekly rest;*
- (e) sick leave and any other personal leave;*
- (f) the rate of pay for overtime work;*
- (g) any other cash payments to which the domestic worker is entitled;*
- (h) any in-kind allowance and its cash value;*
- (i) details of any accommodation provided;*
- (j) any authorized deductions;*
- (k) the period of notice required for termination?*

(a) the starting date of the employment

Governments

Total number of replies: 70.

Yes: 65. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Indonesia, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 1. Japan.

Other: 4. Guatemala, New Zealand, Peru, United States.

Comments

Brazil. Some of these terms should not necessarily be included in the employment contract, but in the legislation that needs to be disseminated widely.

Chile. It should be expressly mentioned that the application of such requirements should be in accordance with the national legislation of each country on the subject.

China. Besides, necessary conditions of occupational safety and health should also be included.

Costa Rica. Also information on the social security regime should be included.

Egypt. Provided that this issue is agreed upon by the parties.

Guatemala (DPS). Other.

Guatemala (UMT, ONAM). Yes. The personal data of the worker and her family, including address, criminal record, identity documents, social security number and studies undertaken, should be also included.

India. See question 37.

Japan. See question 35.

Morocco. The contractual provisions, including the particulars regarding the conditions of employment, can be agreed freely between the parties.

Mozambique. This is necessary to protect the worker against abuse (such as excessive hours of work or the termination of the contract before the date of expiration).

Netherlands. If applicable and if requested by the employee.

New Zealand. In New Zealand, this is a matter for agreement by the parties.

Peru. See question 13.

Poland. Since this is subject to regulations commonly in force, it only needs to be specified in the employment contract if conditions are more advantageous than legal conditions.

Portugal. However, this provision should be included preferably in the Convention.

Spain. Should the Recommendation establish the obligation of stipulating these terms in writing, it should make compulsory the inclusion of details regarding, for example, the worker's accommodation, the list of tasks and the percentage and value of in-kind payment.

Saudi Arabia. There is no need to give specific details, but just to mention the tasks.

Sweden. This enumeration can provide guidance on points to be covered by a contract of service. The question of repatriation costs can also be addressed here.

United States. See question 37.

Bolivarian Republic of Venezuela. Details of the salary, annual leave and provision of food, where applicable, should be included.

Yemen. The information conveyed may be useful, allowing the Convention to be understood.

Employers

Total number of replies: 14.

Yes: 7. CNI (Brazil), EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), JCC (Jordan), UPS (Switzerland).

No: 2. ANDI (Colombia), KEF (Republic of Korea).

Other: 5. HUP (Croatia), ESEE (Greece), SEV (Greece), EFC (Sri Lanka), IOE.

Comments

ANDI (Colombia). National legislation already regulates most of these aspects. The requirements of the content of these conditions should be discussed.

HUP (Croatia). See questions 13, 20 and 37.

EK, KT, VTML (Finland). Provided that the terms of employment can be defined by referring to labour law and collective agreements.

ESEE (Greece). This is unnecessary, if the agreement is oral.

SEV (Greece). This question should be examined together with questions 13 and 37.

JCC (Jordan). This is necessary so that workers and employers are aware of their rights and obligations.

KEF (Republic of Korea). The employment period is already included in the contract.

EFC (Sri Lanka). See question 13.

IOE. This question should be considered together with questions 13 and 37. Requirements should be assessed on their merits, in the light of the content of any instrument(s) more generally. No details that were not included in a Convention should be added to a Recommendation as a fall back list of requirements, the status of which is unclear. If such provisions were included in a Recommendation, the listed items might be expressed as a pallet of options for States, not as a requirement.

Workers

Total number of replies: 126.

Yes: 124. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Other: 1. CSDR (Romania).

Comments

CTA (Argentina). See question 37.

BAK (Austria). This provides legal certainty for both parties, and is particularly important for migrants.

CFITU, CLUF, CWLFU (Cambodia). However, working hours and wages should be added.

CUT (Colombia). These provisions are all essential for ensuring decent work.

CMTC (Costa Rica). A trimestrial and yearly written evaluation could be also included.

AKAVA, SAK, STTK (Finland). This should be included in the Convention (see question 13). The terms should be provided in a language that the domestic worker understands.

CFDT (France). Information on the applicable collective agreement should also be included.

COSYGA, JOC (Gabon). See question 37.

UNISITRAGUA (Guatemala). It is also recommended that the following is included in the terms of employment: the right to education of young domestic workers as an employer's obligation; the prohibition to oblige the worker to wear a uniform and to dismiss the ethnic dress; the right to maternity, including measures to protect the worker's child as agreed by the parties; that the termination of contract only takes effect after the worker has collected her or his personal effects and during the day; the obligation to pay wages in money and in the country's currency; and the right to decent treatment and to non-discrimination on the basis of sex, race, colour, language, religion, political opinion, national extraction, ethnic or social origin, nationality, economic situation, property, civil status, birth or any other conditions.

CTM (Mexico). The Recommendation could ask for more information on the workers, including personal data and places where they can be reached in case of escape, burglary or any other offence.

UNT (Mexico). Moreover, it is necessary to establish the periodicity of payment, the address of the workplace and the place of payment. The employment contract should be negotiated by the parties.

NIDWU (Nepal). However, this should be included in the Convention.

CONATO (Panama). This should be included in the employment contract. They are not additional particulars, but very specific ones.

CSDR (Romania). Terms of employment should include all that is provided for by national legislation.

FNPR (Russian Federation). Additionally, the terms of employment should include duties, work details, the time limits for overtime work, meal conditions, benefit payments that would apply if the employer breaks the contract, conditions, payment and rate of pay of time off (for example in cases of sickness and leave).

SADSAWU (South Africa). This shall be discussed with workers in their first language so that they fully understand the agreement.

AFL-CIO, NDWA (United States). Additionally, particulars should be included on healthcare (the worker should be provided by the government or the employer with both preventive and emergency healthcare), the right to full pay without deductions, the right to an annual wage increase taking the cost of living into account, the right workers to keep and possess their own documents, severance pay, the right to compensation and/or medical care in case of occupational accidents or diseases.

(b) a detailed list of duties

Governments

Total number of replies: 69.

Yes: 60. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Indonesia, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Norway, Oman, Paraguay, Poland, Portugal, Qatar, Romania, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 5. Brazil, Ecuador, Japan, Netherlands, Saudi Arabia.

Other: 4. Guatemala, New Zealand, Peru, United States.

Comments

Brazil. See question 38(a).

China. See question 38(a).

Chile. See question 38(a).

Costa Rica. See question 38(a).

Egypt. See question 38(a).

El Salvador. See question 38(a).

Guatemala (DPS). Other.

Guatemala (UMT). Yes. See question 38(a).

Guatemala (ONAM). Yes. See question 38(a).

India. See question 37.

Japan. See question 35.

Mozambique. See question 38(a).

New Zealand. A description of the work to be performed must be provided under New Zealand law.

Morocco. See question 38(a).

Peru. See question 13.

Poland. A reasonable amount of detail should be given, as it is not always possible to specify the scope of household duties in detail.

Portugal. See question 38(a).

Spain. See question 38(a).

Sweden. See question 38(a).

United States. See question 37.

Bolivarian Republic of Venezuela. See question 38(a).

Yemen. See question 38(a).

Employers

Total number of replies: 13.

Yes: 6. EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea).

No: 3. CNI (Brazil), ANDI (Colombia), IOE.

Other: 4. HUP (Croatia), ESEE (Greece), SEV (Greece), EFC (Sri Lanka).

Comments

ANDI (Colombia). See question 38(a).

HUP (Croatia). See questions 13, 20 and 37.

EK, KT, VTML (Finland). See question 38(a).

ESEE (Greece). See question 38(a).

SEV (Greece). See question 38(a).

JCC (Jordan). See question 38(a).

EFC (Sri Lanka). See question 13.

IOE. Any list of duties regarding domestic work could not be detailed enough, and at best would be indicative or general only, since duties change and adapt, children grow and their needs change and employers become more experienced.

Workers

Total number of replies: 125.

Yes: 123. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. CROC (Mexico), CTM (Mexico).

Comments

CTA (Argentina). See question 37.

BAK (Austria). See question 38(a).

FENATRAD (Brazil). This is to be agreed by the parties at the time of recruitment.

CFITU, CLUF, CWLFU (Cambodia). See question 38(a).

CUT (Colombia). See question 38(a).

CMTC (Costa Rica). See question 38(a).

AKAVA, SAK, STTK (Finland). See question 38(a).

CFDT (France). See question 38(a).

COSYGA, JOC (Gabon). See question 37.

UNSITRAGUA (Guatemala). See question 38(a).

CTM (Mexico). See question 38(a).

UNT (Mexico). See question 38(a).

NIDWU (Nepal). See question 38(a).

CONATO (Panama). See question 38(a).

CSDR (Romania). See question 38(a).

FNPR (Russian Federation). See question 38(a).

SADSAWU (South Africa). See question 38(a).

AFL–CIO, NDWA (United States). A list of duties as pertaining to the worker’s position, for example as a nanny, housekeeper, caregiver for elderly, or caregiver for the sick, should be provided. See question 38(a).

(c) *annual leave*

Governments

Total number of replies: 69.

Yes: 61. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Indonesia, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Paraguay, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 4. Brazil, Japan, Malaysia, Spain.

Other: 4. Guatemala, New Zealand, Peru, United States.

Comments

Australia. See question 20.

Brazil. See question 38(a).

Chile. See question 38(a).

China. See question 38(a).

Costa Rica. See question 38(a).

Egypt. See question 38(a).

El Salvador. See question 38(a).

Guatemala (DPS). Other.

Guatemala (UMT). Yes. See question 38(a).

Guatemala (ONAM). Yes. See question 38(a).

Guinea. However, considering the type of work and some socio-cultural realities, granting annual leave to a domestic worker could lead to the worker losing his or her job.

India. See question 37.

Japan. See question 35.

Morocco. See question 38(a).

Mozambique. See question 38(a).

Netherlands. See question 38(a).

New Zealand. This is not required by New Zealand law.

Peru. See question 13.

Poland. See question 38(a).

Portugal. See question 38(a).

Sweden. See question 38(a).

United States. See question 37.

Bolivarian Republic of Venezuela. See question 38(a).

Yemen. See question 38(a).

Employers

Total number of replies: 14.

Yes: 8. CNI (Brazil), EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea), UPS (Switzerland).

No: 1. ANDI (Colombia).

Other: 5. HUP (Croatia), ESEE (Greece), SEV (Greece), EFC (Sri Lanka), IOE.

Comments

ANDI (Colombia). See question 38(a).

HUP (Croatia). See questions 13, 20 and 37.

EK, KT, VTML (Finland). See question 38(a).

ESEE (Greece). See question 38(a).

SEV (Greece). See question 38(a).

JCC (Jordan). See question 38(a).

KEF (Republic of Korea). This term can be problematic in the context of domestic work.

EFC (Sri Lanka). See question 13.

IOE. See question 38(a).

Workers

Total number of replies: 126.

Yes: 124. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia),

SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Other: 1. CSDR (Romania).

Comments

CTA (Argentina). See question 37.
 BAK (Austria). See question 38(a).
 CFITU, CLUF, CWLFU (Cambodia). See question 38(a).
 CUT (Colombia). See question 38(a).
 CMTC (Costa Rica). See question 38(a).
 AKAVA, SAK, STTK (Finland). See question 38(a).
 CFDT (France). See question 38(a).
 COSYGA, JOC (Gabon). See question 37.
 UNSITRAGUA (Guatemala). See question 38(a).
 CTM (Mexico). See question 38(a).
 UNT (Mexico). See question 38(a).
 NIDWU (Nepal). See question 38(a).
 CONATO (Panama). See question 38(a).
 CSDR (Romania). See question 38(a).
 FNPR (Russian Federation). See question 38(a).
 SADSAWU (South Africa). See question 38(a).
 AFL-CIO, NDWA (United States). See question 38(a).

(d) *daily and weekly rest*

Governments

Total number of replies: 69.

Yes: 63. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Indonesia, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Paraguay, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 3. Brazil, Japan, Spain.

Other: 3. Guatemala, New Zealand, Peru.

Comments

Brazil. See question 38(a).
Chile. See question 38(a).
China. See question 38(a).
Costa Rica. See question 38(a).
Egypt. See question 38(a).
El Salvador. See question 38(a).
Guatemala (DPS). Other.
Guatemala (UMT). Yes. See question 38(a).
Guatemala (ONAM). Yes. See question 38(a).
India. See question 37.
Japan. See question 35.
Morocco. See question 38(a).
Mozambique. See question 38(a).
Netherlands. See question 38(a).
New Zealand. See question 38(c).
Peru. See question 13.
Poland. See question 38(a).
Portugal. See question 38(a).
Sweden. See question 38(a).
United States. See question 37.
Bolivarian Republic of Venezuela. See question 38(a).
Yemen. See question 38(a).

Employers

Total number of replies: 13.

Yes: 7. CNI (Brazil), EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea).

No: 1. ANDI (Colombia).

Other: 5. HUP (Croatia), ESEE (Greece), SEV (Greece), EFC (Sri Lanka), IOE.

Comments

ANDI (Colombia). See question 38(a).
HUP (Croatia). See questions 13, 20 and 37.
EK, KT, VTML (Finland). See question 38(a).
ESEE (Greece). See question 38(a).

SEV (Greece). See question 38(a).
JCC (Jordan). See question 38(a).
EFC (Sri Lanka). See question 13.
IOE. See question 38(a).

Workers

Total number of replies: 125.

Yes: 123. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Other: 1. CSDR (Romania).

Comments

CTA (Argentina). See question 37.
BAK (Austria). See question 38(a).
CFITU, CLUF and CWLFU (Cambodia). See question 38(a).
CUT (Colombia). See question 38(a).
CMTC (Costa Rica). See question 38(a).
AKAVA, SAK, STTK (Finland). See question 38(a).
CFDT (France). See question 38(a).
COSYGA, JOC (Gabon). See question 37.
UNSITRAGUA (Guatemala). See question 38(a).
CTM (Mexico). See question 38(a).
UNT (Mexico). See question 38(a).
NIDWU (Nepal). See question 38(a).
CONATO (Panama). See question 38(a).
CSDR (Romania). See question 38(a).

FNPR (Russian Federation). See question 38(a).
 SADSAWU (South Africa). See question 38(a).
 AFL-CIO, NDWA (United States). See question 38(a).

(e) *sick leave and any other personal leave*

Governments

Total number of replies: 69.

Yes: 60. Albania, Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Indonesia, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 5. Brazil, Japan, Malaysia, Paraguay, Spain.

Other: 4. Austria, Guatemala, New Zealand, Peru.

Comments

Austria. Yes, if this particular is only exemplary for what may be included in the terms of employment; no, if it is obligatory, since in Austria this is already provided for by law and does not have to be included in the terms of employment.

Brazil. See question 38(a).

Chile. See question 38(a).

China. See question 38(a).

Costa Rica. See question 38(a).

Egypt. See question 38(a).

El Salvador. See question 38(a).

Guatemala (DPS). Other.

Guatemala (UMT). Yes.

Guatemala (ONAM). Yes.

India. See question 37.

Japan. See question 35.

Morocco. See question 38(a).

Mozambique. See question 38(a).

Netherlands. See question 38(a).

New Zealand. See question 38(c).

Peru. See question 13.

Poland. See question 38(a).

Portugal. See question 38(a).

Sweden. See question 38(a).

United States. See question 37.

Bolivarian Republic of Venezuela. See question 38(a).

Yemen. See question 38(a).

Employers

Total number of replies: 13.

Yes: 7. CNI (Brazil), EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea).

No: 1. ANDI (Colombia).

Other: 5. HUP (Croatia), ESEE (Greece), SEV (Greece), EFC (Sri Lanka), IOE.

Comments

ANDI (Colombia). See question 38(a).

HUP (Croatia). See questions 13, 20 and 37.

EK, KT, VTML (Finland). See question 38(a).

ESEE (Greece). See question 38(a).

SEV (Greece). See question 38(a).

JCC (Jordan). See question 38(a).

KEF (Republic of Korea). See question 38(c).

EFC (Sri Lanka). See question 13.

IOE. See question 38(a).

Workers

Total number of replies: 126.

Yes: 123. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS

(Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. CROC (Mexico), CTM (Mexico).

Other: 1. CSDR (Romania).

Comments

CTA (Argentina). See question 37.

BAK (Austria). See question 38(a). The German translation of the word “sick leave and other personal leave” needs to be reconsidered.

ÖGB (Austria). The German translation should use the term “*Krankenstand*” instead of “*Krankenurlaub*” in order to avoid confusion of the concepts of leave and sickness.

CFITU, CLUF, CWLFU (Cambodia). See question 38(a).

CUT (Colombia). See question 38(a).

CMTC (Costa Rica). See question 38(a).

AKAVA, SAK, STTK (Finland). See question 38(a).

CFDT (France). See question 38(a).

COSYGA, JOC (Gabon). See question 37.

UNSI TRAGUA (Guatemala). See question 38(a).

CTM (Mexico). See question 38(a).

UNT (Mexico). See question 38(a).

NIDWU (Nepal). See question 38(a).

CONATO (Panama). See question 38(a).

CSDR (Romania). See question 38(a).

FNPR (Russian Federation). See question 38(a).

SADSAWU (South Africa). See question 38(a).

AFL-CIO, NDWA (United States). See question 38(a).

(f) *the rate of pay for overtime work*

Governments

Total number of replies: 69.

Yes: 60. Albania, Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Indonesia, Italy, Japan, Republic of Korea, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Paraguay, Poland, Portugal, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 4. Malaysia, Qatar, Spain, United Arab Emirates.

Other: 5. Austria, Guatemala, New Zealand, Peru, United States.

Comments

Austria. See question 38(e).

Brazil. See question 38(a).

Chile. See question 38(a).

China. See question 38(a).

Costa Rica. See question 38(a).

Egypt. See question 38(a).

El Salvador. See question 38(a).

Guatemala (DPS). Other.

Guatemala (UMT). Yes. See question 38(a).

Guatemala (ONAM). Yes. See question 38(a).

India. See question 37.

Indonesia. This should be done in accordance with the working time arrangement between the parties.

Japan. See question 35.

Morocco. See question 38(a).

Mozambique. See question 38(a).

Netherlands. See question 38(a).

New Zealand. See question 38(c).

Peru. See question 13. Overtime should be compensated with hours or days of rest, depending on the parties' agreement (overtime hours may be accumulated for up to one working day).

Poland. See question 38(a).

Portugal. See question 38(a).

Sweden. See question 38(a).

Tunisia. Only when part-time work is concerned.

United States. See question 37.

Bolivarian Republic of Venezuela. See question 38(a).

Yemen. See question 38(a).

Employers

Total number of replies: 13.

Yes: 6. EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea).

No: 3. CNI (Brazil), ANDI (Colombia), IOE.

Other: 4. HUP (Croatia), ESEE (Greece), SEV (Greece), EFC (Sri Lanka).

Comments

ANDI (Colombia). See question 38(a).

HUP (Croatia). See questions 13, 20 and 37.

EK, KT, VTML (Finland). See question 38(a).

ESEE (Greece). See question 38(a).

SEV (Greece). See question 38(a).

JCC (Jordan). See question 38(a).
 KEF (Republic of Korea). See question 38(c).
 EFC (Sri Lanka). See question 13.
 IOE. See question 38(a).

Workers

Total number of replies: 126.

Yes: 124. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Other: 1. CSDR (Romania).

Comments

CTA (Argentina). See question 37.
 BAK (Austria). See question 38(a).
 CFITU, CLUF, CWLFU (Cambodia). See question 38(a).
 CUT (Colombia). See question 38(a).
 CMTC (Costa Rica). See question 38(a).
 AKAVA, SAK, STTK (Finland). See question 38(a).
 CFDT (France). See question 38(a).
 COSYGA, JOC (Gabon). See question 37.
 UNSITRAGUA (Guatemala). See question 38(a).
 CTM (Mexico). See question 38(a).
 UNT (Mexico). See question 38(a).
 NIDWU (Nepal). See question 38(a).
 CONATO (Panama). See question 38(a).
 CSDR (Romania). See question 38(a).

FNPR (Russian Federation). See question 38(a).
SADSAWU (South Africa). See question 38(a).
AFL–CIO, NDWA (United States). See question 38(a).

(g) *any other cash payments to which the domestic worker is entitled*

Governments

Total number of replies: 68.

Yes: 61. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Indonesia, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Norway, Oman, Paraguay, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Bolivarian Republic of Venezuela, Yemen.

No: 4. Japan, Malaysia, Netherlands, Spain.

Other: 3. Guatemala, New Zealand, Peru.

Comments

Plurinational State of Bolivia. Such as a Christmas bonus.

Brazil. See question 38(a).

Chile. See question 38(a).

China. See question 38(a).

Costa Rica. See question 38(a).

Egypt. See question 38(a).

El Salvador. See question 38(a).

Guatemala (DPS). Other.

Guatemala (UMT). Yes. See question 38(a).

Guatemala (ONAM). Yes. See question 38(a).

India. See question 37.

Japan. See question 35.

Republic of Korea. If provided by the employer.

Morocco. See question 38(a).

New Zealand. See question 38(c).

Peru. See question 13. It is preferable to specify all the relevant rights to which the domestic worker is entitled in order to avoid any possible conflicts with regard to the interpretation of the provision.

Portugal. See question 38(a).

Sweden. See question 38(a).

United States. See question 37.

Bolivarian Republic of Venezuela. See question 38(a).

Yemen. See question 38(a).

Employers

Total number of replies: 13.

Yes: 6. CNI (Brazil), EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), JCC (Jordan).

No: 2. ANDI (Colombia), KEF (Republic of Korea).

Other: 5. HUP (Croatia), ESEE (Greece), SEV (Greece), EFC (Sri Lanka), IOE.

Comments

ANDI (Colombia). See question 38(a).

HUP (Croatia). See questions 13, 20 and 37.

EK, KT, VTML (Finland). See question 38(a).

ESEE (Greece). See question 38(a).

SEV (Greece). See question 38(a).

JCC (Jordan). See question 38(a).

KEF (Republic of Korea). Additional benefits are provided as a favour.

EFC (Sri Lanka). See question 13.

IOE. See question 38(a).

Workers

Total number of replies: 126.

Yes: 123. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom),

AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. CFTUI (India), CTM (Mexico).

Other: 1. CSDR (Romania).

Comments

CTA (Argentina). See question 37.

BAK (Austria). See question 38(a).

COB (Plurinational State of Bolivia). Such as a Christmas bonus.

FENATRAHOB (Plurinational State of Bolivia). Such as a Christmas bonus.

CFITU, CLUF, CWLFU (Cambodia). See question 38(a).

CUT (Colombia). See question 38(a).

CMTC (Costa Rica). See question 38(a).

AKAVA, SAK, STTK (Finland). See question 38(a).

CFDT (France). See question 38(a).

COSYGA, JOC (Gabon). See question 37.

UNSITRAGUA (Guatemala). See question 38(a).

CTM (Mexico). See question 38(a).

UNT (Mexico). See question 38(a).

NIDWU (Nepal). See question 38(a).

CONATO (Panama). See question 38(a).

CSDR (Romania). See question 38(a).

FNPR (Russian Federation). See question 38(a).

SADSAWU (South Africa). See question 38(a).

AFL–CIO, NDWA (United States). Reimbursements should be included as cash payments and paid back within a specified time. See question 38(a).

(h) any in-kind allowance and its cash value

Governments

Total number of replies: 69.

Yes: 55. Albania, Australia, Austria, Bahrain, Belgium, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Indonesia, Republic of Korea, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Norway, Oman, Paraguay, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 10. Argentina, Plurinational State of Bolivia, Brazil, Czech Republic, Ecuador, Italy, Japan, Malaysia, Netherlands, Nicaragua.

Other: 4. Guatemala, New Zealand, Peru, United States.

Comments

Brazil. See question 38(a).

Chile. See question 38(a).

China. See question 38(a).

Costa Rica. See question 38(a).

Egypt. See question 38(a).

El Salvador. See question 38(a).

Guatemala (DPS). Other.

Guatemala (UMT). Yes. See question 38(a).

Guatemala (ONAM). Yes. See question 38(a).

India. See question 37.

Japan. See question 35.

Republic of Korea. See question 38(g).

Morocco. See question 38(a).

New Zealand. See question 38(c).

Peru. See question 13.

Portugal. See question 38(a).

Spain. See question 38(a).

Sweden. See question 38(a).

United States. See question 37.

Bolivarian Republic of Venezuela. See question 38(a).

Yemen. See question 38(a).

Employers

Total number of replies: 13.

Yes: 5. EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), JCC (Jordan).

No: 3. CNI (Brazil), ANDI (Colombia), KEF (Republic of Korea).

Other: 5. HUP (Croatia), ESEE (Greece), SEV (Greece), EFC (Sri Lanka), IOE.

Comments

ANDI (Colombia). See question 38(a).

HUP (Croatia). See questions 13, 20 and 37.

EK, KT, VTML (Finland). See question 38(a).

ESEE (Greece). See question 38(a).

SEV (Greece). See question 38(a).

JCC (Jordan). See question 38(a).

KEF (Republic of Korea). See question 38(g).

EFC (Sri Lanka). See question 13.

IOE. See question 38(a).

Workers

Total number of replies: 126.

Yes: 114. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BWU (Barbados), CSA (Benin), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT

(Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 11. BILS (Bangladesh), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), CMKOS (Czech Republic), UGTE (Ecuador), CFTUI (India), CISL (Italy), CTM (Mexico), CTP (Peru), CUT (Peru), NUDE (Trinidad and Tobago).

Other: 1. CSDR (Romania).

Comments

CTA (Argentina). See question 37.
 BAK (Austria). See question 38(a).
 CFITU, CLUF, CWLFU (Cambodia). See question 38(a).
 CUT (Colombia). See question 38(a).
 CMTC (Costa Rica). See question 38(a).
 AKAVA, SAK, STTK (Finland). See question 38(a).
 CFDT (France). See question 38(a).
 COSYGA, JOC (Gabon). See question 37.
 UNSITRAGUA (Guatemala). See question 38(a).
 CTM (Mexico). See question 38(a).
 UNT (Mexico). See question 38(a).
 NIDWU (Nepal). See question 38(a).
 FNV (Netherlands). If applicable.
 CONATO (Panama). See question 38(a).
 CSDR (Romania). See question 38(a).
 FNPR (Russian Federation). See question 38(a).
 SADSAWU (South Africa). See question 38(a).
 NUDE (Trinidad and Tobago). See question 17.
 AFL-CIO, NDWA (United States). See question 38(a).

PIT-CNT (Uruguay). Partial in-kind payments should not be allowed. If so agreed by the parties, in-kind payments should be limited and be counted when calculating social security contributions.

*(i) details of any accommodation provided***Governments**

Total number of replies: 67.

Yes: 59. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Norway, Oman, Paraguay, Poland, Portugal, Qatar, Romania, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 4. Japan, Malaysia, Netherlands, Saudi Arabia.

Other: 4. Guatemala, New Zealand, Peru, United States.

Comments

Brazil. See question 38(a).

Chile. See question 38(a).

China. See question 38(a).

Costa Rica. See question 38(a).

Egypt. See question 38(a).

El Salvador. See question 38(a).

Guatemala (DPS). Other.

Guatemala (UMT). Yes. See question 38(a).

Guatemala (ONAM). Yes. See question 38(a).

India. See question 37.

Japan. See question 35.

Republic of Korea. See question 38(g).

Morocco. See question 38(a).

Mozambique. See question 38(a).

New Zealand. See question 38(c).

Peru. See question 13.

Portugal. See question 38(a).

Saudi Arabia. There is no need to give specific details, but just to provide appropriate accommodation.

Spain. See question 38(a).

Sweden. See question 38(a).

United States. See question 37.

Bolivarian Republic of Venezuela. See question 38(a).

Yemen. See question 38(a).

Employers

Total number of replies: 12.

Yes: 6. CNI (Brazil), EK (Finland), KT (Finland), VTML (Finland), JCC (Jordan), KEF (Republic of Korea).

No: 1. ANDI (Colombia).

Other: 5. HUP (Croatia), ESEE (Greece), SEV (Greece), EFC (Sri Lanka), IOE.

Comments

ANDI (Colombia). See question 38(a).

HUP (Croatia). See questions 13, 20 and 37.

EK, KT and VTML (Finland). See question 38(a).

ESEE (Greece). See question 38(a).

SEV (Greece). See question 38(a).

JCC (Jordan). See question 38(a).

KEF (Republic of Korea). The wording should be amended to “details of any accommodation, if provided”.

EFC (Sri Lanka). See question 13.

IOE. See question 38(a).

Workers

Total number of replies: 123.

Yes: 121. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ

(Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Other: 1. CSDR (Romania).

Comments

CTA (Argentina). See question 37.

BAK (Austria). See question 38(a).

FENATRAD (Brazil). It should comprise a separate, private place or room with a lock and key provided to the domestic worker, suitably furnished and adequately ventilated. It should also include access to suitable sanitary facilities and be adequately lit, and as appropriate heated and air conditioned in keeping with prevailing conditions within the household in order to guarantee decent working and living conditions.

CFITU, CLUF, CWLFU (Cambodia). See question 38(a).

CUT (Colombia). See question 38(a).

CMTC (Costa Rica). See question 38(a).

AKAVA, SAK, STTK (Finland). See question 38(a).

CFDT (France). See question 38(a).

COSYGA, JOC (Gabon). See question 37.

UNSITRAGUA (Guatemala). See question 38(a).

CTM (Mexico). See question 38(a).

UNT (Mexico). See question 38(a).

NIDWU (Nepal). See question 38(a).

CONATO (Panama). See question 38(a).

CSDR (Romania). See question 38(a).

FNPR (Russian Federation). See question 38(a).

SADSAWU (South Africa). See question 38(a).

AFL–CIO, NDWA (United States). See question 38(a).

(j) *any authorized deductions*

Governments

Total number of replies: 66.

Yes: 56. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Brazil, Canada, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Italy, Republic of Korea, Latvia, Lebanon, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Myanmar, Nepal, Nicaragua, Norway, Oman, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, South Africa, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 7. Plurinational State of Bolivia, Japan, Lithuania, Mozambique, Netherlands, Paraguay, Spain.

Other: 3. Guatemala, New Zealand, Peru.

Comments

Australia. See question 20.

Brazil. See question 38(a).

China. See question 38(a).

Chile. See question 38(a).

Costa Rica. See question 38(a).

Egypt. See question 38(a).

El Salvador. See question 38(a).

Guatemala (DPS). Other.

Guatemala (UMT). Yes. See question 38(a).

Guatemala (ONAM). Yes. See question 38(a).

India. See question 37.

Japan. See question 35.

Morocco. See question 38(a).

New Zealand. In New Zealand, all deductions by the employer must be agreed in writing.

Peru. See question 13. All authorized deductions should be specified.

Poland. See question 38(a).

Portugal. See question 38(a).

Sweden. See question 38(a).

United States. See question 37.

Bolivarian Republic of Venezuela. See question 38(a).

Yemen. See question 38(a).

Employers

Total number of replies: 12.

Yes: 6. CNI (Brazil), EK (Finland), KT (Finland), VTML (Finland), JCC (Jordan), KEF (Republic of Korea).

No: 1. ANDI (Colombia).

Other: 5. HUP (Croatia), ESEE (Greece), SEV (Greece), EFC (Sri Lanka), IOE.

Comments

ANDI (Colombia). See question 38(a).

HUP (Croatia). See questions 13, 20 and 37.

EK, KT and VTML (Finland). See question 38(a).

ESEE (Greece). See question 38(a).

SEV (Greece). See question 38(a).

JCC (Jordan). See question 38(a).

EFC (Sri Lanka). See question 13.

IOE. See question 38(a).

Workers

Total number of replies: 123.

Yes: 113. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU

(Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 9. COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), UGTE (Ecuador), CFTUI (India), CTM (Mexico), GEFONT (Nepal), CTP (Peru), CUT (Peru).

Other: 1. CSDR (Romania).

Comments

CTA (Argentina). See question 37.

BAK (Austria). See question 38(a).

CFITU, CLUF, CWLFU (Cambodia). See question 38(a).

CUT (Colombia). See question 38(a).

CMTC (Costa Rica). See question 38(a).

AKAVA, SAK, STTK (Finland). See question 38(a).

CFDT (France). See question 38(a).

COSYGA, JOC (Gabon). See question 37.

UNSITRAGUA (Guatemala). See question 38(a).

CTM (Mexico). See question 38(a).

NIDWU (Nepal). See question 38(a).

CONATO (Panama). See question 38(a).

CSDR (Romania). See question 38(a).

FNPR (Russian Federation). See question 38(a).

SADSAWU (South Africa). See question 38(a).

CCOO (Spain). We interpret the expression “any authorized deductions” as referring to deductions from the gross salary and to such aspects as income tax, unemployment and the employment security fund. If this is an accurate interpretation, we consider that these data should be included.

AFL-CIO, NDWA (United States). There is a difference between social security and tax deductions and, for example, deductions for accommodation and food. The Convention should not allow any deductions for the worker’s uniform, supplies needed for the job (such as cleaning products), expenses related to travelling with the employer or migration/repatriation travel, items broken by accident during work, and room and board, since live-in arrangements are primarily for the benefit of the employer who can have the worker on standby around-the-clock. Payment of wages in kind for other goods should be allowed

in specified cases and limited to 25 per cent of the payment, provided that the domestic worker can refuse such arrangements. See question 38(a).

(k) *the period of notice required for termination*

Governments

Total number of replies: 67.

Yes: 58. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Norway, Oman, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, South Africa, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 5. Brazil, Japan, Netherlands, Paraguay, Spain.

Other: 4. Guatemala, New Zealand, Peru, United States.

Comments

Brazil. See question 38(a).

Chile. See question 38(a).

China. See question 38(a).

Costa Rica. See question 38(a).

Egypt. See question 38(a).

El Salvador. See question 38(a).

France. Include an additional particular: the applicable collective agreements.

Guatemala (DPS). Other.

Guatemala (UMT). Yes. See question 38(a).

Guatemala (ONAM). Yes. See question 38(a).

India. See question 37.

Japan. See question 35.

Morocco. See question 38(a).

Mozambique. See question 38(a).

New Zealand. See question 38(c).

Nicaragua. It is also important to include the requirements for performing remunerated domestic work.

Panama. Contracts should include all the elements that are necessary to ensure that the domestic work performed is in compliance with the terms of employment.

Peru. See question 13.

Poland. See question 38(a).

Portugal. See question 38(a).

Sweden. See question 38(a).

United States. See question 37.

Bolivarian Republic of Venezuela. See question 38(a).

Yemen. See question 38(a).

Employers

Total number of replies: 12.

Yes: 4. EK (Finland), KT (Finland), VTML (Finland), JCC (Jordan).

No: 3. CNI (Brazil), ANDI (Colombia), KEF (Republic of Korea).

Other: 5. HUP (Croatia), ESEE (Greece), SEV (Greece), EFC (Sri Lanka), IOE.

Comments

ANDI (Colombia). See question 38(a).

HUP (Croatia). See questions 13, 20 and 37.

EK, KT, VTML (Finland). See question 38(a).

ESEE (Greece). See question 38(a).

SEV (Greece). See question 38(a).

JCC (Jordan). See question 38(a).

KEF (Republic of Korea). See question 38(a).

EFC (Sri Lanka). See question 13.

IOE. See question 38(a).

Workers

Total number of replies: 123.

Yes: 120. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF

(Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. UGTE (Ecuador), CTM (Mexico).

Other: 1. CSDR (Romania).

Comments

CTA (Argentina). See question 37.

BAK (Austria). See question 38(a).

FENATRAD (Brazil). The workload during the period of notice should be specified.

CFITU, CLUF, CWLFU (Cambodia). See question 38(a).

CUT (Colombia). See question 38(a).

CMTC (Costa Rica). See question 38(a).

AKAVA, SAK, STTK (Finland). See question 38(a).

CFDT (France). See question 38(a).

COSYGA, JOC (Gabon). See question 37.

UNSITRAGUA (Guatemala). See question 38(a).

CROC (Mexico). Unless confidence in the worker is lost.

CTM (Mexico). See question 38(a).

UNT (Mexico). See question 38(a).

NIDWU (Nepal). See question 38(a).

CONATO (Panama). See question 38(a).

APL, FFW, TUCP (Philippines). The jurisdiction of appropriate mechanisms for inspection and dispute settlement should be integrated in the written contract.

CSDR (Romania). See question 38(a).

FNPR (Russian Federation). See question 38(a).

SADSAWU (South Africa). See question 38(a).

NTUF (Sri Lanka). As applicable.

AFL-CIO, NDWA (United States). It should provide for conditions under which an employer can break an employment contract. A period of two–four weeks of notice should be foreseen. See question 38(a).

Qu. 39 *Should the Recommendation provide for a model contract, for example prepared by each Member in consultation with organizations of employers and workers concerned?*

Governments

Total number of replies: 71.

Yes: 51. Albania, Argentina, Australia, Bahrain, Plurinational State of Bolivia, Canada, Chile, China, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Finland, Greece, Guatemala, Guinea, India, Indonesia, Republic of Korea, Latvia, Lebanon, Malaysia, Mauritius, Montenegro, Mozambique, Myanmar, Nepal, Norway, Oman, Panama, Paraguay, Poland, Qatar, Romania, Saudi Arabia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 14. Austria, Colombia, Costa Rica, Czech Republic, France, Italy, Japan, Mexico, Republic of Moldova, Netherlands, Nicaragua, Portugal, Serbia, Slovenia.

Other: 6. Belgium (SPF), Brazil, Lithuania, Morocco, New Zealand, Peru.

Comments

Argentina. The model contract should establish conditions of work, such as the tasks to be performed, the remuneration, the periods of rest, and so on.

Austria. This would narrow the contractual autonomy and is not in compliance with the Austrian labour law system. It is the task of the social partners to bargain for these agreements.

Belgium (SPF). A model contract could be provided. However, this is less important when it is obligatory to include certain terms in the contract.

Plurinational State of Bolivia. This should include minimum terms of employment which are compulsory, while individual agreements may extend these terms. The contract should be endorsed by the Ministry of Labour.

Brazil. See questions 9(a) and 34.

Canada. Or other organizations representing domestic workers.

Chile. This contract should include the minimum standards and may be amended or extended depending on the situation of each worker.

Colombia. This could represent a discrimination against other types of work and could violate the principle of equality.

Costa Rica. The Recommendation should not include a model contract, but general guidelines or minimum requirements for the contract.

Egypt. Provided that each State draws up this model contract according to its conditions and laws.

El Salvador. This is necessary in order to prevent any abuse by employers and protect basic labour rights.

France. However, a model contract could be proposed (as optional).

Greece. However, this is not necessary, provided that the particulars of question 38 are included in the terms of employment.

Guatemala (UMT). Yes, to maintain a cooperative and supportive policy.

Guatemala (ONAM). A guiding instrument including all the minimum standards of the Convention should be provided.

Guinea. Most employers do not have the competency to prepare a domestic employment contract.

India. This should be used as a guideline.

Japan. See question 35.

Republic of Korea. This would ensure the fair and convenient signing of contracts.

Lithuania. Not necessarily, as standard labour contracts could be used.

Mauritius. This would be particularly helpful for migrant domestic workers.

Mexico. The content of any contract should be left to the free determination of the parties. Employers and workers should only be guided on the minimum requirements of the contract.

Morocco. The contract should be established according to the free will of the parties.

New Zealand. In New Zealand, employers and employees are able to agree to terms and conditions of employment taking into account the statutory minimum provisions.

Nicaragua. This could represent a violation of individual rights. It is important that the employment contract is agreed upon by the parties, based on the national and international legislation.

Peru. The Recommendation could include a model contract including all the rights and obligations of domestic workers in conformity with the instrument, but every Member should be free to decide whether to submit this document to the employers' and workers' organizations.

Poland. It should be prepared in cooperation with the employment agencies and should be for optional use.

Portugal. In Portugal, the form of the employment contract may be chosen freely. What matters is the obligation to supply the relevant information.

Slovenia. There is no immediate need to specify in detail the provisions of the contract (see question 13).

South Africa. A pro forma contract gives a fair indication of what the legislative requirements are that should be adhered to.

Spain. It could be useful to facilitate compliance by the employer, who might not be familiar with the relevant legislation and with the terms to be included in writing.

Switzerland. It is imperative to establish clear definitions of the terms "model contract" and "standard employment contract".

Bolivarian Republic of Venezuela. This is important to establish fair conditions of employment.

Employers

Total number of replies: 16.

Yes: 5. DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea), NHO (Norway), CONEP (Panama).

No: 7. CNI (Brazil), ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), SEV (Greece), IOE.

Other: 4. HUP (Croatia), ESEE (Greece), EFC (Sri Lanka), UPS (Switzerland).

Comments

CNI (Brazil). This should be left to the decision of each member State.

HUP (Croatia). It depends. Models are not always useful.

EK, KT, VTML (Finland). Domestic work does not legally differ so much from other employment. Therefore, a model contract should not be needed.

ESEE (Greece). This is not required in all cases or under Greek labour law.

JCC (Jordan). This is necessary so that both parties know their rights and obligations.

KEF (Republic of Korea). However, consultation with organizations without representative status is not necessary.

NHO (Norway). Provided that the use of the model is voluntary and issued as guidance only. There should be freedom to agree to differing terms in expression and substance, if consistent with national laws.

EFC (Sri Lanka). See question 13.

UPS (Switzerland). See question 25.

IOE. An instrument should not require or direct the use of a model contract, but the social partners should be consulted on whether there should be a model contract at all in a national context and be able to influence its content. Any "model" should be voluntary and issued as guidance only. There are sound reasons against a model contract; for example, unions may consider, that a model contract might obscure genuine negotiations and become a mere tick-off obligation and the sole priority in enforcement, and

employers may find that such a contract would rob them of membership and the chance to sign up household members. It may also result in householders being disconnected from up to date information on obligations and wages and so on. Particular dangers arise from downloading contracts from the Internet without legal advice and assuming that they will exhaust compliance obligations.

Workers

Total number of replies: 124.

Yes: 121. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), CS (Panama), CUT–A (Paraguay), PWF (Pakistan), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 3. CUT (Colombia), UIL (Italy), CTM (Mexico).

Comments

CTA (Argentina). This would require discussing and agreeing on minimum working conditions and dealing with all the needs of domestic workers.

BAK (Austria). This should preferably be included in the Convention.

COB, FENATRAHOB (Plurinational State of Bolivia). This should include the compulsory terms of employment, while individual agreements may extend these terms. The contract should be endorsed by the Ministry of Labour.

FENATRAD (Brazil). This should be discussed with the employers' and workers' organizations concerned.

CFITU, CLUF, CWLFU (Cambodia). Non-governmental organizations should also be consulted.

CGT (Colombia). This depends on each member State's political will. In Colombia, the existing legislation on domestic work is considered to be sufficient.

CUT (Colombia). Each State should have its own legislation on the matter.

AKAVA, SAK, STTK (Finland). This should be left more open, as unions may already have their own model contracts.

CFDT (France). See question 38(a).

KSPI, KSPSI, KSBSI (Indonesia). This should be the standard reference for domestic workers and their employers.

UIL (Italy). There is no need for a model contract established by the State, unless the parties fail to apply basic terms of employment.

CTM (Mexico). This should be included in a Convention.

FNPR (Russian Federation). The contract must contain all related minimum terms as determined by national law.

SADSAWU (South Africa). See question 38(a).

CSTT (Togo). The specificities of each member State should be taken into account.

CTV (Bolivarian Republic of Venezuela). This would help prevent abuse by employers.

Qu. 40 *Should the Recommendation provide that any work-related medical testing should respect domestic workers' right to privacy and should be free from discrimination, including on the basis of pregnancy and HIV status?*

Governments

Total number of replies: 69.

Yes: 56. Albania, Argentina, Australia, Austria, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Guinea, India, Indonesia, Italy, Latvia, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Portugal, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, United States, Uruguay, Bolivarian Republic of Venezuela.

No: 5. Bahrain, Japan, Mozambique, Qatar, United Arab Emirates.

Other: 8. Croatia, Egypt, Lebanon, New Zealand, Poland, Spain, Thailand, Yemen.

Comments

Argentina. However, this provision should be included in the Convention as it relates to a fundamental labour rights (non-discrimination and equality).

Belgium. Yes, in so far as the provisions on medical examinations apply to domestic workers (see question 24). See Convention No. 111. Also, the principles for medical testing concerning occupational health (actual ability to carry out the envisaged or present work) that apply to other workers must also apply to domestic workers.

Plurinational State of Bolivia. However, a worker living with HIV/AIDS should be able to inform the employer without being subject to discrimination.

Brazil. According to Brazilian law, the requirement by the employer of a pregnancy test, a certification of sterilization or the adoption of any measures which signify inducement or instigation to genetic sterilization or birth control are penal offences punishable by up to two years' imprisonment and fines.

Chile. It would be a good idea to carry out studies on the point referring to HIV status in order to hold a fully informed discussion on this point.

China. However, pregnancy and AIDS could seriously affect domestic workers' working ability and employers' health. Careful consideration should be given to whether privacy should be protected in these cases, taking into account the different social and cultural background of Members.

Colombia. All testing should be in accordance with the relevant legislation and procedures applicable for all other workers.

Croatia. These issues should be included in the Convention.

Cyprus. However, the Cyprus Maternity Protection Law states that the employee should notify the employer about a pregnancy in order to ensure protection against illegal termination of employment.

Ecuador. However, this provision should be included in the Convention as it relates to fundamental labour rights (discrimination).

Egypt. Each household has the right to ensure that the worker who is in contact with family members is in good health.

Greece. On the condition that health and safety issues have been taken into consideration.

Guatemala (UMT). Yes, this would help prevent gender discrimination.

Japan. See question 35.

Latvia. However, this provision should be included in the Convention as it relates to fundamental labour rights (discrimination).

Lebanon. The terms “right to privacy” and “free from discrimination” should be clarified.

Mauritius. Testing with respect to HIV status remains a debatable issue.

Montenegro. See question 37.

Mozambique. If the worker has a contagious disease, the employer should be informed in order to take measures to protect him or herself.

New Zealand. Pregnancy and disability are prohibited grounds of discrimination in New Zealand.

Nicaragua. It is important to guarantee privacy and to avoid any discrimination based on health.

Oman. Yes, taking the requirements of the national medical legislation into consideration.

Peru. In accordance with the national legislation of all member States.

Poland. This issue should be decided in compliance with the ILO Recommendation which is to be adopted concerning HIV/AIDS at work. The provision to be possibly contained in the document should not prohibit the employer from requiring the performance of medical tests by the employee and delivering their results to the employer, considering the specific nature of the work and the permanent close contact with the household members, in particular with children. It should be allowed that, in well-grounded cases, the health condition (real threat to health condition of the family members) could be a reason for refusal of employment or termination of the employment relationship.

Portugal. This provision should be included preferably in the Convention.

Qatar. This is necessary to protect family members and prevent the outbreak of contagious diseases.

Saudi Arabia. Medical testing may be necessary and obligatory to protect employers from certain contagious diseases that could accompany incoming workers, and the right to privacy may be respected concerning the non-disclosure of medical results beyond the competent body.

Spain. In Spain, the act regulating the prevention of occupational hazards guarantees the workers’ right to privacy and non-discrimination, but does not apply to domestic workers. A specific provision to this effect would be useful.

Sweden. This should be included in the Convention. A stipulation of pregnancy testing before hiring can never be accepted.

Switzerland. Work-related medical testing is subject to the principle of medical confidentiality. Employers may request information on workers' health from the worker or, with the worker's permission, from the doctor only if relevant to the work in question.

Thailand. It should propose that domestic workers should produce a medical certificate periodically for certifying that they are free from contagious diseases such as tuberculosis or elephantiasis.

Bolivarian Republic of Venezuela. A medical certificate certifying that the worker is in good health and capable of discharging his or her duties should be provided.

Yemen. Yes, in respect of the principle of non-discrimination. Nevertheless, contagious diseases that the employer must be aware of due to the specificity of the work should be excluded.

Employers

Total number of replies: 16.

Yes: 5. ANDI (Colombia), DPN APINDO (Indonesia), KEF (Republic of Korea), CONEP (Panama), UPS (Switzerland).

No: 7. CNI (Brazil), HUP (Croatia), EK (Finland), KT (Finland), VTML (Finland), JCC (Jordan), IOE.

Other: 4. ESEE (Greece), SEV (Greece), NHO (Norway), EFC (Sri Lanka).

Comments

CNI (Brazil). This should be left to the decision of each member State.

HUP (Croatia). Reference should be made to the standard-setting process on HIV/AIDS at the 98th Session of the International Labour Conference (2009).

EK, KT, VTNL (Finland). Regarding medical testing, it is sufficient to make reference to national legislation.

ESEE (Greece). It depends on the type and nature of work; for example, a nurse taking care of a baby has a different degree of contact with persons than a gardener.

SEV (Greece). This is a matter of the law of the member States. The issue of HIV/AIDS was addressed at the 98th Session of the International Labour Conference (2009).

DPN APINDO (Indonesia). However, the employer should know about a pregnancy and HIV status.

JCC (Jordan). In order to protect the health of their family, employers must be aware of workers' health and physical aptitude.

EFC (Sri Lanka). See question 24.

NHO (Norway). Arrangements for medical testing appear a matter for national law and practice and discussions between the national social partners.

IOE. The standard-setting process on HIV/AIDS in 2009 may partly address this question. Arrangements for medical testing appear a matter for national law and practice and discussions between the national social partners.

Workers

Total number of replies: 123.

Yes: 123. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican

Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Comments

UGTA (Algeria), CGT (Argentina), ACTU (Australia), BWU (Barbados), CSA-Bénin (Benin), FENATRAD, FS and UGT (Brazil), CLC (Canada), CGT (Colombia), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), AKAVA, SAK and STTK (Finland), CFDT (France), GSEE (Greece), HMS (India), ITUC (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), NIDWU (Nepal), CNV and FNV (Netherlands), CNT (Niger), LO (Norway), PWF (Pakistan), CUT-A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), BNS and CNS-Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), TUC (United Kingdom), AFL-CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. However, this provision should be included in the Convention as it relates to fundamental labour rights (discrimination).

CTA (Argentina). Non-discrimination and the right to privacy are fundamental rights of every human being and should remain valid in every circumstance arising from an employment relationship.

ÖGB (Austria). This should be included in the Convention.

COB, FENATRAHOB (Plurinational State of Bolivia). However, a worker living with HIV/AIDS should be able to inform the employer without being subject to discrimination.

CNTB (Burkina Faso). Provided that there is no risk of contagion.

CTRN (Costa Rica). However, this provision should be included in the Convention, as it is a fundamental labour right.

CGT-FO (France). This relates to the fundamental rights at work (non-discrimination).

DGB (Germany). This should be also included in the Convention with regard to fundamental rights (discrimination).

GSEE (Greece). Provided that the medical testing should be limited to the absolutely necessary and subject to whether the worker is a live-in or live-out worker.

CNTG (Guinea). It is important to respect the privacy and dignity of domestic workers.

UIL (Italy). No discriminatory measures can be applied in respect of domestic workers.

CTM (Mexico). However, a pregnant woman should not carry out domestic tasks as often the workload is heavy. Moreover, the employer should have the right to be informed of the medical situation of the employee in order to prevent venereal infection within the family.

UNT (Mexico). The right to be pregnant is one of the sexual and reproductive rights of women.

CONATO (Panama). Non-discrimination in general should be also included.

APL, FFW, TUCP (Philippines). This should be included in the Convention.

CGTP-IN (Portugal). However, the provisions regarding the protection of domestic workers' privacy should be included in the Convention.

UGT-P (Portugal). There should be a specific section dealing with fundamental labour rights, such as non-discrimination, in the Convention. This provision should be related to this issue.

FNPR (Russian Federation). Since this is connected to fundamental labour rights, it should be included in the Convention.

FEDUSA (South Africa). This should be included in the Convention. It should provide that existing laws on medical testing should apply.

SADSAWU (South Africa). The worker must decide whether or not the employer should be informed of the results.

Qu. 41 *Should the Recommendation provide that domestic workers should be given at the time of each payment an easily understandable written account of the payments due and the amounts paid?*

Governments

Total number of replies: 69.

Yes: 63. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, Indonesia, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United States, Uruguay, Bolivarian Republic of Venezuela.

No: 3. India, Japan, Yemen.

Other: 3. Guatemala, New Zealand, Panama.

Comments

Argentina. Possibly a receipt for the worker of the amounts received and for what, and a receipt for the employer of the amounts paid.

Brazil. Including any wage deductions.

China. This ensures domestic workers' right to information and the retention of evidence and encourages employers to pay wages in full and on time.

Colombia. In accordance with the relevant legislation.

Czech Republic. See question 63.

El Salvador. As all other wage earners.

Guatemala (DPS). No.

Guatemala (UMT). Yes.

Guatemala (ONAM). Yes. Every worker should also sign a receipt for bimonthly or monthly payments.

India. At the beginning of employment, the worker should be provided with information about the salary and other benefits. To provide this each time payments are made would be cumbersome and impractical, especially if wages are paid on a monthly basis.

Japan. See question 35.

Mauritius. In the form of a payslip.

Mozambique. This would allow the worker to track the movements of his or her wages and prevent abusive practices.

Netherlands. In the Netherlands, the employer is obliged to issue a salary slip providing details of the total salary, its individual components, deductions from the salary, the applicable minimum wage rate, the period for which the salary has been calculated and the agreed working hours.

New Zealand. In New Zealand, employers are required to keep a record of wages and time worked, and must present this record on the request of the employee.

Poland. It is equally important to guarantee the provision of information on health and social insurance contributions paid on a regular basis.

Qatar. It should be a written document signed by the employer, a bank advice concerning the deposit of the amount in the worker's account or any other means of proof.

Romania. The same labour law provision applies to domestic workers as for other workers.

South Africa. National laws and regulations should provide for this.

Spain. Provided that the receipt is easy for the employer to use.

Sri Lanka. Including proof of payment.

Employers

Total number of replies: 16.

Yes: 10. CNI (Brazil), ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), JCC (Jordan), KEF (Republic of Korea), CONEP (Panama), UPS (Switzerland).

No: 3. HUP (Croatia), NHO (Norway), IOE.

Other: 3. SEV (Greece), DPN APINDO (Indonesia), EFC (Sri Lanka).

Comments

HUP (Croatia). Domestic workers are entitled to the pay information as prescribed by national regulations for domestic workers, or, in the absence thereof, to the application of national payslip requirements, in so far as they exist and are applicable to domestic work.

SEV (Greece). See question 11.

DPN APINDO (Indonesia). This depends on the agreement between the parties.

JCC (Jordan). In order to secure the rights of both parties.

NHO (Norway). It should be indicated that a domestic worker is entitled to either the pay information as prescribed for domestic workers by national regulations, or, in the absence thereof, to the application of national payslip requirements, if they exist and apply to domestic work.

EFC (Sri Lanka). See question 13.

IOE. It should be indicated that a domestic worker is entitled to either the pay information as prescribed for domestic workers by national regulations, or, in the absence thereof, to the application of national payslip requirements, if they exist and apply to domestic work. Employers do not have sophisticated payroll capacities and will not acquire them for a single employee. Governments should be required by the standard to provide resources and support householders to comply with any payslip

requirements, for example by providing online tools to generate payslips (and do calculations for householders), or pro forma or model documents/slips.

Workers

Total number of replies: 124.

Yes: 121. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Other: 2. CFTUI (India), CTV (Bolivarian Republic of Venezuela).

Comments

CTA (Argentina). To enable workers to verify whether their rights are respected or to seek help, if necessary.

BAK (Austria). Monthly (or at least yearly). See question 39.

ÖGB (Austria). See question 40.

CGT (Colombia). As applicable to all other workers.

CMTC (Costa Rica). Workers should also sign a receipt.

COSYGA, JOC (Gabon). In order to avoid disagreements and allow better follow-up by the social security authority.

UNSITRAGUA (Guatemala). As this is evidence which enables the worker to claim payments due or prove the existence of the employment relationship, which is often denied by employers.

CGT (Honduras). To allow the worker to file a complaint, if necessary.

CFTUI (India). An annual account, signed by the employer, would be better.

KSPI, KPSPI, KSBSI (Indonesia). For evidence in case of disputes.

UIL (Italy). They should have a payroll, as do all other workers.

CTM (Mexico). This should be included in the Convention.

UNT (Mexico). This should include the date and hours worked.

FNPR (Russian Federation). The terms and form of payment should be included in the employment contract.

CCOO (Spain). All domestic workers should receive a payslip indicating all the personal details of the employer and the worker, as well as the payments due and the amounts paid.

CTV (Bolivarian Republic of Venezuela). If agreed by the parties.

Qu. 42 *Should the Recommendation provide that national laws and regulations concerning the protection of wages, including in the case of the employer's insolvency or death, apply to domestic workers?*

Governments

Total number of replies: 70.

Yes: 59. Albania, Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, Italy, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 7. China, India, Indonesia, Japan, Republic of Korea, Mexico, Netherlands.

Other: 4. Austria, Brazil, Guatemala, New Zealand.

Comments

Argentina. Termination of the contract that is not due to the worker's fault should be compensated.

Austria. In general, in Austria the death of the employer does not terminate an employment relationship, with some exceptions. In the event of insolvency of the employer, domestic workers have claims arising out of the employment relationship, as do all other employees.

Plurinational State of Bolivia. It should be specified who is liable for and who is entitled to payments in the event of death.

Brazil. In Brazil, a physical person cannot declare bankruptcy. However, Brazilian legislation provides that the prohibition on seizing private property of a family does not apply when wages are due to a domestic worker.

China. Each Member may address these issues under their own legal framework through their national legal channels.

Czech Republic. See question 63.

Egypt. Except in the event of death of the employer, where the domestic worker continues to work for the rest of the family. In that case, the contract may be renewed.

Guatemala (DPS). No.

Guatemala (UMT). Yes, as for all workers.

Guatemala (ONAM). Yes. The person who shall pay the worker any amounts due in the case of the employer's death and the person to whom these amounts shall be paid in the event of the worker's death should be specified in writing. It is therefore crucial to include information on social security and personal and family details of the worker in the employment contract.

Guinea. Domestic workers should be grouped as privileged creditors.

India. This should be left to member States, taking national laws and practices into account.

Indonesia. The term "insolvency" is used for business activities of legal entities.

Japan. See question 35.

Republic of Korea. It is impossible to collect payments from individual employers who are not a company to cover subrogated payments.

New Zealand. In New Zealand, domestic employees are entitled to the same wage protections as other employees.

Nicaragua. This could be solved by means of an employment record and a document including payments due and amounts paid.

Norway. The Recommendation should allow some limitations to the application of this kind of regulations: for example in Norway, national insurance covers the protection of wages in the event of an employer's insolvency, but coverage only extends to employment with a salary exceeding a specific threshold.

Panama. Domestic workers should be entitled to the same benefits as any other worker.

Poland. Adjustments required by the nature of work should be made.

Employers

Total number of replies: 15.

Yes: 10. CNI (Brazil), ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

No: 1. KEF (Republic of Korea).

Other: 4. HUP (Croatia), SEV (Greece), NHO (Norway), IOE.

Comments

HUP (Croatia). More information is needed on this complex issue.

SEV (Greece). See question 11.

JCC (Jordan). In order to protect the workers' rights.

NHO (Norway), IOE. Further information is needed on the extent to which this is a concern which needs to be addressed. Complex areas of national law are involved, which may make a standard impossible to operationalize. Rights and capacities differ between bankrupt individuals and insolvent companies.

IOE. Regarding the death of an employer, laws need to be better understood. The legal will of a deceased householder would go into testate and payments would be frozen, which appears to preclude the approach of the question. The Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173) can address any concerns in this regard.

Workers

Total number of replies: 124.

Yes: 123. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia),

FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Comments

BAK (Austria). Given the particular personal dependency of domestic work relationships, wage protection in the event of the employer's death should be bindingly regulated in the Convention.

ÖGB (Austria). See question 40.

COB, FENATRAHOB (Plurinational State of Bolivia). It should be specified who is liable for and who is entitled to payments in the event of death.

FENATRAD (Brazil). Protection of wages and social security entitlements should have priority over all other entitlements.

CMTC (Costa Rica). As they should not be discriminated against vis-à-vis other workers.

UNSITRAGUA (Guatemala). They should be granted the same protection as all other workers in this regard. In the case of the worker's death, the domestic worker, through a notarized private agreement, could designate the beneficiaries of the survivor's benefits and other payments and benefits due according to the law. Copies of this document should be sent to the employer and the department of the ministry of labour in charge of monitoring working conditions in this sector.

CGT (Honduras). As many workers lose their rights owing to the employer's insolvency.

CTM (Mexico). This should not be included in the Convention.

APL, FFW, TUCP (Philippines). Aligned with the language of ILO Convention No. 173. It should provide that Members should enact measures that would simplify and facilitate the process for claiming wages and other benefits.

FEDUSA (South Africa). However, over-regulation might discourage employers from employing domestic workers. Instead, a group scheme is recommended, whereby employer and employee contribute 50 per cent each in case of insolvency or death. Workers' organizations should also have a death-assistance fund and a pension fund.

Qu. 43 *Should the Recommendation provide that, consistent with national conditions, the accommodation when provided by the employer should:*

- (a) comprise a separate, private room equipped with a lock and key provided to the domestic worker, that is suitably furnished and adequately ventilated;*
 - (b) include access to suitable sanitary facilities, shared or private;*
 - (c) be adequately lit, and as appropriate heated and air conditioned in keeping with prevailing conditions within the household?*
- (a) comprise a separate, private room equipped with a lock and key provided to the domestic worker, that is suitably furnished and adequately ventilated*

Governments

Total number of replies: 71.

Yes: 60. Albania, Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Indonesia, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Mozambique, Myanmar, Nepal, Nicaragua, Oman, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 4. Colombia, Japan, Netherlands, Sweden.

Other: 7. Austria, China, India, Morocco, New Zealand, Norway, Switzerland.

Comments

Austria. It should also be possible to provide for bedding instead of a private room, which also has to meet the requirements mentioned.

Belgium (SPF). The conditions of accommodation should correspond to the normal standards in the country.

Brazil. See question 13(f).

China. This may be done when the employer is able to provide a separate room; it is recommended that this be decided by the parties in line with national cultures and traditions.

Colombia. It is important to guarantee conditions favourable to their quality of life and to provide comfortable accommodation with all the basic facilities.

Ecuador. According to the possibilities of the household.

El Salvador. As part of decent working conditions.

Guatemala (ONAM). This provision should be included in the Convention.

Guinea. According to the economic resources of the employer.

India. Decent accommodation should be ensured, commensurate with the standard of living enjoyed by the employer.

Japan. See question 35.

Republic of Korea. These provisions are more specific than those provided in the law of the Republic of Korea, but are considered socially acceptable.

Mexico. Preferably.

Morocco. Accommodation should be appropriate.

Mozambique. It will depend on the employer's situation. It is essential that the right to OSH be respected.

Netherlands. The parties should agree on this.

New Zealand. Such conditions are not specifically addressed in New Zealand law.

Nicaragua. Privacy is a right, regardless of the economic situation.

Norway. While these provisions are very detailed, the special circumstances of live-in work require special consideration and probably also regulation.

Oman. The contract may provide either for a separate or for a shared room.

Peru. To overcome the lack of privacy and precarious living conditions faced by domestic workers.

Slovenia. Owing to the circumstances of the work, the probability of sexual and psychological harassment is higher when the worker resides with the employer. Appropriate accommodation is therefore necessary.

South Africa. However, the word "separate" should be removed, as it implies that it could be stand-alone. The Recommendation could further provide for the size of the room, as well as ablution facilities, in line with national laws and practice.

Spain. These requirements should be included as guidelines, since actual conditions will depend on the circumstances of each household.

Sweden. These requirements are too detailed. A more general provision on a decent standard of accommodation would probably be more appropriate.

Switzerland. The cantons are responsible for dealing with these issues in the cantonal standard employment contracts for domestic employment.

Employers

Total number of replies: 15.

Yes: 9. CNI (Brazil), ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), JCC (Jordan), KEF (Republic of Korea), UPS (Switzerland).

No: 3. HUP (Croatia), CONEP (Panama), IOE.

Other: 3. SEV (Greece), DPN APINDO (Indonesia), EFC (Sri Lanka).

Comments

CNI (Brazil). As far as possible.

HUP (Croatia). This is an unnecessary level of detail. It suffices to provide for safe and decent accommodation, respecting the worker's privacy. National governments should operationalize this effectively.

ESEE (Greece). As far as is feasible.

SEV (Greece). See question 11.

DPN APINDO (Indonesia). According to the socio-economic conditions of the household.

JCC (Jordan). In order to preserve the worker's privacy, but without a lock and key, since the room is part of the house.

EFC (Sri Lanka). See question 19.

IOE. No further details should be added to question 19, without any formal agreement to specific wording.

Workers

Total number of replies: 125.

Yes: 122. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CTM (Mexico), UNT (Mexico), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), NTUF (Sri Lanka), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. GEFONT (Nepal).

Other: 2. CFTUI (India), CROC (Mexico).

Comments

BAK (Austria). See question 39.

ÖGB (Austria). See question 40.

CFITU, CLUF, CWLFU (Cambodia). A provision could be included in the employment contract which allows the worker to view the accommodation before signing the contract. Since this is more difficult abroad, the employment contract should specify these points. It could establish either a right to view the accommodation (if in Cambodia) or a guarantee of the status of the accommodation (a statement describing and certifying all the relevant aspects). It should also provide that the accommodation is the worker's right and he or she should not pay for it.

CUT (Chile). This is provided for by the law, but is not respected.

CMTC (Costa Rica). Basic standards of privacy, tidiness and comfort should be taken into account; otherwise not everybody could hire a domestic employee.

CFDT (France). The room should be individual.

UNSITRAGUA (Guatemala). The labour inspectorate could be asked to certify them.

CGT (Honduras). For the worker's privacy and to prevent abusive practices by the employer.

CFTUI (India). This would be difficult to implement in developing or underdeveloped countries.

UIL (Italy). These aspects should be agreed upon by the parties.

CROC (Mexico). A furnished room with a lock and a key is sufficient.

CTM (Mexico). The furniture depends on the possibilities of the household and should not be luxurious.

GEFONT (Nepal). This is not required, as it is too detailed.

FNV (Netherlands). There also has to be sufficient daylight.

NTUF (Sri Lanka). However, a separate room for each employee in a house employing three to four workers is not possible.

AFL-CIO, NDWA (United States). A locked, private room provides greater protection to domestic workers, who are particularly vulnerable to physical and sexual abuse by members and associates of the employer's family. Workers should have access to private communications, including private phone conversations and private mail. The employer should respect the culture and religion of the worker concerning anything the worker wants to have or do in their private room. The worker should have a place to store things in the shower and be able to use common space, kitchen appliances, the sink and space in the fridge and cupboard for storing food.

PIT-CNT (Uruguay). With only one key, which is the property of the worker.

CTV (Bolivarian Republic of Venezuela). However, the actual situation should be taken into account.

(b) include access to suitable sanitary facilities, shared or private

Governments

Total number of replies: 70.

Yes: 63. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Indonesia, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Oman, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 4. Colombia, Japan, Netherlands, Sweden.

Other: 3. India, New Zealand, Norway.

Comments

Belgium (SPF). See question 43(a).

Brazil. To prevent discriminatory treatment contrary to human dignity.

Colombia. Not necessarily; what matters is that they have access to sanitary facilities. In line with the principle of equality, it is essential not to set conditions that could not be met for other workers. Excessively demanding requirements are likely to have a negative socio-economic impact in the country.

Guatemala (UMT). Sanitary facilities should be adequately maintained.

India. See question 43(a).

Japan. See question 35.

Republic of Korea. See question 43(a).

Mozambique. Hygienic conditions ensure that the worker's health is not jeopardized.

Netherlands. See question 43(a).

New Zealand. See question 43(a).

Norway. See question 43(a).

Spain. See question 43(a).

Sweden. See question 43(a).

Employers

Total number of replies: 15.

Yes: 11. CNI (Brazil), ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea), CONEP (Panama), UPS (Switzerland).

No: 2. HUP (Croatia), IOE.

Other: 2. SEV (Greece), EFC (Sri Lanka).

Comments

HUP (Croatia). See question 43(a).

SEV (Greece). See question 11.

EFC (Sri Lanka). See question 19.

IOE. See question 43(a).

Workers

Total number of replies: 123.

Yes: 121. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. FPU (Ukraine).

Other: 1. CGT (Honduras).

Comments

BAK (Austria). See question 39.

ÖGB (Austria). See question 40.

CFITU, CLUF, CWLFU (Cambodia). See question 43(a).

CMTC (Costa Rica). The minimum which should be ensured for every human being.

CFDT (France). Sanitary facilities should not be shared with the employer.

UNSI TRAGUA (Guatemala). As for all other workers in other sectors.

UIL (Italy). See question 43(a).

CTM (Mexico). This should be compulsory.

CCOO (Spain). Domestic workers should have the right to private suitable sanitary facilities attached to their room.

AFL–CIO, NDWA (United States). See question 43(a).

PIT–CNT (Uruguay). Especially, where feasible, a suitable private bathroom.

(c) *be adequately lit, and as appropriate heated and air conditioned in keeping with prevailing conditions within the household?*

Governments

Total number of replies: 70.

Yes: 60. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Oman, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, Spain, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 6. Brazil, Indonesia, Japan, Netherlands, South Africa, Sweden.

Other: 4. Colombia, India, New Zealand, Norway.

Comments

Belgium (SPF). See question 43(a).

Brazil. This should not be included, as the majority of homes in Brazil have neither heating nor, in some cases, air conditioning.

Colombia. The requirements as to accommodation should be in line with safety standards and with OSH provisions.

El Salvador. According to the conditions of the household.

Guinea. It should be lit.

India. See question 43(a).

Indonesia. Yes for lighting. Otherwise, it should be in accordance with the situation of the employer.

Japan. See question 35.

Republic of Korea. See question 43(a).

Mozambique. Where air conditioning is not feasible, ventilation should be ensured.

Netherlands. See question 43(a).

New Zealand. See question 43(a).

Norway. See question 43(a).

South Africa. This is too prescriptive.

Sweden. See question 43(a).

Employers

Total number of replies: 15.

Yes: 9. CNI (Brazil), ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), JCC (Jordan), KEF (Republic of Korea), UPS (Switzerland).

No: 3. HUP (Croatia), CONEP (Panama), IOE.

Other: 3. SEV (Greece), DPN APINDO (Indonesia), EFC (Sri Lanka).

Comments

CNI (Brazil). As far as possible and in accordance with national law and practice.

HUP (Croatia). See question 43(a).

SEV (Greece). See question 11.

DPN APINDO (Indonesia). See question 43(a).

EFC (Sri Lanka). See question 19.

UPS (Switzerland). Practical application will be difficult.

IOE. See question 43(a).

Workers

Total number of replies: 123.

Yes: 120. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), UNT (Mexico), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. CROC (Mexico), CTM (Mexico).

Other: 1. CFTUI (India).

Comments

BAK (Austria). See question 39.

ÖGB (Austria). See question 40.

FENATRAD (Brazil). It is also essential to adopt public policies which guarantee accommodation to domestic workers and their families. Accommodation should also include crèches and spaces for personal interests and leisure.

CFITU, CLUF, CWLFU (Cambodia). See question 43(a).

CUT (Chile). As basic living conditions.

CMTC (Costa Rica). See question 43(b).

UNSITRAGUA (Guatemala). To recognize the domestic worker's dignity as a human being.

CGT (Honduras). At no cost to the worker.

CFTUI (India). It should be conditional on the economic situation of the employer.

UIL (Italy). See question 43(a).

MTUC (Malaysia). Air conditioning and heating for workers should not differ from those of the employer.

CROC (Mexico). This is relevant only in some homes.

CTM (Mexico). Heating and air conditioning are not affordable for all employers.

NTUC (Nepal). This should be arranged according to the facilities available in the household.

FEDUSA (South Africa). Lighting and electricity are important. In South Africa, workers sometimes still operate by candlelight, gas and paraffin stoves, which is extremely hazardous.

AFL-CIO, NDWA (United States). See question 43(a).

Qu. 44 *Should the Recommendation provide that no deduction should be made from the remuneration of a domestic worker with respect to accommodation provided by the employer?*

Governments

Total number of replies: 71.

Yes: 39. Albania, Argentina, Australia, Bahrain, Belgium (SPF), Plurinational State of Bolivia, Brazil, Chile, Costa Rica, Croatia, Cuba, Czech Republic, Ecuador, El Salvador, Greece, Guinea, Italy, Latvia, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Mozambique, Myanmar, Nepal, Nicaragua, Paraguay, Peru, Poland, Qatar, Romania, Serbia, Sri Lanka, Suriname, Thailand, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 25. Canada, China, Cyprus, Egypt, Finland, France, Indonesia, Japan, Republic of Korea, Lebanon, Lithuania, Netherlands, Norway, Oman, Panama, Saudi Arabia, Slovenia, South Africa, Spain, Sweden, Switzerland, Syrian Arab Republic, Tunisia, United Arab Emirates, United States.

Other: 7. Belgium (CNT), Colombia, Guatemala, India, Morocco, New Zealand, Portugal.

Comments

Albania. This should be included in the agreement between the parties.

Australia. Unless the deduction is authorized beforehand by the worker. Accommodation could constitute a part of the worker's wage, but should not be a cost, particularly if living at the workplace is a condition of employment.

Belgium (CNT). See question 17.

Belgium (SPF). Yes, with the exception of a deduction fixed in advance, limited to accommodation.

Brazil. See question 13(f).

Canada. See question 17.

China. While it should not encourage employers to deduct the cost of accommodation from remuneration, an employer who is not supposed to provide accommodation but has nevertheless done so may deduct a reasonable amount, as agreed with the worker.

Colombia. Unless it is agreed as a form of compensation. The employer may not deduct any part of the worker's wages or social security benefits except with his or her written consent or by court order.

Costa Rica. Accommodation should be considered as remuneration in kind.

Cyprus. The net salary of domestic workers is calculated by making deductions from the general wage for accommodation, since in Cyprus accommodation is provided by the employer in most cases.

Egypt. This should be left to written contractual agreement between the parties.

El Salvador. To prevent abusive practices or arbitrary retentions.

Finland. If the instrument is a Convention, part of the worker's remuneration could be paid as an accommodation benefit. If part of the remuneration is paid as free accommodation, the employer could deduct part of the pay according to the principles defined in the instrument.

France. However, it should specify the maximum amount that can be deducted for the accommodation provided.

Greece. This should be included in the employment contract. Concerning the calculation of the sum for which social security contributions are paid, benefits in kind also have to be taken into consideration.

Guatemala (DPS). The percentage of the remuneration which is to be deducted for food and accommodation should be established.

Guatemala (UMT). This should be included in the employment contract.

Guatemala (ONAM). If so decided, the Convention should state the part of the remuneration that consists of accommodation, food and other basic services.

Guinea. Accommodation should be provided at no cost to the worker.

India. Wages and other facilities such as board or lodging should be decided between employer and worker.

Indonesia. Accommodation can be counted as a wage component.

Japan. See question 35.

Republic of Korea. The decision on any deduction from remuneration should be left to the parties concerned.

Lebanon. Accommodation is considered as part of in-kind payments, counted in remuneration.

Lithuania. It should be a matter for agreement (negotiation).

Morocco. If accommodation is considered as a benefit in kind, it is considered as compensation.

New Zealand. In New Zealand, deductions are possible for lodging up to a ceiling, with the employee's written consent.

Nicaragua. It should be an obligation of the employer.

Norway. See question 17.

Oman. This is a matter for agreement between the parties.

Peru. To be included in the employment contract.

Portugal. The provision allowing payment in kind should be included in the Convention (see question 17).

Romania. Under section 161, paragraph 3, of the Labour Code, payment in kind of part of the salary is only possible if explicitly provided by the applicable collective agreement or by the employment contract. Section 164, paragraph 1, states that no deductions can be made from salary, except in the cases and conditions provided by law.

Saudi Arabia. To be determined by the contract. If the provision of accommodation is stipulated in the contract as one of the worker's entitlements, no deduction should be made. However, the contract may stipulate accommodation fees or something similar.

Slovenia. Under Slovenian law types of remuneration other than cash payment, if laid down in collective agreements, are considered as part of remuneration.

South Africa. In South Africa, a deduction of 10 per cent is allowed, provided that the minimum accommodation requirements are met, which serves as an incentive for employers to provide these requirements.

Spain. This should be agreed by the parties. Limits should be established to prevent abusive practices.

Sweden. This should be determined between the contracting parties.

Switzerland. In Switzerland, accommodation and food as remuneration in kind are subject to Swiss social insurance contributions. An amount must therefore be deducted from the sum to be paid to the domestic worker.

Tunisia. The wages should take in-kind payments into consideration.

United Arab Emirates. This depends on the terms of the contract. Deductions may be made if it provides for an accommodation allowance, but not if it provides for accommodation.

United States. See question 17.

Employers

Total number of replies: 16.

Yes: 3. CNI (Brazil), DPN APINDO (Indonesia), CONEP (Panama).

No: 11. ANDI (Colombia), HUP (Croatia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), SEV (Greece), KEF (Republic of Korea), NHO (Norway), UPS (Switzerland), IOE.

Other: 2. JCC (Jordan), EFC (Sri Lanka).

Comments

CNI (Brazil). As far as possible and in accordance with national law and practice.

ANDI (Colombia). No evidence exists for regulating the type of accommodation or the value assigned to it by the employer.

EK, KT and VTML (Finland). Rent or remuneration connected to accommodation should be agreed between the parties.

ESEE (Greece). It depends on the agreement made.

JCC (Jordan). If agreed by the parties.

KEF (Republic of Korea). Matters relating to accommodation should be left to self-regulation by each member State or between the parties.

NHO (Norway). See question 17.

EFC (Sri Lanka). See question 19.

UPS (Switzerland). See question 25.

IOE. See question 17. The provision of accommodation by the employer is fundamental to most domestic work, and preferred by the employer. This provision would invalidate long-standing, widespread domestic working models. In addition, other employees to whom board and lodging are provided have monies deducted from their remuneration as an accepted, legitimate global practice. The proposed wording would create an incentive for informal employment in homes, and would not improve the quality of food and accommodation provided free of charge by employers.

Workers

Total number of replies: 123.

Yes: 118. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 3. CTM (Mexico), CAUS (Nicaragua), FPU (Ukraine).

Other: 2. COSYGA (Gabon), JOC (Gabon).

Comments

CTA (Argentina). See question 13(c).

BAK (Austria). See question 39.

ÖGB (Austria). See question 40.

CUT (Colombia). Accommodation is not part of the wages.

CMTC (Costa Rica). As living in the employer's household is a requirement of the job.

AKAVA, SAK, STTK (Finland). See question 17.

CFDT (France). See question 17.

COSYGA, JOC (Gabon). This depends on the worker's wages and the conditions agreed in the employment contract.

GSEE (Greece). The same should apply to food. See question 17.

UNSITRAGUA (Guatemala). Food and accommodation are among the worker's rights and cannot be counted as in-kind payment.

UIL (Italy). In Italy, the fact that the domestic worker lives in the household is a characteristic of the employment contract, which must not affect his or her right to be paid according to the national collective agreement.

UNT (Mexico). The employment contract should stipulate that accommodation is a fringe benefit to be provided by the employer.

NTUC (Nepal). This should be specified in the employment contract.

APL, FFW, TUCP (Philippines). To be included in the Convention. The Recommendation should include minimum standards for accommodation provided by the employer.

FEDUSA (South Africa). In addition, domestic workers should not be liable for any contributions to rent, electricity, water or household expenses.

PIT-CNT (Uruguay). Wage deductions should not be permitted under any other circumstances.

Qu. 45 *Should the Recommendation provide that the hours of work and overtime should be accurately calculated and recorded by the employer and this information communicated to the domestic worker?*

Governments

Total number of replies: 71.

Yes: 53. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, India, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Panama, Paraguay, Peru, Poland, Portugal, Romania, Serbia, Slovenia, South Africa, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, United States, Uruguay, Bolivarian Republic of Venezuela.

No: 10. Indonesia, Japan, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Tunisia, United Arab Emirates, Yemen.

Other: 8. Colombia, Greece, Guatemala, Guinea, New Zealand, Norway, Spain, Switzerland.

Comments

Argentina. Both parties should keep a record of hours worked and report any absences.

Plurinational State of Bolivia. Both parties should keep a record of hours worked. It should also depend on what the parties agreed.

China. It helps to limit overtime and calculate overtime payments.

Colombia. The same provisions as those for all other types of work apply.

Croatia. However, this should be included in the Convention.

Czech Republic. An agreement between employer and worker could be considered on the recording of these data by the worker concerned.

Greece. When concluding the contract, the worker should be informed about the hours of work.

Guatemala (DPS). Domestic work does not involve continuous hours of work, which makes it difficult to calculate hours worked and overtime.

Guatemala (UMT). All hours beyond the normal hours of work should be remunerated as overtime.

Guatemala (ONAM). Normal hours of work and overtime hours should be remunerated according to the minimum wage.

India. Wherever feasible and practicable.

Indonesia. Since hours of work and overtime will be specifically regulated.

Japan. See question 35.

Republic of Korea. This is necessary to prevent disputes over wages.

Mauritius. A detailed payslip should be issued to the worker at the time of payment of wages.

Montenegro. See question 37.

Morocco. Working time must be in conformity with the labour legislation.

Mozambique. To avoid abusive practices.

Nepal. However, to do this in practice is a difficult task.

New Zealand. See question 41.

Nicaragua. This should be included in the employment record. A control should be established on the beginning and the end of the working day, even when the workers live in the employer's household. Such control will facilitate the calculation of overtime.

Norway. This would imply a lot of work for employers, but may have a positive effect if it is enforced and may be considered if provisions regarding labour inspection are included in the Convention. See question 32.

Oman. See question 44.

Peru. To be included in the employment contract.

Poland. However, the practical solutions should be flexible and adjusted to the nature of work and the size of the household in order not to impose excessive administrative burdens on the employer.

Portugal. However, the practical application of this provision could prove difficult.

Romania. According to national legislation, labour law provisions regulating working time, overtime, night work, rest breaks, daily rest, public holidays and leave apply to domestic workers as to all other workers.

Saudi Arabia. This procedure is not possible. General agreement can be reached concerning overtime hours per day, week or as appropriate, without calculating precisely the daily hours worked as overtime.

South Africa. This will help with enforcement and break down how the calculation was done.

Spain. A provision to that effect could be laid down which applies in the absence of agreement between the parties. However, the calculation of the hours of work should be agreed first by the parties on a case-by-case basis.

Switzerland. This matter is regulated in Swiss legal provisions regarding employment contracts and in cantonal standard employment contracts.

Yemen. The hours of work shall be entirely determined in the employment contract and there shall not be any overtime hours.

Employers

Total number of replies: 15.

Yes: 5. EK (Finland), KT (Finland), VTML (Finland), KEF (Republic of Korea), CONEP (Panama).

No: 7. CNI (Brazil), ANDI (Colombia), HUP (Croatia), SEV (Greece), DPN APINDO (Indonesia), EFC (Sri Lanka), IOE.

Other: 3. ESEE (Greece), JCC (Jordan), UPS (Switzerland).

Comments

CNI (Brazil). This should be left to the decision of each member State.

ANDI (Colombia). Specific provisions regarding hours of work should not be included, because this is neither practical nor appropriate for domestic work.

ESEE (Greece). If this is feasible, given the particular characteristics of domestic work.

DPN APINDO (Indonesia). Since the work activity is adapted to the needs of the household.

JCC (Jordan). As agreed between the parties.

EFC (Sri Lanka). See question 20.

UPS (Switzerland). It is not clear how this can be applied in practice.

IOE. See question 20.

Workers

Total number of replies: 124.

Yes: 122. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia),

TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Other: 1. JTUC-RENGO (Japan).

Comments

CTA (Argentina). This is likely to facilitate limits on daily hours of work. Owing to the specific nature of their work, domestic workers – especially live-ins – work excessively long hours.

BAK (Austria). See question 39.

ÖGB (Austria). See question 40.

COB, FENATRAHOB (Plurinational State of Bolivia). Both parties should keep records. It should also depend on what has been agreed by the parties.

FENATRAD (Brazil). Working time regulations applicable to all workers should also apply to domestic workers in order to permit the calculation of overtime.

CGT (Colombia). However, the worker should also be able to prove the number of hours worked.

CMTIC (Costa Rica). A register to be signed daily or weekly by both parties should be established.

UIL (Italy). Extra hours should be calculated and paid as overtime work, as provided by many national collective agreements (for example in Italy).

CIAWU (Malawi). In writing, for reference and proof.

CTM (Mexico). This is irrelevant.

UNT (Mexico). As agreed between the parties.

LO (Norway). This is necessary, for example for ensuring OSH.

CUT-A (Paraguay). This provision should be included in the Convention.

PIT-CNT (Uruguay). Hours of work should be included in the receipt. The calculation should be done jointly by both parties through a user-friendly form.

Qu. 46 *Should the Recommendation provide that domestic workers should be entitled to meal breaks of the same duration as other wage earners during the working day?*

Governments

Total number of replies: 71.

Yes: 60. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Guinea, India, Indonesia, Italy, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Tunisia, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 6. Egypt, Japan, Republic of Korea, Malaysia, Saudi Arabia, United Arab Emirates.

Other: 5. Brazil, New Zealand, Panama, Switzerland, Thailand.

Comments

Argentina. Breaks should be stipulated in the employment contract, and the extension of their duration should be agreed upon by the parties.

Brazil. A meal break is normal during the working day, but rest between one day and the other is essential.

Czech Republic. However, such a provision should cover all employees.

Egypt. While time for meals is in itself a necessity, domestic workers should not be compared to other wage earners, whose work is of a different nature.

El Salvador. According to the special conditions of domestic work.

Japan. See question 35.

Republic of Korea. This is not necessary. Meal breaks are included in rest hours.

Lithuania. However, the work performed should be taken into account.

Mozambique. Meal breaks should be considered as hours of work.

New Zealand. All employees in New Zealand are entitled to rest and meal breaks as provided by law.

Panama. Domestic workers should have the same break entitlements as all other wage earners. However, in view of their particular working conditions, clauses could be incorporated in their employment contracts allowing some flexibility with regard to rest periods or meal breaks.

Peru. However, this should be included in the Convention and stipulated by the employment contract. Meal breaks should last between 45 minutes and one hour and should not be calculated as working hours.

Poland. Provided that it is justified by the hours of work.

Portugal. Provided that the nature of domestic work is taken into account. Guaranteeing domestic workers working conditions on an equal footing with all other workers could be counterproductive. For example, in Portugal live-in workers are entitled to daily meal breaks as long as these do not conflict with the task of assisting the family.

Qatar. Usually these periods are longer for domestic workers than for other workers, as they include meal breaks, time for prayers and sleeping hours, for example.

Saudi Arabia. The nature of domestic work does not require this, since the work in itself is often intermittent, which does not prevent the worker from having sufficient time for meals.

Spain. To guarantee that domestic workers effectively enjoy this right.

Switzerland. See question 45.

Thailand. It should provide guidance on an appropriate time for lunch breaks for workers performing domestic care work for children or elderly people.

Tunisia. Provided that the worker works full time. Part-time workers should be granted these breaks on a pro rata basis.

Employers

Total number of replies: 17.

Yes: 5. ANDI (Colombia), ESEE (Greece), DPN APINDO (Indonesia), KEF (Republic of Korea), NHO (Norway).

No: 11. CNI (Brazil), HUP (Croatia), EK (Finland), KT (Finland), VTML (Finland), BDA (Germany), SEV (Greece), JCC (Jordan), CONEP (Panama), EFC (Sri Lanka), IOE.

Other: 1. UPS (Switzerland).

Comments

CNI (Brazil). This should be left to the decision of each member State.

HUP (Croatia). The duration of breaks differs, as does the scope for shifting scheduled breaks, and the paid or unpaid nature of meal breaks. There is no single employment standard as assumed in the question.

EK, KT and VTML (Finland). Arrangements of work and leisure time in domestic work differ from those in other employment.

BDA (Germany). See question 20.

ESEE (Greece). Provided the nature of work allows it.

DPN APINDO (Indonesia). But adjusted to the conditions of the household.

JCC (Jordan). Domestic workers should be granted appropriate time for meals, provided that these breaks do not interfere with family affairs.

NHO (Norway). As long as this might be a paid meal break as well, combined for example with caring for (eating with) the children.

EFC (Sri Lanka). See question 20.

UPS (Switzerland). Time should be allowed for the worker to eat in peace (which may raise problems with children).

IOE. The duration of breaks, their paid or unpaid nature and the scope for shifting scheduled breaks for other wage earners regarding meal breaks are not homogenous. Furthermore, there are unique considerations for domestic workers, including the fact that they often prepare the meals which are eaten, share them with families, or eat after the children, and the difference between work and rest during a day is not as clear-cut as it may be in relation to weekly or annual absence. This may be addressed without equating them to other workers. A possible text to be discussed could read: “Members should take steps to ensure that domestic workers are entitled to suitable periods of rest during the working day, which allow for the taking of meals and pauses in domestic duties. Any arrangements relating to meal breaks should take into account the unique nature of domestic work and in particular caring responsibilities, operate flexibly in reflection of the unique nature of domestic work, not require break periods in excess of any prescribed minima applying to non-domestic workers.”

Workers

Total number of replies: 124.

Yes: 123. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and

Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: I. CTM (Mexico).

Comments

BAK (Austria). See question 39.

ÖGB (Austria). See question 40.

FENATRAD (Brazil). As it is generally difficult for domestic workers to have meal breaks and this is likely to undermine their health.

CGT (Colombia). As part of decent work.

CMTC (Costa Rica). It should also be stipulated that meals should be the same as or similar to those of the other members of the household.

CNUS (Dominican Republic). However, this should be included in the Convention.

COSYGA, JOC (Gabon). Rest breaks as provided for other workers should be considered as the minimum, which may be exceeded by the present instrument or employment contracts.

CNTG (Guinea). However, it does not have to provide that breaks should take place during the same time interval as for other wage earners.

CTM (Mexico). This should be stipulated by the Convention.

UNT (Mexico). The time for meal breaks, as well as the quality and quantity of food, should be agreed by the parties.

CUT-A (Paraguay). This provision should be included in the Convention.

CGTP-IN (Portugal). However, this provision should be included in the Convention.

CCOO (Spain). Royal Decree No. 1424/85 states that live-in domestic workers are entitled to at least a two-hour break for meals, which is not considered as working time.

NTUF (Sri Lanka). However, the meal time may vary from that of other workers, since domestic workers eat only after clearing the table used by their employers for their meals.

Qu. 47

Should the Recommendation provide, with respect to standby work, that national laws and regulations or collective agreements should regulate:

- (a) *that standby hours should only apply to night hours as defined in national laws or regulations or collective agreements;*
- (b) *the maximum number of hours per week, month or year that an employer may require a domestic worker to be on standby;*
- (c) *the compensatory rest period if the normal period of rest is disturbed by standby;*
- (d) *the extent to which the standby hours should be remunerated according to normal or overtime wage rates?*

- (a) *that standby hours should only apply to night hours as defined in national laws or regulations or collective agreements*

Governments

Total number of replies: 68.

Yes: 35. Albania, Argentina, Belgium, Plurinational State of Bolivia, Chile, China, Costa Rica, Croatia, Cyprus, Ecuador, El Salvador, Finland, Greece, India, Italy, Latvia, Lithuania, Mauritius, Mexico, Montenegro, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Oman, Panama, Paraguay, Peru, South Africa, Suriname, Syrian Arab Republic, Thailand, Bolivarian Republic of Venezuela, Yemen.

No: 22. Australia, Austria, Bahrain, Canada, Czech Republic, Egypt, France, Indonesia, Japan, Republic of Korea, Lebanon, Republic of Moldova, Norway, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Sri Lanka, Tunisia, United Arab Emirates.

Other: 11. Brazil, Colombia, Cuba, Guatemala, Guinea, Malaysia, New Zealand, Spain, Switzerland, United States, Uruguay.

Comments

Austria. Standby should not be regulated at all in the Recommendation, since there are very different legal provisions on standby time in the member States. Furthermore, standby is and should be possible during the daytime as well, depending on the employment contract.

Brazil. See question 9(a).

Colombia. On equal terms with other types of work.

Cuba. Standby should be paid as overtime and performed only with the worker's consent. The worker's refusal cannot be a cause for dismissal.

Egypt. This should be left to agreement between the parties.

Greece. Taking national legislation and practice into account.

Guatemala (DPS). Yes.

Guatemala (UMT and ONAM). No. Standby should only be used in cases of proven emergency.

Guinea. National legislation applies.

Japan. See question 35.

Republic of Korea. Types of domestic work vary so much that it is impossible to regulate standby in a uniform manner.

Lebanon. Standby work should be determined by agreement between the employer and the domestic worker.

Malaysia. Not necessarily.

Mexico. As long as it is considered as overtime and remunerated with extra pay.

Morocco. Standby hours can be regulated and applied according to the category of domestic work, to enable the employer to employ certain workers exceptionally at night.

Mozambique. This should be compensated by a period of rest.

New Zealand. See questions 6(c) and 22.

Nicaragua. The legal provisions respecting hours of work should apply.

Norway. This would unduly restrict the flexibility of employment.

Peru. Standby work should be clearly defined by the Convention and be included in a "night employment contract" in accordance with national legislation.

Poland. Regulations concerning standby hours should also cover daytime hours, since otherwise it could result in a widely imposed obligation to be on standby during the day, and in consequence in limiting the employee's right to dispose of his or her free time.

Portugal. Domestic work is intermittent, therefore it is pointless to establish an inactive period of time during which the worker should stay at the workplace at the employer's disposal. In the case of night work, it seems appropriate to guarantee that the worker has the right to a minimum daily rest, without prejudice to possible exceptions.

Slovenia. Standby should not be regulated. However, if it is regulated, it should be formulated as a recommendation.

Spain. The employment contract should include the hours of actual work and standby hours. The duration of the period of daily rest might change, depending on whether the worker lives in or out of the employer's household, but minimum standards should be respected.

Sri Lanka. Depending on the nature of the work. In some instances, standby time may be required during the daytime.

Tunisia. Standby can apply to night hours or daytime in the context of part-time work.

United States. No, in so far as standby hours are remunerated according to the same legal framework and at the same rate as non-standby hours. Otherwise, yes.

Bolivarian Republic of Venezuela. In order to avoid excessive hours of work, which are detrimental to the worker's health.

Employers

Total number of replies: 16.

Yes: 5. EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), JCC (Jordan).

No: 10. ANDI (Colombia), HUP (Croatia), BDA (Germany), ESEE (Greece), SEV (Greece), KEF (Republic of Korea), CONEP (Panama), EFC (Sri Lanka), UPS (Switzerland), IOE.

Other: 1. CNI (Brazil).

Comments

CNI (Brazil). The definition should be provided by national law.

ANDI (Colombia). See question 22.

HUP (Croatia). We do not support a measured hours approach for this type of employment.

BDA (Germany). See question 20.

SEV (Greece). The calculation of working hours is an approach that is not consistent with the particularity of domestic work.

KEF (Republic of Korea). Domestic work can be carried out in various ways; therefore, standardized regulations should not be applied.

EFC (Sri Lanka). See question 20.

UPS (Switzerland). See question 25.

IOE. Employers do not support a measured hours approach for domestic work, particularly in relation to the concept of standby, which should not be applied in this context. See questions 20 and 22.

Workers

Total number of replies: 124.

Yes: 113. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CUT (Chile), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic),

LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CISL (Italy), UGL (Italy), UIL (Italy), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), CSDR (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF.

No: 4. ÖGB (Austria), CUT (Colombia), UNSITRAGUA (Guatemala), CROC (Mexico).

Other: 7. CLC (Canada), CGT (Colombia), CGIL (Italy), JTUC-RENGO (Japan), CGTP-IN (Portugal), LO (Sweden), PIT-CNT (Uruguay).

Comments

CTA (Argentina). Standby should be regarded as exceptional and subject to limitation.

BAK (Austria). See question 39.

ÖGB (Austria). The duration and location of standby work should be clearly defined. See question 40.

CLC (Canada). In line with national laws and regulations or collective agreements, whichever is stricter.

CUT (Chile). As a law regulating standby work does not exist.

CGT (Colombia). The question is unclear. We do not agree with standby work, much less during night hours. However, when agreed upon by the parties, standby work should be performed during daytime hours, with the right to a night work supplement, as applicable to all workers.

CUT (Colombia). It should also apply to daytime hours.

CMTC (Costa Rica). It should also apply during the periods of rest, provided that a supplement is paid (a 50 per cent increase).

AKAVA, SAK, STTK (Finland). Young domestic workers up to 18 years of age should not be allowed to work standby hours at night.

UNSATRAGUA (Guatemala). Standby should only apply during normal or mixed hours of work, as defined by the employment contract, unless the worker agrees to night hours, in which case standby hours should be considered as overtime. Employment contracts concluded specifically for night work should also be exempted.

CGT (Honduras). This should be regulated by the employment contract or by collective agreement.

KSPI, KSPSI, KSBSI (Indonesia). The definition of “standby” should be clarified.

CGIL (Italy). This question is formulated in an ambiguous way, and therefore cannot be answered.

UIL (Italy). However, it should be borne in mind that there are two types of employment relationship: one for domestic work and one for family care work. The former refers to live-out workers and is based on normal working hours; the latter entails living in the household. All the working time issues mentioned under question 47 refer to the latter and are regulated by collective bargaining.

CTM (Mexico). When the worker resides in the employer’s household.

UNT (Mexico). The conditions for standby work should be agreed by the parties.

CUT-A (Paraguay). To be included in the Convention.

CGTP-IN (Portugal). To be included in the Convention.

LO (Sweden). The same regulations as for other categories of workers should apply.

PIT–CNT (Uruguay). Standby should not apply unless the worker agrees to it and it is remunerated as overtime work.

- (b) *the maximum number of hours per week, month or year that an employer may require a domestic worker to be on standby*

Governments

Total number of replies: 67.

Yes: 46. Albania, Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Costa Rica, Croatia, Cyprus, Czech Republic, Ecuador, El Salvador, Finland, France, Greece, Guinea, India, Italy, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Montenegro, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Poland, South Africa, Spain, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Bolivarian Republic of Venezuela, Yemen.

No: 14. Austria, Egypt, Indonesia, Japan, Republic of Korea, Republic of Moldova, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, Tunisia, United Arab Emirates.

Other: 7. Colombia, Guatemala, Malaysia, New Zealand, Switzerland, United States, Uruguay.

Comments

Austria. This should be left to member States, since there can be very different forms of standby time.

China. This should be confirmed by contract.

Colombia. The number of hours worked per day and per week should be taken into account. It should also be specified when hours of work qualify as night work.

Czech Republic. See question 46.

Egypt. See question 47(a).

France. The general limits set by national legislation should apply.

Greece. See question 47(a).

Guatemala (DPS). In accordance with national legislation.

Guatemala (UMT and ONAM). Overtime should not exceed two hours beyond the normal eight hours of work.

Indonesia. Not necessary, since this is agreed by the parties.

Japan. See question 35.

Republic of Korea. See question 47(a).

Malaysia. Not necessarily.

Mozambique. To ensure that standby work is only carried out in unexpected or urgent situations.

Nepal. The limit shall not exceed a critical amount as recommended by a competent national health authority, based on standard research conducted on domestic workers, since continuous hours of work and standby can lead to fatigue of domestic workers, impairing their efficiency.

New Zealand. In New Zealand, the parties may agree to this in their employment agreement.

Nicaragua. This should be included in the written contract and appear in the employment record.

Norway. Regulations on standby work for live-in workers are necessary. A fixed limit on standby hours that fits all employment relationships is difficult to establish, but should rather be seen in relation to the number of normal working hours and the nature of the standby duty.

Oman. Ten to 12 hours per week.

Peru. In accordance with the relevant national legislation applicable to all workers.

Poland. Only per month and year.

Portugal. See question 47(a).

Slovenia. See question 47(a).

Switzerland. See question 45.

Tunisia. Standby hours in domestic work vary and cannot be defined in advance.

United States. It should recommend that any laws and regulations governing the maximum number of hours per week, month or year for non-standby work should extend to standby work.

Uruguay. See question 47(a).

Employers

Total number of replies: 16.

Yes: 6. ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), JCC (Jordan).

No: 8. CNI (Brazil), HUP (Croatia), BDA (Germany), SEV (Greece), KEF (Republic of Korea), CONEP (Panama), EFC (Sri Lanka), IOE.

Other: 2. ESEE (Greece), UPS (Switzerland).

Comments

CNI (Brazil). This should be dealt with by national law.

HUP (Croatia), IOE. See question 47(a).

BDA (Germany). See question 20.

ESEE (Greece). This depends on the type of work provided.

SEV (Greece). See question 47(a).

JCC (Jordan). Twenty-four hours per week, 72 hours per month, 864 hours per year.

KEF (Republic of Korea). See question 47(a).

EFC (Sri Lanka). See question 20.

UPS (Switzerland). Implementation could be difficult.

Workers

Total number of replies: 125.

Yes: 119. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS

(El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), CSDR (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CROC (Mexico).

Other: 5. CGT (Colombia), CFTUI (India), JTUC-RENGO (Japan), CGTP-IN (Portugal), PIT-CNT (Uruguay).

Comments

BAK (Austria). See question 39.

ÖGB (Austria). The provision should refer to a maximum number of hours per week. See question 40.

CUT (Chile). To be mutually agreed by the parties.

CGT (Colombia). The question is unclear. Standby work should be optional and the corresponding number of hours clearly established.

CMTC (Costa Rica). The maximum should not exceed the total period of rest to which the worker is entitled.

COSYGA, JOC (Gabon). This allows workers to better plan their work, rest and free time.

CGT (Honduras). This should be regulated by collective agreement.

CFTUI (India). To be mutually agreed.

UIL (Italy). See question 47(a).

CTM (Mexico). The Recommendation should provide that standby work may only be performed in extraordinary circumstances, especially accidents or cases of force majeure. The number of hours should not be stipulated, as it is difficult to determine in advance how much time may be spent on standby.

NTUC (Nepal). To be agreed by the parties to the employment contract.

CUT-A (Paraguay). See question 47(a).

APL, FFW, TUCP (Philippines). Standby time should not exceed the working hours as agreed between the parties and established in the Convention.

CGTP-IN (Portugal). See question 47(a).

FNPR (Russian Federation). Standby time at the initiative of the employer must be remunerated in accordance with national laws, collective agreements or the employment contract.

PIT-CNT (Uruguay). See question 47(a).

(c) the compensatory rest period if the normal period of rest is disturbed by standby

Governments

Total number of replies: 68.

Yes: 45. Albania, Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Costa Rica, Croatia, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador,

Finland, France, Greece, Guinea, India, Italy, Latvia, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Mozambique, Nepal, Netherlands, Norway, Oman, Panama, Paraguay, Peru, Saudi Arabia, Spain, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Tunisia, Bolivarian Republic of Venezuela, Yemen.

No: 15. Austria, Guatemala, Indonesia, Japan, Republic of Korea, Lebanon, Morocco, Nicaragua, Portugal, Qatar, Romania, Serbia, Slovenia, South Africa, United Arab Emirates.

Other: 8. Brazil, Colombia, Malaysia, New Zealand, Poland, Switzerland, United States, Uruguay.

Comments

Austria. Standby should not be regulated at all in the Recommendation, since there are very different legal provisions on standby time in member States. If it is regulated, it could be provided that compensatory rest should be granted, the extent and form of which should be left to member States.

Brazil. See question 9(a).

China. See question 47(b).

Colombia. Compensatory rest should be the same as that applicable to similar types of work.

Czech Republic. See question 46.

Greece. See question 47(a).

Guatemala (DPS). No.

Guatemala (UMT and ONAM). A supplement should be paid for the hours worked outside normal working hours.

Indonesia. See question 47(a).

Japan. See question 35.

Republic of Korea. See question 47(a).

Lebanon. There is no need to mention the compensatory rest period.

Malaysia. Not necessarily.

Morocco. Standby should not be imposed during rest periods.

Nicaragua. Because overtime cannot be compensated, but only remunerated.

Norway. It should leave member States some freedom to decide when and to what degree standby duty during rest periods is to be compensated.

Peru. See question 47(b).

Poland. Pursuant to the national provisions commonly in force.

Portugal. See question 47(a).

Slovenia. See question 47(a).

South Africa. This is too prescriptive.

Switzerland. See question 45.

United States. It should recommend that a rest period be excluded from compensable hours of work only if the employee is completely relieved of all duties and the off-duty period is of sufficient duration to enable the worker to make effective use of the time, and, in the case of overnight sleep, to provide a reasonable night's sleep. If such rest or sleep periods are interrupted, the interruption should be counted as hours worked.

Uruguay. See question 47(a).

Employers

Total number of replies: 15.

Yes: 7. ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama).

No: 6. HUP (Croatia), BDA (Germany), SEV (Greece), KEF (Republic of Korea), EFC (Sri Lanka), IOE.

Other: 2. CNI (Brazil), UPS (Switzerland).

Comments

CNI (Brazil), HUP (Croatia), IOE. See question 47(a).

BDA (Germany). See question 20.

SEV (Greece). See question 47(a).

JCC (Jordan). The compensatory rest must be of the same duration as the rest that has been disturbed.

KEF (Republic of Korea). See question 47(a).

EFC (Sri Lanka). See question 20.

UPS (Switzerland). This depends on the duration of the rest period.

Workers

Total number of replies: 125.

Yes: 120. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), CSDR (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ

(Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. UNSITRAGUA (Guatemala).

Other: 4. JTUC–RENGO (Japan), CTM (Mexico), CGTP–IN (Portugal), PIT–CNT (Uruguay).

Comments

BAK (Austria). See question 39.

ÖGB (Austria). See question 40.

FENATRAD (Brazil). Compensatory rest could be replaced by remuneration according to the wage rates due.

COSYGA, JOC (Gabon). Compensatory rest is important for workers' health, especially in the case of night work.

UNSI TRAGUA (Guatemala). If the period of rest was disturbed by standby, standby hours should be regarded as overtime, the worker being free to choose between compensation for overtime work and a compensatory rest period.

CGT (Honduras). This should be regulated both by collective agreement and by the Convention.

UIL (Italy). See question 47(a).

CTM (Mexico). Standby could be very useful in extremely urgent contingencies, as long as it is used on an occasional basis, as an exception.

CNV (Netherlands). A minimum of eight hours per day.

CUT–A (Paraguay). See question 47(a).

CGTP–IN (Portugal). See question 47(a).

PIT–CNT (Uruguay). See question 47(a).

(d) *the extent to which the standby hours should be remunerated according to normal or overtime wage rates*

Governments

Total number of replies: 68.

Yes: 43. Albania, Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Canada, Chile, China, Costa Rica, Croatia, Cyprus, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, India, Italy, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Nicaragua, Oman, Panama, Paraguay, Peru, Saudi Arabia, South Africa, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Bolivarian Republic of Venezuela, Yemen.

No: 15. Austria, Czech Republic, Indonesia, Japan, Republic of Korea, Malaysia, Netherlands, Norway, Portugal, Qatar, Romania, Serbia, Slovenia, Spain, United Arab Emirates.

Other: 10. Brazil, Colombia, Guinea, Nepal, New Zealand, Poland, Switzerland, Tunisia, United States, Uruguay.

Comments

Argentina. Otherwise, reference should be made to national legislation.

Austria. See question 47(b).

Brazil. See question 9(a).

China. See question 47(b).

Colombia. The relevant legal provisions apply. See question 6(c).

Egypt. Provided that this matter is left to the discretion of the parties.

Greece. See question 47(a).

Guatemala (DPS). Normal wage rates should be applied, with the proportional deduction for food and accommodation.

Guatemala (UMT). One-and-a-half times the normal wage.

Guatemala (ONAM). Double the wage rate in normal hours.

Guinea. Standby hours should be remunerated according to overtime wage rates.

Indonesia. See question 47(a).

Japan. See question 35.

Republic of Korea. See question 47(a).

Mauritius. The normal rate should, in principle, be applicable to standby hours unless otherwise agreed upon between parties.

Morocco. Standby hours should be remunerated according to the normal wage rate.

Nepal. Standby in domestic work should be remunerated at a rate equivalent to a certain percentage of the normal remuneration as agreed in the employment contract. National laws should enforce this provision.

New Zealand. In New Zealand, remuneration of standby hours is subject to negotiation between the parties.

Nicaragua. In addition, standby should be previously agreed upon by the parties and remunerated according to normal wage rates.

Norway. The question on remuneration should be decided through collective or individual agreement.

Peru. See question 47(b).

Poland. Pursuant to the national provisions commonly in force.

Portugal. See question 47(a).

Slovenia. See question 47(a).

South Africa. A premium should be set in terms of national laws and regulations.

Spain. It is not necessary, as standby hours should be remunerated as agreed by the parties.

Sri Lanka. Standby hours should be remunerated as normal work hours.

Switzerland. See question 45.

Tunisia. The parties should agree on the remuneration of standby before signing the contract.

United States. It should recommend that standby hours be remunerated according to the same legal framework as non-standby hours. See question 47(c).

Uruguay. See question 47(a).

Bolivarian Republic of Venezuela. Given the nature of standby hours, they should be remunerated according to overtime wage rates.

Employers

Total number of replies: 15.

Yes: 5. ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), JCC (Jordan).

No: 9. HUP (Croatia), BDA (Germany), SEV (Greece), DPN APINDO (Indonesia), KEF (Republic of Korea), CONEP (Panama), EFC (Sri Lanka), UPS (Switzerland), IOE.

Other: 1. CNI (Brazil).

Comments

CNI (Brazil), HUP (Croatia), IOE. See question 47(a).

BDA (Germany). See question 20.

SEV (Greece). See question 47(a).

DPN APINDO (Indonesia). To be agreed by the parties.

JCC (Jordan). To be remunerated according to overtime rates.

KEF (Republic of Korea). See question 47(a).

EFC (Sri Lanka). See question 20.

Workers

Total number of replies: 123.

Yes: 119. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), CSDR (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF.

Other: 4. JTUC–RENGO (Japan), NTUC (Nepal), CGTP–IN (Portugal), PIT–CNT (Uruguay).

Comments

CTA (Argentina). They should be remunerated according to overtime wage rates.

BAK (Austria). See question 39.

ÖGB (Austria). All hours exceeding contractual weekly working time should be paid at overtime rates.

BILS (Bangladesh). Remuneration should depend on the time worked. Higher rates should be provided for night work and work during special occasions.

FENATRAD (Brazil). When the worker is requested to work outside normal hours of work, standby hours should be remunerated according to normal wage rates, with a supplement.

CUT (Chile). As provided by the relevant labour legislation.

CMTC (Costa Rica). Standby hours should be remunerated as work. This would help limit recourse to standby work to cases when it is really needed.

UNSI TRAGUA (Guatemala). Standby hours should be remunerated according to normal wage rates, if performed during normal hours of work as agreed by the parties, and according to overtime wage rates, if outside normal hours.

CGT (Honduras). This could also be regulated by collective agreement.

CGIL (Italy). Overtime in household work is difficult to control.

UIL (Italy). See question 47(a).

CTM (Mexico). Overtime wage rates should be applied.

UNT (Mexico). A special employment contract defining working conditions under the standby regime (such as meal breaks and daily rest, adequate food and safe conditions) should be established.

CUT-A (Paraguay). See question 47(a).

APL, FFW, TUCP (Philippines). Standby time should be compensated as overtime work.

CGTP-IN (Portugal). Standby should be remunerated according to normal or overtime wage rates, depending on whether it is performed during normal hours of work or during overtime hours, respectively.

CSTT (Togo). Standby time should be remunerated as overtime work.

PIT-CNT (Uruguay). See question 47(a).

Qu. 48 *Should the Recommendation provide that domestic workers whose normal duties are performed at night should be treated not less favourably than other wage earners performing night work?*

Governments

Total number of replies: 71.

Yes: 51. Albania, Argentina, Australia, Plurinational State of Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, El Salvador, Finland, Guatemala, Guinea, Indonesia, Italy, Latvia, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Peru, Poland, Portugal, Romania, Saudi Arabia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Thailand, Tunisia, United Arab Emirates, United States, Bolivarian Republic of Venezuela, Yemen.

No: 13. Bahrain, Egypt, France, India, Japan, Republic of Korea, Lebanon, Lithuania, Morocco, Paraguay, Qatar, Serbia, Syrian Arab Republic.

Other: 7. Austria, Belgium, China, Greece, New Zealand, Switzerland, Uruguay.

Comments

Australia. Consistently with national laws and regulations.

Austria. In Austria, domestic workers working at night do not have the right to health examinations and transfer to daytime work, unlike other workers.

Belgium. Domestic workers should not be treated less favourably than other comparable workers working at night. A comparison with other workers is not appropriate in every case where different regimes apply to night work.

Brazil. Brazilian law does not treat domestic workers like all other workers in this regard. However, as night work provisions are meant to protect the worker's well-being, an improvement in this domain should be provided for.

China. It should be agreed between the parties.

Colombia. It should be clarified that daytime workers be treated in the same manner as night workers. The surcharge payment should be specified.

Czech Republic. See questions 46 and 63.

Egypt. Treatment must not be similar to that of other wage earners, since domestic workers often work and live in the same place, unlike other workers.

France. See question 6(c).

Greece. A possible regulation should take into account national legislation and jurisprudence, the specificity of domestic work and the effects of night work on the human body.

Guatemala (DPS). Yes.

Guatemala (UMT). Treatment should be more favourable, as the work is performed at night.

India. The job requirements of different categories of workers performing night work vary.

Indonesia. Extra nutritious food and drink may be given.

Japan. See question 35.

Republic of Korea. The provision is not clear. Comparable wage earners are not treated uniformly regarding night work, so that a comparison of domestic workers with other wage earners as a whole would be impossible.

Lebanon. Domestic workers performing duties in the household cannot be compared to other workers in commercial or industrial firms or in mines, for instance.

Lithuania. It should be a matter for agreement.

Morocco. In view of the specificity of domestic work.

New Zealand. In New Zealand, all employees have the same rights, irrespective of whether they are engaged in night or day work.

Norway. However, some adaptations may be necessary, for example concerning the definition of night time.

Panama. Domestic workers should enjoy the same guarantees of decent work as any other worker. It would be worth including some observations on the risks associated with night work, such as the risk of developing breast cancer, in order to explore the possibility of offering greater guarantees to night workers. In this regard, measures should be taken to reduce working hours (daily, weekly and annual) and to lower the age of retirement for night workers, depending on the sector of activity. Entitlements of domestic workers who work during the night should be better than those of domestic workers who work during the day.

Portugal. However, the special nature of domestic work should be taken into account, especially in case of live-ins, who cannot be compared with other night workers.

Switzerland. See question 45.

Bolivarian Republic of Venezuela. As domestic workers are normally not covered by the relevant general labour law provisions, and they do not receive compensation for night work.

Employers

Total number of replies: 17.

Yes: 6. ANDI (Colombia), ESEE (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

No: 11. CNI (Brazil), HUP (Croatia), EK (Finland), KT (Finland), VTML (Finland), BDA (Germany), SEV (Greece), KEF (Republic of Korea), NHO (Norway), EFC (Sri Lanka), IOE.

Comments

CNI (Brazil). This should be left to the decision of each member State.

HUP (Croatia). This would be meaningless in practice.

EK, KT and VTML (Finland). Domestic work performed at night differs from work in other sectors.

BDA (Germany). See question 20.

KEF (Republic of Korea). Conditions of night work should be agreed between the parties.

NHO (Norway). The rights and capacities of night workers may be based on fundamentally different employment to that within the home. The term “not less favourable” and which terms and conditions are meant are unclear.

EFC (Sri Lanka). See question 20.

IOE. It is unclear what the rights and entitlements of other night workers might be which would have to be guaranteed for domestic workers, since there is a huge diversity between States and between different groups of workers, and who would decide the application. Some rights may not be relevant to domestic workers, for example meal allowances, or the right to paid transport home for live-in workers. The term “not less favourable” and which terms and conditions are meant are unclear. A comparison should not lead to entitlements exceeding legal minima (for example by applying provisions of collective agreements). Notions of additional hazard or disability for night work underpinning some entitlements may not apply in relation to domestic work.

Workers

Total number of replies: 124.

Yes: 120. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania),

CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. CUT (Chile), CTM (Mexico).

Other: 2. JTUC–RENGO (Japan), NTUF (Sri Lanka).

Comments

BAK (Austria). See question 39.

ÖGB (Austria). See question 40.

CUT (Chile). Night work does not exist in Chile.

COSYGA, JOC (Gabon). In order to avoid any form of discrimination.

UIL (Italy). The role of the social partners in defining specific regulations regarding working hours and salary is fundamental.

CTM (Mexico). This should be guaranteed by the Convention.

CGTP–IN (Portugal). This provision should be included in the Convention.

NTUF (Sri Lanka). It is doubtful whether the same facilities and entitlements as those provided to other wage earners performing night work can also be provided to domestic workers performing night work.

Qu. 49 *Should the Recommendation provide that national laws and regulations, or collective agreements, should stipulate that ongoing needs of the household are not to be used to deprive the domestic worker of daily and weekly rest?*

Governments

Total number of replies: 71.

Yes: 63. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Indonesia, Italy, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Mozambique, Myanmar, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 4. Japan, Republic of Korea, Morocco, Nepal.

Other: 4. Guatemala, New Zealand, Sweden, Switzerland.

Comments

Argentina. Daily or weekly rest of domestic workers can only be interrupted in the case of force majeure, as specified by the relevant legislation.

Brazil. Rest periods are fundamental for healthy working conditions.

Canada. Recognizing that emergency situations may arise.

Colombia. It is an obligation to give workers remunerated weekly rest on Sundays and public holidays as long as they work seven days a week. This provision should be specified in order to prevent labour disputes.

Croatia. This should be included in the Convention and elaborated on in the Recommendation, describing the different situations and “ongoing needs”.

Czech Republic. See questions 46 and 63.

El Salvador. To avoid abuse of standby arrangements.

Greece. However, it should stipulate possible exceptions.

Guatemala (DPS). No, the worker is aware of the need to adjust to the household’s needs and accepts this when engaging in the employment relationship.

Guatemala (UMT and ONAM). The domestic worker has the right to enjoy weekly rest, as any other worker.

India. If overtime work is necessary owing to urgency or emergency, it should be adequately compensated both in payment and in compensatory rest.

Japan. See question 35.

Republic of Korea. Types of domestic work vary so much that it is inappropriate to regulate this uniformly.

Morocco. The daily and weekly rest can be transferred to another day, if the needs of the household justify this.

Mozambique. Fixing limits on working hours is important to prevent this situation.

Nepal. The Recommendation should provide that for ongoing needs of the household, the daily and weekly rest of the domestic worker may be disturbed, provided that compensatory rest and financial compensation for the disturbed hours of rest are granted.

New Zealand. Under New Zealand law, it is mandatory to provide rest and meal breaks.

Portugal. To be included in the Convention.

Spain. Provided that the term “ongoing needs” is defined.

Sweden. Special rules may need to be applied here, but stipulation of a minimum level of protection is vital.

Switzerland. See question 45.

Bolivarian Republic of Venezuela. As generally there is no legal provision granting domestic workers sufficient time to spend with their family, or for leisure.

Employers

Total number of replies: 17.

Yes: 9. ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), DPN APINDO (Indonesia), JCC (Jordan), CONEP (Panama), UPS (Switzerland).

No: 7. CNI (Brazil), HUP (Croatia), BDA (Germany), SEV (Greece), KEF (Republic of Korea), EFC (Sri Lanka), IOE.

Other: 1. NHO (Norway).

Comments

CNI (Brazil). This subject should be left to the decision of each member State.

HUP (Croatia). It is enough to simply set and enforce a day off at national level.

BDA (Germany). See question 20.

SEV (Greece). An explicit provision on the period of rest seems preferable.

JCC (Jordan). However, the family's circumstances should be taken into account.

NHO (Norway). It should be possible to treat situations of urgent and unexpected need for work, for example in the event of sickness or emergency, as a regular case for ordering overtime work.

EFC (Sri Lanka). See question 20.

IOE. It seems more valid to pursue a more direct requirement for a period of rest with the right to leave the home (see question 21). Household needs will occasionally interfere with any scheduled rest (for example in the event of sickness of the householder). It is not clear whether this needs to be addressed in a standard.

Workers

Total number of replies: 124.

Yes: 121. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 3. COSYGA (Gabon), JOC (Gabon), CTM (Mexico).

Comments

BAK (Austria). See question 39.

ÖGB (Austria). See question 40.

FENATRAD (Brazil). To guarantee that workers benefit from their daily and weekly rest.

CGT (Colombia). For this reason, the worker's tasks and the periods of rest should be clearly established.

CMTC (Costa Rica). To be included in the employment contract.

AKAVA, SAK, STTK (Finland). See question 20.

COSYGA, JOC (Gabon). It should provide that employers cannot deprive workers of their daily or weekly rest, unless they are notified two days in advance.

UNSITRAGUA (Guatemala). Domestic workers should benefit from their period of rest, which cannot be interrupted unless agreed by the parties and only with the worker's consent. The rationale for rest periods is that the worker recovers from fatigue accumulated during the working day.

CTM (Mexico). This should be guaranteed by the Convention.

CGTP-IN (Portugal). Except in extraordinary circumstances.

Qu. 50 *Should the Recommendation provide that Members should give due consideration to establishing a fixed day of the week for rest, as well as compensatory rest and extra payment in the case of derogation?*

Governments

Total number of replies: 70.

Yes: 53. Albania, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Finland, Greece, Guatemala, Guinea, India, Indonesia, Italy, Republic of Korea, Latvia, Lebanon, Lithuania, Malaysia, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Romania, South Africa, Spain, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, United Arab Emirates, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 8. Costa Rica, Czech Republic, France, Japan, Mauritius, Netherlands, Sweden, Tunisia.

Other: 9. Argentina, Australia, Colombia, Nepal, New Zealand, Saudi Arabia, Slovenia, Switzerland, United States.

Comments

Albania. It should be agreed in the employment contract.

Argentina. In view of the characteristics of the work, the parties could agree to a weekly rest of 36 hours and extra payment in the case of derogation.

Australia. The question is unclear. If it is asking whether a fixed day of the week should be established as a day of rest for domestic workers, and that work voluntarily undertaken on this designated rest day will be compensated by either (a) compensatory rest to be taken at a time agreed by both employer and worker, or (b) extra payment, then this provision is supported. Otherwise, Australia cannot comment at present.

Plurinational State of Bolivia. The parties may modify the day fixed for rest.

Brazil. In Brazil the preferred day of weekly rest is Sunday. If workers work on that day and no compensatory rest is provided on any other day of the week, they are entitled to double pay.

Colombia. As provided by national legislation.

Costa Rica. The day of weekly rest should be stipulated in the employment contract. The extra payment for working on a day of rest should be determined by the Recommendation.

Croatia. This should be covered by the Convention.

Ecuador. While Members should establish the principle of a fixed day of the week for rest and ensure implementation, the choice and determination of this day should be left to the parties to the employment contract.

Greece. Possible exceptions should be defined, meeting health and safety conditions.

Guatemala (UMT). Yes, any day of the week, even if it is not Saturday or Sunday. Weekly rest should not be remunerated, as it is intended for the mental and physical health of the worker.

Guatemala (ONAM). There should be two days of weekly rest. If a worker works during these days, they should be paid double time to prevent any abusive practices by the employer.

Indonesia. The rest period is to be agreed by the parties.

Japan. See question 35.

Latvia. While Members should establish the principle of a fixed day of the week for rest and ensure implementation, the choice and determination of this day should be left to the parties to the employment contract .

Lebanon. Weekly rest should be defined by agreement between the parties to the contract.

Malaysia. The determination of this day should be left to the parties to the employment contract.

Mauritius. The specificities of domestic work may make it difficult to establish a fixed rest day.

Nepal. It should be left to the employer and the domestic worker to decide the fixed day for rest. Members should give due consideration to establishing a provision for compensatory rest and compensatory extra payment in the case of derogation of the fixed rest day.

Netherlands. This should be decided between employer and employee.

New Zealand. In New Zealand, there is no requirement to establish a fixed day of weekly rest.

Nicaragua. This should be included in the written employment contract.

Norway. However, payment in the case of derogation should be agreed through collective and individual agreement.

Peru. However, this should be included in the Convention.

Poland. This day should not be fixed by regulation, but should be obligatorily agreed between employer and employee, with the possibility of withdrawal in the event of emergency needs of the household, subject to granting a day of rest on another date.

Portugal. This important subject could be included in the Convention.

Saudi Arabia. The Recommendation can provide for compensatory rest without extra payment.

Slovenia. Establishing a fixed day for weekly rest is not reasonable. However, 24 hours of consecutive rest and compensatory rest and extra payment in the case of derogation from the agreed rest period should be granted.

Sri Lanka. Employer and worker should agree on a rest day and include it in the terms of employment.

Sweden. Free time should, if possible, be made to comprise a certain period during the week, but flexibility must be permitted.

Switzerland. See question 45.

Tunisia. The parties should agree on the weekly rest day and on the compensatory rest in the case of derogation.

United States. It should recommend that domestic workers are entitled to the same fixed day of rest, compensatory rest and extra payment in the case of derogation as formal sector workers.

Uruguay. See question 23.

Bolivarian Republic of Venezuela. Same general provisions as those applicable to all workers.

Employers

Total number of replies: 15.

Yes: 5. ANDI (Colombia), ESEE (Greece), DPN APINDO (Indonesia), CONEP (Panama), UPS (Switzerland).

No: 10. CNI (Brazil), HUP (Croatia), EK (Finland), KT (Finland), VTML (Finland), BDA (Germany), JCC (Jordan), KEF (Republic of Korea), EFC (Sri Lanka), IOE.

Comments

CNI (Brazil). This should be left to the decision of each member State.

ANDI (Colombia). Daily rest should be fixed. A provision establishing a day of weekly rest, as agreed between the parties, could be included.

HUP (Croatia). Considering the specificity of domestic work, the day of weekly rest should be agreed between the domestic worker and the employer.

EK, KT, VTML (Finland). Rest and holidays should be agreed in the employment contract.

BDA (Germany). See question 20.

DPN APINDO (Indonesia). To be agreed by the parties.

JCC (Jordan). Work within a family is carried out under specific circumstances, which determine the appropriate rest day.

KEF (Republic of Korea). These issues should be agreed between the parties.

EFC (Sri Lanka). See question 20.

UPS (Switzerland). Application should be flexible.

IOE. A weekly rest day should be agreed between the parties in each case. This would allow domestic workers to choose themselves, for example for differing religious purposes, taking the interests of minorities or faiths into account. The societal, social and commercial consequences would need to be carefully considered in advance. A single day off work is not possible, if round-the-clock service (for example personal security guards, health care) is needed. It seems better to require some period of weekly rest and then to negotiate the timing. If this position is not followed, a weekly day of rest should in any case only be fixed after consultation with the social partners.

Workers

Total number of replies: 123.

Yes: 117. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ITUC (Ireland), Histradut (Israel), CGIL (Italy), CISL

(Italy), UGL (Italy), UIL (Italy), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), SADSAWU (South Africa), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 4. UGTE (Ecuador), CTM (Mexico), CNV (Netherlands), FEDUSA (South Africa).

Other: 2. JTUC–RENGO (Japan), CCOO (Spain).

Comments

UGTA (Algeria), CGT (Argentina), ACTU (Australia), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), FS and UGT (Brazil), CGT (Colombia), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), LO (Norway), PWF (Pakistan), CUT–A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS (Turkey), TUC (United Kingdom), ZCTU (Zimbabwe), ITUC, IUF. Yes. However, while Members should establish a fixed day of the week for rest and ensure implementation, the choice and determination of this day should be left to the parties to the employment contract.

CTA (Argentina). A fixed day of rest allows the worker to engage in leisure activities, do personal paperwork or go to the doctor.

BAK (Austria). Given the specific relevance of compensatory rest for work in private households, this should be included in the Convention.

ÖGB (Austria). See question 40.

COB, FENATRAHOB (Plurinational State of Bolivia). The fixed day of rest can be modified by agreement between the parties.

ONSL (Burkina Faso). However, the choice of this day should be left to the parties to the contract.

CFITU, CLUF, CWLFU (Cambodia). A mechanism should be put in place to allow flexibility (replacing the day fixed for rest with another where it is not possible for the worker).

CMTC (Costa Rica). However, it should be possible to change the day should an emergency arise.

CTRN (Costa Rica). This should be fixed by law.

DGB (Germany). One weekly day of rest should be guaranteed. The specific days should be agreed between employer and worker.

UNSI TRAGUA (Guatemala). However, this could be subject to the conditions agreed by the parties and/or to local custom. These conditions should be established in the employment contract, and all work performed outside fixed days should be regarded as overtime, the worker being free to choose between compensation for overtime work and a compensatory rest period.

CGT (Honduras). The Recommendation could suggest which day would be suitable for weekly rest.

CROC (Mexico). However, the worker should establish that day.

CTM (Mexico). This should be established by the Convention.

UNT (Mexico). Both compensatory rest and an extra cash payment are needed, as work requested in derogation generally entails more responsibility (such as looking after children or sick persons or preparing food for family events).

CNV (Netherlands). however, it should provide for at least one day free for rest every week.

FNV (Netherlands). On an equal footing with other workers.

CNT (Niger). However, determination of the day for weekly rest should be left to the parties.

CGTP-IN (Portugal). This provision should be included in the Convention.

FEDUSA (South Africa). The rest day should be agreed upon by the employer and employee, as needs might change. However, a fixed day of rest may be recommended.

CCOO (Spain). Royal Decree No. 1424/85 stipulates that domestic workers have the right to weekly rest of 36 hours, of which at least 24 are consecutive.

NTUF (Sri Lanka). A rest day should be agreed by the parties.

UGTT (Tunisia). However, the choice and determination of the day for weekly rest should be left to the parties.

PIT-CNT (Uruguay). Weekly rest should be of 36 consecutive hours on the days agreed by the parties; in the case of derogation, workers must be remunerated according to overtime wage rates.

Qu. 51 *Should the Recommendation provide that domestic workers should not be required to remain in or with the household during their annual leave, and that time spent accompanying the household on vacation is not considered annual leave?*

Governments

Total number of replies: 70.

Yes: 60. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, India, Italy, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 6. China, Indonesia, Japan, Republic of Korea, Malaysia, South Africa.

Other: 4. Guinea, New Zealand, Saudi Arabia, Switzerland.

Comments

Argentina. Workers have a right to take annual leave and to dispose of their time as they please.

Plurinational State of Bolivia. However, when the worker accompanies the employer on holiday and does not work, this period should be counted as annual leave.

Brazil. Annual leave should be a period of rest during which the worker should not be subject to the employer's orders.

China. Regulations on rest and annual leave should be in line with national regulations.

Colombia. Workers should have the right to choose where they wish to spend their holidays.

Croatia. This should be agreed upon in the labour contract.

Egypt. Time spent accompanying the household on vacation should be considered as working time.

Guatemala (ONAM). Workers should not be required to stay in their employer's household during their annual leave. However, if they do stay, the employer should not make them work. If they do work, the worker should be paid extra and that period should be counted as annual leave as for any other worker.

Guinea. The socio-cultural realities of Guinea are not favourable with regard to granting annual leave to domestic workers.

El Salvador. This will prevent any confusion leading to abusive practices.

Japan. See question 35.

Republic of Korea. This matter should be left to the parties, to reflect the specific characteristics of the work performed by each domestic worker.

Mozambique. Workers should be free to stay in a place different from the workplace during their annual leave.

New Zealand. In New Zealand, it is up to the employee to decide how to spend their leave; however, any time spent at work would not be considered leave.

Nicaragua. Domestic workers are not used to taking holidays and do not identify holidays as one of their rights. Employers take advantage of this situation.

Norway. Whether time spent accompanying the household on vacation is to be considered annual leave or not should be agreed upon by the employer and worker.

Peru. See question 50. Any work performed during annual leave should be regulated by the relevant provisions of national legislation.

Poland. Time spent in the household during annual leave (without performing any work) on the basis of a decision made freely by the employee should be considered annual leave.

Portugal. However, often it is not possible for workers to take their annual leave outside the employer's household and time spent accompanying the employer on vacation is not always work time.

Saudi Arabia. The first part of this question is impossible to apply with regard to domestic workers in some States, as it contradicts some values. The second part is acceptable as it is necessary to protect the worker's right to annual leave.

South Africa. This is too prescriptive.

Switzerland. See question 45.

Tunisia. This is necessary in order to allow workers to benefit from their annual leave.

Employers

Total number of replies: 16.

Yes: 6. CNI (Brazil), ANDI (Colombia), ESEE (Greece), DPN APINDO (Indonesia), CONEP (Panama), UPS (Switzerland).

No: 6. EK (Finland), KT (Finland), VTML (Finland), BDA (Germany), KEF (Republic of Korea), EFC (Sri Lanka).

Other: 4. HUP (Croatia), SEV (Greece), JCC (Jordan), IOE.

Comments

ANDI (Colombia). The instrument could provide for part of the period of annual leave to be spent outside the employer's household.

HUP (Croatia). Maybe it would be more appropriate to address this issue together with question 21, in one section.

EK, KT, VTML (Finland). See question 50.

BDA (Germany). See question 20.

SEV (Greece). See question 11.

JCC (Jordan). An agreement on this matter should be reached between both parties.

KEF (Republic of Korea). Matters on annual leave should be decided between the parties.

EFC (Sri Lanka). See question 20.

UPS (Switzerland). However, the provisions should remain flexible.

IOE. This is a valid point for further discussion. It may be appropriate to address issues relating to rights to leave the household (see question 21) together in one section of an instrument.

Workers

Total number of replies: 124.

Yes: 121. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Other: 2. CMTC (Costa Rica), JTUC–RENGO (Japan).

Comments

CTA (Argentina). Annual leave involves freely and fully disposing of one's own time without any conditions being imposed by the employer.

BAK (Austria). Only if workers are able to make a free choice with regard to where they spend their annual leave will they be able to rest from their work. Given that spending annual leave outside the household requires financial resources, an annual leave supplement should be established.

ÖGB (Austria). See question 40.

COB, FENATRAHOB (Plurinational State of Bolivia). However, when the worker accompanies the employer on holiday and does not work, this period should be counted as annual leave.

FS (Brazil). The duration of annual leave and the respective remuneration should be the same for domestic workers as for all other workers.

CFITU, CLUF, CWLFU (Cambodia). If they have no other place to go, they should have the right to stay in the house when the family leaves. Also, there should be clear recognition that they are still on duty

and should be remunerated when the household is on holiday, as they are still performing domestic tasks and are not on holiday.

CGT (Colombia). The regulation of annual leave for household workers should be the same as for all other workers.

CUT (Colombia). As long as they have the possibility to go somewhere else.

CMTC (Costa Rica). This should depend on the worker's situation, as some have nowhere to stay other than the employer's household. In these circumstances, they should be allowed to enter and leave the household whenever they wish and should be required to inform the employer about their movements.

COSYGA, JOC (Gabon). The time during which workers accompany their employers on vacation must be considered as overtime work.

CNTG (Guinea). They should benefit fully from their annual leave.

CGT (Honduras). Unless the worker so decides. Time spent accompanying the household on vacation should not be considered annual leave, since workers render their services and are subordinated to employers.

KSPI, KPSPI, KSBSI (Indonesia). Workers should have the right to choose where to go and what to do during their vacation.

CROC (Mexico). The worker should be able to decide what to do during his or her annual leave.

CTM (Mexico). This should be guaranteed by the Convention.

CS (Panama). This should be regulated since migrant workers who cannot travel to their countries are not granted periods of rest and annual leave because often they have no place to go.

CUT-A (Paraguay). This should be reflected in the Convention.

CGTP-IN (Portugal). However, it should be taken into account that it is often not possible for the worker to take her or his annual leave outside the employer's household.

FEDUSA (South Africa). This should be included in the Convention.

AFL-CIO, NDWA (United States). This should be included in the Convention. See question 21.

PIT-CNT (Uruguay). Domestic workers, like all other workers, are entitled to annual leave, which is to be spent outside the employer's household.

Qu. 52 *Should the Recommendation provide that, in the event of termination of employment, domestic workers who live in employer-provided accommodation are given:*

- (a) an extended period of notice during which they may continue living in the employer's home;*
- (b) reasonable time off with pay during the notice period to enable them to seek new employment?*

(a) an extended period of notice during which they may continue living in the employer's home

Governments

Total number of replies: 67.

Yes: 34. Albania, Argentina, Australia, Belgium, Plurinational State of Bolivia, Canada, Chile, Croatia, Cyprus, Greece, Guinea, India, Indonesia, Latvia, Lebanon, Lithuania, Mauritius, Republic of Moldova, Montenegro, Morocco, Mozambique, Nepal, Oman, Panama, Qatar, Slovenia, South Africa, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Tunisia, Uruguay, Yemen.

No: 27. Austria, Bahrain, Brazil, China, Colombia, Costa Rica, Ecuador, Egypt, El Salvador, Finland, Italy, Japan, Republic of Korea, Malaysia, Mexico, Netherlands, Nicaragua, Paraguay, Peru, Poland, Romania, Saudi Arabia, Serbia, Sweden, Switzerland, United Arab Emirates, Bolivarian Republic of Venezuela.

Other: 6. Guatemala, New Zealand, Norway, Portugal, Spain, United States.

Comments

Brazil. In Brazil, when employment is terminated without a valid reason, workers are entitled to 30 days' notice or payment in lieu of notice. If the employee works during the notice period, this period is considered to be sufficient to find alternative accommodation. When paid in lieu of notice, the worker does not work and the severance pay is due within ten days after the notification. A period of between ten and 30 days is considered to be adequate for the worker to move.

Chile. This should be regulated by national legislation.

China. The terms of advance notice set out in the contract should be respected.

Colombia. The period of notice established by law is adequate.

Costa Rica. The period of notice should be fixed and not extendable. During this period, the worker should be able to look for another job and new lodgings.

Egypt. The period of notice must be adequate in order to allow the necessary adjustments to be made to the situation.

El Salvador. This should not be included as a general provision. However, the Recommendation should provide for some exceptions.

Finland. As a general rule, the period of notice for employer-provided accommodation should be longer than the period of notice for the employment contract. Any necessary exceptions could be included in legislation at a national level.

Greece. This is necessary, because of the worker's dependence on the employer's home.

Guatemala (DPS). No.

Guatemala (UMT). Yes, the period of notice should be reasonable, between three and eight days.

Guatemala (ONAM). If the termination of the contract is agreed upon by both parties, the worker should have from three days to one week to find alternative accommodation. In this period, meals should not be provided to the worker.

Japan. See question 35.

Republic of Korea. While it is necessary to give a long enough advance notice period and jobseeking period, granting time off with pay could place a heavy burden on employers.

Mauritius. Except in cases of gross misconduct.

Montenegro. Many domestic workers are dependent on their employers for a place to live.

Netherlands. This is a matter to be left to the parties.

New Zealand. New Zealand employment legislation does not provide for specific termination notice periods.

Nicaragua. In Nicaragua, the Labour Code provides that the period of notice should be 15 days. This period is considered sufficient to allow the employer to find a new employee and for the worker to move.

Norway. This may reduce the worker's dependency on the employer by making it easier for him or her to find a new employer, but it seems like a very extensive measure.

Poland. In case of termination of the agreement without a period of notice (as foreseen by the national law), the employee should have the right to continue living in accommodation provided by the employer for a short period of time (three to five days), but not longer than needed to find new accommodation.

Portugal. The possibility for the workers to continue living in the employer's home only makes sense in cases when the worker gives prior notice of the termination of the contract. When the contract is terminated due to expiration or reasonable cause, no period of notice should be given. In Portugal, fixed-term contract workers are granted three days to leave the household following the expiration of the contract. This provision could be useful for those countries allowing the employer to give prior notice of the termination of contract, which does not apply in the case of Portugal.

Slovenia. A reasonable period of notice is required.

Spain. It could be established that the workers do not lose with immediate effect their right to accommodation when the employment contract comes to an end in the evening or at night, unless the termination is the result of a serious fault committed by the worker.

Sri Lanka. If adequate notice is not given, it is recommended that additional payments should be made in lieu of accommodation.

Sweden. This should be a matter between the contracting parties.

Switzerland. This should be determined in relation to the duration of employment.

Thailand. Provided that the employer agrees to this extended period.

Tunisia. This is particularly important for migrant domestic workers.

United States. It should provide that domestic workers should have the same notice of termination, the same benefits associated with termination and the same right to continue living in the employer's home as formal sector workers living in employer-provided housing.

Bolivarian Republic of Venezuela. This would not be appropriate, because of the personal nature of domestic work.

Employers

Total number of replies: 14.

Yes: 2. CNI (Brazil), ESEE (Greece).

No: 10. ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), JCC (Jordan), KEF (Republic of Korea), NHO (Norway), CONEP (Panama), UPS (Switzerland), IOE.

Other: 2. SEV (Greece), DPN APINDO (Indonesia).

Comments

ESEE (Greece). This should be applied if possible.

SEV (Greece). Workers and their employers should enjoy the same rights regarding termination of or resignation from employment, unless otherwise agreed.

DPN APINDO (Indonesia). This depends on the reasons for the termination of the contract.

KEF (Republic of Korea). This would place an excessive burden on household employers.

NHO (Norway). Domestic workers and their employers should enjoy the same rights with regard to termination of employment or resignation as other employees, unless there is a reason for different treatment. The right to equal treatment includes, depending on national practice, the right to periods of prescribed notice, during which the terms of the contract apply (including the ongoing provision of accommodation) and the right to receive payment from an employer during a period of notice, including the proportion of pay that relates to accommodation. In cases involving an employee's misconduct, the right to equal treatment includes the right to terminate the contract immediately and to exclude the employee from the

home and from employment and, in the case of resignation, where a worker does not work out the contracted period of notice, it includes the employer's right to deduct this from money owed (if allowed under national law).

UPS (Switzerland). Only in cases where there is a very short notice period.

IOE. Domestic workers and their employers should enjoy the same rights with regard to termination of employment or resignation as other employees, unless there is a reason for different treatment. The right to equal treatment includes, depending on national practice, the right to periods of prescribed notice, during which the terms of the contract apply (including the ongoing provision of accommodation) and the right to receive payment from an employer during a period of notice, including the proportion of pay that relates to accommodation. In cases involving an employee's misconduct, the right to equal treatment includes the right to terminate the contract immediately and to exclude the employee from the home and from employment and, in the case of resignation, where a worker does not work out the contracted period of notice, it includes the employer's right to deduct this from money owed (if allowed under national law). An extended period of notice would be completely inappropriate in situations where termination arises from concerns about the care of a child or elderly person or in cases of theft or misconduct, such as hitting a child. Also, an extended period of notice is going to make it very difficult to engage a new live-in employee.

Workers

Total number of replies: 124.

Yes: 118. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), CSDR (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. FENATRAD (Brazil), CROC (Mexico).

Other: 4. CMTC (Costa Rica), COSYGA (Gabon), JOC (Gabon), CTM (Mexico).

Comments

CTA (Argentina). The consequences of the termination of a contract are worse for live-in domestic workers than for other workers, as they must find at the same time alternative employment and a new place to stay.

ÖGB (Austria). See question 40. Sufficient time for finding new accommodation must be granted.

BILS (Bangladesh). An extended period of seven days for nationals and one month for migrant domestic workers should be applied.

FENATRAD (Brazil). In Brazil, the relevant law already provides for a 30-day notice period, which is considered adequate. A longer period of notice is likely to cause conflict.

CUT (Colombia). This should apply until the worker finds new employment.

CMTC (Costa Rica). It depends on the situation: no, if the termination of the contract is due to stealing or misconduct; and yes, otherwise. Limits should be established and the relevant situation defined.

UNSI TRAGUA (Guatemala). Domestic workers should be granted a reasonable amount of time to leave the employer's household if their contract is terminated.

CGT (Honduras). A reasonable period of notice should be established in the employment contract.

CIAWU (Malawi). The period should not exceed two weeks, to avoid conflicts with incoming workers.

CROC (Mexico). When the employment relationship terminates, this is definitive.

CTM (Mexico). This should be included in the Convention. The worker should give notice to the employer of his or her departure at least 15 days in advance.

NSZZ (Poland). As many workers are dependent on their employers not only for work but also for a place to live, adequate notice of termination is essential.

CGTP-IN (Portugal). This should be agreed by the parties.

SADSAWU (South Africa). They should be able to stay for at least one month after giving notice.

CSTT (Togo). This is necessary in order to allow them to find new accommodation.

(b) *reasonable time off with pay during the notice period to enable them to seek new employment*

Governments

Total number of replies: 67.

Yes: 43. Albania, Argentina, Australia, Austria, Belgium, Plurinational State of Bolivia, Canada, Chile, Costa Rica, Croatia, Cyprus, Egypt, France, Greece, Guinea, India, Indonesia, Latvia, Lebanon, Lithuania, Mauritius, Republic of Moldova, Montenegro, Morocco, Mozambique, Nepal, Nicaragua, Norway, Panama, Paraguay, Peru, Qatar, Romania, Slovenia, Spain, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Tunisia, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 19. Bahrain, Brazil, China, Colombia, Ecuador, El Salvador, Finland, Italy, Japan, Republic of Korea, Malaysia, Mexico, Netherlands, Oman, Saudi Arabia, Serbia, South Africa, Sweden, United Arab Emirates.

Other: 5. Guatemala, New Zealand, Poland, Portugal, United States.

Comments

Albania. This must be agreed between the parties.

Argentina. The notice period should be one month, with two hours' daily leave.

Brazil. In Brazil, the worker may be paid in lieu of notice and in such cases does not have to perform any task in exchange. When the worker works during the notice period, he or she may choose to have either two hours of daily leave or seven consecutive days' leave.

Chile. See question 52(a).

China. During the notice period, the allowance should be paid by the unemployment insurance fund.

Colombia. This could cause inequality with other workers.

El Salvador. It should not be included as a general provision, but it could probably be considered as an exception.

Finland. Possible time off with pay could be covered by legislation at the national level, but it should be voluntary in nature.

Greece. See question 52(a).

Guatemala (DPS). No.

Guatemala (UMT, ONAM). Yes, if the termination of employment has been mutually agreed by parties.

Indonesia. The notice period should be one month.

Japan. See question 35.

Republic of Korea. See question 52(a).

Mozambique. The employer should guarantee that the worker benefits from all the necessary conditions to seek new employment.

New Zealand. There is no statutory right for this in New Zealand.

Norway. Member States should be allowed to adapt this provision to national circumstances.

Peru. Reasonable time off would be one hour twice a week.

Poland. The rights should be in line with the rights commonly granted to other employees.

Portugal. See question 52(a).

Romania. The provisions of the Labour Code regulating the termination of the employment contract, lay-offs and notice also apply to domestic workers.

South Africa. This would mean that employers need to pay domestic workers for due notice plus an additional amount in order to seek employment.

Spain. Spanish legislation provides for six hours of weekly leave to allow the worker to find a new job.

Sweden. See question 52(a).

Thailand. This should apply when no compensation system exists by law. Where such system does exist, the provisions should be agreed between the parties.

Tunisia. Provided that the employment relationship was terminated by the employer.

United States. See question 52(a).

Employers

Total number of replies: 15.

Yes: 3. CNI (Brazil), ESEE (Greece), UPS (Switzerland).

No: 11. ANDI (Colombia), HUP (Croatia), EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea), NHO (Norway), CONEP (Panama), IOE.

Other: 1. SEV (Greece).

Comments

ESEE (Greece). If possible.

SEV (Greece). See question 52(a).

DPN APINDO (Indonesia). This is not necessary.

JCC (Jordan). The duration of the contract should be clear from the start and employment offices should be responsible for seeking new employment.

KEF (Republic of Korea). See question 52(a).

NHO (Norway). See question 52(a).

IOE. See question 52(a). Obligations for paid time off should apply only where such rights are applicable to employees generally. Time off should not be an absolute right and it would need to accommodate the domestic workers caring responsibilities.

Workers

Total number of replies: 123.

Yes: 117. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

Other: 6. CMTC (Costa Rica), COSYGA (Gabon), JOC (Gabon), CFTUI (India), CROC (Mexico), CTM (Mexico).

Comments

CTA (Argentina). The same provisions applicable to all other workers should apply to domestic workers.

ÖGB (Austria). See question 40.

BILS (Bangladesh). Both parties should be given one month's notice.

FS (Brazil). The amount of time should be the same as that provided by national legislation for all other workers.

CMTC (Costa Rica). See question 52(a).

COSYGA, JOC (Gabon). Provisions should not be contrary to those applicable for other workers.

UNSI TRAGUA (Guatemala). This should be clearly provided by the relevant legislation and the employment contract.

CGT (Honduras). It should be one day a week. The worker should receive assistance with regard to seeking new employment, whether by phone, Internet or e-mail.

CFTUI (India). It could be mutually agreed.

CGIL (Italy). It would be a good idea to introduce an employment-seeking permit for migrants who have lost their job.

CROC (Mexico). End-of-service benefits should be recognized in accordance with the law.

CTM (Mexico). This should be included in the Convention. However, the worker should keep working part time to permit the employer to find another employee, in order to guarantee a balance between parties.

UNT (Mexico). This should be compulsory.

CTP and CUT (Peru). This should be applicable not only to live-ins but to all domestic workers.

AFL-CIO, NDWA (United States). Live-in workers who are dismissed may otherwise become jobless and homeless at the same time.

Qu. 53

Should the Recommendation provide that Members should:

- (a) identify, mitigate and prevent occupational hazards specific to domestic work;*
- (b) establish procedures for collecting and publishing statistics on occupational safety and health related to domestic work;*
- (c) advise on occupational safety, health and hygiene as well as on ergonomics and protective equipment; and*
- (d) develop training programmes and disseminate guidelines on occupational safety and health requirements?*

(a) identify, mitigate and prevent occupational hazards specific to domestic work

Governments

Total number of replies: 68.

Yes: 61. Albania, Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Guinea, Indonesia, Italy, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 3. Egypt, Japan, Malaysia.

Other: 4. Austria, Colombia, New Zealand, South Africa.

Comments

Argentina. It is the government's responsibility to determine the occupational hazards of all occupations, while the employer's responsibility is to protect the worker's psychophysical health.

Austria. Labour inspectorates are not allowed to inspect private households in Austria and could therefore not deal with occupational hazards. The HGHA does not contain provisions on occupational hazards.

Canada. However, the typical hazards faced by domestic workers (household chemicals, cleaning products, musculoskeletal injuries, etc.) are not sufficiently unique or technical in nature so as to require explicit regulations, but are adequately covered under more general sections of occupational safety and health legislation (such as the employer's duty to maintain a safe workplace and to provide workers with information and training relating to their occupational safety).

China. In particular, Members should prevent occupational injuries specific to domestic work, such as those that may be caused by working at a height, using electrical appliances and being exposed to high temperatures and fire. The terms of the employer's obligations concerning safety and preventive measures should be included in the contract.

Colombia. The provisions on the protection of occupational risks that apply to all workers should also apply to domestic workers.

Croatia. Special attention should be given to the particular dangers that domestic work may pose to younger workers.

Cuba. Adequate protective tools or equipment for hazardous activities, as well as measures to protect safety and health, should be provided.

Egypt. Occupational hazards specific to domestic work vary according to the workplace and nature of the work.

El Salvador. This is important to ensure the health and safety of domestic workers.

France. This should be done in consultation with the social partners of the sector of activity.

Greece. Occupational hazards should be prevented to the extent possible.

Guatemala (UMT). Occupational hazards should be covered by social security.

Guatemala (ONAM). This is important, especially when the domestic worker is responsible for minding minors.

Japan. See question 35.

Lebanon. A reference should be included to the need to raise awareness.

Mauritius. Particular attention should be given to specific work hazards for young domestic workers, which increase with the fatigue resulting from long hours of work and which are associated with carrying heavy loads and using toxic cleaning products and sharp objects.

Mexico. In order to prevent occupational hazards in domestic work, it is important to establish mechanisms for exchanging information with the social security services to find the main causes of occupational injuries or diseases in this sector.

Montenegro. Members should give particular attention to the specific dangers that domestic work may pose to young persons.

Mozambique. Occupational safety and health measures should be promoted because domestic workers are more vulnerable in this regard than other workers.

New Zealand. In New Zealand, this is an implied term of the employment agreement.

Nicaragua. This is an employer's obligation. When work is inherently hazardous, the necessary measures and protective equipment should be provided.

Peru. A table on occupational hazards specific to domestic work should be prepared beforehand.

Portugal. See question 24. This provision should be included in the Convention.

Slovenia. Possible hazards for young domestic workers should be specified. Due to their age, psychological development and ordinarily lesser height, some tasks (carrying and moving heavy objects) and working conditions (use of cleaning products and solvents) present a greater threat to them than to adult workers.

South Africa. National laws and regulations should apply in this regard.

Sweden. However, monitoring arrangements must be adapted to the special conditions prevailing in a household.

Switzerland. Domestic work can entail a range of serious, underestimated hazards, such as those associated with carrying heavy objects and exposure to high temperatures when cooking, sharp objects like knives in the kitchen and toxic cleaning agents. In addition, domestic workers generally work alone in a household and have to cope alone with potentially dangerous situations.

Employers

Total number of replies: 16.

Yes: 7. CNI (Brazil), ANDI (Colombia), ESEE (Greece), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea), CONEP (Panama).

No: 4. HUP (Croatia), EFC (Sri Lanka), UPS (Switzerland), IOE.

Other: 5. EK (Finland), KT (Finland), VTML (Finland), SEV (Greece), NHO (Norway).

Comments

EK, KT, VTML (Finland). These issues are more compatible with national legislation and provisions concerning occupational health and safety.

SEV (Greece). See question 24.

NHO (Norway). See question 24.

EFC (Sri Lanka). See question 24.

IOE. See question 24. This matter should be addressed through ILO promotional activities and the encouragement of best practices rather than in a standard.

Workers

Total number of replies: 123.

Yes: 123. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland),

CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

Comments

CTA (Argentina). All work performed under an employment relationship involves occupational hazards, which should be determined and prevented by any member State, in accordance with the specificities of each activity.

ÖGB (Austria). See question 40.

FS (Brazil). Moreover, uniforms and protective equipment suitable for domestic work should be supplied to workers free of charge.

CMTC (Costa Rica). The requirements should be the same as those that apply for all other workers.

COSYGA, JOC (Gabon). This should be done by informing and raising awareness among workers and employers.

UNSITRAGUA (Guatemala). Prevention plays an important role.

CGT (Honduras). Many accidents occur in domestic work.

UNT (Mexico). Household workers should be equipped with the necessary tools to prevent accidents and occupational hazards and be ensured decent working conditions which guarantee their personal safety.

AFL-CIO, NDWA (United States). Members should give attention to the specific dangers that domestic work may pose to workers under 18 years of age. Their young age, stage of physical development and often smaller size may mean that some tasks (such as carrying heavy loads) and working conditions (such as using cleaners and solvents) pose greater hazards to them than to adults. Allowing longer periods of rest (nine-and-a-half hours per night) for these workers, as recommended by the ILO, may help prevent work-related accidents.

(b) *establish procedures for collecting and publishing statistics on occupational safety and health related to domestic work*

Governments

Total number of replies: 67.

Yes: 54. Albania, Argentina, Australia, Belgium, Plurinational State of Bolivia, Brazil, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Ecuador, El Salvador, Finland, France, Guatemala, Guinea, Indonesia, Italy, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Portugal, Romania, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 7. Bahrain, Colombia, Egypt, Japan, Malaysia, Qatar, Saudi Arabia.

Other: 6. Austria, Canada, China, Greece, New Zealand, Poland.

Comments

Argentina. This would help shape public policies for the sector.

Austria. See question 53(a).

Belgium. In Belgium, such statistics can at present only be collected through the statistics on accidents at work and occupational diseases.

Canada. There may be practical impediments to collecting data relating to domestic work.

China. This may be suggested but difficult to achieve.

Colombia. It would be pertinent, as very little information is available at present.

Croatia. See question 53(a).

Egypt. This would be difficult.

El Salvador. Such procedures should be provided for and promoted to ensure that there is a real understanding of the situation of the domestic work sector.

Greece. It would be difficult to establish these procedures.

Guatemala(DPS). Statistics are always important to improve working conditions.

Guatemala (UMT). This would reflect the tasks that jeopardize the safety of the worker, especially when she is pregnant.

Guatemala (ONAM). This would make it clear which preventive measures should be taken.

Japan. See question 35.

Mexico. This is necessary to prevent risks in domestic work.

Mozambique. This would be a good measure to promote the development of strategies and policies to prevent occupational hazards.

Nepal. Statistics should be published at fixed time intervals.

Netherlands. This should be done if possible and necessary.

New Zealand. New Zealand collects data on employment-related accidents through the Accident Compensation Corporation.

Nicaragua. This is important in the awareness-raising process as well as for the establishment of legal and administrative provisions.

Poland. This matter requires further analysis for the reasons indicated in question 24.

South Africa. See question 53(a).

Sweden. See question 53(a).

Tunisia. This is necessary in order to understand the situation of domestic workers and to take adequate measures for reinforcing their protection.

Employers

Total number of replies: 16.

Yes: 7. CNI (Brazil), ANDI (Colombia), ESEE (Greece), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea), CONEP (Panama).

No: 5. HUP (Croatia), NHO (Norway), EFC (Sri Lanka), UPS (Switzerland), IOE.

Other: 4. EK (Finland), KT (Finland), VTML (Finland), SEV (Greece).

Comments

KT (Finland). See question 53(a).

SEV (Greece). See question 24.

JCC (Jordan). This information would be useful for the purposes of giving instructions, undertaking studies and finding solutions to domestic workers' problems.

NHO (Norway). See question 24.

EFC (Sri Lanka). See question 24.

IOE. See question 53(a).

Workers

Total number of replies: 123.

Yes: 123. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

Comments

CTA (Argentina). Statistics are fundamental tools for establishing effective public policies to protect domestic workers.

FS (Brazil). See question 53(a).

CMTC (Costa Rica). See question 53(a).

COSYGA, JOC (Gabon). This is important for the monitoring and evaluation of domestic workers' safety and health at work by the social partners.

UNSITRAGUA (Guatemala). Ministries of labour should have a specific department dealing with domestic work.

CGT (Honduras). This should be the responsibility of the State in collaboration with the workers' and employers' organizations concerned.

CTM (Mexico). All safety measures aimed at preventing diseases within the household, as well as epidemics and pandemics, should be compulsory.

UNT (Mexico). Every country should publish statistics regarding the number of household workers and the type of occupational injuries and diseases in order to recognize domestic work as an employment sector and establish adequate legislation which meets the workers' needs.

AFL–CIO, NDWA (United States). See question 53(a).

- (c) *advise on occupational safety, health and hygiene as well as on ergonomics and protective equipment*

Governments

Total number of replies: 69.

Yes: 60. Albania, Argentina, Australia, Belgium (SPF and CNT), Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Egypt, El Salvador, Finland, France, Greece, Guinea, Indonesia, Italy, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 5. Bahrain, Ecuador, Japan, Malaysia, Saudi Arabia.

Other: 4. Austria, Guatemala, New Zealand, Nicaragua.

Comments

Austria. See question 53(a).

Brazil. Awareness-raising campaigns are necessary for the effective prevention of occupational hazards.

China. Health administrative departments, production safety supervision offices and labour administrative departments can provide advice.

Croatia. See question 53(a).

Guatemala (DPS). No, this should be the subject of specific Conventions.

Guatemala (UMT). Yes, an operating manual should be available in each household and domestic workers should be trained on how to prevent accidents.

Guatemala (ONAM). Yes, domestic workers should be trained on this matter. Preventive and protective measures should be improved.

Japan. See question 35.

Mozambique. This would help raise awareness on occupational safety and health, especially with regard to domestic work.

New Zealand. In New Zealand, both the Department of Labour and the Accident Compensation Corporation provide a range of promotional and educational material on workplace safety and health and accident prevention methods to the public.

Nicaragua. It would be more appropriate to include domestic work in the work of the National Occupation and Safety Council.

Peru. Minimum standards to be complied with by employers should be established in this regard.

South Africa. See question 53(a).

Spain. Yes to advice on occupational health and safety and hygiene, but in Spain, the general provisions on the prevention of occupational hazards do not apply to domestic workers.

Sweden. See question 53(a).

Employers

Total number of replies: 16.

Yes: 5. ANDI (Colombia), ESEE (Greece), DPN APINDO (Indonesia), KEF (Republic of Korea), CONEP (Panama).

No: 6. CNI (Brazil), HUP (Croatia), NHO (Norway), EFC (Sri Lanka), UPS (Switzerland), IOE.

Other: 5. EK (Finland), KT (Finland), VTML (Finland), SEV (Greece), JCC (Jordan).

Comments

CNI (Brazil). This decision should be left to each member State.

EK, KT, VTML (Finland). See question 53(a).

SEV (Greece). See question 24.

JCC (Jordan). The preference is to provide advice on hygiene.

NHO (Norway). See question 24.

EFC (Sri Lanka). See question 24.

UPS (Switzerland). This could be addressed in a code of practice.

IOE. See question 53(a).

Workers

Total number of replies: 123.

Yes: 123. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

Comments

CTA (Argentina). This should be applicable to any work, including domestic work which is carried out in private homes and escapes any form of control.

FS (Brazil). See question 53(a).

CMTC (Costa Rica). Employers should provide guidance and training and promote good occupational safety and health practices.

COSYGA, JOC (Gabon). Trade unions and workers' movements need this advice for awareness raising and on-site prevention.

UNSITRAGUA (Guatemala). However, ministries of labour generally do not have sufficient resources to deal with this issue. The units of the occupational safety and health inspectorate should be expanded in order to deal specifically with domestic work. Also, occupational safety and health councils should be expanded, with the participation of employers and domestic workers.

CTM (Mexico). All safety measures aimed at protecting workers are beneficial to both parties.

UNT (Mexico). This would oblige employers and governments to deal thoroughly with the issue of the occupational health and safety of household workers.

AFL-CIO, NDWA (United States). See question 53(a).

- (d) *develop training programmes and disseminate guidelines on occupational safety and health requirements*

Governments

Total number of replies: 69.

Yes: 60. Albania, Argentina, Australia, Belgium (SPF and CNT), Plurinational State of Bolivia, Brazil, Canada, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Indonesia, Italy, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Norway, Oman, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 4. Bahrain, Ecuador, Japan, Malaysia.

Other: 5. Austria, Colombia, Guatemala, New Zealand, Saudi Arabia.

Comments

Austria. See question 53(a).

Belgium (SPF, CNT). In Belgium, several initiatives have been adopted in this regard.

Brazil. Prevention is always better than reacting to an accident after it has taken place.

Colombia. This is an obligation of the health promotion agencies.

Croatia. See question 53(a).

Guatemala (DPS). No, this should be the subject of specific Conventions.

Guatemala (UMT, ONAM). Yes. This is under the responsibility of the Ministry of Labour through the Health and Safety Office.

India. Training programmes should be made available to domestic workers, for example on the use of household electrical gadgets and appliances and the security precautions required in the household.

Japan. See question 35.

Mozambique. See question 53(c).

Nepal. This is necessary in order to develop a safe working environment and increase productivity.

New Zealand. See question 53(c).

Saudi Arabia. The need for training is not limited to domestic workers, but also includes employers. A training requirement for incoming workers may be appropriate, provided by the sending State.

South Africa. See question 53(a).

Spain. Labour departments should be principally in charge.

Sweden. See question 53(a).

Employers

Total number of replies: 14.

Yes: 5. ANDI (Colombia), ESEE (Greece), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea).

No: 6. CNI (Brazil), HUP (Croatia), SEV (Greece), NHO (Norway), EFC (Sri Lanka), IOE.

Other: 3. EK (Finland), KT (Finland), VTML (Finland).

Comments

CNI (Brazil). This decision should be left to each member State.

ANDI (Colombia). See question 24.

EK, KT, VTML (Finland). See question 53(a).

ESEE (Greece). Information should be provided by the competent services, for example the labour inspectorate.

SEV (Greece). See question 24.

NHO (Norway). See question 24.

EFC (Sri Lanka). See question 24.

IOE. See question 53(a).

Workers

Total number of replies: 123.

Yes: 123. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru),

CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

Comments

CTA (Argentina). The role of employers' and domestic workers' organizations in this regard should be emphasized.

FENATRAD (Brazil). The need to provide training for both domestic workers and their employers should be emphasized.

FS (Brazil). See question 53(a).

CMTC (Costa Rica). Domestic workers' organizations should provide occupational safety and health training to their members, prior to recruitment.

AKAVA, SAK, STTK (Finland). Particular attention should be paid to the specific dangers that domestic work may pose to young persons (see question 22). Programmes and guidelines should be made available in languages relevant for the worker.

COSYGA, JOC (Gabon). This would enable workers' representatives to provide capacity building through training and to obtain the adequate didactic materials.

UNSITRAGUA (Guatemala). This is essential, as domestic workers are unaware of their rights and obligations.

CGT (Honduras). It is important to organize local, regional and national seminars on this issue.

CTM (Mexico). Moreover, workers should be trained before being hired in order to prevent occupational hazards.

UNT (Mexico). Training should be aimed at ensuring occupational safety and health and dissemination should be as wide as possible.

CUT–A (Paraguay). Training programmes and guidelines should be provided to migrant domestic workers in the relevant languages.

AFL–CIO, NDWA (United States). See question 53(a). These should be made available in the relevant languages for migrant domestic workers.

Qu. 54 *Should the Recommendation provide that Members should consider means to facilitate the payment of social security contributions by employers, such as a system of simplified payment?*

Governments

Total number of replies: 68.

Yes: 54. Albania, Argentina, Austria, Belgium, Plurinational State of Bolivia, Brazil, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, India, Indonesia, Italy, Latvia, Lebanon, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Oman, Panama, Peru, Poland, Portugal, Romania, Serbia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 9. Australia, Bahrain, Colombia, Guinea, Japan, Republic of Korea, Qatar, Slovenia, United Arab Emirates.

Other: 5. Lithuania, New Zealand, Nicaragua, Paraguay, Saudi Arabia.

Comments

Australia. In Australia, employers do not make social security contributions.

Belgium. The Belgian service voucher scheme offers an alternative, simplified system of payment. The user of domestic services issues the worker with a previously purchased service voucher for every hour worked, which ensures that the parties act in conformity with the law regarding remuneration and payment of social security contributions.

Brazil. In Brazil, the payment of social security contributions can be done over the Internet or through electronic cash desks. Moreover, as a means to formalize domestic work, employers can deduct their monthly social security contributions for up to one domestic employee from their income tax.

Chile. Part-time domestic workers should also have access to social security.

Colombia. This general procedure already exists and it is applicable to all workers.

Cyprus. The possibility of workers having multiple employers should be taken into consideration.

Ecuador. Special efforts should also be made to ensure that domestic workers who work part-time or on an occasional basis for multiple employers have access to social security benefits.

France. France has several systems of simplified payment (such as simplified and pre-completed documents for the administrative body responsible for social security funds and the service cheque scheme), which help and encourage employers to fulfil their duties and contribute to the reduction of undeclared work.

Greece. This is solved in Greece by having workers who are employed by more than one employer pay both the employer's and worker's social security contributions.

Guatemala (UMT). Banks could help provide this service.

Guinea. This is because of the socio-economic realities in Guinea.

India. A distinction has to be made between full-time and part-time domestic workers when implementing such a system.

Japan. See question 35.

Republic of Korea. It is not necessary to set up a payment system in the Republic of Korea, where domestic workers are currently not covered by social insurance.

Latvia. Special efforts should also be made to ensure that domestic workers who work part-time or on an occasional basis for multiple employers have access to social security benefits.

Lithuania. Payments should be made as determined by national laws or employment contracts.

Mauritius. This could be done, for example, through bank standing orders.

Mexico. Simplified payment procedures would enhance compliance with social security obligations.

Mozambique. As long as this is aimed at granting domestic workers social security coverage.

Netherlands. If necessary.

New Zealand. New Zealand's social security system is tax-funded, with the exception of the voluntary KiwiSaver scheme and the Accident Compensation Corporation's insurance scheme, under which employer levies currently apply.

Nicaragua. The social security legislation of each country should be taken into account.

Panama. Use should be made of all mechanisms that make it possible to guarantee decent work and a decent retirement for domestic workers.

Peru. This is appropriate, given that this sector is not widely regulated and in view of the specific nature of the employer. Agreements in this regard could be reached between the social security entities and the commercial banks of each member State.

Poland. The rule of equal rights and obligations of the employers in this area should be considered.

Saudi Arabia. National regulations in some States do not apply social security to incoming workers under contract, who benefit only from end-of-service compensation.

Slovenia. This would not be reasonable, as Slovenian law does not provide for exceptions with regard to simplified payments of pension or disability insurance contributions by employers.

South Africa. See question 53(a).

Spain. Spanish legislation envisages this option.

Bolivarian Republic of Venezuela. Due to the characteristics of the employer in the domestic employment relationship, the payment by the employer of social security contributions under the general regime might be difficult. Organizing special days to regularize domestic workers and introducing quarterly payments could help overcome these difficulties.

Employers

Total number of replies: 12.

Yes: 8. ANDI (Colombia), HUP (Croatia), ESEE (Greece), SEV (Greece), DPN APINDO (Indonesia), NHO (Norway), CONEP (Panama), IOE.

No: 3. CNI (Brazil), JCC (Jordan), KEF (Republic of Korea).

Other: 1. UPS (Switzerland).

Comments

CNI (Brazil). This decision should be left to each member State.

HUP (Croatia). Governments must provide simplified payment options if additional social security, maternity and other obligations are imposed on household employers through an instrument.

KEF (Republic of Korea). Household employers are different from other employers. Social security costs can be an excessive burden for them.

UPS (Switzerland). See question 25.

NHO (Norway), IOE. If additional social security obligations are to be imposed on household employers (see question 25), governments must provide for simplified payment options.

Workers

Total number of replies: 123.

Yes: 121. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland),

CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Other: 1. SADSAWU (South Africa).

Comments

UGTA (Algeria), CGT (Argentina), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), FS and UGT (Brazil), CGT (Colombia), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), AKAVA, SAK and STTK (Finland), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), CNV and FNV (Netherlands), LO (Norway), PWF (Pakistan), CUT-A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT-P (Portugal), BNS and CNS-Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), UGTT (Tunisia), TOLEYİS and TÜRK-İŞ (Turkey), TUC (United Kingdom), AFL-CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. Special efforts should be made towards ensuring that domestic workers who work part-time or on an occasional basis for multiple employers have access to social security benefits.

CTA (Argentina). Employers often ignore social security issues relating to their domestic employees.

BAK (Austria). This is supported, provided that such facilitation does not disadvantage domestic workers or insured persons in general.

ÖGB (Austria). This must not be at the expense of the employees or the revenues of the State.

FENATRAD (Brazil). Provided that this provision does not constitute a setback in respect of the rights already granted to domestic workers and ensures their access to social security benefits.

ONSL (Burkina Faso). Efforts should be made to ensure that part-time workers and occasional workers who work for several employers have access to social security benefits.

CFITU, CLUF, CWLFU (Cambodia). Domestic workers must receive information and support with regard to accessing those benefits. The employment contract should provide that they are entitled to these benefits. This is very important for migrant workers, given that they are in a foreign context and may be unfamiliar with the national structures and system.

CLC (Canada). Special efforts should be made towards ensuring that domestic workers working part time or on an occasional basis for multiple employers have access to social security benefits, on the same basis as all other part-time and casual workers.

CMTC (Costa Rica). The system should be straightforward and easy for the worker to understand.

COSYGA, JOC (Gabon). This is especially important for developing countries, considering that the lack of awareness of the contracting parties often outweighs the willingness to exit informality.

DGB (Germany). Special attention should be paid to a regulation that provides access to such a system for part-time or domestic workers who work for several employers.

GSEE (Greece). This will contribute to safeguarding social security benefits, especially with regard to part-time workers and those employed by various employers.

UNISITRAGUA (Guatemala). However, the economic situation of employers should also be taken into account. A State fund could be constituted for this purpose, and employers should register with the competent authority.

CNTG (Guinea). This would ensure that domestic workers enjoy social security coverage.

CGIL (Italy). See questions 24 and 25.

CROC (Mexico). However, this is problematic for part-time workers.

UNT (Mexico). Household workers have the right to compulsory social security and member States should provide mechanisms to enforce this right.

CNT (Niger). Member States should ensure that domestic workers are granted social security coverage.

APL, FFW, TUCP (Philippines). Members should: ensure that domestic workers are members of social security schemes and health insurance and pension funds; establish mechanisms to facilitate the payment of contributions by both domestic workers and their employers; and ensure access to benefits and redress, including for part-time domestic workers and those with multiple employers.

SADSAWU (South Africa). This issue should be discussed further.

NTUF (Sri Lanka). See question 25.

AFL-CIO, NDWA (United States). As a means to ensure sick leave also for part-time workers, California has legislation providing sick leave for all workers based on the number of hours worked (that is to say, for every 30 hours worked, the employee accrues one hour of sick leave). This could be included as model legislation.

PIT-CNT (Uruguay). In Uruguay, for example, the payment of social security contributions is facilitated (through online forms and a free hotline, among others). Moreover, awareness-raising campaigns have contributed to increasing the number of domestic workers affiliated to a social security scheme.

Qu. 55 *Should the Recommendation provide that Members should, in consultation with the employers' and workers' organizations concerned, establish policies and programmes for domestic workers to encourage ongoing development of their competencies and qualifications, including literacy training as appropriate, as well as to enhance their career and employment opportunities?*

Governments

Total number of replies: 70.

Yes: 57. Albania, Argentina, Australia, Belgium, Plurinational State of Bolivia, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Guatemala, Guinea, India, Indonesia, Italy, Republic of Korea, Latvia, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Oman, Panama, Paraguay, Peru, Poland, Portugal, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, Ukraine, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 9. Bahrain, Japan, Malaysia, Netherlands, Norway, Qatar, Romania, Switzerland, United Arab Emirates.

Other: 4. Brazil, Canada, Lebanon, New Zealand.

Comments

Belgium. See question 63.

Canada. Literacy and language training should be made available where appropriate.

Chile. This is fundamental to enhance opportunities for these workers.

China. The ongoing development of domestic workers' competencies and qualifications is key to the sustainable development of domestic work and to creating demand and stimulating the growth of business. It is recommended that various occupational qualification systems for domestic work be further classified. In addition to literacy and vocational training, programmes should be provided to raise awareness of rights. Policies should be reoriented towards providing as much free training as possible, increasing career and employment opportunities and raising the wage scale and other benefits.

Colombia. This should be done through entities such as the National Learning Service.

Costa Rica. Skills certificates should be promoted to improve decent work for domestic workers.

Croatia. Domestic workers have to be included in national policies and strategies relating to qualifications and further education.

Cuba. This is especially important for young persons.

France. Associations implementing these programmes should be supported.

Guatemala (UMT). Regulating hours of work for domestic workers would facilitate their access to education.

Guatemala (ONAM). This is especially important because the majority of these workers are illiterate or have a poor level of education. Since they are frequently in charge of taking care of children of school age, their contribution is often negative for the family.

Guinea. However, in Guinea most persons carry out domestic work only temporarily and do not choose it as a career.

India. Pre-employment training on matters such as the use of household electrical gadgets and appliances, cooking and etiquette in serving guests would be helpful.

Japan. See question 35.

Republic of Korea. The Government basically agrees that there should be policies to encourage the sustainable development of the skills and qualifications of domestic workers. However, in view of the unique employment characteristics of domestic workers in the Republic of Korea, it is difficult to find out their current state. There is no qualification system and research regarding the current situation and the skills domestic workers should have and how to promote them must precede the establishment of training policies and programmes for domestic workers. Therefore, as it would seem difficult to establish such policies and programmes, the provisions of the Recommendation should be open and inclusive so that policies can be implemented in accordance with national circumstances.

Lebanon. These policies may be adopted for national domestic workers.

Mauritius. Such policies should primarily target young domestic workers through increased access to secondary or vocational education so as to enhance their employment opportunities.

Nepal. Domestic workers should be encouraged to take literacy classes in order to enhance their career and employment opportunities and to find a better job.

Netherlands. There is no reason for specific policies. Domestic workers should have access to facilities available to other employees.

New Zealand. All workers in New Zealand are able to access training through industry training organizations, apprenticeships and tertiary providers, such as universities and polytechnics.

Nicaragua. This is fundamental because, to date, domestic workers are excluded from all types of educational and social programmes due to the nature of their work.

Norway. The Recommendation should focus on improving the rights of domestic workers, as workers with special conditions of work. The need to educate unskilled workers is a general issue which should be considered separately.

Oman. However, domestic workers are expected to have received prior training so that they develop their competencies with their employer's guidance through practice on the job.

Panama. Member States should focus on strategies that make it possible to develop this human capital.

Peru. The principle should be included in the Convention and developed by the Recommendation.

Poland. Access to vocational training should be commonly provided to all employees. In the event that, in a given country, the domestic work sector is particularly well-developed, programmes of skills development for professionally active persons should be developed. In addition, literacy training should be carried out, as appropriate. Employers should be encouraged to provide education or facilitate the participation of their employees in general education.

Romania. Domestic workers, like all other workers, already have access to training and employment opportunities.

Saudi Arabia. The sending State may undertake the training of domestic workers during the period preceding their recruitment.

Sweden. The adoption of such programmes should not be a stipulated duty.

Switzerland. A special integration strategy exclusively for domestic workers is not desirable.

Ukraine. All employees should benefit from continuous professional development aimed at improving their skill level and competitiveness in the labour market.

United States. The policies and programmes to enhance skills development that are available to workers in general should be available to domestic workers.

Uruguay. The professionalization of domestic work is to be included among the rights which domestic workers should enjoy on equal terms with all other workers.

Bolivarian Republic of Venezuela. The employer should allow domestic workers time off for education, wherever applicable.

Employers

Total number of replies: 15.

Yes: 8. ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea).

No: 7. CNI (Brazil), HUP (Croatia), SEV (Greece), NHO (Norway), CONEP (Panama), UPS (Switzerland), IOE.

Comments

CNI (Brazil). This decision should be left to each member State.

JCC (Jordan). This should be done at no cost to the employer.

KEF (Republic of Korea). Consultation with employers' and workers' organizations is not suitable, as the qualifications and competencies required for domestic work can vary.

NHO (Norway). The concepts underpinning this question may have little relevance to an au pair taking a year off or a worker with no intention of staying in the host country. At most, members may wish to discuss this with their employers' and workers' organizations. Also, the term "establishing" should not be used in relation to policies and programmes, as many countries already have substantial adult and migrant literacy programmes.

IOE. Any instrument should not assume homogeneity in domestic work, among workers or in their priorities and career aspirations. The concepts underpinning this question may have little relevance to an au pair taking a year off or a worker with no intention of staying in the host country. At most, members may wish to discuss this with their employers' and workers' organizations. Scarce government resources should be directed to the most pressing concerns or abusive practices. Existing standards on human resource development are noted. Also, the word "establishing" should not be used in relation to policies and programmes, as many countries already have substantial adult and migrant literacy programmes. A targeted promotional campaign and better linkages to existing education and literacy services may often be sufficient.

Workers

Total number of replies: 124.

Yes: 124. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), CSDR (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), CTV (Bolivarian Republic of Venezuela), ZCTU (Zimbabwe), ITUC, IUF.

Comments

CTA (Argentina). Trade unionism makes it possible to improve working conditions by identifying the workers' needs and promoting suitable policies.

BAK (Austria). The costs of qualification measures should not be borne by the domestic workers. The possibilities for qualification should be aimed at remunerated work (instead of unpaid household work for family members) and at giving workers specialized qualifications.

ÖGB (Austria). These should be free of charge with a low access threshold.

CGT (Colombia). This is especially important for young workers.

CMTC (Costa Rica). Education during free time should be encouraged and workers' organizations should support domestic workers' personal and professional development.

UNSI TRAGUA (Guatemala). However, literacy training should be the employer's obligation.

CGT (Honduras). Scholarships should be granted, as many migrant workers have an average level of education and could study in the universities of the destination countries.

KSPI, KPSPI, KSBSI (Indonesia). This increases domestic workers' bargaining power and awareness of their rights.

UIL (Italy). Both basic and vocational training should be considered, not only as opportunities, but also as effective rights.

UNT (Mexico). However, special programmes aimed at providing literacy and vocational training for household workers should be compulsory.

FNV (Netherlands). It should include language training.

LO (Norway). Although the core of these instruments is the employer–employee relationship, in many countries such policies and programmes would be significant to domestic workers.

FEDUSA (South Africa). This should include childcare and literacy training in particular. However, the term “personal development” should be used instead of “professional development”.

SADSAWU (South Africa). This should apply to all workers.

CTV (Bolivarian Republic of Venezuela). Provided that the worker agrees to such arrangements.

Qu. 56 *Should the Recommendation provide that regulation concerning repatriation of domestic workers should:*

- (a) *ensure financial guarantees by those responsible for repatriation costs;*
- (b) *prohibit any payment by migrant domestic workers to cover repatriation costs;*
- (c) *identify the time frame and circumstances for the exercise of the right to repatriation?*

(a) *ensure financial guarantees by those responsible for repatriation costs*

Governments

Total number of replies: 67.

Yes: 52. Albania, Argentina, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Guinea, India, Indonesia, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Oman, Panama, Paraguay, Peru, Qatar, Romania, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tunisia, Ukraine, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 9. Australia, Austria, Finland, Italy, Japan, Norway, Portugal, South Africa, Switzerland.

Other: 6. Guatemala, Mexico, Netherlands, New Zealand, Poland, Saudi Arabia.

Comments

Austria. Specific legal provisions do not seem to be necessary or appropriate. They should be avoided in order to avoid inconsistencies, lacunae or imbalances with regard to general provisions or other workers or sectors. Austrian provisions foresee that the employer is liable for repatriation costs in the case of undeclared work (moonlighting) or if there is an explicit declaration of the employer in this regard. Furthermore, Directive No. 2009/52/EC of the European Parliament and the Council of the European Union on providing for minimum standards on sanctions and measures against employers of illegally staying third country nationals also foresees general – not sectoral – guarantee provisions.

Belgium. See question 28.

Canada. This should be non-binding and only ensured if applicable, taking into account specific national circumstances; for example, most migrant domestic workers remain in Canada as permanent residents.

China. Provided that the reasons and responsibilities for repatriation do not lie with the worker.

Colombia. See question 27.

Costa Rica. Employers should cover costs for repatriation and guarantee conditions of food and lodging for migrant domestic workers. The integral safety of the worker should also be ensured. The experience of Costa Rica and Nicaragua suggests that it is desirable to promote bilateral agreements in this field.

Czech Republic. Financial guarantees should be ensured by the employer. This question should nevertheless be resolved for all foreign workers.

El Salvador. This should be included in the employment contract.

Finland. See question 28.

Guatemala (DPS). Yes.

Guatemala (UMT). According to national legislation.

Guatemala (ONAM). The problems of migrant workers should be solved by the competent authorities and not by the employers.

Guinea. However, migrant domestic workers are rare in Guinea.

Japan. See question 35.

Mexico. No reply can be provided, as the meaning of “financial guarantees” is not clear.

Netherlands. The term “financial guarantees” is not clear. A guarantee should be obtained from employers that they will bear the costs incurred for enforced repatriation by the State if an employee fails to return to his country of origin after termination of the contract.

New Zealand. In New Zealand, migrant workers are legally responsible for their own travel costs, subject to negotiation between the parties.

Nicaragua. This guarantees safety to domestic workers, who often suffer from abuse because they lack the economic resources needed to go back to their country of origin.

Norway. See question 28.

Oman. In accordance with the labour legislation and the employment contract.

Panama. All available resources should be used to promote the appropriate treatment of migrant domestic workers. Each member State should review the instruments in place to address this issue and, on the basis of this information, should revise, reformulate, strengthen or repeal the relevant provisions.

Peru. Employers should pay for the round-trip ticket of workers. The ticket should be kept by the employer until the date of departure.

Poland. The question is unclear. There is no information on what these guarantees are, to whom they are addressed and by whom they are granted. This issue could be possibly regulated in bilateral agreements (between sending and receiving states), in accordance with the provisions concerning other groups of migrant workers.

Portugal. See questions 27 and 28.

Saudi Arabia. The terms of contract with an incoming worker include the protection of the worker and impose upon the employer the duty to bear the costs. The local recruitment office that recruited the worker bears the responsibility during the probation period, in case the worker is not qualified for the job.

Slovenia. The employer or the worker's guarantor should bear these costs.

South Africa. This should be regulated in terms of national laws and practices.

Spain. It should also be stated that this obligation could be placed on the competent authorities of the country of origin. See question 28.

Employers

Total number of replies: 16.

Yes: 9. CNI (Brazil), ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), DPN APINDO (Indonesia), KEF (Republic of Korea), CONEP (Panama).

No: 1. UPS (Switzerland).

Other: 6. HUP (Croatia), SEV (Greece), JCC (Jordan), NHO (Norway), EFC (Sri Lanka), IOE.

Comments

HUP (Croatia). We will further consider the interaction of this proposal with migration law and practice.

SEV (Greece). See question 11.

JCC (Jordan). This entails additional financial costs and charges for the employer.

NHO (Norway). Further consideration of the interaction of these proposals with migration law and practice is needed. The requirement to provide financial guarantees and to pay for repatriation is costly and could, if mishandled, limit opportunities for domestic work and discourage the recruitment of migrants. The payment of guarantees and repatriation costs would seem nonsensical and vastly unfair in cases where the domestic worker entered the country without any initiative or sponsorship of the employer. In general, the need for guarantees and repatriation is questionable and should not be regulated if other migrant employees do not benefit from the same right.

EFC (Sri Lanka). See question 27.

UPS (Switzerland). Except in cases when this makes sense.

IOE. Further consideration needs to be given to the interaction of these proposals with migration law and practice. It could be argued that this issue should be discussed by the International Organization for Migration (IOM). The requirement to provide financial guarantees and to pay for repatriation is costly and could, if mishandled, limit opportunities for domestic work and discourage the recruitment of migrants. The payment of guarantees and repatriation costs would seem nonsensical and vastly unfair in cases where the domestic worker entered the country without any initiative or sponsorship of the employer, or where young people combine domestic work with studies or a holiday. In general, the need for guarantees and repatriation is questionable and should not be regulated if other migrant employees do not benefit from the same right.

Workers

Total number of replies: 122.

Yes: 119. UGTA (Algeria), CGT (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS

(El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Other: 2. CTA (Argentina), CGTP-IN (Portugal).

Comments

ÖGB (Austria). See question 13(h).

COB, FENATRAHOB (Plurinational State of Bolivia). The State should cover repatriation costs.

FENATRAD (Brazil). Internal migration, which is quite common in Latin America, should also be taken into account.

CFITU, CLUF, CWLFU (Cambodia). Both receiving and sending countries should be responsible.

CGT (Colombia). This is the responsibility of every member State.

COSYGA, JOC (Gabon). Employers having recruited workers from outside the country or State authority must provide financial guarantees before repatriation.

GSEE (Greece). The arrangements should be in line with the international legal framework on this issue. See questions 6(d) and 26–30.

UNSITRAGUA (Guatemala). However, in the case of the employer's insolvency, member States should create programmes to cover the costs of these contingences.

CGT (Honduras). This should be established in the employment contract and should be known both by the sending country and the destination country in order to ensure compliance.

KSPI, KSPSI, KSBSI (Indonesia). The employer should be responsible for the repatriation.

CGIL (Italy). See question 28.

UIL (Italy). In Italy, for example, Italian authorities simply order illegal migrants to leave the country, without considering their financial situation. This is important because, with the introduction of the crime of illegal immigration, the illegal migrant who does not obey the order can be punished by imprisonment.

UNT (Mexico). Provided that the obligation to cover repatriation costs is established in a written agreement, and that the relevant provisions of the labour law of the destination country are respected. The worker should be free to change employer in cases where the employer breaks the agreement.

APL, FFW, TUCP (Philippines). This should be provided for in the Convention. Furthermore, housing for domestic workers pending repatriation or re-employment should be guaranteed.

CGTP-IN (Portugal). This subject should be dealt with in the Convention.

AFL-CIO, NDWA (United States). See question 13(h).

(b) *prohibit any payment by migrant domestic workers to cover repatriation costs*

Governments

Total number of replies: 67.

Yes: 45. Albania, Argentina, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Egypt, El Salvador, Guinea, India, Indonesia, Italy, Latvia, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Oman, Panama, Paraguay, Peru, Qatar, Spain, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Tunisia, Ukraine, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela.

No: 20. Australia, Austria, Cyprus, Czech Republic, Ecuador, Finland, Guatemala, Japan, Lebanon, Netherlands, Norway, Poland, Portugal, Romania, Saudi Arabia, Slovenia, South Africa, Sweden, Switzerland, Yemen.

Other: 2. Canada, New Zealand.

Comments

Albania. Except in cases of immediate termination of the contract by the worker.

Australia. Providing payments to cover repatriation costs should be optional for the employer.

Austria. See question 56(a).

Belgium. See question 28.

Plurinational State of Bolivia. The State should cover repatriation costs.

Canada. See question 56(a).

China. See question 56(a).

Colombia. According to Colombian legislation, the employer shall cover the costs of repatriation upon the termination of the contract.

Costa Rica. Except when repatriation is due to reasons not connected with the employer.

Cyprus. Domestic workers should contribute towards repatriation costs when they are responsible for the termination of employment without due cause.

El Salvador. This should be ensured from the moment of the worker's recruitment.

Finland. This should be agreed in the employment contract. This would draw attention to cases where there are insufficient means to cover repatriation costs when the contract ends. Respective provisions could be provided at a national level.

Guatemala (ONAM). If the parties so agree.

Guinea. See question 56(a).

Japan. See question 35.

Lebanon. Prohibiting any payment by migrant domestic workers to cover repatriation costs may not be in their interest and may make their repatriation entirely subject to the desire and will of the employer.

Mexico. Repatriation and other costs related to the transfer of workers from one country to another should be duly regulated.

Mozambique. Repatriation costs should be covered by the employer.

Nepal. The repatriation of the employees should be the responsibility of the employer.

New Zealand. See question 56(a).

Nicaragua. It should be linked with the financial guarantees under question 56(a).

Norway. See question 28.

Oman. Unless the reason for the termination of the contract is a decision taken by the employer, the expiry of the work period or the flight of the worker without sound reason.

Panama. See question 56(a).

Poland. Returning to the country of origin is one of the options available to a migrant worker in the event of a change in the employment situation, and such workers should not be prohibited from covering their own repatriation costs. It should only be possible to impose the repatriation costs on the employer in cases where a specific agreement has been reached between the parties or where bilateral agreements (between the sending and receiving States) cover such situations. This should be done in accordance with the provisions that apply to other groups of migrant workers.

Portugal. See question 56(a).

Qatar. Unless a worker terminates employment before the end of the period fixed in the contract.

Romania. In cases involving the illegal employment of a migrant domestic worker, the responsible employer could be obliged to pay the repatriation costs.

Saudi Arabia. It must be taken into consideration that the repatriation of a worker can be a consequence of his or her failure to fulfil the requirements of the contract.

Slovenia. See question 28.

South Africa. It should be limited to domestic workers who are left stranded because of a failure on the part of the employer or intermediary.

Sweden. The apportionment of costs should be a matter that is regulated in the employment contract.

Switzerland. Prohibition would be inflexible and difficult to monitor.

Thailand. The repatriation costs should be borne by the country of origin when the migrant domestic worker fails to comply with the national laws of the receiving country.

United Arab Emirates. Provided that the worker has not breached the contract.

United States. In the sense that workers should not be responsible for paying repatriation costs for which another party is legally responsible.

Employers

Total number of replies: 16.

Yes: 7. CNI (Brazil), EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), KEF (Republic of Korea), CONEP (Panama).

No: 4. ANDI (Colombia), ESEE (Greece), JCC (Jordan), UPS (Switzerland).

Other: 5. HUP (Croatia), SEV (Greece), NHO (Norway), EFC (Sri Lanka), IOE.

Comments

HUP (Croatia). See question 56(a).
 ESEE (Greece). This depends on national law.
 SEV (Greece). See question 11.
 EFC (Sri Lanka). See question 27.
 NHO (Norway). See question 56.
 IOE. See question 56(a).

Workers

Total number of replies: 121.

Yes: 116. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. CMKOS (Czech Republic), CTM (Mexico).

Other: 3. GFBTU (Bahrain), CISL (Italy), CGTP–IN (Portugal).

Comments

ÖGB (Austria). See question 40.
 GFBTU (Bahrain). Only in cases where the contract has expired.
 COB, FENATRAHOB (Plurinational State of Bolivia). See question 56(a).
 FENATRAD (Brazil). Repatriation costs should be covered by the State or the employer.
 CGT (Colombia). Repatriation costs should be covered by both the country of origin and that of destination.
 CUT (Colombia). Repatriation costs should be covered by the employer.
 GSEE (Greece). See question 56(a).
 UNSITRAGUA (Guatemala). This is illegal.
 CNTG (Guinea). Repatriation costs should be borne by the employer.
 KSPI, KSPSI, KSBSI (Indonesia). Repatriation costs are not a wage component.

CISL (Italy). This should apply unless the worker wishes to return to his or her country independently of what is stipulated by the employment contract with regard to repatriation costs.

UIL (Italy). This might be difficult to prohibit in Italy in view of recently approved legislation.

CTM (Mexico). Repatriation costs should be covered by the workers concerned.

UNT (Mexico). The contract should specify that these costs should be covered by employers and should not entail wage deductions.

APL, FFW, TUCP (Philippines). See question 56(a).

CGTP-IN (Portugal). See question 56(a).

AFL-CIO, NDWA (United States). See question 13(h).

(c) *identify the time frame and circumstances for the exercise of the right to repatriation*

Governments

Total number of replies: 67.

Yes: 49. Albania, Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Finland, Guinea, India, Indonesia, Italy, Latvia, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Panama, Paraguay, Peru, Qatar, Saudi Arabia, South Africa, Spain, Sri Lanka, Suriname, Thailand, Tunisia, Ukraine, United Arab Emirates, Uruguay, Yemen.

No: 9. Austria, Czech Republic, Japan, Lebanon, Netherlands, Norway, Portugal, Romania, Bolivarian Republic of Venezuela.

Other: 9. Canada, Guatemala, New Zealand, Oman, Poland, Slovenia, Sweden, Switzerland, United States.

Comments

Australia. This should be consistent with requirements under national migration laws.

Belgium. See question 28.

Canada. See question 56(a).

China. See question 56(a).

Colombia. See question 27.

El Salvador. This is important to prevent abusive practices or trafficking.

Guatemala (DPS). Yes.

Guatemala (UMT, ONAM). The responsibility for this should lie with governments.

Guinea. See question 56(a).

Japan. See question 35.

Lebanon. The time frame must be defined in the agreement between the employer and the domestic worker.

Mozambique. This is necessary to guarantee the worker's safe repatriation.

Nepal. A time frame before which the employer shall not be responsible for ensuring the right to repatriation and definite circumstances in which the employer shall not be required to ensure that right should be provided for in national regulations.

Netherlands. A repatriation time frame cannot be given as this depends on each individual case and whether repatriation to the country of origin is possible. The term “right to repatriation” is misleading, as foreign employees are obliged to arrange their own departure in the Netherlands.

New Zealand. See questions 29 and 56(a).

Nicaragua. They should be included in the written contract and in the employment record.

Norway. See question 28.

Oman. A decision on this matter should be left to each member State.

Panama. See question 56(a).

Poland. Repatriation should be strictly related to the termination of the employment relationship and be in line with the national provisions on employment of migrants. The issue of “right to repatriation” is not clear enough: there are no restrictions concerning opportunities to return to the country of origin, which should allow the entry of its citizen. This issue could possibly be regulated in bilateral agreements (between sending and receiving States), in accordance with the provisions concerning other groups of migrant workers.

Portugal. See question 56(a).

Romania. This should be in accordance with the provisions of national legislation concerning equality of treatment.

Slovenia. See question 13(h).

South Africa. See question 56(a).

Sweden. The right to repatriation must never be restricted.

Switzerland. Possibly in the case of a fixed-term contract of employment.

United States. It is unclear whether the proposed language refers to already existing rights under national laws and regulations.

Employers

Total number of replies: 15.

Yes: 7. CNI (Brazil), EK (Finland), KT (Finland), VTML (Finland), DPN APINDO (Indonesia), KEF (Republic of Korea), CONEP (Panama).

No: 2. ANDI (Colombia), UPS (Switzerland).

Other: 6. HUP (Croatia), SEV (Greece), JCC (Jordan), NHO (Norway), EFC (Sri Lanka), IOE.

Comments

HUP (Croatia). See question 56(a).

SEV (Greece). See question 11.

NHO (Norway). See question 56.

EFC (Sri Lanka). See question 27.

IOE. See question 56(a).

Workers

Total number of replies: 123.

Yes: 119. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), CSDR (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. CISL (Italy), CTM (Mexico).

Other: 2. ÖGB (Austria), CGTP-IN (Portugal).

Comments

CTA (Argentina). In particular, measures should be taken to ensure that migrant workers keep their legal or resident status after losing their job and while seeking a new one.

BAK (Austria). Repatriation should not be used as a coercive measure, contrary to the will of the employee.

ÖGB (Austria). See questions 40 and 13(h).

CGT (Colombia). Such a provision should be included, considering that migrant household workers make an important contribution to the economy of receiving countries and perform work which nationals do not want to carry out.

COSYGA, JOC (Gabon). A time frame is necessary to allow unions to provide full support for the workers in order to protect their rights.

GSEE (Greece). See question 56(a).

UNSITRAGUA (Guatemala). However, undocumented migrant domestic workers should be regularized, unless repatriation is due to proved crimes committed by the worker.

CNTG (Guinea). This should be in accordance with the employment contract.

CGT (Honduras). Migrant domestic workers often stay in a country for a long time without protection and face serious problems with regard to repatriation.

CGIL (Italy). Provided that citizenship in the receiving country is not acquired or acquirable.

CISL (Italy). The worker should be free to decide when to return to his or her country.

UIL (Italy). In this regard, Italian law in cases of expulsion orders against irregular migrants sets a deadline of only five days to leave the country (a time frame that is too short for those who often do not have the means to leave). It would be important to determine a more reasonable time frame and provide certain means.

CTM (Mexico). This is irrelevant, as repatriation is the worker's responsibility.

UNT (Mexico). The migration authorities should develop a special programme for the protection of household workers.

CUT-A (Paraguay). Provided that it is the worker's choice.

APL, FFW, TUCP (Philippines). See question 56(a).

CGTP-IN (Portugal). See question 56(a).

AFL-CIO, NDWA (United States). See question 13(h).

PIT-CNT (Uruguay). Provisions permitting an extension of the time frame for repatriation should also be established, specifying the conditions under which an employer can be charged.

Qu. 57 *Should the Recommendation provide that Members should consider additional measures to ensure the effective protection of migrant domestic workers' rights, such as:*

(a) *the development of a network of safe emergency housing;*

(b) *a placement visit of the household in which the migrant domestic worker will be employed?*

(a) *the development of a network of safe emergency housing*

Governments

Total number of replies: 64.

Yes: 48. Albania, Argentina, Australia, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Finland, Guinea, India, Indonesia, Latvia, Lebanon, Malaysia, Mauritius, Mexico, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Panama, Paraguay, Peru, Poland, Qatar, Romania, Saudi Arabia, Spain, Sri Lanka, Suriname, Sweden, Thailand, Tunisia, Ukraine, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela.

No: 9. Bahrain, Costa Rica, Croatia, Italy, Japan, Republic of Moldova, Oman, Portugal, Yemen.

Other: 7. Czech Republic, Guatemala, New Zealand, Nicaragua, Slovenia, South Africa, Switzerland.

Comments

Belgium. In so far as victims of human trafficking are concerned.

Canada. However, national circumstances should be considered. Existing services may be appropriate and available to domestic workers, or specific services should be developed. Best practices could be useful to share information about innovative approaches.

Costa Rica. Such measures could be incompatible with developing countries' care facilities for migrant workers.

Croatia. There is no need for this, since national legislation usually covers the special protection of migrant workers.

Czech Republic. This should be dealt with in the framework of existing measures (such as emergency housing for victims of domestic violence). However, it may be useful if the instrument mentions ensuring safe emergency housing for migrant domestic workers in specific circumstances.

Guatemala (DPS). No.

Guatemala (UMT and ONAM). Yes, this already exists in Guatemala.

India. This should include medical care and counselling in cases of abuse.

Japan. See question 35.

Mozambique. In cases where migrant domestic workers are not immediately placed in a household, they should be guaranteed a safe place to stay.

New Zealand. In New Zealand, everyone has equal protection under the law and equal access to emergency services and shelters where the circumstances require this.

Nicaragua. In Nicaragua, this is impossible in practice, but it is a good idea for receiving countries.

Oman. There is no reason for that.

Panama. It is crucial that this housing network be given the means to allow the temporary accommodation of the workers concerned, while enhancing their skills and competencies.

Poland. Provided that the scale of such labour migration in a given country is large.

Portugal. A network of safe emergency housing should not be made available only for migrant workers.

Romania. This should be considered for migrant domestic workers who are victims of abusive practices by their employer.

Slovenia. The decision to develop such a network especially for migrant domestic workers depends particularly on the number of domestic workers in a particular country and on the accessibility of other existing networks providing such protection.

South Africa. This is not a right arising from employment and should therefore be limited to instances where there is a real threat to the life of the domestic worker.

Sweden. This can be considered where there is reason for doing so.

Switzerland. This is a matter for the Swiss cantons. Women's shelters and mothers' centres could be extended to allow access for women domestic workers. Women migrants should be informed of this facility.

Tunisia. Provided that such emergency housing is established by the intermediaries.

Employers

Total number of replies: 13.

Yes: 7. CNI (Brazil), ANDI (Colombia), ESEE (Greece), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea), CONEP (Panama).

No: 5. HUP (Croatia), SEV (Greece), NHO (Norway), UPS (Switzerland), IOE.

Other: 1. EFC (Sri Lanka).

Comments

HUP (Croatia). This level of detail is not appropriate for an ILO standard.

JCC (Jordan). However, it is preferable that the workers' embassies take care of them in an emergency.

EFC (Sri Lanka). See question 27.

UPS (Switzerland). See question 25.

NHO (Norway), IOE. This could be promoted by the ILO as good practice.

Workers

Total number of replies: 122.

Yes: 119. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 1. CTM (Mexico).

Other: 2. JTUC–RENGO (Japan), FNPR (Russian Federation).

Comments

CTA (Argentina). Providing temporary accommodation for migrant domestic workers and integrating them into a network of safe emergency housing could be fundamental to protect them from abusive practices.

BAK (Austria). For cases of imminent danger, emergency housing may be included in the Convention.

FENATRAD (Brazil). This should be applicable both nationally and internationally.

CFITU, CLUF, CWLFU (Cambodia). This should involve trade unions and civil society organizations.

CGT (Colombia). For all workers, however.

CMTC (Costa Rica). This should be coordinated by the ministries of labour in collaboration with the workers' organizations concerned.

COSYGA, JOC (Gabon). This is important in order to prevent employers from continually using police detention centres for transit before repatriating the workers, who are deprived of any rights.

UNSITRAGUA (Guatemala). Moreover, legal support to avoid repatriation should be provided when migrant workers are threatened with repatriation.

CGT (Honduras). It is more difficult to solve problems in a foreign country.

UIL (Italy). Italian law provides that these measures may be required if the authorities discover severe cases of exploitation or forced labour, where there is a need to protect the migrant worker.

CTM (Mexico). These are unnecessary costs which employers would not agree to pay.

CS (Panama). For example, an international network of employers' and workers' organizations.

APL, FFW, TUCP (Philippines). To be included in the Convention.

FNPR (Russian Federation). Its viability is doubtful. Additional measures should be elaborated.

NUDE (Trinidad and Tobago). To provide live-in domestic workers after dismissal with temporary accommodation.

(b) a placement visit of the household in which the migrant domestic worker will be employed

Governments

Total number of replies: 62.

Yes: 34. Albania, Australia, Belgium, Canada, Chile, China, Cyprus, Czech Republic, El Salvador, Finland, Guatemala, Guinea, India, Indonesia, Latvia, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Panama, Paraguay, Peru, Poland, Portugal, Romania, Sri Lanka, Suriname, Tunisia, United States, Uruguay.

No: 17. Bahrain, Costa Rica, Croatia, Ecuador, Egypt, Italy, Netherlands, Oman, Qatar, Saudi Arabia, South Africa, Spain, Switzerland, Thailand, Ukraine, United Arab Emirates, Yemen.

Other: 11. Belgium (CNT), Plurinational State of Bolivia, Brazil, Colombia, Japan, Lebanon, Nepal, New Zealand, Nicaragua, Slovenia, Bolivarian Republic of Venezuela.

Comments

Belgium (CNT). The question is not clear enough to provide a reply.

Belgium (SPF). If the worker is still in the country of origin.

Brazil. Abusive practices occur mainly when migrant workers, often undocumented, are recruited directly by the employer, as the State has no control over the terms of employment upon recruitment.

Canada. See question 57(a).

Costa Rica. See question 57(a).

Croatia. See question 57(a).

Czech Republic. This is especially legitimate in the case of live-in domestic workers.

Egypt. This is not necessary, since it is assumed that the contract stipulates a probation period and includes the conditions of employment.

El Salvador. For employment security.

Guatemala (UMT). This would strengthen the observance of labour rights.

Guatemala (ONAM). The visit should be carried out by the person who is responsible for the worker's working conditions.

Japan. See question 35.

Lebanon. It is difficult to implement this.

Mozambique. To ensure that requirements regarding accommodation are met, especially with regard to OSH.

Nepal. A placement visit of the household in which the migrant domestic will be employed will introduce the employer and the employee to each other, assuring both that each of them has found a gentle person as an employer/employee. This can establish sound employer–employee relationships, resulting in a pleasant work environment.

Netherlands. Only in the case of au pairs who are required to have a residence permit could a placement visit be included in the provisions applying in the Netherlands.

New Zealand. This can be agreed by the employer and employee.

Oman. Since the employment contract includes a period of probation during which workers can terminate it at any time.

Poland. Yes, as regards visits of migration services or labour inspection prior to employment. Observance of the right to privacy and respect for the family life of the employer should be guaranteed.

Portugal. This can be important when workers are placed through public or private agencies, but should not be binding in order to avoid undermining the right to inviolability of the home.

Slovenia. Supervision would be difficult to implement in practice, for example with regard to constitutional inviolability of the home.

Spain. In Spain, this would not be possible without the consent of the head of household.

Switzerland. This would be difficult to implement (costly and time-consuming). Moreover, private placement agencies cannot be obliged to carry out home visits.

Thailand. A placement visit is not practical. Thailand has only a limited number of staff available for monitoring.

Tunisia. This allows the workers to get to know the working conditions before committing themselves.

Bolivarian Republic of Venezuela. In domestic work, the rights of the workers and the right to privacy and inviolability of the home coexist.

Yemen. The contract will be concluded abroad and the worker will be brought from abroad, and thus a placement visit will not be possible.

Employers

Total number of replies: 13.

Yes: 6. CNI (Brazil), ESEE (Greece), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea), CONEP (Panama).

No: 5. ANDI (Colombia), HUP (Croatia), SEV (Greece), NHO (Norway), IOE.

Other: 2. EFC (Sri Lanka), UPS (Switzerland).

Comments

HUP (Croatia). See question 57(a).

JCC (Jordan). In order to ensure better conditions for migrant workers.

KEF (Republic of Korea). However, this can be a violation of the privacy of the home. Instead, an examination in writing and a data network should be established.

EFC (Sri Lanka). See question 27.

UPS (Switzerland). This is possible, but needs to be applied pragmatically and where necessary.
 NHO (Norway), IOE. See question 57(a).

Workers

Total number of replies: 122.

Yes: 118. UGTA (Algeria), CGT (Argentina), CTA (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), UGT (Spain), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

Other: 4. COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), CGT (Honduras), JTUC–RENGO (Japan).

Comments

CTA (Argentina). To identify and prevent trafficking of persons, which is often disguised as offers of domestic employment, mainly involving women migrant workers.

CMTC (Costa Rica). As for other types of work.

COSYGA and JOC (Gabon). In order to verify that the working conditions are acceptable.

GSEE (Greece). Further specification is needed, and attention should be paid to the privacy of the home and the question of who will carry out this “visit”.

CNTG (Guinea). To check the working conditions.

CGT (Honduras). A tripartite committee should be put in place to monitor the conditions of these workers.

CTM (Mexico). As long as it is short and taking into account the principle of inviolability of the home.

APL, FFW, TUCP (Philippines). See question 57(a).

FNPR (Russian Federation). See question 57(a).

AFL–CIO, NDWA (United States). The Recommendation should also suggest visits or private telephone interviews with migrant domestic workers within the first month of their placement, and a registry of the name and address of their employer with the local authorities and their embassy. It should encourage cooperation between countries of employment and the embassies of migrants’ countries of origin to create mutually enforceable contracts, regulate and monitor international recruitment, and investigate

and prosecute cases of abuse, especially once a migrant has already been repatriated/deported. Workers should be notified of their rights and resources available to them before leaving the sending country and after arriving in the receiving country and be offered opportunities for relief in case of abuse. No diplomatic immunity should prevail. Visas should not create dependency on the employer as the only hope of staying in the country concerned.

Qu. 58 *Should the Recommendation provide that Members that are sending countries should assist in the effective protection of migrant domestic workers' rights, including by informing migrant domestic workers of their rights before departure, establishing legal assistance funds, social services and specialized consular services and by any other additional measures? Please specify.*

Governments

Total number of replies: 65.

Yes: 56. Argentina, Australia, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Croatia, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, Greece, Guinea, India, Indonesia, Italy, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Panama, Paraguay, Peru, Poland, Qatar, Saudi Arabia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Ukraine, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 2. Japan, Portugal.

Other: 7. Austria, Costa Rica, Guatemala, Netherlands, New Zealand, Oman, Romania.

Comments

Austria. Information on the legal situation would be advisable, especially on the need to hold an identity card (*Legitimationskarte*) or other valid residence permit in order to reside legally in Austria.

Brazil. It is important that migrant workers are informed of their rights. In 2007, a pamphlet entitled "Brazilians abroad" was disseminated at exit points from Brazil in order to provide information on the rights and obligations of Brazilian citizens abroad, the risks of irregular migration and trafficking, and the role of consulates abroad. This pamphlet was the result of intergovernmental cooperation, with support from the ILO and the IOM.

China. For example through Industrial and Commercial Administration audits to ascertain that the registered capital of the sending agency is sufficient and whether there is false advertising. Fraud and illegal activities shall be subject to timely sanctions, with police monitoring human trafficking and courts exercising jurisdiction to punish those illegally sending workers. Legal assistance agencies should be encouraged to assist victims in filing claims.

Costa Rica. The countries concerned should supply information on the labour market in order to orient and implement labour market and migration policies. Identification of the needs and deficits of domestic workers would help monitoring of their recruitment by the relevant national and regional bodies.

Czech Republic. However, these proposed measures should cover all migrant workers.

Ecuador. The instrument should also provide for cooperation between countries of origin and destination of migrant domestic workers, including: the enhancement of governance of migration and the establishment of legal avenues for labour migration; legal cooperation in cases of trafficking and abuse; maintenance of social security entitlements and strict control of employment agencies and subcontractors (in conformity with Convention No. 181); and the elimination of abuse of sponsorship schemes.

Cooperation should also include the development of joint measures, including legal support, to take immediate action to prevent and address abusive practices through legal remedies or other available dispute resolution mechanisms.

Egypt. Through a comprehensive guidebook that the worker receives before departure, available from the bodies and employment agencies concerned.

El Salvador. Implementation by member States should be also encouraged.

Finland. Information should include employment and working conditions of the receiving country, social security schemes and benefits and ending of the employment contract.

Guatemala (DPS). No.

Guatemala (UMT and ONAM). Yes.

Guatemala (UMT). Associations, networks and public bodies specializing in this matter could be created.

India. Sending countries have to ensure measures to protect workers through an information network on rights and training, inter alia against placement agencies that exploit ignorant and vulnerable workers. Skills upgrading and pre-departure orientation should be provided, addressing insurance and welfare needs. Recruitment agencies should be registered and specific regulations should curb exploitation and cheating.

Japan. See question 35.

Latvia. The instrument should also provide for cooperation between countries of origin and destination of migrant domestic workers, including: the enhancement of governance of migration and the establishment of legal avenues for labour migration; legal cooperation in cases of trafficking and abuse; maintenance of social security entitlements and strict control of employment agencies and subcontractors (in conformity with Convention No. 181); and the elimination of abuse of sponsorship schemes. Cooperation should also include the development of joint measures, including legal support, to take immediate action to prevent and address abusive practices through legal remedies or other available dispute resolution mechanisms.

Lebanon. Provided that in addition migrant domestic workers are trained in domestic work.

Malaysia. The instrument should also provide for cooperation between countries of origin and destination of migrant domestic workers, including: the enhancement of governance of migration and the establishment of legal avenues for labour migration; legal cooperation in cases of trafficking and abuse; maintenance of social security entitlements and strict control of employment agencies and subcontractors (in conformity with Convention No. 181); and the elimination of abuse of sponsorship schemes. Cooperation should also include the development of joint measures, including legal support, to take immediate action to prevent and address abusive practices through legal remedies or other available dispute resolution mechanisms.

Mauritius. Assistance could consist, inter alia, of regulation and monitoring of recruitment agencies, provision of counselling services in embassies and consulates in the host country, and national awareness campaigns on established procedures and the risks involved in migration.

Mexico. Regarding the information to be supplied to workers before leaving their country, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families stipulates that States parties shall maintain appropriate services to deal with questions concerning international migration of workers and members of their families, and that their functions shall include the provision of appropriate information, particularly to employers, workers and their organizations, on: policies, laws and regulations relating to migration and employment; requisite authorizations and formalities and arrangements for departure, travel, arrival, stay, remunerated activities, exit and return, as well as on conditions of work and life in the State of employment and on customs, currency and tax laws and other relevant laws and regulations. Responsibility should be shared between countries of origin and

destination. However, migrant workers generally come from developing countries, which may face difficulties in granting such conditions, not only to their migrant nationals, but also to resident nationals.

Montenegro. Sending countries should collaborate with each other to share information and to cooperate in the rescue of domestic workers in abusive situations and in the investigation and prosecution of abusive practices.

Mozambique. To prevent any abusive practices by the employer.

Nepal. The sending country, through its mechanisms, should check whether migrant domestic workers are placed in safe working conditions. Skill development training programmes should be given due importance so that the workers can complete their jobs in time efficiently. Through its missions, the sending country can provide workers with legal assistance in the event of disputes and with information as required to perform their duties without contradicting the laws and customs of the country. It can also establish machinery at its mission for receiving regular information about the conditions in which they work.

Netherlands. Information on rights and obligations in the receiving country could include web sites or brochures in the relevant languages.

New Zealand. New Zealand is not a significant sending country; however, this is generally the case, as all employees (including migrants) have the same legal rights and immigration officers check and verify employment agreements and offers to ensure their legitimacy and legality.

Nicaragua. This could diminish the risks of exploitation and discrimination against migrant workers and afford them stronger protection.

Oman. Yes with regard to the first part of the question. The second part should be left to member States.

Panama. Ensuring decent work for migrant domestic workers involves taking all the necessary measures to that end. Member States should use whatever resources they have available to guarantee minimum conditions to ensure that domestic migrant workers do not become victims of human trafficking or other violations. This will be achieved as a result of efforts across sectors and institutions, skilled human resources and adequate financial investment.

Paraguay. It should be recommended that countries of origin and destination cooperate to facilitate the exchange and protection of their workers, including domestic workers.

Qatar. Sending States and employment agencies of these States must inform domestic workers of their rights and obligations in regard to their work.

Romania. Yes with respect to informing migrant domestic workers of their rights, not as regards the establishment of special funds. The Recommendation should lay down the obligation of countries that have ratified the Convention to inform migrant domestic workers about their living conditions, family reunification, working conditions, the possibility of renewal of the employment contract or the conclusion of a new contract after termination of the previous one, conditions of remuneration and cash transfer, taxes to be paid, etc. This information should be provided regardless of the form of employment of the migrant domestic workers. Moreover, the receiving country should provide migrant domestic workers with all the necessary information in a language they understand.

Slovenia. This is consistent with strengthening EU migration policy and establishing a partnership dialogue with sending countries. It should include appropriate information in the sending country, financial mechanisms for remittances to the home country, and assistance in reintegration in society after their return to the home country.

South Africa. Such a provision should be limited to possible bilateral or multilateral agreements and awareness raising in the territory of the member States, and should not interfere in their sovereignty or place an undue burden on them.

Spain. This should include advice from diplomatic and consular representatives in the country of destination.

Sri Lanka. In line with ILO Convention No. 97, its accompanying Recommendation, and the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Sweden. Instructing workers about conditions in their labour market prior to their departure is a positive measure which can probably counteract some of the negative effects which may occur.

Switzerland. For example, “one-stop shops” could be set up to inform migrant workers of their rights before departure.

Thailand. It should provide that sending countries should take measures to prevent their citizens from entering other countries illegally. See question 56(b).

Employers

Total number of replies: 16.

Yes: 9. CNI (Brazil), ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea).

No: 6. HUP (Croatia), SEV (Greece), NHO (Norway), CONEP (Panama), UPS (Switzerland), IOE.

Other: 1. EFC (Sri Lanka).

Comments

HUP (Croatia). These measures should not be obligations on or exhortations to the member States, but might be promoted by the ILO as good employment practices.

NHO (Norway). A Recommendation might identify obligations of the International Labour Office as regards promoting good practices, including good bilateral practices between sending and receiving countries.

EFC (Sri Lanka). See question 27.

UPS (Switzerland). See question 25.

IOE. See question 57(a). A Recommendation might identify obligations of the ILO as regards promoting good practices, including effective, balanced bilateral cooperation and financial support for programmes and technical assistance.

Workers

Total number of replies: 123.

Yes: 118. UGTA (Algeria), CGT (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FK TU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico),

GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 2. CTM (Mexico), FPU (Ukraine).

Other: 3. CTA (Argentina), CFTUI (India), CISL (Italy).

Comments

UGTA (Algeria), CGT (Argentina), ACTU (Australia), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), FENATRAD, FS and UGT (Brazil), CLC (Canada), CGT (Colombia), ASTRADOMES (Costa Rica), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), CNV (Netherlands), LO (Norway), PWF (Pakistan), CUT–A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS and TÜRK–İŞ (Turkey), TUC (United Kingdom), AFL–CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. The instrument should also provide for cooperation between countries of origin and destination of migrant domestic workers.

UGTA (Algeria), CGT (Argentina), ACTU (Australia), BWU (Barbados), CSA–Bénin (Benin), FS and UGT (Brazil), CLC (Canada), ASTRADOMES (Costa Rica), LO (Denmark), CASC and CNTD (Dominican Republic), CSTS and FEASIES (El Salvador), CFDT (France), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), LO (Norway), PWF (Pakistan), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), TOLEYİS (Turkey), TUC (United Kingdom), AFL–CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. Cooperation should be aimed at enhancing governance of migration, strengthening labour inspection, preventing trafficking and abuse, maintaining social security entitlements, and strictly controlling recruitment and employment agencies and subcontractors (in conformity with Convention No. 181). Cooperation should also include the development of joint measures, including legal support, to take immediate action to prevent and address abusive practices through legal remedies or other available dispute resolution mechanisms.

CTA (Argentina). If sending countries cannot guarantee them decent work nationally, they will be even less capable of assisting in the effective protection of these workers' rights while abroad.

BAK (Austria). States should cooperate in this regard with the social partners and NGOs. In no case should this provision be understood as absolving States from their responsibility concerning human rights and the applicable international labour standards.

ÖGB (Austria). Sending countries should ensure that these matters are legally regulated and the law applied.

BILS (Bangladesh). Members should also take measures for the repatriation of workers.

FENATRAD (Brazil). Cooperation should be aimed at enhancing governance of migration, strengthening labour inspection, preventing trafficking and abusive practices, maintaining social security entitlements, and strictly controlling recruitment and employment agencies and subcontractors, in conformity with Convention No. 181. Social services involving psychologists, social workers and

physicians should be provided. Translation and counselling services should be guaranteed during the trial, where feasible.

ONSL (Burkina Faso). It should also provide for possibilities of cooperation between sending and receiving countries regarding systems and actions against abusive practices.

CFITU, CLUF, CWLFU (Cambodia). However, not only receiving and sending countries should be involved.

CLC (Canada). Including legal cooperation in cases of trafficking and abusive practices.

CMTC (Costa Rica). Through the ministries of labour, in collaboration with the workers' organizations concerned.

CTRN (Costa Rica). Bilateral agreements should be aimed at regulating migratory flows and ensuring migrant workers' pension entitlements; labour migration legislation should be reviewed.

DEOK (Cyprus). Countries of origin do not care enough about their citizens who work in other countries.

CGT-FO (France). Cooperation should focus on such areas as informing workers on their rights, social security and retirement entitlements, and monitoring of employment agencies to prevent trafficking.

COSYGA, JOC (Gabon). This would help prevent the exploitation of migrant workers.

DGB (Germany). This requires efficient instruments for cooperation between sending and receiving States. They should deal with issues relating to labour inspection, human trafficking, social security, employment agencies (Convention No. 181) and legal support in the event of labour disputes.

GSEE (Greece). See question 56(a).

UNSTRAGUA (Guatemala). Information and training campaigns and programmes targeting workers who intend to migrate, as domestic workers should be promoted. Consulates should have special services providing legal assistance and information to their nationals who are domestic workers.

CFTUI (India). Members should create mechanisms to ensure that records of each worker are kept. Only then can they assist the worker.

CGIL (Italy). This should also be ensured through bilateral cooperation between sending and receiving countries.

CISL (Italy). These provisions should also be applied by receiving countries, which should be encouraged to sign bilateral and regional agreements on the recognition of old-age pension rights, on the promotion of training of migrant workers on both their rights and the applicable legislation, and on the local culture of the country of destination.

COTU-K (Kenya). Both sending and receiving countries are responsible for effective protection of workers.

MTUC (Malaysia). Abusive sponsorship schemes should be eliminated.

UNT (Mexico). Member States should identify networks of household workers.

NTUC (Nepal). Sending countries should also be responsible for following up workers' conditions and lobbying with receiving countries to ensure improved conditions for migrant workers.

CNT (Niger). It should also provide for cooperation between countries of origin and destination of migrant domestic workers aimed at enhancing governance of migration, strengthening labour inspection, and preventing abusive practices by employment agencies and other employers.

CNS-Cartel Alfa (Romania). Contact numbers for obtaining legal assistance should also be included in the information to be provided.

FNPR (Russian Federation). Provided that the sending State promotes legal avenues to employment.

FEDUSA (South Africa). This is important, since there may be language barriers for information in the receiving State.

LO (Sweden). Cooperation should also be aimed at establishing legal avenues for labour migration and eliminating the abuse of sponsorship schemes.

USS (Switzerland). Any residence permits should be independent of employment, allowing a worker to change sector.

LCT, NCPE, SERC, TTUC (Thailand). Through cooperation between sending and receiving countries.

UGTT (Tunisia). It should also provide for cooperation between countries of origin and destination of migrant domestic workers aimed at enhancing governance of migration, strengthening labour inspection, maintaining social security entitlements, etc.

FPU (Ukraine). These provisions form part of other Conventions.

AFL–CIO, NDWA (United States). Cooperation should also be aimed at elimination of the abuse of sponsorship schemes. Sending countries should register recruitment agencies and village-level brokers, establish accreditation programs, consult with migrants’ associations, NGOs and other relevant groups to establish an independent monitoring system of recruitment agencies, and cooperate in the rescue of workers and investigation and prosecution of abusive employers and recruiters. They should share information with receiving countries about blacklisted employers and recruitment agencies and mount public awareness campaigns to raise general awareness about the risks involved in migration, the regulations regarding recruitment practices and fees, warning signs of abusive recruiters, and complaints mechanisms for both pre-departure and post-return abuses. Consular services should be accessible to migrant domestic workers, including by having a 24-hour guard available to receive domestic workers who have escaped abusive situations, and by remaining open on days that domestic workers may have off. Embassies should have emergency shelters with suitable accommodation, food, and trained women staff for counselling. Consular staff should help domestic workers to resolve complaints in a timely manner and provide them with information about their options and the status of their case. Sending countries should cooperate with each other to prevent unhealthy competition that results in a “race to the bottom” and to establish shared minimum standards.

PIT–CNT (Uruguay). The countries concerned should cooperate.

Qu. 59 *Should the Recommendation provide that Members should be encouraged to develop national policies that:*

- (a) promote accessible, collective measures for the delivery of childcare and other personal care;*
- (b) promote work–life balance for families; or*
- (c) promote the domestic workers’ employment in occupational categories that match their education and skills?*

(a) promote accessible, collective measures for the delivery of childcare and other personal care

Governments

Total number of replies: 64.

Yes: 54. Albania, Argentina, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, Greece, Guatemala, Guinea, India, Indonesia, Italy, Latvia, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Nepal, Netherlands, Nicaragua, Oman, Panama, Paraguay, Peru, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Tunisia, United Arab Emirates, United States, Uruguay, Yemen.

No: 7. Australia, Canada, Japan, Norway, Poland, South Africa, Switzerland.

Other: 3. France, Lebanon, New Zealand.

Comments

Australia. This exceeds the scope of the subject matter.

Belgium. The Convention should also point to avenues that enable the needs of households and individuals to be met (care of elderly persons, people with disabilities, etc.), while guaranteeing that workers have an adequate status.

Brazil. This is crucial to ensuring autonomy and quality of life for children, elderly persons and people with disabilities, while allowing other family members to engage in paid work.

Canada. These are broader policy issues beyond the scope of these instruments.

China. National policies should be introduced to subsidize the delivery of childcare, elder care and families that need essential care services; for example, more nurseries, kindergartens and homes for the elderly need to be established by Members. Organizations and individuals are encouraged to do so.

Colombia. It is essential not to set requirements that could not be met for other workers.

Costa Rica. As long as a country is financially able to implement such measures.

Cyprus. Provided that national childcare and social welfare policies and measures do not discriminate on the basis of nationality, race, gender, etc. and comply with EU strategies for employment, social protection and social inclusion, which also underline the importance of promoting childcare and social services.

France. With regard to the wording “delivery of childcare and other personal care”, childcare facilities and care for vulnerable workers should be treated separately, and childcare should be transferred to question 59(b). The term “accessible, collective measures” needs clarification. Rather than “promoting collective measures”, it could promote policies or measures which develop a wide range of services to meet the needs of families, enabling older and disabled persons to be as independent as possible, and provide childcare, which allows parents to improve work-family balance.

Guatemala (UMT and ONAM). Childcare centres are a good means of supporting working mothers.

Japan. See question 35.

Lebanon. It will be difficult to apply these measures in developing countries.

Malaysia. For example, childcare centres at the workplace and in the community to reduce dependency on live-in domestic workers.

Netherlands. However, measures should not specifically target domestic workers.

Norway. While the delivery of childcare, work-life balance, etc., are important issues, the Recommendation will be a better tool for improving the situation of domestic workers if it focuses only on promoting rights of a more precise and worker protection-related character.

Peru. Existing relevant legislation should be reviewed by each Member and harmonized with the instrument.

Poland. The proposal exceeds the scope of the instrument. The instrument concerns the protection of domestic workers, rather than widely understood state policy in the area of supporting families in providing care for family members.

Portugal. However, a Recommendation on domestic work does not appear to be the most appropriate instrument to deal with this subject.

Saudi Arabia. Such measures may help reduce the need for domestic workers, especially for working mothers.

South Africa. To be left to national policies and regulations.

Sweden. The term “quality childcare” should be used.

Switzerland. Extending the scope to include other policy areas, such as family policy, would go beyond the natural scope of the Recommendation and would not significantly serve the interests of domestic workers.

Employers

Total number of replies: 13.

Yes: 9. CNI (Brazil), ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea).

No: 4. HUP (Croatia), CONEP (Panama), UPS (Switzerland), IOE.

Comments

HUP (Croatia). These are matters for promotion by the International Labour Office to the extent that they reflect the agreed priorities of the Organization, and should not be addressed in a standard.

JCC (Jordan). Studies must be undertaken and national regulations updated in this regard.

UPS (Switzerland). This must be assessed at national level.

IOE. This is a matter for promotion by the International Labour Office, to the extent that they reflect agreed priorities.

Workers

Total number of replies: 123.

Yes: 121. UGTA (Algeria), CGT (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), CSDR (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUUF.

Other: 2. CTA (Argentina), CTM (Mexico).

Comments

FENATRAD (Brazil). Emphasis should be placed on the availability of full-time crèches which do not close during school holidays and on the provision of effective education consistent with local or regional standards.

GSEE (Greece). It should emphasize the principal obligation of States to develop and operate public support structures for childcare, and care for disabled persons and for the elderly.

UNSI TRAGUA (Guatemala). In conformity with Convention No. 156.

UNT (Mexico). Crèches and boarding schools should be created to facilitate the work of household workers.

(b) promote work–life balance for families

Governments

Total number of replies: 66.

Yes: 56. Albania, Argentina, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guinea, India, Indonesia, Italy, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Nepal, Netherlands, Nicaragua, Oman, Panama, Paraguay, Peru, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 7. Australia, Canada, Colombia, Japan, Norway, Poland, South Africa.

Other: 3. Brazil, Guatemala, New Zealand.

Comments

Australia. See question 59(a).

Austria. Yes, if it is sufficient that member States promote work–life balance for families of domestic workers in line with other workers, and additional promotional measures for domestic workers do not have to be introduced.

Belgium. See question 59(a).

Brazil. Such a balance can be achieved by respecting workers' rights, for example ensuring their occupational safety and health and providing rest periods. The State should promote leisure opportunities.

Canada. See question 59(a).

China. For example by implementing flexible working hours systems.

Colombia. Existing programmes for worker's welfare also include their families.

Guatemala (DPS). No.

Guatemala (UMT). It is important to regulate hours of work and ensure weekly rest, days off and participation in religious activities.

Guatemala (ONAM). The mental health of women domestic workers is restored when they can count on the support of childcare centres, as they are not discriminated against at work and their children are taken care of.

Japan. See question 35.

Malaysia. For example, the option of working at home and flexible hours.

Netherlands. See question 59(a).

New Zealand. In New Zealand, there is a specific statutory "right to request" flexible working arrangements for employees who have been employed by their employer for six months or more and have the care of another person.

Nicaragua. For women domestic workers it is more difficult to reconcile their productive and reproductive roles. Work keeps them away from their families and weakens ties with their children.

Norway. See question 59(a).

Peru. Guidelines to achieve this goal should be established.

Poland. See question 59(a).

Portugal. See question 59(a).

South Africa. See question 59(a).

Sweden. See question 59(a).

Employers

Total number of replies: 13.

Yes: 9. CNI (Brazil), ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea).

No: 4. HUP (Croatia), CONEP (Panama), UPS (Switzerland), IOE.

Comments

HUP (Croatia). See question 59(a). The promotion of work–life balance should appear at the front of any standard as one of the positive benefits of facilitating and encouraging domestic work at the national level.

UPS (Switzerland). See question 59(a).

IOE. See question 59(a). The promotion of work–life balance should appear at the front of any new standards as a positive benefit of facilitating and encouraging domestic work at the national level, and should not be discouraged through excessive and structuring new regulation.

Workers

Total number of replies: 125.

Yes: 123. UGTA (Algeria), CGT (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA–Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT–FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), CSDR (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa),

SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

Other: 2. CTA (Argentina), CTM (Mexico).

Comments

ÖGB (Austria). The promotion of work-life balance should not create a burden on employees in private households.

CMTC (Costa Rica). As domestic workers should enjoy their free time.

CFDT (France). For all workers, including domestic workers.

UNT (Mexico). As household workers often end up not creating a family of their own, since they are told to be part of the family, while in reality they are not and are often dismissed without reason.

(c) *promote the domestic workers' employment in occupational categories that match their education and skills*

Governments

Total number of replies: 66.

Yes: 56. Albania, Argentina, Bahrain, Belgium, Plurinational State of Bolivia, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Finland, France, Greece, Guatemala, Guinea, India, Indonesia, Italy, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Nepal, Netherlands, Nicaragua, Oman, Panama, Paraguay, Peru, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Tunisia, Ukraine, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 7. Australia, Canada, Czech Republic, Japan, Malaysia, Norway, South Africa.

Other: 3. Brazil, New Zealand, Poland.

Comments

Australia. See question 59(a).

Belgium. See question 59(a).

Brazil. The issue is not to promote domestic workers' employment, but to ensure effectively equality of rights with other workers.

Canada. See question 59(a).

Colombia. This could be done through the National Learning Service (SENA) as for other workers.

France. It is unclear if it is the status and remuneration of domestic work or the competencies that are referred to; both should be expressly included. Remuneration and status should be commensurate with the worker's level of skill, and the tasks assigned should match the workers' education and skills.

Guatemala (UMT). Through the creation of vocational training programmes, the sector would be professionalized and wages could increase.

Japan. See question 35.

Netherlands. See question 59(a).

New Zealand. See question 55.

Nicaragua. This sector should be progressively better remunerated and more productive. Vocational training institutes should also offer specific programmes for domestic workers.

Norway. See question 59(a).

Peru. A list of activities should be established in which the work performed by domestic workers could be classified.

Poland. While employment matching education and skills should undoubtedly be encouraged, given the nature of domestic work, formal education and skills have no major importance and play a less important role than in other sectors. Practical experience, personal contacts, and relations with employers and their families may be of greater importance. Promoting employment that matches education and skills may therefore not make much sense.

South Africa. See question 59(a).

United States. In so far as national policies promote such employment of all workers.

Employers

Total number of replies: 13.

Yes: 10. CNI (Brazil), ANDI (Colombia), EK (Finland), KT (Finland), VTML (Finland), ESEE (Greece), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea), CONEP (Panama).

No: 3. HUP (Croatia), UPS (Switzerland), IOE.

Comments

HUP (Croatia). See question 59(a).

IOE. See question 59(a). It is unclear from the wording whether domestic work is assumed to be temporary, rather than career employment, and whether this reflects the wishes of actual domestic workers or just assumptions about them.

Workers

Total number of replies: 124.

Yes: 122. UGTA (Algeria), CGT (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CGIL (Italy), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), NTUC (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL

(Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP-IN (Portugal), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK-İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

Other: 2. CTA (Argentina), CTM (Mexico).

Comments

CFDT (France). Through tables including categories and salaries, taking the worker's skills into account.

COSYGA, JOC (Gabon). For better performance and mastery of the occupation.

CTM (Mexico). Categories should be determined according to the tasks performed in the household.

UNT (Mexico). As well as promoting their employment opportunities.

CNT (Niger). To provide a decent life to domestic workers and their families.

Qu. 60 *Should the Recommendation provide that Members should be encouraged to continue improving protection of domestic workers, notably through cooperation at bilateral, regional and international levels? Please elaborate.*

Governments

Total number of replies: 64.

Yes: 62. Albania, Argentina, Australia, Austria, Bahrain, Belgium, Plurinational State of Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, Guatemala, India, Indonesia, Italy, Latvia, Lebanon, Malaysia, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Nepal, Netherlands, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United States, Uruguay, Bolivarian Republic of Venezuela, Yemen.

No: 2. Guinea, Japan.

Comments

China. For example through bilateral/multilateral agreements on the elimination of unnecessary obstacles in cross-border mobility and reciprocal agreements on social security.

Colombia. In accordance with the principles of equality of treatment with all other workers and non-discrimination.

Czech Republic. In the framework of general efforts for continuous improvement of protection of all workers.

Egypt. Especially through cooperation between sending and receiving States.

El Salvador. International cooperation is a proven means of strengthening institutions and the technical skills of their human resources.

Finland. This is important to disseminate good practices and information on the rights of both parties.

Guatemala (DPS). Cooperation with ministries of labour should take place in order to professionalize domestic work.

Guatemala (UMT). The Government, together with civil society and the international community, should constantly promote strategies to assess compliance with labour laws.

Guatemala (ONAM). The promotion of skills development of domestic workers should be a joint objective of the Government and civil society, supported by the international community. This would improve the situation of many women who have no opportunities and suffer their entire lives from discrimination and abandonment.

Guinea. Since in Guinea, persons perform domestic work only temporarily and do not choose it as a career.

India. Bilateral agreements, joint working groups and regional processes should be encouraged.

Indonesia. Migrant workers' protection can be improved in this way.

Japan. See question 35.

Latvia. See question 38.

Mauritius. Protection can also be improved through information sharing among member States and learning from best practices in the regulation of domestic work.

Mexico. Especially neighbouring member States generating high migratory flows.

Morocco. In the field of respect for workers' fundamental rights.

Nepal. Sending countries can secure the rights of migrant domestic workers through labour agreements with the receiving countries, on the basis of which all disputes regarding migrant domestic workers can be settled. This would ensure that migrant domestic workers receive the same care and protection as in their home country. Regional and international cooperation could be helpful in formulating a common programme to be applied to a whole region for raising the status of domestic workers and curbing trafficking in the region.

Netherlands. To the extent necessary.

Nicaragua. The Convention could allow support to domestic workers to be included in the agenda of international cooperation organizations.

Panama. Member States should improve the protection of domestic workers using whatever mechanisms may be necessary, such as bilateral, regional and international cooperation agreements. It is essential that member States allocate sufficient budgetary resources to this end.

Paraguay. Bilateral cooperation agreements between countries of origin and of destination should be promoted in order to make model placement agreements available so that destination countries can search for domestic workers in countries of origin according to patterns pre-established by the governments concerned in consultation with employers' and workers' organizations. Cooperation agreements should also cover all matters related to repatriation and judicial claims.

Peru. Comparing laws, pooling efforts and exchanging experience at the global level would enable compliance with the rationale of the instrument, which is to revalue domestic work. Cooperation should include collaboration between sending and receiving countries to enhance the governance of migration; strengthening labour inspection; legal cooperation to prevent forced labour, trafficking and abusive practices; maintaining social security entitlements; and strictly controlling recruitment and employment

agencies. Joint measures should also be aimed at taking immediate action to prevent and address abusive practices through legal remedies or other available dispute resolution mechanisms.

Portugal. Cooperation should be on more general issues (for example on employment policies), not specific to domestic work.

Qatar. The government, employers and workers of a State must unite their efforts. Sending and receiving States must consult and coordinate with each other in order to provide adequate protection.

Romania. Through meetings to disseminate good practices in member States.

South Africa. This should also include measures to combat human trafficking in line with other international instruments. However, this should be the domain of a resolution rather than part of the Recommendation.

Spain. By establishing policies aimed at verifying their working conditions during the term of the contract and providing them with the necessary assistance to cope with unemployment after termination of the contract and repatriation.

Employers

Total number of replies: 10.

Yes: 7. CNI (Brazil), HUP (Croatia), ESEE (Greece), SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), KEF (Republic of Korea).

No: 2. CONEP (Panama), UPS (Switzerland).

Other: 1. IOE.

Comments

HUP (Croatia). Ongoing attention to outcomes for domestic workers and discussion by the social partners may be useful, but the wording should be changed. It is outcomes and experiences that need to continuously improve, not the level and scope of laws and regulations.

JCC (Jordan). By exchanging information and agreeing on model contracts.

IOE. Discussion by the social partners may be useful. However, it is not the level and scope of laws and regulations and protection which need to improve, but legal and safe employment for domestic workers. A Recommendation would contribute to this goal.

Workers

Total number of replies: 122.

Yes: 120. UGTA (Algeria), CGT (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), BWU (Barbados), CSA-Bénin (Benin), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), FENATRAD (Brazil), FS (Brazil), UGT (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), UGTE (Ecuador), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), CGT-FO (France), COSYGA (Gabon), JOC (Gabon), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), CGT (Honduras), ASI (Iceland), CFTUI (India), HMS (India), KSPI (Indonesia), KPSPI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), CISL (Italy), UGL (Italy), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CROC (Mexico), CTM (Mexico), UNT (Mexico), GEFONT (Nepal), NIDWU (Nepal), CNV (Netherlands), FNV (Netherlands), CAUS

(Nicaragua), CNT (Niger), LO (Norway), PWF (Pakistan), CONATO (Panama), CS (Panama), CUT–A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), CNS–Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), CCOO (Spain), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), CSTT (Togo), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TÜRK–İŞ (Turkey), FPU (Ukraine), TUC (United Kingdom), AFL–CIO (United States), NDWA (United States), PIT–CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

Other: 2. CTA (Argentina), NTUC (Nepal).

Comments

UGTA (Algeria), CGT (Argentina), CSA–Bénin (Benin), FS and UGT (Brazil), CLC (Canada), CGT (Colombia), LO (Denmark), CASC, CNTD and CNUS (Dominican Republic), CSTS and FEASIES (El Salvador), ASI (Iceland), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), CIAWU (Malawi), MTUC (Malaysia), LO (Norway), CUT–A (Paraguay), CTP and CUT (Peru), NSZZ (Poland), UGT–P (Portugal), BNS and CNS–Cartel Alfa (Romania), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), CHODAWU (United Republic of Tanzania), TOLEYİS (Turkey), TUC (United Kingdom), AFL–CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. See question 58.

BAK (Austria). These provisions should be specified, based on the experience of international and regional exchanges between trade unions and workers' associations. See also the ILO Multilateral Framework on Labour Migration.

BILS (Bangladesh). This cooperation should provide for unhindered movement of domestic workers, coherence of rules and regulations globally for domestic workers' rights and benefits, and special safeguard measures against trafficking of women and children.

FENATRAD (Brazil). See question 58. Effective cooperation identifying the respective responsibilities should be promoted and minimum guidelines set. The harmonization of national laws should also be promoted.

ONSL (Burkina Faso). This cooperation should be aimed at improving the governance of migration, developing actions against abuse, and promoting solutions concerning litigation and dispute resolution mechanisms.

CTRN (Costa Rica). By granting migrant domestic workers the same legal status and labour rights as national workers through the harmonization of laws.

DEOK (Cyprus). This is very important and should be implemented as a matter of urgency.

COSYGA, JOC (Gabon). As seen in several examples of social security or bilateral agreements, member States have to take the specificity of migrant domestic workers into consideration.

GSEE (Greece). See question 30.

UNSITRAGUA (Guatemala). These measures should include the regularization of undocumented migrant domestic workers. Moreover, educational and vocational training programmes should be developed to professionalize domestic work.

CGT (Honduras). Member States with cultural, linguistic or customary affinities could cooperate.

HMS (India). Member States should keep complete records of the workers and help them in the event of problems.

CISL (Italy). Bilateral agreements between sending and receiving countries should be promoted for the better protection of domestic workers, as well as for monitoring observance of their fundamental rights, including the right to old-age pension. The ILO should play a role in promoting such agreements and in monitoring their implementation.

UIL (Italy). In Italy, only 10 per cent of domestic workers are nationals, while the rest are migrants. It is important to monitor this significant migratory flow and strengthen international cooperation.

COTU–K (Kenya). See ILO Convention No. 29 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

CTM (Mexico). International Conventions should serve as guidelines.

UNT (Mexico). Countries should adopt measures to prevent trafficking, labour exploitation, child domestic labour and sexual exploitation of children, as well as to ensure that undocumented migrant household workers are protected in receiving countries.

FNV (Netherlands). The Recommendation should make provisions for cooperation between countries of origin and countries of destination of migrant domestic workers, namely cooperation between sending and receiving countries to enhance governance of migration, in the fields of establishing legal avenues for labour migration, strengthening of labour inspection, legal cooperation in cases of trafficking and abusive situations, the issue of maintenance of social security entitlements, and strict supervision and control of activities by recruitment and employment agencies (in conformity with ILO Convention No. 181) and subcontractors, as well as the elimination of abuse of sponsorship schemes. Development of joint measures, including legal support, for immediate action to prevent abusive practices and to find solutions to them through legal remedies or other available dispute resolution mechanisms.

CNT (Niger). This would discourage trafficking.

PWF (Pakistan). See question 58.

CS (Panama). Since this occupation accounts for millions of workers across the world, who contribute to the economy of developing countries.

APL, FFW, TUCP (Philippines). See question 57(a).

FNPR (Russian Federation). In the first place, through the harmonization of the migration law of member States of international and regional economic unions and alliances.

NWC (Sri Lanka). Bilateral agreements should frame appropriately the organization of labour migration and may provide for exchange of information and action on misleading propaganda, conditions and criteria of migration, organization of recruitment, administrative formalities including costs of recruitment, conditions of transport, travel and maintenance, equality of treatment, food, housing and social security, contracts of employment, settlement of disputes, employment stability and return journey, period of validity of a contract and the requirement that individual agreements conform to a national model agreement.

PIT–CNT (Uruguay). Especially through regional and international cooperation.

Qu. 61 *Are there unique features of national law or practice that are liable to create difficulties in the practical application of the instruments?*

Governments

Total number of replies: 60.

Yes: 35. Australia, Austria, Bahrain, Belgium, Brazil, Canada, China, Colombia, Costa Rica, Croatia, Cyprus, Greece, Guatemala, Guinea, India, Indonesia, Japan, Republic of Korea, Lebanon, Malaysia, Mauritius, Morocco, Nepal, Nicaragua, Oman, Paraguay, Peru, Poland, Saudi Arabia, Slovenia, Spain, Suriname, Switzerland, Syrian Arab Republic, Thailand.

No: 22. Albania, Argentina, Plurinational State of Bolivia, Chile, Cuba, Egypt, El Salvador, Finland, Lithuania, Mexico, Republic of Moldova, Netherlands, Portugal, Qatar, Romania, Serbia, South Africa, Sweden, United Arab Emirates, Uruguay, Bolivarian Republic of Venezuela, Yemen.

Other: 3. New Zealand, Panama, Tunisia.

Comments

Argentina. Provided that their implementation is grounded in permanent dialogue and media campaigns.

Australia. In Australia workers, including domestic workers, are classed as either “employees” or “independent contractors”, both of whom have access to strong legislative protections supported by a comprehensive compliance regime. A broad application of the Convention to all workers performing domestic work would impose compliance issues as employment entitlements are generally limited to

“employees” as opposed to “contractors”. The new Convention should therefore provide for the exclusion of workers operating under genuine commercial arrangements. Otherwise Australia anticipates problems in ratifying or applying the proposed instruments. In Australia, employees have core minimum employment entitlements guaranteed by law, with the parties being able to negotiate more detailed arrangements at enterprise level. Provisions in the Convention should be focused on establishing the basic rights to particular entitlements, with any detailed prescription of the entitlements included in the Recommendation for guidance.

Austria. Specific problems could arise in connection with comprehensive regulation of standby times, especially with regard to care work for persons in need of care, since the Home Care Act (*Hausbetreuungsgesetz*) provides that in specific cases standby time is not calculated as working time.

Belgium. Equality of treatment between domestic workers and other employees with regard to health and safety at work (see question 24); exclusion of certain domestic workers from social insurance (see question 12(c)).

Brazil. The principal obstacle in Brazil is the right to inviolability of the home, which restricts labour inspection action. Should the instrument state that domestic workers’ organizations have the right to collective bargaining, Brazil would need to amend its legislation.

Canada. In Canada, the federal Government has legislative responsibility for the programme which allows for the migration of domestic workers to Canada. A live-in caregiver may apply for permanent residence in Canada after meeting the programme requirements. Employment standards legislation for domestic workers falls within provincial and territorial jurisdiction, the provisions and scope of which vary from one jurisdiction to another. As a result, minimum working conditions prescribed by law and definitions on domestic work and workers are not identical across Canada. Traditional industrial relations models may not be suited to the particular situation of domestic workers, so the instrument should recognize other representation models and innovative approaches.

China. It is difficult to provide uniform standards for domestic work in States with different economic situations and different levels of development. Further studies should be carried out on whether domestic work should be included in the scope of labour law. It is recommended that when formulating international instruments, full consideration be given to the specificities of domestic work regarding the workplace, hours of work and remuneration, for example.

Colombia. Compliance with provisions set at the international level beyond national sources of law could be difficult for governments. In Colombia, the relevant labour law provisions are already included in the Labour Code, which sets the minimum standards for all workers without exception.

Costa Rica. The main problem lies in the restrictions on the ability of labour inspectors to monitor working conditions of domestic workers, as their workplace is a private home, access to which is restricted by the constitutional principle of inviolability of the home.

Croatia. Where an international instrument is so detailed and prescribes a wide range of workers’ rights there is always a potential risk when applying such a document. Therefore, some additional action and promotion will be needed for broad adoption of this instrument.

Cuba. The limited or nonexistent number of domestic workers in Cuba, the social protection regime and the rights applicable to all workers make it unnecessary to have a special regulation for domestic workers which is promoted through the adoption of a specific instrument for them.

Cyprus. Enforcement of the legislation on safety and health at work for domestic workers could be difficult, given the Constitutional right to inviolability of the home and privacy of the employer.

El Salvador. The legislation of El Salvador provides that domestic workers have the right to protection with regard to wages, hours of work, rest, annual leave, social security, compensation for termination of the contract and social benefits in general.

Greece. Live-in domestic workers in Greece are not protected under labour law or by the national general collective agreement on the minimum wage. In general, legislation on health and safety at work does not apply to domestic workers. The Constitution prohibits labour inspectors from entering private homes without the presence of representatives of the judiciary, and only allows this when and as specified by law. Nonetheless, workers can appeal to local social inspectorate services to request their intervention and assistance in solving work-related problems.

Guatemala (DPS). National customs could represent a problem in regard to the application of the instrument.

Guatemala (UMT). The economic and political interests of developing countries often influence the adoption of relevant legislation.

Guatemala (ONAM). Employers are in some instances reluctant to improve conditions and afford protection to domestic workers. However, if the issue is raised as a benefit for employers as well, the situation might change.

Guinea. Mainly owing to the inadequate resources of the administration.

India. As domestic workers are unorganized, their identification is a major problem. India has enacted the Unorganised Workers' Social Security Act 2008. Employment of children in domestic work has been prohibited since October 2006. A Skill Development Initiative for domestic workers/household assistants has been started by the central and regional Government in Delhi and the ILO. It will provide short-term skill development courses through public-private partnership arrangements.

Indonesia. Difficulties relate to implementation with regard to the informal economy.

Japan. If the employer of a domestic worker is a private person, imposing similar rights and duties to those of other businesses may create difficulties. In addition, since most of the work serves various needs arising at random from everyday life in households, it is inherently difficult to establish fixed working hours and hours of rest, and to clearly specify the job description of domestic workers, unlike the case of normal workers. Therefore, it should be left to each country to decide on the application of each individual provision of the new instrument(s), taking into consideration the actual conditions of domestic workers in that country.

Republic of Korea. The Republic of Korea's Labour Standards Act stipulates the exclusion of domestic workers from labour laws because of the unique nature of their jobs. Therefore, the same standards applied to general wage earners cannot apply to them.

Lebanon. There will be difficulties in finding a balance between respecting privacy in the home and securing domestic workers' rights.

Malaysia. The term "migrant worker" is not used in Malaysian law; instead, the term "foreign worker" is used.

Mauritius. Application may be hindered by the absence of labour inspection visits in households so as to avoid possible conflicts with respect to the principle of privacy of the home, and the practical difficulty for domestic workers of organizing and engaging in collective bargaining owing to their isolation in individual households.

Mexico. In general, domestic work is regulated by national legislation. However, in practice, it could be difficult to adopt adequate plans of action, as the services provided by domestic workers are very different, they have multiple employers, and the duration of their employment is rather short.

Morocco. The specificity of domestic work can generate practical problems of application for each country.

Nepal. In Nepal, domestic work is common and includes both children and adults. Generally, children are brought from rural areas to be employed as domestic workers, in violation of the legal age limit.

Domestic workers generally stay with the employer without interruption, challenging the effective implementation of daily and weekly rest and annual leave provisions. Domestic workers in general have a low educational level and are unaware of their rights. Moreover, they are from socially backward communities that have no saying at all in society.

New Zealand. See questions 1 and 2. New Zealand's employment legislation generally applies to all employees.

Nicaragua. Cultural specificities and economic interests are among the main obstacles.

Oman. The conditions of work and categories of domestic workers vary greatly from one State to another and are different in sending and receiving States.

Panama. The Government of Panama is committed to ensuring that measures are taken to safeguard the rights of the people living in the country, whether they are nationals or foreigners. Based on the principle of reciprocity, other States have the same obligation.

Paraguay. There would be inconsistencies between the provisions of the Labour Code pertaining to domestic work and the instruments. If the latter are adopted, national law should be harmonized with the instruments.

Peru. The main obstacle relates to monitoring compliance with employers' obligations, owing to their reluctance to collaborate in inspection.

Poland. The extent of domestic employment is limited in Poland. Apart from care of children or sick family members (more permanent employment relationships), it is usually temporary in nature (cleaning in several homes), usually performed by young persons, students or retirees, who are not interested in formalizing such an employment relationship. There is no need for social insurance coverage of such persons. Employers are concerned about the burden of administrative obligations, which are disproportionate when one considers the actual scale of support in the household. Attempts to implement regulations concerning domestic work (care of children) have not raised common interest.

Portugal. Except for certain issues that are peculiar to different socio-cultural circumstances, which can, however, be addressed in the drafting of possible instruments.

Saudi Arabia. The disparity that exists between concepts related to migrant domestic work and contractual work, as well as the difference between religious principles and rules and social traditions among States, can affect the effectiveness of the application of such instruments.

Slovenia. In Slovenia, there is no tradition of domestic work, which does not at present involve a large number of cases, although it might increase. Therefore this type of work has not yet been legally regulated in detail, since the legal system is aimed in principle at ensuring uniform and equal treatment of all workers. Furthermore, labour inspectors may encounter difficulties in supervising compliance with the law because of the right to privacy. Access to private premises is not possible except by obtaining consent or a prior court order. It is also questionable how, during an OSH inspection, an inspector will be able to determine whether the working environment meets all the legal standards, given the diversity of domestic workers' tasks. Moreover, inspecting domestic workplaces represents an additional burden for the work of already heavily burdened inspectors. The implementation of workers' rights also depends on the staff and technical capacities of the supervisory body.

Spain. The principle according to which labour legislation as a whole applies to domestic workers is not in conformity with the Spanish legal system, which regulates this activity as a special employment relationship for which specific provisions are set. Therefore, general provisions only apply to domestic workers in regard to the aspects not regulated by specific provisions; for example, Spanish legislation excludes domestic workers from protection of wages in the event of the employer's insolvency and from the prevention of occupational hazards. Moreover, although all workers are entitled to the rights to freedom of association and collective bargaining, the exercise of these rights is not frequent, as domestic work is carried out in private households, making it difficult for workers to organize and participate in trade unions.

The practical application of the instrument with regard to questions 19, 22 and 24 (referring to the content of a Convention) and to the aspects concerning OSH (regarding the content of a Recommendation) is likely to create difficulties in the event of adoption of the instrument.

Switzerland. In the case of a Convention, there are a number of potential problems. The individual cantons are responsible for issuing residence permits and are also required to issue standard employment contracts for employees in domestic work. There are different legal provisions for the EU17, EU8, EU2 and third party States (in the case of EU17 States, unlike the others, the employment contract is not checked on entry into the country).

Syrian Arab Republic. The legislation must be reviewed.

Thailand. Existing national laws do not cover all the issues envisaged in the instruments, given the differences in cultures and values.

Tunisia. Tunisian legislation is aimed at providing specific protection to this category of workers.

Bolivarian Republic of Venezuela. The recommended instrument would favour the transition from existing legislation to legislative reform concerning the rights of domestic workers.

Employers

Total number of replies: 11.

Yes: 6. CNI (Brazil), HUP (Croatia), ESEE (Greece), KEF (Republic of Korea), CONEP (Panama), IOE.

No: 1. ANDI (Colombia).

Other: 4. SEV (Greece), DPN APINDO (Indonesia), JCC (Jordan), UPS (Switzerland).

Comments

CNI (Brazil). Difficulties relate to collective bargaining and labour inspection in private homes.

HUP (Croatia). Basic principles should be agreed between employers and workers. This will influence the willingness to adopt measures at national level.

ESEE (Greece). Discussion with representatives of the competent state bodies is required beforehand.

SEV (Greece). See question 11.

DPN APINDO (Indonesia). The setting of the minimum wage should follow the agreement of both parties.

KEF (Republic of Korea). National labour law excludes domestic workers from its application. If labour laws are unreasonably applied to domestic workers, this may result in job losses. Most domestic workers have close relationships with their employer and are considered as “family members”. Therefore, a formal and rigid employment relationship as applicable to other wage earners can cause problems that are not in accordance with reality.

UPS (Switzerland). The question is imprecise.

IOE. This is an obvious concern, which will be minimized to the extent that any instrument is properly focused on fundamentals and areas of basic principle, which can be agreed between employers and workers, and by pursuing a Recommendation instead of a Convention. Another important aspect will be the willingness to engage with national issues raised in the discussion process, albeit within the context of a sufficiently general instrument susceptible to wide ratification.

Workers

Total number of replies: 81.

Yes: 52. CTA (Argentina), BAK (Austria), BILS (Bangladesh), CSA-Bénin (Benin), FENATRAD (Brazil), FS (Brazil), CNTB (Burkina Faso), ONSL (Burkina Faso), CLC (Canada), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CMTC (Costa Rica), CTRN (Costa Rica), UGTE (Ecuador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), GSEE (Greece), CGT (Honduras), KSPI (Indonesia), KSPSI

(Indonesia), KSBSI (Indonesia), ICTU (Ireland), UIL (Italy), JTUC–RENGO (Japan), COTU–K (Kenya), FKTU (Republic of Korea), SEKRIMA (Madagascar), MTUC (Malaysia), CTM (Mexico), UNT (Mexico), NTUC (Nepal), FNV (Netherlands), CAUS (Nicaragua), CNT (Niger), PWF (Pakistan), CUT (Peru), NSZZ (Poland), CNS–Cartel Alfa (Romania), COTRAF (Rwanda), FEDUSA (South Africa), SADSAWU (South Africa), NTUF (Sri Lanka), USS (Switzerland), UGTT (Tunisia), TÜRK–İŞ (Turkey), FPU (Ukraine), AFL–CIO (United States), NDWA (United States).

No: 23. ÖGB (Austria), BWU (Barbados), COB (Plurinational State of Bolivia), FENATRAHOB (Plurinational State of Bolivia), DEOK (Cyprus), CMKOS (Czech Republic), LO (Denmark), CTS (El Salvador), COSYGA (Gabon), JOC (Gabon), UNSITRAGUA (Guatemala), HMS (India), CROC (Mexico), NIDWU (Nepal), CATP (Peru), CGTP–IN (Portugal), UGT–P (Portugal), BNS (Romania), FNPR (Russian Federation), CCOO (Spain), CSTT (Togo), NUDE (Trinidad and Tobago), PIT–CNT (Uruguay).

Other: 6. GFBTU (Bahrain), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CNTG (Guinea), CNTS (Senegal).

Comments

CTA (Argentina). In Argentina, more than 90 per cent of domestic workers work informally, without legal protection, and their average wages are much lower than the minimum wage. Moreover, domestic work is regulated by specific legislation which affords these workers a lower level of protection compared to all other workers. They suffer from unjustifiable unequal treatment in respect of the regulation of hours of work and weekly rest, termination of contract (for example, notice period and compensation), annual leave, OSH, etc.

BAK (Austria). The proposed standards, for example with regard to labour migration and the minimum age, fall below Austrian legal protection. The questionnaire could prompt discussions towards a worsening of existing legal regulations, instead of towards improvements. In particular, the proposed Recommendation deals in detail with essential content of protective standards, which can only be effective if they are given the status of enforceable rights. Therefore, the provisions on the employment contract, working time, rest periods, annual leave, protection of life and health, certificate of employment, minimum age, decent living conditions of live-in workers and decent wages should form the minimum content of the Convention.

BILS (Bangladesh). Domestic workers are currently excluded from labour law, while some other laws, for example against serious abuses, apply. However, the available legal instruments do not provide effective legal protection for domestic workers.

CSA–Bénin (Benin). The employer is granted wide discretion concerning recruitment and dismissal.

FENATRAD (Brazil). The possibility of inspecting the household; fixing hours of work; recognizing labour complaints of domestic workers.

FS (Brazil). In Brazil, some amendments to the relevant laws, such as the Labour Code, are needed. The most difficult issue relates to the discrimination imposed by Article 7 of the Constitution, which should also be amended.

CNTB (Burkina Faso). Difficulties could arise from social and cultural practices, and from the distinction between different types of domestic work and between tasks that can be agreed by contract and those carried out by family members.

ONSL (Burkina Faso). The logistical means of the labour inspection service, which do not allow control over the situation of domestic work, constitute a major constraint.

CFITU, CLUF, CWLFU (Cambodia). Relevant national laws should provide for sanctions for offenders.

CLC (Canada). In the Canadian provinces of Alberta, Ontario and New Brunswick, certain categories of domestic workers are prevented from joining a union, despite the Supreme Court of Canada's recent ruling that all Canadian workers have the constitutional right to collective bargaining. These laws will mostly be ruled as unconstitutional and struck down when challenged in courts.

CGT (Colombia). Economic and political difficulties.

CUT (Colombia). Colombia has not ratified the majority of ILO Conventions and, when it has, it does not apply them.

ASTRADOMES (Costa Rica). National legislation would need to be reviewed in order to protect part-time and migrant domestic workers and ensure the equality of domestic workers receiving minimum wages in respect of other workers.

CMTC (Costa Rica). Costa Rican legislation on domestic work should be reviewed.

AKAVA, SAK, STTK (Finland). See question 63.

COSYGA, JOC (Gabon). On the contrary, ratification of these new instruments is a major asset to strengthen legislation in Gabon.

GSEE (Greece). Domestic work is considered as atypical and excluded, by legislation and practice, from labour law and important social security provisions; the extent of informal domestic work and the impossibility of monitoring it; the lack of explicit protective provisions; the non-retroactive character of domestic workers' social security in the event that a complaint is filed; etc.

UNSTRAGUA (Guatemala). Constitutional and labour law principles are aimed at granting the same protection to all workers. The political will of both employers and the State is crucial.

CGT (Honduras). Economic problems could pose some difficulties.

KSPI, KPSPI and KSBSI (Indonesia). Particularly as regards the "family relationship" between domestic workers and their employers.

ICTU (Ireland). The Irish Code of Practice for Protecting Persons Employed in Other People's Homes has encouraged better compliance and respect for domestic workers' rights in Ireland. But an ILO Convention supplemented by a Recommendation would be an important new step forward and would further strengthen the right to decent work of domestic workers in Ireland.

UIL (Italy). The recent immigration law established the absurd "crime of illegal immigration". Furthermore, it seems that this will entail an unbearable tax for these workers.

JTUC-RENGO (Japan). Difficulties may be caused as regards the application of the instruments, for example with respect to working hours, depending on how the terms "domestic worker" and "domestic work" are defined.

COTU-K (Kenya). Poverty, economic recession, resource constraints.

FKTU (Republic of Korea). Domestic workers are not covered by the Labour Standards Act of the Republic of Korea, according to its article 11.

MTUC (Malaysia). Domestic workers in Malaysia are legally defined as "servants" and as such are excluded from regulations concerning rest days, hours of work and termination benefits. The term should be changed in order to entitle these workers to the same labour rights as other workers.

CROC (Mexico). Some revision is needed to improve national legislation.

CTM (Mexico). The issue is very sensitive, as the household cannot be compared with a public body or an enterprise.

UNT (Mexico). Mexican legislation recognizes the rights of household workers in general; the problem is their enforcement. An international instrument promotes the necessary revision of the relevant legislation.

NIDWU (Nepal). However, the minimum age for admission to work, including domestic work, in Nepal is 16 and not 18 years.

NTUC (Nepal). There are no uniform wages for domestic workers and there is discrimination in respect of wages on the basis of gender, race, religion and nationality.

FNV (Netherlands). In the Netherlands, part-time domestic workers, often working in several private households, are excluded from regular social security and tax arrangements. FNV suggests that taxes and social security contributions be made tax deductible for private households, to maintain the affordability of personal services and guarantee decent work for domestic workers, insuring them for pension, unemployment and disability.

PUF (Pakistan). If an ILO Convention on domestic workers is adopted, the federal Government will be required to bring its law and practice into conformity with the principles of the Convention. However, the implementation machinery lies with the provincial Government and there is a need for coordination between the federal and provincial Governments for ratification and implementation of the Convention.

NSZZ (Poland). Under the Polish legal system, work may be regulated by an employment contract (based on the Labour Code) or a civil contract. In some cases, the choice of a civil contract is fully justified by the nature of the relationship between the contracting parties and the actual freedom and equality of both.

More often than not, however, employment contracts are replaced by civil contracts in order to lower the cost for the employer, thus reducing the protections granted to the worker by labour law (working time, paid holidays, minimum wages). Domestic workers do not constitute a distinct category of workers under the Labour Code. When they are employed under an employment contract, all the provisions applicable to small employers (fewer than 20 workers) apply to them as well. A reform of the Labour Code may change this situation, but it is difficult to determine when this might happen. Because of the very cumbersome administrative requirements and procedures, domestic workers are rarely hired through employment contracts. They usually work as self-employed persons or under civil contracts. The application of the Convention to the latter group of workers may be perceived as a limitation on contractual freedom, which would pose problems with regard to its implementation.

UGT-P (Portugal). Portuguese legislation on domestic workers does not hinder the application of the instruments.

CNS-Cartel Alfa (Romania). In Romania, problems are most likely to arise in practice because the labour inspection cannot carry out effective control over the implementation of the regulations regarding the employment relationship and OSH. It is necessary to strengthen state institutions in charge of registering and monitoring the application of legislation on migrant domestic workers.

COTRAF (Rwanda). The Labour Code of Rwanda explicitly provides that workers in the informal sector, including domestic workers, are not covered by the Code, with the exception of matters relating to social security, trade union organization and OSH.

CNTS (Senegal). See question 58.

FEDUSA (South Africa). The basic conditions of the Employment Act might be in disagreement with some provisions.

SADSAWU (South Africa). Lack of viable enforcement of labour laws and lack of information and/or publicity on these laws.

CCOO (Spain). If the instruments are adopted, the provisions would constitute minimum standards of protection for domestic workers. While under Spanish law the contract between the parties in domestic employment is an employment contract, it has a special nature and is regulated by separate legislation (Royal Decree No. 1424/85 of 1 August). The Royal Decree contains minimal and partial regulations stipulating the application of general labour laws and regulations only “when compatible with the special characteristics of the work in question”. This means that domestic workers are excluded from provisions established for other workers (no wage protection in the event of the employer’s insolvency, limited protection against dismissal, lower benefits, lack of trade union rights, and limits on control by the labour inspectorate). Moreover, social security for domestic workers is regulated by a separate regime which grants lower levels of protection than the general social security regime. Owing to recent social changes, paid domestic work is now a growing and complex phenomenon, and women’s employment in this sector has increased more than in other sectors. Foreigners represented 52 per cent of the total; domestic work is the main source of employment for women migrant workers, more than a third of whom are in domestic employment. Through the Agreement on Social Security concluded 2006 between the Government and the most representative employers’ and workers’ organizations, the parties committed to aligning the benefits under the special social security regime for domestic workers to those under the standard social security regime for all other workers. At the end of 2007, a task force was set up to improve social protection and the quality of employment in this sector.

NTUF (Sri Lanka). At present, there is no law covering domestic workers in Sri Lanka. Some laws contain provisions that would pose difficulties in the application of the instruments (for example, the Payment of Gratuity Act is applicable only when the period of service is over five years; the Termination of Employment of Workmen (Special Provisions) Act is applicable only to workplaces employing over 15 workers).

USS (Switzerland). See question 58.

TÜRK-İŞ (Turkey). Domestic workers are excluded from coverage by the Labour Act, No. 4857, under section 4.

FPU (Ukraine). The large size of the informal sector in the Ukraine will impede application in practice.

Qu. 62 (For federal States only) *In the event of the instruments being adopted, would the subject matter be appropriate for federal action or, wholly or in part, for action by the constituent units of the federation?*

Governments

Total number of replies: 10.

For federal action only: 5. Brazil, Mexico, Switzerland, United Arab Emirates, United States.

Other: 5. Australia, Austria, Belgium (SPF), Canada, India.

Comments

Australia. Subject matter appropriate for federal action, and in part for action by the constituent units of the federation (states and territories).

Belgium. Concerted action between the federal and state levels is necessary, bearing in mind that support and services for children and young persons, health policy and elderly persons come within the remit of the communities (*communautés*), and housing, employment policy and personal services are attributed to the regions. Furthermore, local authorities have to provide assistance and information.

Canada. Subject matter would be appropriate for action at the federal, provincial, and territorial levels. Furthermore, in some jurisdictions, some matters, such as accommodation, may be under municipal jurisdiction.

India. In the Indian context, besides the central Government, the State Governments/Union Territory (UT) Administrations are also empowered to introduce legislation for the welfare of workers. Five States/UTs (Andhra Pradesh, Bihar, Karnataka, Rajasthan, and Dadra and Nagar Haveli) have fixed minimum wages for domestic workers.

Mexico. It should be applicable at the federal level. However, in-depth studies should be carried out in each region to identify the different circumstances and basic needs for a better application of the instrument.

Switzerland. In Swiss law, the instrument used to ensure protection for household employees is the standard employment contract, and the competence for regulating this protection lies with the cantons or, where standard contracts are valid for several cantons, with the Confederation. Most cantons have already regulated the protection of household employees by this means. In the absence of a federal approvals procedure, the Federal Council cannot monitor the standard contracts established by the cantons. It can only intervene by enacting a standard employment contract itself when a standard contract must be applied on the territory of several cantons, or even throughout the whole country. The adoption by the Federal Council of a standard employment contract of this kind would then exclude the possibility of the cantons adopting standard employment contracts for the same branch. The adoption of a standard employment contract establishing a compulsory minimum wage in accordance with article 360(a) of the Code of Obligations requires a corresponding proposal by the Tripartite Commission.

United States. The scope and content of the proposed instruments is appropriate under the US constitutional system in part for federal action and in part for action by the states.

Employers

Total number of replies: 0.

Workers

Total number of replies: 11.

Yes: 4. GFBTU (Bahrain), CTM (Mexico), UNT (Mexico), FNPR (Russian Federation).

Other: 7. ACTU (Australia), BAK (Austria), ÖGB (Austria), CLC (Canada), MTUC (Malaysia), NIDWU (Nepal), PWF (Pakistan).

Comments

ACTU (Australia). At present, the subject matter of the Convention would be appropriate for both federal and state/territory action (it depends on the nature of the employer).

BAK (Austria). Depending on national circumstances. However, the essential issues related to labour and social rights should be regulated at federal level. Regional differences may be envisaged concerning wages. This would facilitate ratification by Austria.

ÖGB (Austria). Federal action. Wages are determined at the level of the federal states.

CLC (Canada). In Canada, action would be required by the federal, provincial and territorial governments.

MTUC (Malaysia). Subject matter is appropriate for federal action.

CTM (Mexico). It should be applied at the federal level. However, thorough studies should be carried out in every region to document the different circumstances and needs for better implementation of the instrument.

UNT (Mexico). In Mexico, this subject matter should be dealt with at the federal level.

NIDWU (Nepal). In Nepal, the Federal Democratic Republic is being established but still not operational.

PWF (Pakistan). In the event of adoption of the Convention by the federal Government, the ratification measures lie with the federal Government. However, its implementation lies with the provincial governments.

FNPR (Russian Federation). In addition, the constituent units of the Russian Federation may adopt their own laws and standards improving the status of workers, within the limits of their financial resources.

Qu. 63 *Are there any other pertinent problems not covered by the present questionnaire that ought to be taken into consideration when drafting the instruments?*

Governments

Total number of replies: 40.

Yes: 21. Australia, Belgium, Costa Rica, Cuba, Czech Republic, Ecuador, El Salvador, Guatemala (UMT), Indonesia, Latvia, Lebanon, Malaysia, Mexico, Nepal, Panama, Paraguay, Peru, South Africa, Thailand, Tunisia, Bolivarian Republic of Venezuela.

No: 17. Albania, Argentina, Austria, Bahrain, Brazil, Chile, Colombia, Egypt, Finland, India, Lithuania, Mauritius, Netherlands, Portugal, Qatar, United Arab Emirates, Yemen.

Other: 2. Romania, Uruguay.

Comments

Australia. For example, the application of the Convention in member States with a high proportion of domestic workers not covered by labour law and which may lack the expertise to cope with increased coverage.

Belgium. In industrialized countries, most domestic employment relationships are part time (some hours per week), with workers having multiple employers. Improved regulation of domestic work could increase moonlighting. Setting up systems that meet the demand for domestic services, while guaranteeing good working conditions, social security and the principle of a single employer, should be the main aim. The Convention should encourage member States to consider systems such as the Belgian service voucher system ("*titres-services*"), the implementation of which could be detailed in the Recommendation. Service vouchers allow private individuals to engage workers employed by an enterprise to carry out tasks in the household. Domestic workers thus become workers under an employment contract benefiting from the

same working conditions and social security coverage as other workers. This system has considerable financial implications for the State, since users should not be burdened with excessively high costs if the aim is to reduce the informal market. Consideration should also be given to the problem of exploitation of domestic workers by diplomatic personnel, which is seldom penalized owing to diplomatic immunity.

Costa Rica. See question 61.

Cuba. Technical cooperation should be provided for countries requesting it.

Czech Republic. It is necessary to ensure that the adoption of the instrument will not place domestic workers in an unequal position compared to other workers. Current proposals go beyond the ILO standards applicable to all workers (for example working time). If they are supported, general standards may be raised as well. The decision whether (and which) provisions should apply not only to employees, but also to self-employed persons, is important. Standards on working time, rest periods and standby can only be introduced, upheld and supervised for workers in an employment relationship. Similarly, it is necessary to clarify whether remuneration other than that related to employment should be regulated. In any case, particular support should be given to ILO technical assistance aimed at the application of existing Conventions that contain minimum standards for all employees.

Ecuador. At present, statistics on domestic workers are lacking. Consideration should therefore be given to the adoption of appropriate measures so that labour statistics include domestic workers, to the extent possible. Without adequate statistics, domestic work will remain invisible and hence vulnerable.

El Salvador. Work–family reconciliation should be emphasized.

Guatemala (UMT). The protection of child and adolescent workers, who are potential victims of sexual harassment and abuse, should be addressed in the part concerning protection of domestic workers.

Indonesia. Attention should be paid to local customs (such as providing education fees to domestic workers and their children, health services, free transport for repatriation, etc.).

Latvia. At present, statistics on domestic workers are lacking. Consideration should therefore be given to the adoption of appropriate measures so that labour statistics include domestic workers, to the extent possible. Without adequate statistics, domestic work will remain invisible and hence vulnerable.

Lebanon. A paragraph should be added concerning the abolition of all forms of violence, discrimination and exploitation. Holidays, their timing and conditions of entitlement should be added to question 13. The term “worker’s privacy” in question 19 should be clarified, since this subject may lead to unacceptable consequences such as illegitimate pregnancy or prostitution.

Malaysia. The need for statistics on domestic workers.

Mexico. Particular emphasis should be given to raising awareness on the need to provide domestic workers with social security coverage. The majority of domestic workers have a low level of education, and it is therefore necessary to promote their education and professional revaluation by offering them support and facilities from employers. In general, few workers work for one employer and are provided with food and lodging. More often than not, they are casual workers who work for multiple employers. Their location is unknown, since they have no fixed domicile in the community where they work.

Nepal. Non-discrimination with regard to wages on the basis of sex, ethnicity, religion, caste and race. Freedom of movement.

Panama. It is crucial to mainstream gender into the instrument in order to give due attention to the millions of women around the world who are domestic workers and who, historically, have been the victims of a system that favours men over women, resulting in men enjoying better working conditions than women. Indicators clearly show that domestic work is prevalently performed by women; any international instruments on the subject should therefore enable them to obtain decent work, safeguarding their life, honour and property. These instruments should thus be used to promote and strengthen a gender perspective to empower women and raise awareness of their specific needs.

Paraguay. There does not appear to be any provision in the questionnaire which guarantees freedom of association of domestic workers. Similarly, no mention is made of domestic work provided in exchange for food and accommodation (known as *criadazgo* in Paraguay or *ahijaditas* in Peru), which is common practice in Latin America, especially for children and young persons. Forced labour is included among the principles, but the prohibition of forced domestic work for debt bondage is not ensured. The questionnaire does not cover domestic work in rural areas, where a man is hired to work on a farm, while his wife performs unpaid domestic services for the employer.

Peru. At present, statistics on domestic workers are lacking. Consideration should therefore be given to the adoption of appropriate measures so that labour statistics include domestic workers, to the extent possible. Without adequate statistics, domestic work will remain invisible and hence vulnerable.

Romania. Considering that the employment relationship is based on the principles of labour law, domestic workers should have the same rights and obligations as other workers.

South Africa. Human trafficking (both across borders and within a member State) and its association with domestic workers; extending protection to family members in domestic employment.

Thailand. The scope of responsibilities of employers and intermediaries. The terms or conditions for requiring medical examinations in order to prevent the spread of contagious diseases to the employer's family members. A provision to the effect that domestic workers caring for children or elderly people, who are susceptible to diseases, must be free from communicable disease and HIV.

Tunisia. The probation period and specific protection of workers aged between 16 and 18 years against dismissal.

Uruguay. Recent national legislation and the national statistical system registering the various occupational categories and social security affiliations make domestic work visible. The main obstacle may lie in the unionization and workers' education of domestic workers.

Bolivarian Republic of Venezuela. More emphasis should be put on domestic workers belonging to vulnerable groups other than migrant workers: young persons, people with disabilities, indigenous people and people of African descent.

Employers

Total number of replies: 6.

Yes: 3. HUP (Croatia), JCC (Jordan), IOE.

No: 3. CNI (Brazil), ANDI (Colombia), KEF (Republic of Korea).

Comments

HUP (Croatia). Flexibility of the instrument is very important in order to take national law and practice into account.

JCC (Jordan). The questionnaire does not cover the domestic worker's religious and personal beliefs and the employer's respect for them, as well as the worker's respect for the employer's family traditions and beliefs. The worker's interests prevail in the questionnaire, while matters of interest for the employer relating to the worker's duty to protect and preserve the house are not covered.

IOE. There are unique considerations regarding domestic work which need to be understood prior to any standard setting, particularly those which would require changes in domestic law and practice. Careful attention should be given to the drafting of a flexible standard in the light of indications of national law and practice.

Workers

Total number of replies: 103.

Yes: 95. UGTA (Algeria), CGT (Argentina), ACTU (Australia), BAK (Austria), ÖGB (Austria), GFBTU (Bahrain), BILS (Bangladesh), CSA-Bénin (Benin), FENATRAD (Brazil), FS

(Brazil), UGT (Brazil), ONSL (Burkina Faso), CFITU (Cambodia), CLUF (Cambodia), CWLFU (Cambodia), CUT (Chile), CGT (Colombia), CUT (Colombia), ASTRADOMES (Costa Rica), CTRN (Costa Rica), LO (Denmark), CASC (Dominican Republic), CNTD (Dominican Republic), CNUS (Dominican Republic), CSTS (El Salvador), FEASIES (El Salvador), AKAVA (Finland), SAK (Finland), STTK (Finland), CFDT (France), DGB (Germany), GSEE (Greece), UNSITRAGUA (Guatemala), CNTG (Guinea), ASI (Iceland), HMS (India), KSPI (Indonesia), KSPSI (Indonesia), KSBSI (Indonesia), ICTU (Ireland), Histadrut (Israel), UIL (Italy), JTUC-RENGO (Japan), COTU-K (Kenya), FKTU (Republic of Korea), KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), CTM (Mexico), UNT (Mexico), NIDWU (Nepal), CNV (Netherlands), FNV (Netherlands), LO (Norway), PWF (Pakistan), CONATO (Panama), CUT-A (Paraguay), CATP (Peru), CTP (Peru), CUT (Peru), APL (Philippines), FFW (Philippines), TUCP (Philippines), NSZZ (Poland), UGT-P (Portugal), BNS (Romania), CNS-Cartel Alfa (Romania), FNPR (Russian Federation), COTRAF (Rwanda), CNTS (Senegal), FEDUSA (South Africa), SADSAWU (South Africa), UGT (Spain), NATURE (Sri Lanka), NTUF (Sri Lanka), NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), LCT (Thailand), NCPE (Thailand), SERC (Thailand), TTUC (Thailand), NUDE (Trinidad and Tobago), UGTT (Tunisia), TOLEYİS (Turkey), TUC (United Kingdom), AFL-CIO (United States), NDWA (United States), PIT-CNT (Uruguay), ZCTU (Zimbabwe), ITUC, IUF.

No: 3. CLC (Canada), CTS (El Salvador), CFTUI (India).

Other: 5. CMTC (Costa Rica), CGT (Honduras), NTUC (Nepal), CS (Panama), CTV (Bolivarian Republic of Venezuela).

Comments

UGTA (Algeria), CGT (Argentina), BILS (Bangladesh), CSA-Bénin (Benin), FENATRAD, FS and UGT (Brazil), CGT (Colombia), ASTRADOMES (Costa Rica), LO (Denmark), CNTD and CNUS (Dominican Republic), CFDT (France), GSEE (Greece), ASI (Iceland), HMS (India), ICTU (Ireland), Histadrut (Israel), UIL (Italy), FKTU and KFTU (Republic of Korea), LBAS (Latvia), SEKRIMA (Madagascar), CIAWU (Malawi), MTUC (Malaysia), NIDWU (Nepal), CNV and FNV (Netherlands), LO (Norway), PWF (Pakistan), CUT-A (Paraguay), CATP, CTP and CUT (Peru), NSZZ (Poland), UGT-P (Portugal), BNS and CNS-Cartel Alfa (Romania), COTRAF (Rwanda), CNTS (Senegal), UGT (Spain), NATURE and NWC (Sri Lanka), LO (Sweden), USS (Switzerland), CHODAWU (United Republic of Tanzania), UGTT (Tunisia), TOLEYİS (Turkey), TUC (United Kingdom), AFL-CIO and NDWA (United States), ZCTU (Zimbabwe), ITUC, IUF. At present, statistics on domestic workers are lacking. Consideration should therefore be given to the adoption of appropriate measures so that labour statistics include domestic workers, to the extent possible. Without adequate statistics, domestic work will remain invisible and hence vulnerable.

ACTU (Australia). In many countries, there is a lack of statistical data on domestic workers. This inhibits the capacity of policy-makers to formulate adequate responses. Without adequate statistics, domestic work will remain invisible and hence vulnerable. Consideration should be given in the instruments to the promotion of appropriate measures so that labour statistics include domestic workers, to the extent possible.

BAK (Austria). The Recommendation should at least provide for periodic studies on the factual situation of domestic workers. In addition, it may include more specific provisions concerning decent accommodation for domestic workers, work clothes and protective clothing, and measures for protection against sexual harassment at the workplace.

ÖGB (Austria). The Recommendation should call on member States to direct their national policy towards prevention of human trafficking and slavery-like conditions in the context of domestic work.

FENATRAD (Brazil). The Convention should also take unremunerated child labour into account and define hazardous work. The adoption of penal legislation prescribing more severe penalties for violation of the Convention should be proposed, and awareness raising targeting judges, the police, employers, etc., should also be promoted. General training on rights at work and vocational training for domestic workers should be encouraged and responsibilities shared between government, employers, trade unions and

universities. Workers should be granted the necessary leave to attend training without any salary deductions. Social security issues should be emphasized.

FS (Brazil). Statistics should include data on sex, age, ethnicity and nationality of the workers. The establishment of employers' and workers' organizations representing the domestic service sector should be promoted to make available collective bargaining and collective agreements on domestic work. In order to extend to domestic workers the right to maternity leave, the Maternity Protection Convention (Revised), 1952 (No. 103), should be amended by repealing the exception provided in Article 7(c).

ONSL (Burkina Faso). The provision of appropriate measures in the instrument for the collection of proper statistics on domestic workers.

CUT (Chile). Emphasis should be placed on respect for workers' rights, such as the right to collective bargaining, and the importance of monitoring compliance with the relevant legislation.

CUT (Colombia). The situation of workers with multiple employers should be considered. The working conditions of domestic workers should be monitored to prevent abusive practices.

ASTRADOMES (Costa Rica). It is also necessary to consider gender discrimination in respect of domestic workers, who are mostly women.

CTRN (Costa Rica). All official data should cover domestic workers in order to better know and address their circumstances so as to reduce their vulnerability.

CNUS (Dominican Republic). It should be added that when a domestic worker resigns, he or she should be paid all the wages due, including the part relating to benefits.

FEASIES (El Salvador). See question 58.

AKAVA, SAK, STTK (Finland). At present, there is a lack of statistics on domestic workers. Without adequate statistics, domestic work will remain invisible and hence vulnerable.

DGB (Germany). Attention should be paid to the fact that statistics on domestic workers are often lacking, which makes them invisible. Immunity of diplomats must not exempt them from their obligations as employers.

GSEE (Greece). Application of the protective framework for domestic workers, irrespective of whether the contract of employment is valid or not; establishing mechanisms or procedures to resolve problems faced by domestic workers, especially migrant workers, which are not due to their misconduct; the need to put a stop to the atypical nature of this employment and provide incentives for employers to register their domestic workers, for example, by offering tax incentives (deduction of these expenses from taxable income).

UNSITRAGUA (Guatemala). The lengthiness of judicial procedures, which leads to impunity, should be taken into account.

CNTG (Guinea). The issues of social protection of domestic workers and of the fixing of wages in proportion to the cost of living. The exchange of experience, information and expertise between domestic workers working in the North and those working in the South should also be taken into account.

KSPI, KPSPI, KSBSI (Indonesia). Particularly problems concerning the dissemination of information on the tripartite, supervision and protection system, and the preparation of technical regulations in accordance with the obligations stipulated in the Recommendation.

JTUC-RENGO (Japan). Appropriate indices should be set and, as far as possible, data on domestic workers included in labour statistics.

COTU-K (Kenya). Trafficking in persons, child labour, confinement, employment agencies, data collection, violation of domestic workers' rights.

CTM (Mexico). It should address the issue of whether domestic work includes men and women and whether there is an imminent risk when hiring a man for domestic work in households comprising only women. Domestic work is carried out mainly by women, who are often in charge of childcare in addition to housekeeping tasks. No employer would feel confident and comfortable about charging a man with the task of looking after the household, his wife and his children. This would amount to discrimination against men in respect of domestic work.

UNT (Mexico). National and international statistics on household workers, which would make remunerated domestic work visible, are lacking. The preamble should mention both women and men, although domestic work is mainly carried out by women.

CS (Panama). Domestic workers are the most exploited group in the world of work. Not being covered by the law, they are unprotected and vulnerable. Moreover, they perform forced labour and are subjected to conditions that are often inhumane, as they come from the poorest communities and are often

illiterate, and many of them are migrants. It is therefore important to adopt an instrument adapted to their specific circumstances. It would also be important to take measures to enable domestic workers to unionize.

CUT–A (Paraguay). National legislation should protect the right of domestic workers to practice their religion or belief and to freedom of association. It should prohibit discrimination against domestic workers on grounds of sex, sexual orientation, religion, race, nationality, etc. The Convention should allow domestic workers to establish their own representative organizations. An increasing number of domestic workers are international migrants who face additional risks of abusive practices because of their migrant status, language barriers, lack of knowledge of their country of employment and discriminatory practices. The Convention must address the following issues: (a) full protection of migrant domestic workers cannot be achieved just through labour law reforms, but requires coordination with immigration law provisions. In many cases, supervision of migrant domestic workers is the responsibility of ministries of internal affairs, rather than ministries of labour. Governments should recognize domestic workers as workers and place them under the regulatory and monitoring mechanisms of the ministries of labour; (b) governments should take measures to abolish policies encouraging immigration policies that bind the domestic worker's work permit and migrant worker status to the employer.

APL, FFW, TUCP (Philippines). The development of appropriate policies and measures is limited by the lack of country-specific studies on the conditions of domestic workers in sending and receiving countries. The Recommendation should include a provision to the effect that that Members should develop age- and sex-disaggregated statistics on domestic workers.

FNPR (Russian Federation). A system of monitoring and keeping statistical records concerning domestic workers should be developed nationally. Private agencies assuming the role of employers should have licences as required under national law (for example, in the Russian Federation a licence is required for medical care and teaching). A discussion is currently under way in the Russian Federation on the role, rights and capacities of private employment agencies.

FEDUSA (South Africa). The public should be educated about the rights of domestic workers. The minimum age should be increased to 18 years.

SADSAWU (South Africa). More training should be available for workers and more research done on domestic employment.

TUF (Sri Lanka). When the instrument is drafted, the compatibility of question 18, which implies that domestic workers should not be required to reside at the employer's home, with questions 19, 38(i), 43 and 44 on decent accommodation needs to be clarified. Women migrant domestic workers who work in Middle Eastern countries invariably have to reside with their employers.

LCT, NCPE, SERC, TTUC (Thailand). At present, there is a lack of statistics on domestic workers. The instruments should give consideration to adopting appropriate measures to include domestic workers in labour statistics.

NUDE (Trinidad and Tobago). Sustainability for domestic workers' organizations, training for domestic workers, institutional strengthening for domestic workers' unions.

AFL–CIO, NDWA (United States). National laws should protect domestic workers' rights to practice their religion or belief, and to freedom of association. The minimum age for entry into domestic work should be raised progressively beyond the threshold of 15 years as provided by Convention No. 138. Concerning migrant domestic workers, the Convention should provide for coordination of the protection of migrant workers with immigration regulations. However, governments should include domestic workers in the regulatory and monitoring mechanisms of the labour ministry, rather than the interior or home ministry.

PIT–CNT (Uruguay). Unionization of domestic workers should be protected and their trade unions legally recognized.

CTV (Bolivarian Republic of Venezuela). Replies to some questions have not been provided because their feasibility was deemed to be problematic: national or international laws should not be drafted to become a dead letter. In the Bolivarian Republic of Venezuela many laws exist, but very few are enforced, because of negligence and/or ignorance of the parties involved, and the low credibility of democracy. The national jurisdiction does not impose penalties in the event of violation of the laws, and citizens find themselves helpless.

IUF. Diplomats and foreigners, who enjoy privileged status in a country and who employ domestic workers, should have the same obligations as any other employer of domestic workers in that country.

OFFICE COMMENTARY

General observations

Numerous replies draw attention to the particular characteristics of domestic work, highlighting the importance of developing a specific standard on this question, aimed at improving the conditions of domestic workers, including by reducing their invisibility, vulnerability to exploitation and exclusion from laws and collective bargaining, and recognizing the important role that they play in society and in the economy. Some comments identify as priorities for the ILO instrument(s) issues such as health and safety, social security, the need for awareness-raising campaigns against abuse and the need for strong legal safeguards. In this regard, two respondents stress the need to include domestic workers in pre-existing regulatory structures and to adapt standards to suit conditions in the household or particular categories of domestic workers, such as au pairs and babysitters.

One government proposes that the aim should be to improve and promote equality of treatment between domestic workers and other wage earners and that this aim should be regularly reviewed. However, two employers' representatives explicitly state that comparisons with other general commercial arrangements, for example with regard to minimum wages and OSH responsibilities, were not possible or appropriate. A main concern of employers' representatives is that any standard that is overly prescriptive and impractical will hinder support and implementation, indicating that the focus should instead be on promoting flexible measures. Three employers' representatives argue that the personal rights of employers, connected to the privacy of the home, need to be considered.

Commentary on individual questions

QUESTIONS 1 AND 2

Form of the international instrument or instruments

Most respondents favour the adoption of such an instrument or instruments. There is a widely shared view that domestic workers warrant separate consideration and standards that are tailored to their situation because of inadequate protection under existing international and national law. This and the fact that domestic work is undervalued, invisible and mostly carried out by women – many of whom are migrants – make domestic workers particularly vulnerable to basic human rights abuses and discrimination in respect of employment and working conditions. The development of international standards would therefore fill an important gap in the promotion of decent work for all, give practical guidance for the improvement of labour regulations for domestic workers and provide for the robust expansion of domestic employment.

A considerable majority of respondents favour the adoption of a Convention, whether in a traditional form, in a form combining binding and non-binding provisions, or in a form supplemented by a Recommendation. Arguments in favour of a traditional Convention relate to the binding nature of such an instrument. A supplementary Recommendation would provide guidance on the meaningful implementation of the Convention's provisions, call on member

States to adjust their national policies, allow each country to legislate in accordance with its specific national conditions and benefit States facing difficulties in ratifying the Convention. The few respondents in favour of a Convention with both binding and non-binding provisions indicate that such an instrument would establish universal fundamental principles, while allowing specific national conditions to be taken into consideration. A minority of respondents favour a Recommendation only, alleging that such an instrument would allow for some flexibility with regard to national diversity and provide practical guidance on the application of existing standards.

QUESTION 3

Preamble: Application of international labour standards to all workers

The majority of respondents agree that the preamble should recall that, unless otherwise provided, international labour standards should apply to all workers, including domestic workers. This would enhance the application of existing ILO standards to domestic workers, ensure a more precise interpretation of these instruments and increase the legal security of domestic workers. In some replies, it is indicated that the fundamental ILO Conventions, such as Conventions Nos 29, 87, 98, 138 and 182 are applicable to domestic workers. One government stresses that not including this provision would mean discriminating against domestic workers, who are often excluded from the scope of existing ILO Conventions. Another government approves its inclusion on the condition that Conventions and Recommendations explicitly provide for their application to domestic workers. The view of some employers' organizations is that, where standards exist and are applicable to domestic work, no new provisions should be established, and reservations or exceptions to the application of existing standards regarding domestic work should not be reversed or derogated from.

QUESTION 4

Preamble: Reference to special conditions in which domestic work is carried out that make it desirable to supplement the general standards with specific standards

The vast majority of replies to this question are in the affirmative. Numerous respondents emphasize that many of the problems faced by domestic workers are the result of the nature and specificity of their occupation, making it desirable to supplement general standards with specific standards. Others suggest that drawing attention to the specificity of domestic work would help Members understand the rationale and objective of the instrument(s) and ensure effective application. The specific circumstances of domestic work that are mentioned include working time patterns, isolation, low pay and methods of remuneration, the absence of training or information, living at the employer's premises, difficulties in creating or joining trade unions and the blurred line between professional and personal relationships. In some answers, it is noted that the preamble should state clearly that domestic workers, like any other workers, are in an employment relationship, or that their specific situation should not lead to less favourable treatment than that provided for under the general working conditions regime.

QUESTION 5

Preamble: Other considerations

According to many respondents, especially workers' organizations, the preamble should recognize the inadequate attention that is given in international and national law to key aspects of the situation of domestic workers (in many countries, domestic workers are not covered by labour legislation) and should refer to Recommendation No. 198. A nearly unanimous view is that the preamble should acknowledge the significant contribution of domestic workers to the global economy. Some respondents, especially employers' organizations, stress the need to highlight how domestic work increases paid job opportunities for workers with family responsibilities,

especially working mothers. Another widely shared view is that there is a need to acknowledge work–life balance for domestic workers, and that any new standards on this subject should be considered in conjunction with Convention No. 156 and Recommendation No. 165. Governments and workers’ organizations also propose adding that domestic workers are often women from historically disadvantaged communities and regions, who suffer social exclusion and work outside the scope of national labour legislation and enforcement mechanisms. They also suggest mentioning the UN Convention on the Elimination of All Forms of Discrimination against Women and the importance of gender mainstreaming to achieve gender equality. In view of the high proportion of migrants among domestic workers, many respondents suggest that the preamble should make reference to the principles of equality of treatment and opportunity outlined in Conventions Nos 97 and 143. A few governments refer to the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families or to other international instruments on migrants in general.

A minority of respondents also consider it necessary to include reference to: Conventions Nos 138 and 182; the UN Convention on the Rights of the Child; other international instruments on children; the prohibition of forced labour; and the ILO Conventions on social security.

In the light of the above, the Office has included point 4(a), (b), (c) and (f) in the proposed Conclusions. Given the general reference to international labour Conventions and Recommendations in point 4(d), particular ILO instruments are not highlighted more specifically.

QUESTION 6

Definitions

Domestic work. A vast majority of governments and employers’ organizations, and all but one workers’ organization, agree that the term “domestic work” should mean work performed in and for a household, and include housekeeping, childcare and other personal care. In many instances, it is suggested that the definition should include activities of gardeners, personal drivers, guards and other household-related activities, such as car washing and shopping. Some governments suggest that different types of domestic work should be specified in a non-exhaustive list, although another warns against an excessive level of detail, arguing that further varieties of domestic work may arise with the improvement of living standards and social development. Some suggest replacing the term “domestic work” with the terms “private household work”, “paid household work” or simply “household work”. Other respondents suggest using the wording “in *and for the needs of* a household”, “in or for a household” or “*mainly* in and for the household” instead of “in and for a household”. A minority of member States, especially governments, support a narrower definition, pointing out that care of children, the elderly and the sick should be excluded, because they require specific skills and qualifications. The need to define the term “other personal care” is stressed by various respondents. One government proposes amending the term “other personal care” to “care of other household members”, while another indicates that the term “home health care” should be incorporated.

Domestic worker. There is general agreement that the term “domestic worker” should be defined as any person who undertakes domestic work, whether on a full-time or part-time basis, for remuneration. Some respondents stress that the term should cover only work under a contract of employment, characterized by dependence, subordination or the receipt of a salary, and exclude self-employment. As to whether workers employed by a third party to provide services to a household, such as legal persons, non-profit legal entities, or public bodies offering care services as part of social assistance programmes, should be covered, only a few governments reply in the affirmative.

Some governments and employers’ organizations, and also one workers’ organization, do not favour the inclusion of part-time workers or domestic workers working for short durations

each week, fortnight or month, and with multiple engagements. Two governments suggest that a distinction should not be made between full-time or part-time employment but that coverage should be determined on the basis of thresholds concerning the number of hours worked. A broad concept of remuneration is supported in some replies, with one government suggesting the wording “remuneration or *in-kind payments*”. Some governments and workers’ organizations suggest amending the term “domestic worker” because the adjective “domestic” is deemed pejorative and offensive for the worker. The proposed alternatives are “private household worker”, “household worker”, “paid household worker”, or “worker in domestic service”.

Standby. The overwhelming majority of replies support the definition of the term “standby” as periods during which a domestic worker is not free to dispose of time as the worker pleases. Some respondents, however, consider the definition to be unclear. As alternative formulations, one government proposes that the term “standby” should mean the period during which the employee, without being at the permanent and immediate disposal of the employer, is obliged to stay in the house or nearby in order to be called upon as necessary, while another respondent considers the term to mean the period during which the worker is free to rest but should be available and present as the employer demands. The term “on call” was also proposed, in lieu of “standby”. One of the respondents that considers standby to be effective hours of work stresses that standby should be defined so that the person concerned is not obliged to remain available to the employer outside scheduled hours of work. A few objections are based on the reasoning that the permanent presence of domestic workers in the workplace is inherent to live-in domestic work, and that such work has an intermittent nature. Finally, a minority of Members consider that the issue of standby does not need to be regulated, especially where provisions on working hours exist, as this would create a grey area in which the line between time on duty and time off would be blurred.

Intermediaries. Most respondents, mainly workers’ organizations, consider that both fee-charging private agencies, acting as brokers between migrant domestic workers from countries of origin and employers in destination countries, and agencies hiring workers to perform home-help activities for individual users at home or for their home, qualify as employers. On the other hand, a considerable number of governments indicate that only agencies employing domestic workers to perform domestic services for a third person, or playing the role of employers (responsible directly or indirectly for the employment or payment of a domestic worker) are to be considered as employers (reference was made to Convention No. 181). For half the governments, the majority of employers’ organizations and a few workers’ organizations, only brokering agencies qualify as intermediaries and, as such, have no employers’ responsibilities. There is broad recognition of the need to define the term “intermediary” separately from that of “employer” and to identify the respective legal obligations and responsibilities.

Other terms. While many workers’ organizations reserve the right to reply at a later stage, the majority of respondents, especially governments, stress the need to define other terms as well. These include terms related to: intermediation (especially the term “intermediary” (see question 6(d)), but also the terms “contractor”, “agent” and “recruitment agency”); employment contracts, tasks to be carried out and categories of domestic workers (the terms “employer” (see also question 6(d)), “workplace”, “household”, “live-in workers”, “live-out workers,” “night work”, “hours of work”, “overtime”, “periods of rest”, “annual leave”, “remuneration”, “minimum wages”, “payment in kind” and “social security”); child labour (the terms “child domestic worker” and “young domestic worker”); and migrant workers (the term “migrant domestic workers”). Definitions of the terms “childcare and other personal care” and “personal care” are also required (see question 6(a)). One government stresses that the legal relationship between an employer and a domestic worker also needs to be defined. Various respondents suggest possible definitions.

The proposed Conclusions contain definitions of the terms “domestic work” and “domestic workers”, taking account of the views expressed in the replies. Point 3(a) of the proposed

Conclusions omits references to particular kinds of work to ensure inclusiveness and the continuing relevance of the definition, while proposing that the instruments would be concerned with work performed within an employment relationship. While noting the suggestions to use a term other than “domestic work”, the Office has decided to maintain the terminology used in the item placed on the Conference’s agenda, awaiting discussion of this question by the Conference. In view of the proposed Conclusions as a whole, it is considered that definitions of terms such as “standby”, “intermediaries” or other terms are not necessary.

QUESTIONS 7 AND 8

Scope and exclusions

There is broad agreement among respondents that the proposed instrument(s) should have the widest possible coverage, the main reasoning for this being that the exclusion of domestic workers from many provisions of international labour standards is among the principal causes of their decent work deficits and vulnerability. Several respondents invoke the principle of non-discrimination, stressing that there is no basis upon which any exclusion can be reasonably justified. Some respondents expressly mention particular groups of workers that need to be included in a standard, for example workers working outside the household but performing the same tasks as they would in the household (for example in hospitals), housewives, undocumented migrants and au pairs.

However, certain replies indicate the wish to exclude from the coverage of the instrument(s) workers who do not work on a full-time basis, such as casual and part-time workers, workers working only for a brief period in a household (for example in single cases of repairs) and employees of intermediaries. Several others stress the need to include only persons working under a contract of employment and to exclude family members, babysitters or contractors. One respondent proposes that limitations should be placed on possible exclusions from some benefits and social security schemes for persons not meeting reasonable thresholds regarding wages, hours of work or social security and another proposes that certain modifications should be applied to live-in workers, rural workers or workers employed by several employers. Some replies indicate that exclusions could be allowed at the national level when they are set through collective agreements or national tripartite consultations or when they are supported by empirical evidence supplied by the government.

The issue of scope is covered by point 5 of the proposed Conclusions, taking into account both the broad agreement among respondents that the instruments should provide for the widest possible coverage and the view that coverage might not be possible in some specific, limited cases.

QUESTION 9

Fundamental principles and rights

The majority of respondents agree that Members should take measures to ensure the enjoyment by domestic workers of the four categories of fundamental principles and rights at work. Some general remarks were provided by employers’ organizations regarding the need to adapt the standard to the unique specificities of domestic work rather than simply to recite the fundamental principles. Relevant ILO standards were mentioned (Conventions Nos 29, 87, 98, 100, 105, 111, 138 and 182).

Freedom of association and the right to collective bargaining. Some governments agree that domestic workers should enjoy these rights on the same basis as all other workers and highlight the importance of reaffirming these rights specifically for them, while recognizing that ensuring the enjoyment by domestic workers of the right to collective bargaining, in particular, may prove to be difficult. Employers’ and workers’ organizations capable of collective bargaining

in this sector do not necessarily exist. A few respondents observe that, in certain countries, domestic workers would hardly satisfy the legal requirements that trade unions must meet in order to be allowed to engage in collective bargaining. One workers' organization suggests that the Recommendation should include best practices of how domestic workers are working together with or in unions. One government proposes rewording this provision in order to require that Members respect, promote and realize in good faith the fundamental principles and rights at work for domestic workers. The need to recognize domestic workers' organizations and establish domestic employers' organizations is stressed.

Forced labour. Some respondents, both governments and workers' organizations, stress that domestic workers, especially when undocumented, are particularly vulnerable to forced labour.

Child labour. This issue should be considered in conjunction with questions 10 and 11. One government argues that, when working conditions are neither exploitative nor unhealthy and do not interfere with children's education, the practice of giving children pocket money for occasionally helping their parents, family or friends with domestic chores is socially desirable and helpful for children. One workers' organization observes that many young persons, by working in a household, obtain the necessary means to have access to education. One employers' organization asks that evidence be provided of how any concerns related to the schooling of child domestic workers have been dealt with and of the existence of practices that favour the entry of young people into domestic work.

Non-discrimination. Reference is made in the replies to non-discrimination based on gender and on other grounds as identified by Convention No. 111, non-discrimination in respect of wages (Convention No. 100), equality of treatment for migrant domestic workers and the undervaluation of domestic work. One government suggests adding the words "and of access to goods and services" after the words "the elimination of discrimination in respect of employment and occupation". One employers' organization questions whether the preferences that families may express for particular characteristics when hiring, for instance, a childminder, would amount to discrimination, or whether expressing such preferences would be considered a lawful exception. One government expresses some reservation about the enforceability of this provision in practice and suggests placing it under the non-binding provisions.

QUESTION 10

Minimum age for domestic work

There is general agreement about the need to stipulate a minimum age for admission to domestic work, in conformity with ILO Conventions Nos 138 and 182 and the relevant national legislation. While many respondents regard the general provisions of national legislation on minimum age for admission to work as also being applicable to domestic work (generally 15 years or the upper age limit for completing compulsory education), many others consider that the minimum age should be 18 years or other majority ages (18–21 years). The main reason cited for this is that domestic work is likely to be hazardous to the health, safety and morals of young persons and can deprive them of education opportunities. Most employers' organizations call for some flexibility in national practice, including with regard to babysitting (to allow teenagers to act as babysitters on an ad hoc and informal basis, for example for neighbours) and suggest that babysitting, especially when occasional, should be exempted from these provisions. Some replies propose setting different admission ages to work depending on the type of domestic work, for instance housekeeping activities (especially part time) and care work (especially live-in work).

Point 7 of the proposed Conclusions has been formulated to reflect the general agreement that a minimum age for admission to domestic work should be set in national laws and regulations.

Such a minimum age would have to be set by the Members concerned in accordance with their other international obligations, as appropriate (see also point 21 of the proposed Conclusions).

QUESTION 11

Minimum age of 18 years for migrant domestic workers

There is broad agreement that the minimum age of employment for migrant domestic workers should be 18 years, the reason being that young migrant domestic workers are more exposed than nationals to trafficking, commercial sexual exploitation, forced labour and other abuses. Some respondents suggest that the age of admission to work should be increased even further to 21 years. A few governments and most workers' organizations consider this provision to be in line with Article 3, paragraph 1, of Convention No. 138, which states that the minimum age for admission to any type of work which, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of young persons should not be less than 18 years, and Article 3(d) of Convention No. 182, which includes such work among the worst forms of child labour to be prohibited for persons under the age of 18. Some replies indicate that 18 years should be the minimum age for all domestic workers, whether nationals or migrants (see question 10). In the same vein, a number of respondents question the soundness of establishing a higher minimum age for migrant domestic workers, alleging that this would be discriminatory with regard to national domestic workers.

In one comment, it is suggested that member States should be allowed to adopt flexible provisions which make it possible gradually to increase the minimum age for migrant workers to 18 years. One employers' organization calls for further discussion on this point, to be based on information on minimum ages for labour migration and any existing protection under migration law for young persons.

Taking into account the concerns raised with regard to the possible discriminatory nature of a different minimum age for national domestic workers and migrant domestic workers, the proposed Conclusions do not cover this issue. The need to give special attention to all young domestic workers is covered in point 25.

QUESTION 12

Working and living conditions and social security

The majority of respondents reply to this question in the affirmative. One employers' organization stresses that the phrase "like all wage earners" should not be included as its implications remain unclear (domestic workers cannot be privileged in comparison with other workers when some benefits are not foreseen under general law), while one government approves the application of such measures by member States on the condition that they apply to most formal sector workers. Another government observes that, given the specificity of domestic work, a simple comparison with other full-time employment is inappropriate.

Fair terms of employment and decent working and living conditions. Various respondents refer to these requirements as minimum labour standards applicable to all workers, or as general human rights, and some workers' organizations highlight the discrimination facing domestic workers in this regard. One government and almost all workers' organizations indicate that this issue warrants further elaboration in the Convention. Consistency with national legislation and practice is also demanded. Some governments and employers' organizations consider the terms "fair" and "decent" to be unclear and inexact and one employers' organization suggests that the wording needs to be tightened up, taking account of the specificity of domestic work. However, the same employers' organization considers that the part of question 12 that relates to living conditions is redundant in view of question 19.

Safe and secure workplace. This point may be read in conjunction with question 24. Some governments consider that the specificities of domestic work need to be taken into account as it is difficult to impose on employers of domestic workers the same OSH obligations as on other employers. While two governments place emphasis on prevention, another stresses that domestic workers should be prohibited from using toxic products or dangerous tools and that safety and health measures in the household need to be specified. One workers' organization highlights that domestic work tends erroneously to be perceived as safe and non-threatening, despite the hazards it entails. Two employers' organizations are in favour of promoting household safety in general and of encouraging governments to offer services and training on household safety, instead of envisaging OSH liability for employers in a standard.

Social security, including maternity protection. This point may be read in conjunction with question 25. Many governments and almost all workers' organizations consider maternity protection to be essential (a few mention that opportunities for breastfeeding should also be guaranteed). It is observed that domestic workers' right to maternity protection is often violated and that such workers commonly face discrimination on the grounds of pregnancy. One government stresses that the instrument should give member States sufficient leeway to take into account the exceptional position of private employers when determining the scope and details of social security legislation. Two governments and most workers' organizations indicate that the Recommendation should provide for specific mechanisms to address the particular situation of domestic workers who work for multiple employers in order to grant them access to social security benefits. National schemes guaranteeing the payment of wages and some social security benefits to part-time and casual domestic workers, such as the service cheque systems in France and Belgium, are referred to as best practices.

This question is covered in point 8 of the proposed Conclusions. The terms "fair" and "decent" have been retained, considering that they have been used in other instruments. The notion of privacy has been added, as its importance was stressed in many replies (see comments under question 19). The issues of workplace safety and social security are addressed in point 15.

QUESTION 13

Information on terms and conditions of employment

All topics raised under question 13 meet with an overwhelming measure of approval. Some respondents suggest that the terms and conditions of employment should be laid down in a written contract; others state that this information should be provided, even if the contract is oral. It is recognized that such a provision may prove problematic when the employer and employee do not speak the same language (governments should therefore be encouraged to provide assistance). In addition to the topics raised in the question, individual respondents suggest the inclusion of supplementary points, such as information on: paid leave; terms of termination of employment, especially for live-in domestic workers; how to access legal assistance; just causes for dismissal; and legal entitlements (for example social security). Due to several cross-references in the replies, the comments on questions 13, 37 and 38 should be considered in conjunction with each other. Respondents to question 13 emphasize that it would be better to include these issues as part of the non-binding provisions of the instrument(s); that the terms of employment of domestic workers should be the same as (and not exceeding) those of all other workers; and that other issues as provided for by national legislation should be extended to domestic workers.

Name and address of the employer. One respondent notes that providing the name and address of the employer would help identify the parties in the event of a dispute and another notes that such a measure would help guarantee administrative compliance. One government stresses that such information is only relevant if workers are placed by intermediaries in a household and not employed by the household directly.

Type of work to be performed. There is broad agreement that including such a provision would prevent workers from being assigned tasks that were not previously agreed upon, provide clarity and protection for both the employer and the worker and help in the event of a dispute. In one reply, it is suggested that information should also be included on the type of work that is not meant to be performed. Some respondents, however, propose allowing a certain level of generality or a period of probation during which both parties could determine whether the terms of employment are mutually satisfactory. A few respondents stress that the list of tasks should only be changed further to agreement between the parties.

Remuneration, method of calculation and pay interval. A vast measure of agreement could be observed in the replies to this question. One respondent stresses that the terms of employment should be in accordance with national legislation; another stresses that the place, date and form of payment should also be specified. In two replies, it is emphasized that such a provision would help workers organize their lives and help settle disputes. Some other replies refer to the terms of remuneration (for example, the prohibition of in-kind payments), to which reference is made in other sections of the present report.

Normal hours of work. Several comments go beyond the core content of the question by referring to the organization of working time (for example suggesting specific limits on daily hours), an issue which is covered under the respective questions in the present report. Some respondents emphasize the need to provide clarification, not only with regard to normal hours of work, but also with regard to potential standby hours, conditions and payment of overtime, the work schedule, breaks and rest periods. It is stressed in other replies that such a provision would help settle or reduce the number of disputes and help prevent long hours of work and requests for unpaid additional work.

Duration of the contract. It is indicated in many replies that this provision is relevant only for contracts of fixed duration, while for contracts of indefinite duration, a probationary period and the terms of termination of employment should be stated. In some comments, it is suggested that the contract should be for a specific duration (for example, one year or for a maximum of ten years) or stressed that the duration needs to be agreed between the parties; one government proposes the establishment of a general rule in the absence of such an agreement. Some replies emphasize how such a provision would contribute to the preservation of the worker's psychological, social and economical stability and be of assistance in the event of a dispute.

Provision of food and accommodation It is suggested in some comments that the terms of employment should specify the value of food and accommodation, in order to indicate whether the provision of food and accommodation is an in-kind payment and the implications it has on the calculation of the salary. In addition, it is suggested that the terms of employment should specify which meals are included. Other replies include comments on how food and accommodation should be provided and how it should be calculated in remuneration; further reference shall be made to this issue in the respective sections of the present report.

Period of probation. Most comments go beyond the core content of this question, relating mainly to the circumstances under which a period of probation should be allowed and why, and the length of such periods.

Terms of repatriation. Nearly all respondents agree to a provision as suggested. However, in two replies, it is stressed that this provision should refer only to the terms of repatriation that have been individually agreed, and not to the terms of repatriation generally in force. In others, it is noted that terms of repatriation are in general relevant only for workers who accompany their employers to another country or who have been sent for by the employer. The majority of comments touched upon the question of responsibility for and circumstances of repatriation. These comments are therefore to be read in conjunction with those under question 28.

QUESTION 14

Protection against abuse

Nearly all respondents agree on the importance of envisaging measures to protect domestic workers against abuse, in view of the vulnerability of these workers, especially migrant and female workers, to exploitation and harassment due to their specific circumstances. While it is stressed in some replies that specific measures are appropriate, some others emphasize that common legal regulations should apply, as for other types of employment. One respondent recommends that the instrument might offer some guidance on what the mentioned measures might be. Others propose specific preventive and supportive measures, ranging from the registration of domestic workers with local government authorities for the purpose of monitoring their living and working conditions, to establishing points of contact and advice and complaint mechanisms, providing compensation for unjust treatment and free legal services in the event of a dispute and promoting best practices. Suggestions are put forward with regard to reformulating the question: for instance, it is suggested that the words “all forms” and “including” could be deleted, in order to be specific about the scenarios covered.

Point 10 of the proposed Conclusions takes these suggestions into account. The Conference may wish to discuss whether the Recommendation should provide further practical guidance on measures to prevent and address abuse and harassment. The issues raised in questions 18, 21, 29 and 51 have been merged and are covered in point 11 of the proposed Conclusions.

QUESTION 15

Minimum wages

The majority of governments and workers’ organizations are in favour of including a provision to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists; however, half of the employers are not in favour of such a provision. Reference is made to the relevant national legislation, collective agreements and minimum wage fixing mechanisms and policies. Many comments suggest that, in countries where minimum wages are set by occupation, special measures should be taken to ensure that the skills and responsibilities associated with domestic work, and the working conditions in which it is performed, are assessed without gender discrimination. This is deemed important in order to overcome the undervaluation of domestic work. Other respondents note that minimum wage rates for domestic workers – where such coverage exists – are consistently lower than those for other workers and call for them to be progressively brought into line with general minimum wages, or be set at levels not less than those for similar types of work. A few respondents note that, in practice, the payment of minimum wages depends upon the degree to which different households can afford domestic work. Most employers’ organizations are not in favour of the inclusion of a minimum wage requirement for domestic work in any standard, noting that domestic work differs in fundamental ways from other occupations for which minimum wages are set, because of its intermittent nature and the widespread provision of board and lodging, the costs of which are often taken into account in the overall remuneration of domestic workers. Moreover, they question the level at which a minimum wage for domestic workers would be set in countries with several minimum wages.

Given that a majority of respondents are in favour of a provision ensuring minimum wage coverage for domestic workers, where such coverage exists, the Office has included this issue in point 13 of the proposed Conclusions. A reference to the setting of rates of remuneration without discrimination based on sex has been added, as many replies make reference to the existence of such discrimination in domestic work.

QUESTION 16

Periodicity of payment

Member States are almost unanimous in agreeing that domestic workers should be paid at no greater than monthly intervals. Various replies refer to the relevant national law and practice, and several governments make reference to Convention No. 95 and, more specifically, suggest that Article 12 should be used as a reference model for this provision. If this suggestion is acted upon, all domestic workers would be paid at regular intervals and not less frequently than is prescribed by national legislation for most formal sector workers. One employers' organization indicates that more favourable standards for domestic workers should not be set, unless there is a clear basis for doing so.

The issue of the periodicity of payments is addressed in point 14(1) of the proposed Conclusions. Requiring payments in "legal tender" would also include the possibility that domestic workers are paid by bank transfer, bank cheque, postal cheque or money order.

QUESTION 17

Payment in kind

While approximately one quarter of the governments and few workers' organizations reply to this question firmly in the negative, a considerable majority of respondents agree that partial in-kind payment, where allowed, should be strictly limited and regulated to prevent abuses. The underlying rationale is that payment in kind is likely to lead to exploitation and abuses, undermine wage provisions and make wage levels subject to variations in the value of goods. Some respondents specify that payment in kind should be additional to the basic salary. Many respondents consider that partial in-kind payment should be agreed upon by the parties in advance or require the prior consent of the worker. A few governments state that workers should be able to refuse payment in kind, even when such payment has been agreed upon previously, or when legal requirements have not been respected, while one employers' organization considers such a provision to be unnecessary, as workers are free to decide whether terms are fair or not and whether or not to enter into an employment relationship. One government indicates that payment in kind should primarily benefit the worker, and not the employer.

Various respondents state that, when applicable, partial in-kind payment should be limited to a very small percentage of wages and that a ceiling should be fixed by national legislation. Various respondents raise the issue of calculating the value of payment in kind. According to some governments, the calculation should either be based on objective criteria (for example on the market value of the benefits), or be agreed upon by the parties; furthermore, the value attributed to payment in kind should not exceed the value of the benefits. Most workers' organizations state that payment in kind should be fair and reasonable, while two employers' organizations suggest the adoption of a mechanism to be promoted as a best practice providing tools to help employers calculate the value of food and lodging more accurately. Most workers' organizations and one government make specific reference to Article 8, paragraph 1, and Article 4, paragraph 1, of Convention No. 95, by virtue of which national legislation, collective agreements and arbitration awards are the only legal basis for effecting deductions from wages; other respondents refer to national legislation. Two employers' organizations consider that any standard must recognize the specificity of domestic work, with its often substantial deductions for lodging, food and health care, and that this and the question of whether such allowances should be conceived as partial payment, as deductions or as an adjusted rate of wages, should be determined by national law and practice.

Concerning the specific circumstances in which partial in-kind payment may be allowed, various respondents consider that such payment should be restricted to food and accommodation,

and, in very few instances, to meeting workers' other basic needs, such as clothing, consumer products, education and medical expenses. One workers' organization suggests that the instrument should not allow any type of payment in kind or any deductions for food and lodging, but should be flexible enough to allow member States to make in-kind payments in the form of other goods.

The Office has formulated point 14(2) of the proposed Conclusions in the light of the range of comments received. In addition, point 34 sets out additional guidance regarding protective measures in cases of partial payment in kind.

QUESTION 18

Requirement of residing in the home of the employer

The majority of respondents from across the three groups agree that domestic workers should not be required by national law or regulation to reside in the employers' household. Two main reasons are given for this: the need to reduce domestic workers' vulnerability to abuse, especially with regard to working hours, and the need to ensure that workers have a work-life balance. Many respondents note that residing in the employer's home should be optional, and should either be agreed by the parties or decided by the worker. It is also noted, however, that employers should be free to offer live-in domestic work. On the other hand, some respondents observe that such a requirement may be necessary, especially when migrant women domestic workers are concerned, as they may not have another place to stay, and also because of the employer's liability. Residing in the home of the employer may also be unavoidable when the worker has to take care of a sick or elderly person. It is also noted that living in the employer's home can offer some advantages for domestic workers, such as not being obliged to return home late at night when public transport is no longer running. Two employers' organizations indicate that the matter is unclear and requires further investigation of national practices, and another states that, because of the employer's liability, domestic workers should reside in the employers' home and respect the habits, traditions and religious beliefs practised therein.

QUESTION 19

Accommodation and food

A widely shared view is that, when accommodation and food are provided by the employer, the accommodation should be safe and decent, the worker's privacy should be respected and meals should be of good quality and sufficient quantity. A few respondents suggest that domestic workers should be entitled to the same provisions as other workers with regard to employer-provided meals, housing and accommodation. Concerning the issue of workers' privacy, one government observes that safety and security aspects need to be taken into account, while another stresses that respect of privacy should be reciprocal. Various respondents, including one employers' organization, state that local practices and cultural factors need to be considered, especially when determining the meaning of "good quality and sufficient quantity". Some governments propose that provisions on meal requirements (and, according to one government, on accommodation requirements) should be non-binding, as specific provisions would be challenging to define and implement; another suggests leaving this matter to the agreement of the parties. Some employers' organizations question the validity and viability of this provision.

Taking into account the replies to this question, the Office considers it more appropriate to address specific questions regarding food and accommodation in the Recommendation (point 37 of the proposed Conclusions), while the principle of decent living conditions respecting the worker's privacy is reflected in point 8.

QUESTION 20

Working time laws and regulations

There is agreement between governments and workers' organizations that working time provisions should be the same or not less favourable than those applicable to all other workers. However, one government stresses that the comparison should be made with employees carrying out the same type of activity and several others suggest that working hours should be progressively harmonized.

While a small minority of respondents object to the proposal in general, the points relating to weekly rest and annual leave are answered in the affirmative by nearly all respondents from the three groups. There is an equally broad agreement on the points concerning general working hours, overtime and daily rest. Some respondents make reference to the specificity and intermittent nature of domestic work with its varying intensity and rhythms, especially regarding live-in workers. Positions, however, differ with regard to whether such a provision would render regulations based on measured hours in general, including regulations on overtime, daily rest and general hours of work, or only singular elements, inapplicable. Others conclude that flexibility needs to be ensured, not least to take different national circumstances into consideration or to reconcile the interests of employers and workers concerning the day of weekly rest and annual leave.

Point 12 of the proposed Conclusions brings together the matters addressed in questions 20, 22 and 23. The wording of point 12(1) reflects the wide support expressed for the general principle that national laws and regulations should address the issue of the working time of domestic workers in a manner not less favourable than that applicable to other wage earners. Point 12(3) concerns periods during which domestic workers are not free to dispose of time as they please and remain at the disposal of the household. Instead of using the term "standby work", which carries different meanings in different national contexts, wording is descriptive and leaves the matter to be determined in detail by national laws and regulations, collective agreements or any other means consistent with national practice.

QUESTION 21

Freedom of movement during daily or weekly rest

A huge majority of governments and workers' organizations favour the inclusion of this provision in the Convention. There is broad agreement that it would enable workers to have access to services, workers' associations and training and make it possible for them to visit their families, while preventing them from being unlawfully confined, exploited or obliged to work during rest periods. Numerous replies stress that workers should be free to dispose of their time off as they please, including, if they so wish, by deciding to stay in the household. Some others suggest that the place where the period of rest is spent should be agreed upon by the parties. Broadening the scope of the question, many respondents hint at the right of live-in domestic workers to receive visits by relatives and friends during rest periods. In several replies, it is argued that supervision is necessary when young women go out or receive visits, while others emphasize that employers shall not be responsible for workers in situations of danger or abuse during their rest period.

Others, including employers' organizations, approve of the formulation of the provision with regard to weekly rest, but mention that it may be a problem for workers who take care of children or other dependent persons to leave the household during their period of daily rest; they indicate that the provision may therefore not be applicable to domestic work. In some replies, it is proposed that some flexibility should be provided for cases of force majeure or for cases involving the care of sick persons.

QUESTION 22

Standby and hours of work

The points raised under this question should be considered in conjunction with those raised under questions 6(c) and 47. The proposal to include a provision on standby and hours of work has met with a large measure of approval by governments and workers' organizations, although employers' organizations object to it.

Several respondents stress the importance of such a provision to help prevent excessive hours and abuses of rest periods as standby time and to allow adjustments to national specificities. The majority of respondents agree that periods of standby should be regarded as hours of work and several of them elaborate on this provision. For example, one respondent stresses that there should be no distinction between effective hours and hours of availability. Some other respondents express a preference for standby hours to be considered as overtime (partly specifying that this should apply to hours exceeding limits on normal hours of work) or for limits to be established on recourse to standby (proposing that the maximum number of standby hours should be regulated by national law and that standby hours should not be detrimental to the workers' physical, mental and spiritual health). Some governments stress that standby should be regarded as an exceptional practice specific to live-in workers, requiring the agreement of the parties. As regards remuneration for periods of standby, several respondents suggest that such periods should be compensated as overtime hours, while others would prefer the parties to agree on this issue. One respondent proposes that periods of standby should be remunerated at the normal rate, unless a lower rate or compensatory rest period is agreed upon, while another emphasizes that such periods should be remunerated differently from those in which work is actually performed.

Objections relate to the inapplicability or impracticality of a measured hours approach and therefore of standby arrangements, because of the specificity of domestic work, especially with regard to live-in work and the fact that domestic workers are part of the household cycle.

QUESTION 23

At least 24 consecutive hours of rest

There is general agreement that domestic workers should enjoy at least 24 consecutive hours of rest, in order to maintain or increase their physical and mental health. Numerous respondents specify that a weekly rest period should be provided which is not less favourable than or is the same as that for other workers. Several others recommend higher limits of at least 30 hours, 36 hours or two days. One respondent agrees to the 24-hour limit, but suggests that, in addition, 36 hours should be recommended, while another suggests that, depending on the degree of responsibility, seriousness and effort needed and for some female workers (such as single mothers and women with high-risk pregnancies), the weekly rest period could be increased.

In several replies, it is indicated that eligibility for 24 consecutive hours of rest should depend on the actual number of hours worked and that there should be some flexibility. Other respondents note that workers should be free to choose whether to take weekly rest or whether to add it to their annual leave, while a few others note that weekly rest periods should be agreed upon between the parties and that no prescriptions should be laid down, as it is impractical to regulate hours of work accurately in the case of domestic work.

QUESTION 24

Occupational safety and health

Nearly all governments and all workers' organizations are supportive of this provision, while half of the employers' organizations are not in favour of it. The few objections raised,

however, do not challenge the principle of equality of treatment, which requires that identical or comparable situations must not be treated differently and that different situations must not be treated identically. As stressed by one government, equality of treatment should not necessarily entail the uniform enforcement machinery and procedures, but rather equality of results with respect to safe and healthy workplaces. Many respondents, however, while recognizing that domestic workers, like all workers, have the right to work in safe conditions, observe that OSH standards hardly apply to domestic workers, as domestic employers cannot assume full OSH capacity, responsibility and liability. Others mention the challenge of specifying the content of OSH obligations in view of the heterogeneity of domestic work and employing households. One government, nonetheless, highlights that the problem could be solved through the use of a system such as the Belgian system of service vouchers (*titres-service*), whereby the employer bearing the OSH obligations is an enterprise. Many respondents suggest that specific provisions, additional or complementary to the general regime, should be set in order to provide a minimum standard of protection for domestic workers; however, a minority of respondents request that the instrument should simply establish the employer's obligation to ensure safe and healthy working conditions. One employers' organization refers to Convention No. 155, as the relevant framework, considering further regulation not to be necessary, while another stresses the need for the regulatory framework to be practical. Employers' organizations propose either to omit the reference to equality of treatment, or to avoid detailed references to safety and health measures, and suggest that the ILO should promote best practices for family members and domestic workers and training for domestic workers (for example, by encouraging States to insure domestic workers against illness or injury). It is noted that enforcement is another challenge, especially in view of the difficulty of inspecting a private household without violating the privacy of the home.

On whether these measures should be applied progressively, most workers' organizations are supportive of immediate application, while a slight majority of governments favour progressive application. One government and most workers' organizations advocate the adoption of a combination of measures: awareness raising and training for domestic workers and their employers on their respective rights, duties and responsibilities; a regulatory framework providing meaningful protection; and a system of monitoring and enforcement (for example, through a system of roving safety and health representatives).

Occupational safety and health is addressed in point 15 of the proposed Conclusions, together with social security (question 25), aimed at the protection of domestic workers in these areas on an equal footing with other workers. The proposed wording calls for measures to be taken with due regard to the specific characteristics of domestic work, such measures not necessarily being the same as or identical to those applicable to other workers or workplaces. Point 15(2) provides that measures in these areas may be applied progressively.

QUESTION 25

Social security

There is general agreement that member States should take measures to ensure the application of social security schemes, including maternity protection, to domestic workers. A few respondents invoke the excessive burden that this would entail for employers. Various respondents state that domestic workers should be granted the same or similar social security coverage as all other workers, namely general health care, maternity protection, compensation for occupational injuries and diseases, old-age pension, unemployment benefits, and also paternity protection, survivors' benefits and family allowances. The need for consistency with national law and practice is underlined, especially by some employers' organizations, which consider it reasonable to foresee the application of social security schemes to domestic workers only in so far as such protection already exists in the country concerned. Some respondents stress the importance of monitoring and enforcing relevant laws, strengthening mechanisms to punish those

who evade payment of social security contributions and raising awareness among employers on the application of labour rights to domestic workers. The employers' organizations, while in favour of the provision, are more sceptical because of, among other things, the lack of resources, expertise and advice available to households. It is suggested that the instrument should focus on improving compliance, for example through simplified pay mechanisms for contributions (see also question 54).

The majority of workers' organizations and some governments favour immediate application, at least for already existing schemes, and consent to progressive application only for enhanced social security provisions provided that, at the time of ratification, a time frame is set and the means to achieve broader social security coverage for domestic workers are provided. Other respondents, mainly governments, prefer a flexible approach, at least for some measures and depending on the national circumstances (for example in developing countries) and social security regimes. Some specify the measures for which progressive application could be envisaged. It is suggested in a number of replies that the ILO could envisage measures of technical support for States with difficulties in developing social security schemes.

QUESTION 26

Protection for domestic workers, particularly migrants, recruited or placed by employment agencies

There is general agreement on the need to ensure that domestic workers, especially migrant domestic workers, placed or recruited by employment agencies are protected against abusive practices. Many respondents consider that member States should: establish rigorous criteria for the registration and certification of employment agencies; regulate the terms and conditions of recruitment between domestic workers and agents, training and placement; regularly inspect employment agencies to ensure compliance with relevant laws and regulations (especially to ensure that, in line with Convention No. 181, employment agencies do not charge any fees or costs to workers); provide accessible complaints mechanisms for domestic workers; and institute significant penalties for violations. Government-registered agencies should be established and made responsible for ensuring safe and decent working conditions for workers and for reporting to the concerned government authority on the placed workers and their living and working conditions. Some governments emphasize that the protection of migrant domestic workers is a responsibility that is shared between sending and destination countries, while one comments that only sending States should bear the responsibility. The few objections that are raised are mainly from employers' organizations and concern both placement agencies and agencies which employ workers to perform domestic services. In the former case, they argue that, after the conclusion of the contract, the placement agency has no further contractual relationship with either party and, therefore, cannot guarantee that the employee will be treated well by the employer. In the latter case, they note that employees employed by an agency are not domestic workers and should therefore not be covered by a standard on domestic work.

QUESTION 27

Written contract for migrant domestic workers containing minimum terms and conditions of employment to be agreed upon prior to crossing national borders

The overwhelming majority of respondents agree with this requirement, claiming that it would not only help prevent trafficking and abuse, but would also contribute to the formalization of the employment relationship and make it easier for workers to assert their rights in case of violation. Various respondents request that the written employment contract should be drafted in or translated into either the workers' mother tongue or a language easily understandable by them; others request that the language should be comprehensible to both parties; and yet others request

that the language should be officially accepted and the contract legally enforceable in the country of employment. Some request that the contract should be reviewed and approved by the Ministry of Labour, and others demand that it should be signed by the employer beforehand. One government points out that, when written contracts are not common in a particular country, the working conditions should be set out in a form that offers equivalent guarantees. Whereas some replies link this provision to the procedure of soliciting a work permit for a migrant domestic worker, others stress that the inexistence of a written employment contract does not absolve the parties from their respective obligations and does not prevent them from filing claims. The provision should not represent a limit to the enjoyment of minimum standards of decent work either, and must not be used as a way of denying migrant workers already living in the host country the right to employment or as a pretext for expelling them. Minimum terms and conditions of employment to be included in the employment contract are specified by some respondents (for example, tasks to be performed, remuneration, pay intervals and working time). One government recalls the Council of the European Communities Directive No. 91/533/EEC on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship, which requires a written explanation of the terms of employment before employment begins abroad. A very limited number of objections are raised, mainly by governments, mostly on the grounds that all workers are covered by national labour legislation irrespective of their migrant status, or on the grounds that this provision may constitute an obstacle towards the employment of migrant domestic workers.

Questions 27, 28 and 30 regarding migrant domestic workers have been consolidated into point 16 of the proposed Conclusions. Repatriation at no cost to migrant domestic workers is widely supported, in principle. However, the Office has adapted the wording in order to accommodate the range of conditions that may exist at the national level in this regard (point 16(2)). As regards cooperation, the Office has broadened the wording in order to cover all areas in which cooperation would be useful.

QUESTION 28

Repatriation at no cost for the worker on expiry or termination of the employment contract

The majority of respondents are supportive of this provision. Many of them specify that the employers or their representatives should always bear the corresponding repatriation costs, while many others indicate that the provision should be restricted to instances where the contract is terminated for reasons other than the worker's fault. Other respondents suggest an even more restrictive approach, where repatriation at no cost to the domestic worker would apply only in situations where the contract either ends normally or is terminated by the employer without reasonable cause, thus excluding the cases in which the contract is terminated before the end date by the worker. Most workers' organizations and one government request the inclusion of additional provisions in the Convention, on expulsion, back pay and the rights of migrant domestic workers who lose their employment through no fault of their own. In particular, they refer to Article 8 and Article 9, paragraphs 1 and 2, of Convention No. 143. Some workers' organizations indicate that migrant domestic workers should not be obliged to repatriate when their contract comes to an end and that in no way should repatriation free employers from their obligations under the law. The need to take account of the refusal of the migrant domestic worker to repatriate is also stressed.

Several respondents, both in favour and against this provision, state that this matter should be covered in the employment contract. One government suggests that the parties should agree on the reimbursement of the costs for repatriation and that the government of the country of employment should reclaim such costs from the employer if a worker subject to enforced repatriation fails to leave the country after termination of the contract. Other recurring objections

concern: applicable national law, namely migration laws; collective agreements; ratified international agreements; different national practices; and the decision of the competent authorities with regard to the relevant framework for this subject matter. One government requests that the party responsible for covering the cost should be specified, while a few respondents ask for the situations leading to the right to repatriation to be specified. One employers' organization considers it important to have further information on relevant national law and practice, including on the general obligations of employers towards migrant workers and the payment responsibilities of governments or employers.

QUESTION 29

Prohibiting employers from keeping domestic workers' documents

The overwhelming majority of respondents endorse this provision, claiming that it would help prevent abusive practices, trafficking, exploitation, forced labour and child labour. Other respondents observe that, if found not to be in possession of their personal documents, domestic workers would run the risk of being considered illegal by the competent authorities. Some respondents refer to the relevant national legislation as the valid legal framework. Various respondents state that depriving workers of their personal documents would amount to a violation of fundamental human rights, such as freedom of movement, and would violate their human dignity.

Only a few respondents object to the provision, noting that withholding the worker's documents is necessary to prevent workers from moving from the employer who recruited them to another employer, or from fleeing or stealing. Of the two workers' organizations that do not support this provision, one argues that this matter falls within the competence of the concerned authorities, while the other dismisses it as unnecessary as documents are, by definition, personal and inviolable.

QUESTION 30

Cooperation between Members to ensure that migrant domestic workers enjoy benefits comparable with those of nationals

There is broad agreement that Members should cooperate with each other to ensure that migrant domestic workers enjoy benefits comparable with those of nationals. Many respondents state that, according to the principles of non-discrimination and equality, all workers, including domestic workers, should be entitled to the same labour protection, irrespective of their nationality. In this regard, one government recalls the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, while another mentions the proposed European Union (EU) framework directive on the rights of third country workers. The importance of ensuring consistency with relevant national laws is also highlighted. Many respondents – governments, employers' and workers' organizations – suggest different forms of inter-State cooperation, such as: information-sharing, including on migration flows and unscrupulous agencies and employers; ensuring that migrant workers are fully informed of their rights before leaving their home countries; promoting migration through regulated channels to prevent risks associated with undocumented migration, exploitation and limited access to justice systems; and bilateral agreements or memorandums of understanding between sending and receiving countries. According to one employer's organization, this is an area in which the ILO could provide assistance and promote best practices; furthermore, the wording of the provision should be amended to ensure that the comparison is made with "national domestic workers", rather than nationals in general.

A few objections are raised, mainly by governments, but also by one workers' organization, which note that migrant domestic workers' rights should be equal to those of all other migrant

workers and that the same benefits could not apply to national and migrant workers, as the employment of migrant workers is temporary, and their rights are established by the employment contract.

QUESTION 31

Dispute settlement procedures

Nearly all respondents agree that easy access to fair and effective dispute settlement procedures for domestic workers should be ensured. Numerous respondents clarify that this should include access to courts, to labour dispute settlement committees and bodies and to special bodies for domestic work. One government adds that effective enforcement mechanisms also need to be provided. Several respondents stress that, because of the special relationship of trust between domestic workers and their employers, voluntary mediation services for the peaceful settlement of disputes should be ensured prior to the filing of any legal claim. Several other respondents point out that access to procedures should be the same or not more favourable than that provided to other workers and that existing bodies and courts should be used and strengthened. Furthermore, it is frequently underlined that sanctions must be effective, speedy, dissuasive, appropriate and proportionate to the seriousness of the offences, and that access to free legal assistance and legal remedies should be provided.

QUESTION 32

Ensuring compliance (labour inspection)

An overwhelming majority of respondents answered this question in the affirmative. A few suggestions, made with a view to improving compliance with laws, relate to the duty to register domestic workers with the appropriate authorities and to assess working conditions before approving employment.

As regards labour inspection, many respondents stress that existing labour inspection services should also cover domestic workers or that special labour inspection services should be established. Several others suggest that labour inspection should be applied progressively. A common concern is that inspections should not infringe the employers' right to privacy; reference was made to national legislation, which either prohibits inspections of private households or allows inspections only upon prior judicial authorization. Some respondents propose that rules governing entry into homes should be established and that labour inspections should be carried out only following the submission of a complaint. Only one government expressly states that the rights of domestic workers should prevail over the privacy of the employer.

Objections against labour inspections are justified by one respondent on the grounds of the nature and privacy of the workplace. Another respondent questions the need for such a provision, given that the police and migration authorities have the power to enter a household, and instead suggests that households should be asked to answer a questionnaire. It should be clear in the provision that a member State is not required to impose government inspection of or permit entry into family homes.

Overall, it is stressed in the replies that arrangements to bring about compliance with relevant laws and regulations need to be adapted to the special circumstances under which domestic work is performed. This is reflected in point 18 of the proposed Conclusions. Labour inspection, which can play an important role in this regard, has not been singled out, considering that effective compliance arrangements may take a variety of forms.

QUESTION 33

Domestic application of the Convention

Nearly all the replies to this question are affirmative. Some respondents emphasize the need to adopt general measures and grant domestic workers the same rights as other workers, whereas other respondents express a preference for specific measures, either alone or in addition to general laws that cover domestic workers. A few respondents disagree with being prescriptive on how Members should apply the Convention, mentioning that such a provision would not be necessary if only a Recommendation is adopted.

QUESTION 34

Consultation of social partners

There is consensus that the social partners concerned should be consulted when implementing the provisions of the Convention. Two main reasons are cited for this: to strengthen governance and to ensure implementation in a manner that is consistent with domestic workers' circumstances. Several respondents point to the overwhelming absence of organizations representing domestic workers' and employers' organizations and the difficulties of creating them. They stress the need for States to eliminate potential barriers to their creation and to encourage trade unions to incorporate domestic workers and organizations and representatives of domestic workers into decision-making bodies. One government emphasizes that associations of employment agencies should be included as well. Employers' organizations mention that the reference to "the employers' and workers' organizations concerned" could be confusing and could be replaced by the words "the most representative employers' and workers' organizations".

QUESTION 35

Promoting capacity building

A huge majority of respondents favour a provision on promoting capacity building for representative organizations of employers and domestic workers, although some governments and employers' organizations do not agree with such a provision.

Some replies address the challenges and limitations of organizing domestic work, given its unique and highly individual nature and the fact that, in many cases, no employers' organizations exist. Several others suggest that measures should focus on supporting existing structures, or extending existing efforts to promote capacity building for domestic workers. Other respondents, whether they answer in the affirmative or not, emphasize that domestic workers should be treated according to national conditions and practices and not differently from other workers. In addition, in order to facilitate the organization of domestic workers and employers, some respondents propose that access to information on effective representation of domestic workers should be ensured, and they state that the ILO's support in this area is crucial.

The main argument against this provision is that collective bargaining is the responsibility of representative organizations of employers and workers and the State should not interfere in it, and that contracts in domestic work should remain individual, given that collective bargaining is meant to support bargaining by several employees.

This question has been taken up in point 23 of the proposed Conclusions, also taking into account the replies to question 9. Efforts to build the capacity of organizations of domestic workers and their employers have been considered in the context of promoting freedom of association. Considering that many replies also hint at legal or administrative restrictions or other obstacles to the enjoyment by domestic workers of freedom of association, this issue has been included as well.

QUESTION 36

Young domestic workers

The great majority of respondents agree with the need to give special attention to the needs of young domestic workers. Several respondents suggest bringing measures into line with national and international legislation governing the employment and protection of minors (especially Conventions Nos 138 and 182). Many respondents to this question refer back to questions 10 and 11, the comments on which should therefore be read in conjunction with this question.

With regard to specific areas of protection, many respondents propose prohibiting young domestic workers from working excessive hours, limiting their overtime and standby to a suitable duration, or restricting their working hours, for example to six hours per day. Another frequent suggestion is to assign young domestic workers tasks that are suitable for their age, experience and strength and do not endanger their health, safety or morals (for example, they should not be allowed to work at great heights or mend electrical appliances). Many respondents mention the need to provide young domestic workers with special protection against forced labour and abuse and to grant them time for studying, including for compulsory schooling and professional qualifications.

However, other respondents state that protection should be in accordance with national legislation or only equal to other workers, with some preferring that no specific provisions should be set up in this regard, as all domestic workers should be covered equally, irrespective of age. One respondent suggests that, if a proposed provision for domestic workers goes beyond the ILO standards that are applicable to all workers (for example, concerning working time), general labour standards may be raised as well.

QUESTIONS 37 AND 38

Terms of employment

Both questions 37 and 38 meet with an overwhelming measure of approval.

As suggested by some respondents, the replies to questions 13, 37 and 38 could be considered together, given the numerous cross-references and suggestions on addressing the topic either through a Convention or a Recommendation. Concerning both question 37 and question 38, regardless of whether they provided a positive or negative reply, several respondents point out that domestic workers should be covered by national regulations or by the same provisions as other workers. One respondent suggests a progressive introduction of the provisions under questions 37 and 38.

With regard to question 37, several respondents stress that the information should be included in a labour contract that is written in a language understood by the worker and drawn up prior to the beginning of the assignment, in order to avoid ambiguities and to protect both parties in the event of dispute.

With regard to question 38, the large majority of replies contain suggestions about additional particulars to be included in the terms of employment, with some overlap with the issues mentioned in question 13. Suggestions include information on: the social security regime; the personal data of workers and their families; the right to education of young domestic workers; arrangements for payment of wages in money; duties to be performed; meal conditions; conditions of dismissal; time limits for overtime work; rates of pay for time off; annual leave; applicable collective agreements; the place and periodicity of payment; non-discrimination; conditions with regard to occupational safety and health; accommodation; the percentage and value of payment in kind; salary; and the worker's rights with regard to wearing a uniform.

However, two respondents stress that specific issues covered by regulations in force do not generally need to be specified in the employment contract (for example, the right to annual leave) and another emphasizes that terms of employment must refer to labour law and collective agreements. One government emphasizes that terms of employment do not necessarily have to be included in the employment contract, but that they should appear in widely disseminated legislation. Two respondents specify that the Recommendation should only provide a promotional framework and that any terms of employment should not go beyond what is included in the Convention.

Some respondents express concern over the inclusion of a detailed list of duties (question 38(b)), indicating that domestic duties are manifold and cannot always be foreseen.

The substance of questions 37 and 38, taking into account the replies received, is reflected in point 26(1) and (2) of the proposed Conclusions. Question 39 is covered in point 26(3).

QUESTION 39

Model contract

A considerable majority of replies to this question are in the affirmative, highlighting the importance of a model contract for establishing fair conditions of employment and preventing cases of abuse by employers. However, some respondents, including most employers' organizations, oppose a model contract.

It is broadly agreed that the model contract should include the compulsory minimum standards and that the employers' and workers' organizations concerned should be involved in drafting it. Some respondents suggest involving employment agencies, non-governmental organizations (NGOs) or other representative organizations, while one respondent states that no organizations without representative status should be involved. Other respondents believe that a model contract may be less important if certain employment terms are obligatory.

A rather small minority of respondents note that contracts should be freely determined by the parties, although the parties could use the minimum requirements for a contract to be included in the Recommendation as guidance. Some also note that setting up a model contract should be left to the member States, so that it can be adapted to national circumstances. One employers' organization is against a model contract on the grounds that it could weaken unions' genuine negotiations for a model contract and deprive employers' organizations of membership, which could lead to employers using contracts without proper legal advice or information on legal obligations.

QUESTION 40

Medical testing

Most respondents agree on workers' rights to privacy and the principle of non-discrimination in medical testing, and a considerable number are in favour of including this provision in the Convention as it relates to the fundamental right of non-discrimination. However, many respondents, whether answering in the affirmative or not, specify cases where the workers' privacy should not prevail and where medical testing should be allowed, in order to protect family members from contagious diseases. While some respondents emphasize the need to disclose medical information only to the extent relevant to the work in question, others stress the employers' need to be aware of the health and physical capacity of the worker to perform the work. One government states that, in well-founded cases, health conditions could be a reason for refusal or termination of employment. Several respondents stress that the same provisions on medical testing as for other workers should apply, or request compliance with the draft ILO

Recommendation on HIV/AIDS. Very few respondents want to leave this matter to the decision of the member States.

Adapting the wording in the light of the replies, the Office has not included in the proposed Conclusions any references to pregnancy and HIV/AIDS. However, it has highlighted the nexus between the elimination of discrimination, privacy and testing more generally (point 24 of the proposed Conclusions).

QUESTION 41

Written account of payments

There is general agreement on the need for written account of payments, as this would help to prove the existence of an employment relationship in case of labour disputes. Some respondents give suggestions for the form and content of such an account, including a receipt signed by the worker and inclusion of a proof of payment mentioning wage deductions, for example for health and social insurance contributions. One respondent points out that private employers do not have sophisticated payroll capacities and suggests that governments should support them in this regard.

Some respondents, whether in favour of such a provision or not, specify that accounts should be provided in the same way as to all other workers and in conformity with relevant national legislation (or, in the absence thereof, in conformity with the prevailing national requirements for payslips).

In the light of the above, the Office has included point 35 in the proposed Conclusions. The notion of prompt payment of outstanding remuneration upon termination of the employment has also been included.

QUESTION 42

Protection of wages

Nearly all respondents are in favour of extending national laws and regulations on the protection of wages to domestic workers. Several respondents stress that domestic workers should be treated equally to other workers, while others state that this should be left to the member States. One respondent points out that over-regulation might discourage employers from employing domestic workers, proposing instead a group scheme to which the employer and employee make equal contributions so that the employee can receive compensation in the event of the insolvency or death of their employer.

Other respondents point out that individuals cannot become insolvent under their national legislation, that the rights and capacities of bankrupt individuals and insolvent companies differ, and that it is impossible to collect payments due from employers who are not a company.

Some respondents are in favour of specifying who is responsible for payment and who is entitled to payment in the event of the death of the employer, while other respondents emphasize that the death of the employer does not terminate the employment relationship.

See point 36 of the proposed Conclusions.

QUESTION 43

Accommodation

Nearly all the governments and the workers' organizations approve of the requirements concerning employer-provided accommodation. Many respondents are of the view that the requirements should be in accordance with the circumstances of each household, while others

require conformity with the normal standards applicable in the country. A few governments, one workers' organization and various employers' organizations question the excessive level of detail in the provisions, stating either that the particulars in question 19 are sufficient or that the requirements should be agreed upon by the parties.

- (a) *Separate, private room, suitably furnished and adequately ventilated, with a lock and a key.* Several respondents question the requirement of a separate, private room. One government proposes deleting the word "separate" and one workers' organization comments that a separate room for each employee in a house employing three or four workers would not be possible, while another considers a furnished room with a lock and key sufficient. One employers' organization is against the requirement of a lock and key, whereas one workers' organization observes that it would provide greater protection to domestic workers who are vulnerable to physical and sexual abuse by members of the employer's family. The same workers' organization adds that the employer should respect workers' culture, religion and freedom to keep or do whatever they wish in their private room. Workers should also have a place to store things, have access to washing facilities and be able to use communal spaces, kitchen appliances and a sink, and have space in the fridge and cupboards for storing food. Finally, workers should have access to private communications, including private phone conversations and private mail.
- (b) *Suitable sanitary facilities, shared or private.* One workers' organization stresses that sanitary facilities should not be shared with the employer, while another states that they should be next to the worker's room. One government states that the most important consideration is that workers have access to sanitary facilities, but they should not be granted conditions that are not met for other workers.
- (c) *Illumination, heating and air conditioning.* One government responds that, where air conditioning is not feasible, ventilation should be ensured. Two workers' organizations disagree with the provision because the requirements are either not affordable by all employers or are only relevant to some homes.

The issue of employer-provided food has been included in point 37 of the proposed Conclusions (see also comments under question 19).

QUESTION 44

Deductions from wages for accommodation

The replies to this question may be read in conjunction with those under question 17 concerning the admissibility of payment in kind. The majority of governments and nearly all workers' organizations agree that no deductions for employer-provided accommodation should be allowed because living in the employer's household is a requirement of the job. A few governments make exceptions for cases in which a deduction for accommodation is agreed by the parties as a form of compensation or in which payment in kind is provided for in the employment contract or by collective agreements within established limits (see question 17). A number of respondents specify that this provision should be included in the employment contract.

On the other hand, more than one third of governments and the majority of employers' organizations disagree with the provision. One government states that deductions for accommodation should be allowed only when the contract provides for an accommodation allowance, not for accommodation per se. One employers' organization points out that other employees receiving lodging and board have money deducted from their wages as an accepted, legitimate global practice; forbidding such a practice for domestic work would encourage employers to use informal domestic employment and would not improve the quality of food and accommodation for workers.

Taking into account the range of replies received to this question and to question 17, the proposed Conclusions approach the issue of the effects of employer-provided accommodation on the domestic worker's remuneration primarily by restricting partial payments in kind to exceptional cases and specifying certain conditions (see points 14 and 34). The issue of deductions is more generally addressed in point 26(2)(j) and point 35.

QUESTION 45

Calculation, recording and communication of working time

Unlike employers' organizations, the vast majority of governments and workers' organizations favour including a provision such as the one suggested, as it would help enforcement and would facilitate the calculation of overtime. The comments are varied: one government proposes having set times for the beginning and the end of the working day, including for live-in workers, while some respondents propose that both parties should jointly record the hours worked or agree on how to do so, with some in favour of ensuring that the worker can prove how many hours he or she has worked. However, a few respondents emphasize the difficulties of recording working hours in practice, and suggest that it should take place only where feasible or that arrangements should be flexible, in order not to impose excessive administrative burdens on the employer. Several respondents suggest including such a provision in the Convention.

The main objections to this question are the same as those raised under questions 20–23 and concern the difficulty of measuring hours for domestic work in general, due to its specific and intermittent nature and the need to adapt work activity to the demands of the household. Other respondents suggest leaving this point to the member States by setting only a promotional framework and that a general agreement could be reached concerning overtime hours per day, week or, as appropriate, month, without doing a precise calculation of the hours worked as overtime.

Taking up suggestions made by respondents highlighting the need for practical guidance in this area, the Office included this aspect in point 27(2) of the proposed Conclusions.

QUESTION 46

Meal breaks

Although about half of the employers' organizations are not in favour of the provision on meal breaks, an overwhelming majority of governments and workers' organizations support it. Some respondents suggest including it in the Convention.

Whether in favour of such a provision or not, some respondents indicate that it should take the specific conditions of domestic work and the needs of the employers' family into consideration, allowing for some flexibility, for example by providing for rest periods of appropriate duration or allowing for different meal break times from other workers, as agreed by the parties. Several respondents suggest that the duration of meal breaks should not exceed any minimum prescribed for other workers, while several others indicate that rest breaks prescribed for other wage earners should be regarded as the minimum for domestic workers. A few respondents oppose using the same entitlement to meal breaks as other workers, alleging that there is no unique standard on meal breaks, as presupposed in the question. Others oppose a provision on meal breaks in general, arguing that the specific nature of domestic work renders a detailed regulation of hours worked unsuitable.

QUESTION 47

Standby work

The majority of governments and most workers' organizations give affirmative answers to these questions, while over a third of governments – and most employers' organizations – object to it.

Comments under question 47(a)–(d) mainly relate to the broader question of standby and its applicability to domestic work. Some respondents would like to see the application of standby work restricted to cases of emergency, or suggest that the terms and limits of standby should be left up to the parties or the member States. Other replies emphasize that domestic workers should be treated on equal terms to other types of workers or in accordance with relevant national provisions, while several respondents object to any regulation of standby for domestic work. Arguments are similar to those under question 22, stating, *inter alia*, that the types of domestic work vary too much to uniformly regulate standby and that an obligation on the worker to remain at the employer's disposal is pointless given that domestic work is intermittent.

In a few comments, it is stressed that standby work may be required not only during night hours, but also during the day. One respondent states that standby work at night should be forbidden for domestic workers under 18 years of age. Concerning the maximum hours of standby, comments vary, with some respondents specifying weekly, monthly and/or yearly limits, or proposing that standby hours should not exceed the maximum hours for non-standby work. With regard to compensatory rest for normal rest that is disturbed by standby, one respondent stresses the importance of compensatory rest for workers' health. One government recommends that a rest period should be excluded from compensable hours of work only if the employee is completely relieved of all duties and this is sufficient to enable him or her to make effective use of the time, or to provide a reasonable night's sleep. Otherwise, it should be counted as hours worked. Concerning the remuneration of standby, a number of respondents recommend the normal wage rate granted for non-standby hours, but several suggest increasing the remuneration according to the overtime wage rate or with a (specified) premium.

The language used in question 47 has been adapted in the light of point 12(3) of the proposed Conclusions and included in point 28.

QUESTION 48

Equal treatment of night workers

A considerable majority of respondents favour treating night domestic workers not less favourably than other night workers. One government suggests offering better entitlements for night work than for day work because of the greater risks associated with it. Some respondents would like to have such a provision included in the Convention.

The respondents questioning equality of treatment with other night workers suggest selecting only comparable workers or clarifying the term "not less favourably" and the corresponding terms and conditions. Others point out that night work requirements vary between States and different groups of workers, thus rendering a comparison as a whole impossible, and that domestic work, especially live-in work, is so specific that it cannot be compared with most other types of work. A few respondents mention the fact that some rights that apply to other workers may not apply to domestic workers, or that some adaptations might be necessary. Others suggest leaving the terms of night work up to the member States or the parties.

In view of these comments, the Office has reformulated the wording used in the questionnaire (point 29 of the proposed Conclusions).

QUESTION 49

Ongoing needs of the household and rest periods

There is broad agreement that the needs of the household are not to be used to deprive workers of daily and weekly rest, which is vital for their health. Some respondents favour the inclusion of this provision in the Convention, and others would like the term “ongoing needs” to be defined so that, in cases of force majeure or emergency, work during daily or weekly rest periods may be allowed on an exceptional basis.

Employers’ organizations and a few governments express doubts as to whether to address this issue in a standard, as households may necessitate occasional work during daily or weekly rest and types of domestic work vary so much that it is inappropriate to set uniform regulations. Still, several underline that compensatory rest and/or financial compensation should be granted in these cases. Other respondents suggest that such details should not be included in a standard, but that it should simply set and enforce a day off, allowing flexibility in the regulation at the national level.

See point 32 of the proposed Conclusions.

QUESTION 50

Fixed day of the week for rest

The question of establishing a fixed day of the week for rest is endorsed by almost all of the respondents. There is general agreement that, while the State should establish the principle of a fixed day of the week for rest, the choice and determination of the day should be agreed by the parties (or the parties should be allowed to modify a fixed day). Some respondents suggest setting the same rest day as applicable to all other workers or a specific day, arguing that this would also allow workers to participate in union activities. A few respondents express concerns that the round-the-clock nature of domestic work may render detailed provisions on working time and the setting of a fixed rest day difficult, so States should therefore decide this issue themselves, in accordance with national circumstances. Other respondents stress that derogations from the fixed rest day should only be possible in the event of an urgent need in the household and that in such a case, another, compensatory day off should be granted. Some respondents are in favour of including this issue in the Convention.

With regard to compensation and remuneration in case of derogation from the fixed rest day, the clear majority favour compensatory rest and extra payment, while additional suggestions range from double pay (to prevent cases of abuse) and the same remuneration as for formal sector workers, to compensatory rest without extra payment and no compensatory rest at all.

See point 31 of the proposed Conclusions.

QUESTION 51

Annual leave for the worker; vacation of the employer

An overwhelming majority of governments and workers’ and employers’ organizations answer this question affirmatively, arguing that it would help to prevent abuses of domestic workers, who are often not aware of their leave rights. Some respondents feel that this provision should be included in the Convention.

Several respondents stress that workers should be able to spend their annual leave as they please. Others underline that workers may not be able to spend their leave anywhere other than in the household, but that this should still be considered leave, provided that no work is performed. Some comment that, if work is performed, it should be remunerated by extra pay and may still be considered as annual leave.

Concerning the question of whether accompanying the employer on vacation may be counted as annual leave, some respondents propose that this may be the case only if the worker does not perform work, otherwise it should be recognized that workers are on duty and are entitled to the corresponding remuneration.

There are objections to this provision on the grounds that it is too detailed and also unsuited to the specific nature of domestic work. Some respondents consider that these issues should be left to the parties. Two employers' organizations suggest addressing the issues of rights to rest and leave (questions 21 and 51) together.

See point 33 of the proposed Conclusions.

QUESTION 52

Termination of employment of workers in employer-provided accommodation

The majority of respondents reply affirmatively, although objections are raised, in particular about the provision of an extended period of notice for live-in domestic workers to continue living in the employer's home. Some respondents consider that this matter should be left up to the parties.

Extended period of notice for live-in domestic workers. Various respondents comment that provisions on the period of notice should apply only when the termination of employment is not the result of a fault by the worker. It is observed that the consequences of dismissal are worse for live-in domestic workers than for other workers. Other respondents suggest that a "reasonable" time to allow the domestic worker to leave the employer's household should be established. Many remarks and objections, especially from governments and employers' organizations, relate to the fact that their national legislation on notice of termination of employment and the corresponding entitlements applies to all workers, including domestic workers. The period of notice established by national legislation (30 days, 15 days, or up to five days or one week, depending on the country) is thus deemed to be adequate. A few governments state that exceptions to the duration of the period of notice as established by national legislation could be provided, either by the Recommendation or by national law. A few respondents stress that an extended period of notice would make it difficult to engage a new live-in employee or that it would place an excessive burden on employers.

Reasonable time off with pay to seek new employment. Many respondents question the applicability to domestic workers of the same provisions applicable to other workers. One government states that, while a long enough jobseeking period should be given, granting time off with pay could be a heavy burden for employers.

The Office has concluded that there was not sufficient support to maintain such detailed language on this topic. Point 38 of the proposed Conclusions covers aspects which found broader support.

QUESTION 53

Occupational safety and health measures

The replies from member States indicate overwhelming support for the adoption of occupational safety and health measures. A few objections are raised, mostly from employers' organizations, especially as regards developing training programmes and disseminating guidelines on occupational safety and health requirements.

Identifying, mitigating and preventing occupational hazards specific to domestic work. Various respondents state that occupational hazards, such as fatigue resulting from long hours of work, carrying heavy loads, use of toxic cleaners and solvents, high temperatures when cooking

and utilization of sharp objects deserve special attention, especially where young domestic workers are concerned. One government stresses that this provision is even more important for domestic workers, who generally work alone and have to cope with potentially dangerous situations on their own. Various respondents stress the need to provide domestic workers with protective tools or equipment, while others state that the occupational safety and health provisions applicable to all other workers apply to domestic workers as well. Exchanging information with social security services could be a valuable means of identifying the main causes of occupational injuries and diseases in domestic work. Among the objections, one government argues that occupational hazards specific to domestic work vary according to the workplace and to the nature of the work. One employers' organization contends that this should not be a subject addressed in a standard, but rather a matter for ILO promotion of best practices (see also question 24).

Establishing procedures for collecting and publishing statistics on occupational safety and health related to domestic work. Respondents stress the importance of collecting relevant statistics as a means of preventing occupational hazards and informing targeted public policies. One workers' organization states that statistics on the number of domestic workers and types of occupational injuries and diseases would also help to recognize domestic work as a sector and establish adequate legislation. Various objections/remarks from governments relate to the difficulty of implementing this provision, in particular because of possible practical impediments to collecting data on domestic workers.

Developing training programmes and disseminating guidelines on occupational safety and health requirements. Various governments refer to the competent national bodies (mainly ministries of labour). One government considers that training programmes should be made available to domestic workers on the use of household electrical gadgets and appliances and safety precautions required in the household. Some respondents, especially workers' organizations, consider that training should be delivered before recruitment, also observing that employers need some guidance. Some respondents highlight the role of employers' and domestic workers' organizations in training their affiliates, while others request that training programmes and guidelines are made available to migrant domestic workers in their language.

See point 39 of the proposed Conclusions.

QUESTION 54

System to facilitate the payment of social security contributions

There is large support for the provision concerning means to facilitate the payment of social security contributions by employers. Some governments refer to national schemes, such as the Belgian and the French service cheque systems, under which parties have to comply with the requirements in respect of remuneration and social security contributions, and which serve to reduce levels of undeclared work, simplify payment procedures (through the Internet or electronic cash desks) and provide fiscal incentives to employers whose domestic employees are affiliated to a social security scheme. The involvement of banks in creating simplified procedures for payment of social security contributions is also suggested. Many respondents, including some governments and most workers' organizations, stress that special efforts should be made towards ensuring that domestic workers who work part time or for multiple employers also benefit from social security entitlements. Simplified procedures should be easily understood by workers, who should be informed of these procedures and the corresponding benefits. Other respondents stress the importance of this provision for developing countries, where a lack of awareness among the contracting parties often outweighs their willingness to exit informality. Other respondents express support for this provision in so far as it does not constitute a setback in respect of the rights already granted to domestic workers, and ensures their access to social security benefits. Of the few governments that give negative replies, one states that these procedures already exist and

are applicable to all workers, while others comment that domestic workers are excluded from social security coverage. One employers' organization considers that this matter should be left up to the State.

See point 40 of the proposed Conclusions.

QUESTION 55

Professional development

Notwithstanding the objections by many employers' organizations, the large majority of respondents support the establishment of policies and programmes to enhance domestic workers' qualifications, including the literacy and linguistic skills of migrant domestic workers, and their career and employment opportunities. Some respondents suggest that this provision should be mainly aimed at young domestic workers. Various governments state that existing vocational training programmes available to workers in general should also be made available to domestic workers, with one government observing that targeted skill development schemes should be developed in countries with a large domestic work sector. Respondents opposing this provision dismiss it by highlighting that countries already have substantial adult/migrant literacy programmes in place that are open to all workers. Some employers' organizations comment that this issue could be discussed in a tripartite fashion. A few governments recommend that domestic workers' skills should be defined first and skill certification systems instituted accordingly. As regards migrant workers, while one government states that training should only be provided to national domestic workers, another considers that sending States may train domestic workers prior to their recruitment. Only a few respondents highlight the role of employers in workers' education and training and that training should be, as much as possible, free of charge for the worker.

The matters raised under question 55 have been included in point 42 of the proposed Conclusions, together with those raised under question 59.

QUESTION 56

Repatriation of migrant domestic workers

The majority of respondents approve this provision, although a number of comments express their disagreement with the provision envisaging the prohibition of any payment by migrant domestic workers to cover repatriation costs. Some employers' organizations stress the need for taking account of migration law and practice.

Ensuring financial guarantees by those responsible for repatriation costs. Comments on this question are to be read in conjunction with questions 13(h) and 28. One government states that the employer should shoulder the financial guarantees, while another considers this to be an obligation for the competent authorities of sending countries. A few governments suggest that this issue should be the subject of bilateral agreements between sending and receiving countries. Some governments comment that the term "financial guarantees" is unclear, as there is no information on what these guarantees are, who they are intended for, and who grants them. Two employers' organizations question the need for guarantees and for repatriation and note that these should only be regulated if other migrant workers benefit from the same rights. Moreover, financial guarantees and repatriation, if mishandled, could discourage opportunities for domestic work. Various respondents comment that this matter should be left up to national legislation and practice. One government recalls Directive No. 2009/52/EC of the European Parliament and the Council of the European Union on providing for minimum standards on sanctions and measures against employers of illegally staying third country nationals.

Prohibiting any payment by migrant domestic workers to cover repatriation costs. Both positive and negative replies contain the same arguments as outlined under question 28. Some

respondents identify the employer, the country of origin, or both receiving and sending countries as the person or entity that should cover repatriation costs. Other respondents state that the employer can be obliged to pay repatriation costs only in cases of undeclared work. Finally, one government points out that prohibiting any payment by migrant domestic workers to cover their repatriation costs may not be in the workers' interest and would make their repatriation entirely subject to the will of their employer.

Identifying the time frame and circumstances for the exercise of the right to repatriation. A few governments require consistency with national migration law and consideration of national circumstances. Another government states that the right to repatriation must never be restricted, while another points out that such a provision could be envisaged only in the case of fixed-term contracts. Some governments comment that the term "right to repatriation" was unclear, because no restrictions on returning to the country of origin exist; because repatriation is an obligation, not a right, for foreign employees; or because it is uncertain whether the language refers to existing rights under national legislation. Of those objecting to this provision, two governments argue that it is contrary to the principle of equality of treatment, another states that the time frame should be established by the parties to the employment contract, while yet another highlights the impossibility of establishing a general repatriation time frame, as this depends on each individual case. One workers' organization disagreed with it on the grounds that workers should be free to decide when to return to their country.

Considering the replies received, the Office has not suggested in the proposed Conclusions any language on the regulation of repatriation of domestic workers.

QUESTION 57

Additional measures to ensure the effective protection of migrant domestic workers' rights

The majority of respondents support this provision, but a number of them object to the provision of a placement visit of the household in which the migrant domestic worker will be employed.

The development of a network of safe emergency housing. Many respondents stress that such measures should be limited to instances where migrant workers are victims of trafficking or abuse or their lives are threatened, or where the scale of labour migration is large. Some governments underline the need to bear in mind national circumstances and resources, while others suggest using existing facilities or extending them to migrant domestic workers. The development of safe emergency housing is deemed important, especially when migrant domestic workers are not immediately placed in a household or when their contract terminates before repatriation. Workers' organizations indicate that trade unions and civil society organizations should be involved. A few objections are based on the reasoning that, since everyone is equal before the law, everyone has equal access to emergency services and, hence, these measures should not be made available only to migrant workers.

Placement visit of the household in which the migrant domestic worker will be employed. Some respondents stress that the right to the inviolability of the home should be ensured. Other comments, mainly from governments, concern, inter alia, the importance of such a measure when live-in workers are concerned or when workers are placed through employment agencies; the importance of reaching agreement between parties upon this measure; and the possibility of conducting visits or private phone interviews with the workers within the first month of their placement. Some of the objections relate to the difficulty of implementing this provision, while others dismiss it as unnecessary, either because, during the probation period, workers can determine whether their rights are respected or not, or because the contract is concluded abroad.

and the worker is brought from abroad. One government disagrees with it, alleging that this measure is applicable only to au pairs.

The issues raised with regard to the protection of migrant domestic workers have been merged with those raised under question 58, and included in point 41 of the proposed Conclusions. An additional item included in point 41 relates to the provision of information, which is an issue that was stressed in a considerable number of replies.

QUESTION 58

Assistance of sending Members

There is general agreement that sending Members should assist in the effective protection of migrant domestic workers, including by informing them of their rights before departure, establishing legal assistance funds, social services and specialized consular services. Many respondents stress that migrant domestic workers should also be informed about the risks of recruitment through employment agencies and about applicable laws, including customs and tax laws. One government refers to the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Various respondents suggest that this information could be supplied through pamphlets, brochures, web sites, guidebooks or by one-stop shops.

Numerous respondents stress that sending and receiving countries should cooperate in order to enhance migration governance; strengthen labour inspection; prevent trafficking and abuses; maintain social security entitlements; strictly regulate and monitor recruitment and employment agencies and subcontractors; and eliminate the abuse of sponsorship schemes (in conformity with Convention No. 181). Cooperation should also include the development of joint measures, including legal support for taking immediate action to prevent and address abusive practices through legal remedies or other available dispute-resolution mechanisms. A few respondents also suggest exchanging information, including on blacklisted employers and recruitment agencies; cooperating in the rescue of domestic workers and the investigation and prosecution of abusive employers and recruiters; and organizing public awareness campaigns on established procedures and the risks involved in migration. Other respondents suggest bilateral, regional or multilateral agreements.

Some respondents state that counselling services and legal assistance should be provided by the embassy/mission/consulate in the host country. One workers' organization adds that a staff member should be available 24 hours a day to receive domestic workers who have escaped abusive situations and that embassies should have emergency shelters with suitable accommodation, food and trained female counsellors.

Employers' organizations require the ILO to promote good practices, including effective, balanced bilateral cooperation and financial support for programmes and technical assistance.

QUESTION 59

Development of national policies concerning childcare, work-life balance and the promotion of domestic workers' employment

Each subsection of question 59 is largely approved by the respondents. However, some maintain that these matters transcend the scope of the suggested instruments and should either come under national policies and regulations or promotional work by the ILO. Others pointed out that measures should not specifically target domestic workers, but that they should be addressed to workers in general.

Promoting accessible, collective measures for the delivery of childcare and other personal care. Some respondents stress the need to reduce the dependency on (live-in) domestic workers

through the establishment, for instance, of childcare centres at the workplace or public facilities for care services, including subsidies, nurseries, homes for the elderly, full-time crèches and boarding schools. One government asks for clarification of the term “accessible, collective measures”, while another suggests that the term “quality childcare” should be used instead. Several respondents express concerns over the viability of such measures in countries facing financial constraints.

Promoting work–life balance for families. Concrete suggestions include implementing flexible working hours, ensuring rest periods and giving workers in general the option to work from home. One respondent stresses that the promotion of the work–life balance should not take place to the disadvantage of domestic workers. Two employers’ organizations propose including this issue in the preamble instead.

Promoting the domestic workers’ employment in occupational categories that match their education and skills. Suggestions include the creation of vocational training programmes for domestic workers. The importance of such a provision for professionalizing domestic work and improving domestic workers’ wages is emphasized.

In order to streamline the proposed Conclusions, the Office has merged the issues raised under this question into point 42. It has not maintained the language of question 59(c), which appears to be covered by point 42(a).

QUESTION 60

Cooperation at bilateral, regional and international levels

Nearly all the respondents favour a provision encouraging the continued improvement of the protection of domestic workers at the international level.

Many respondents stress the importance of cooperation between sending and receiving States, while others suggest, more generally, cooperation at bilateral, regional and international levels and between member States with cultural and linguistic similarities. Proposed measures range from information sharing to dissemination of best practices on the governance of migration (eliminating unnecessary obstacles in cross-border mobility, monitoring migratory flows, harmonizing migration laws, matters related to repatriation, equal treatment of migrant workers and national workers and regularizing undocumented migrant workers); strengthening labour inspection; legal cooperation to prevent forced labour, trafficking and abuses; maintaining social security entitlements through, for instance, reciprocal agreements on social security; and controlling recruitment and employment agencies. Additional possible areas for cooperation include litigation and dispute-resolution mechanisms; educational and vocational training programmes; and the elimination of the abuse of sponsorship systems. Some respondents argue that cooperation should focus more on general issues, such as employment policies, instead of specific measures for domestic workers.

The Office has included in point 43 of the proposed Conclusions, by way of example, reference to a number of areas mentioned in the replies in which cooperation may be undertaken.

QUESTION 61

Unique features of national law or practice liable to create difficulties in the practical application of the instruments

The main obstacles towards the practical application of the instruments, according to governments and workers’ organizations, are: restrictions on labour inspections in the workplace/household because of the principle of the inviolability of the home; the difficulty of ensuring that domestic workers are treated equally to other workers in respect of occupational safety and health; the exercise in practice of the right to collective bargaining by domestic

workers; different national economic, socio-cultural, political and religious realities; the exclusion of domestic work from labour law protection; and the fact that, in particular countries, domestic work is a very small sector. A few respondents mention the difficulty of establishing working hours, periods of rest and standby work for domestic workers; the exclusion of domestic part-time workers from labour law provisions and social security entitlements; wage discrimination and discrimination based on nationality; and the high incidence of informal work among domestic workers. A few governments refer to the difficulty of providing uniform standards in the various provinces or territories of a federal State because of the different jurisdictions, or in different states of the same country because of their different economic situation or level of development. One employers' organization states that an instrument that just focuses on fundamental principles would significantly reduce the obstacles towards implementation.

QUESTION 62

Subject matter appropriate for federal action or for action by the constituent units

This question was only answered by a few respondents, given that not many States have a federal structure. Of these answers, respondents from three member States agree that the subject matter is appropriate for federal action (Brazil, Malaysia, Mexico), while other States indicate that the subject matter would be appropriate both for federal action and for action by the constituent units. These constituent units are the provinces, territories and municipalities in Canada; the *communautés* and regions in Belgium; the states in the United States, Austria and India; the states and territories in Australia; the regions and cantons in Switzerland; and the provinces in Pakistan. In the Russian Federation, the subjects of the Federation may adopt their own laws and standards for improving the status of workers within the limits of their resources.

QUESTION 63

Other pertinent problems not covered to be taken into consideration

Some respondents stress the need to clarify the coverage of the instrument(s) or to put more emphasis on specific groups of workers, such as the self-employed, young and disabled workers, persons irrespective of the validity of their contract, unpaid child workers or spouses doing unpaid work for the employer of their spouses, and workers with multiple employers. Numerous respondents underline the need to promote and strengthen a gender perspective, as domestic work is predominantly performed by women. At the same time, several respondents raise the question of whether preferring a woman to a man for employment in domestic work should be considered discriminatory or not. Two respondents comment that the questionnaire favours workers' interests, while the employers' family traditions and beliefs or the workers' duty to protect the house are not addressed.

Numerous respondents request that further thought be given to promoting the unionization of domestic workers and the protection of migrant workers, especially by preventing exploitation (for example by diplomatic personnel) and human trafficking. Others advocate greater policy coherence between ministries of labour and ministries of home affairs with regard to domestic migrant workers. Some respondents propose reducing the incidence of informal domestic work by considering systems such as the Belgian service voucher (*titres-service*) scheme, or by offering tax incentives to employers. Other respondents mention the need to add more specific provisions on holidays; social security; the responsibilities of employers and intermediaries; training leave; and penalties for the violation of rights.

PROPOSED CONCLUSIONS

The following are the proposed Conclusions which have been prepared on the basis of the replies received, which are summarized and commented on in this report. They have been drafted in the usual form and are intended to serve as a basis for discussion by the International Labour Conference of the fourth item on the agenda of its 99th Session (2010).

Some differences in drafting between the proposed Conclusions and the Office questionnaire are not explained in the Office commentary. These differences are due to concern both for concordance among the different language versions and for consistency as far as possible with the terminology used in existing instruments.

A. Form of the instruments

1. The International Labour Conference should adopt standards concerning decent work for domestic workers.

2. These standards should take the form of a Convention supplemented by a Recommendation.

B. Definitions

3. For the purpose of these standards:

- (a) the term “domestic work” should mean work performed within an employment relationship in or for a household or households;
- (b) the term “domestic worker” should mean any person engaged in domestic work for remuneration.

C. Proposed Conclusions with a view to a Convention

4. The Convention should include a preamble with the following wording:

- (a) mindful of the commitment of the International Labour Organization to promote decent work for all;
- (b) considering that domestic work continues to be undervalued and invisible and is mostly carried out by women, many of whom are migrants or members of historically disadvantaged communities, and therefore particularly vulnerable to abuses of basic human rights and to discrimination in respect of employment and working conditions;
- (c) recognizing the significant contribution of domestic workers to the global economy, which includes increasing paid job opportunities for workers with family responsibilities;
- (d) recalling that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided;

- (e) 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, to enable them to enjoy their rights fully;
- (f) recalling other relevant international instruments, such as the Universal Declaration of Human 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 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.

5. (1) The Convention should apply to all domestic workers, provided that a Member which has ratified it may, after consulting representative organizations of employers and workers and, in particular, organizations representing domestic workers and their employers, where they exist, exclude wholly or partly from its scope limited categories of workers when its application to them would raise special problems of a substantial nature.

(2) Each Member which avails itself of the possibility afforded in the preceding paragraph should, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, 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.

6. Each Member should take measures to ensure that domestic workers enjoy 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.

7. (1) Each Member should set a minimum age for admission to domestic work which should not be lower than that established by national laws and regulations for wage earners in general.

(2) Where, in accordance with national laws and regulations, domestic work is qualified as work which, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of young persons, the minimum age should not be less than 18 years.

8. Each Member should take measures to ensure that domestic workers, like all wage earners, enjoy fair terms of employment as well as decent working conditions and, where applicable, decent living conditions respecting the worker's privacy.

9. Effective measures should be taken to ensure that domestic workers are informed, in an appropriate and easily understandable manner, of their terms and conditions of employment, in particular:

- (a) the name and address of the employer;
- (b) the type of work to be performed;
- (c) the rate of remuneration, method of calculation and pay interval;
- (d) the normal hours of work;
- (e) the duration of the contract;
- (f) the provision of food and accommodation, if applicable;

- (g) the period of probation, if applicable; and
- (h) the terms of repatriation, if applicable.

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

11. Each Member should take measures to ensure that domestic workers:

- (a) are free to negotiate with their employer whether to reside in the household;
- (b) are not bound to remain in or with the household during the period of daily rest, weekly rest or annual leave; and
- (c) are entitled to keep in their possession their travel and identity documents.

12. (1) Each Member should take measures to ensure that the normal hours of work, overtime compensation, periods of daily rest, weekly rest and paid annual leave of domestic workers are not less favourable than those applicable to other wage earners.

(2) Weekly rest should be at least 24 consecutive hours in every seven-day period.

(3) Periods during which domestic workers are not free to dispose of time as they please and remain at the disposal of the household in order to respond to possible calls should be regarded as hours of work to the extent determined by national laws or regulations, collective agreements or any other means consistent with national practice.

13. Each Member should take measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that rates of remuneration are established without discrimination based on sex.

14. (1) The wages of domestic workers should be paid directly to them, only in legal tender and at regular intervals but not less often than once a month.

(2) National laws or regulations, collective agreements or arbitration awards may exceptionally provide for the payment of a limited proportion of the remuneration of domestic workers in the form of allowances in kind, in conditions not less favourable than those applicable to other categories of wage earners, provided that measures are taken to ensure that such allowances are appropriate for the personal use and benefit of the worker, and that the value attributed to such allowances is fair and reasonable.

15. (1) Each Member should take measures, with due regard to the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to other wage earners in respect of:

- (a) occupational safety and health; and
- (b) social security protection, including with respect to maternity.

(2) The measures referred to in paragraph (1) above may be applied progressively.

16. (1) National laws and regulations should require that migrant domestic workers receive a written contract containing minimum terms and conditions of employment that must be agreed upon prior to crossing national borders.

(2) Each Member should specify, by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation upon the expiry or termination of the employment contract.

(3) Members should cooperate with each other to ensure the effective protection of migrant domestic workers' rights under this Convention.

17. Each Member should take measures to ensure that domestic workers have affordable and easy access to fair and effective dispute settlement procedures.

18. Each Member should put in place arrangements that are suited to the specific context of domestic work to ensure compliance with national laws and regulations applicable to domestic workers.

19. Each Member should take measures to ensure that domestic workers recruited or placed by employment agencies, in particular migrant domestic workers, are effectively protected against abusive practices.

20. (1) The provisions of this Convention should be implemented by laws, regulations, collective agreements or other measures consistent with national practice, by extending or adapting existing measures to cover domestic workers or by developing specific measures for domestic workers.

(2) In adopting such laws, regulations or other measures, each Member should consult representative organizations of employers and workers and, in particular, organizations representing domestic workers and their employers, where they exist.

21. The Convention should not affect more favourable provisions applicable to domestic workers under other international labour Conventions.

D. Proposed Conclusions with a view to a Recommendation

22. The Recommendation should include a preamble indicating that the provisions of the Recommendation should be considered in conjunction with those of the Convention.

23. In taking measures to ensure that domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members should:

- (a) identify and eliminate any legislative or administrative restrictions or other obstacles to the right of domestic workers to establish their own organizations or to join the workers' organizations of their choice and to the right of organizations of domestic workers to join trade union federations or confederations; and
- (b) take or support measures to strengthen the capacity of organizations of domestic workers to protect effectively the interests of their members.

24. In taking measures to ensure the elimination of discrimination in respect of employment and occupation, Members should, among other things, ascertain that work-related medical testing respects the principle of the confidentiality of personal data and the privacy of domestic workers, and prevent any discrimination related to such testing.

25. When regulating the working and living conditions of domestic workers, Members should give special attention to the needs of young domestic workers, as defined by national laws and regulations, including in respect of working time and restrictions on undertaking certain types of domestic work.

26. (1) The terms and conditions of employment should be provided in writing and, when necessary, appropriate assistance should be provided to ensure that the domestic worker has understood those terms and conditions.

(2) The terms and conditions of employment should include the following particulars, in addition to those provided for in point 9:

- (a) the starting date of the employment;
- (b) a detailed list of duties;

- (c) paid annual leave;
- (d) daily and weekly rest;
- (e) sick leave and any other personal leave;
- (f) the rate of pay for overtime work;
- (g) any other cash payments to which the domestic worker is entitled;
- (h) any allowances in kind and their cash value;
- (i) details of any accommodation provided;
- (j) any authorized deductions from the worker's wages; and
- (k) the period of notice required for termination.

(3) Members should consider establishing a model contract for domestic work, in consultation with representative organizations of employers and workers and, in particular, organizations representing domestic workers and their employers, where they exist.

27. (1) Hours of work and overtime should be accurately calculated and recorded, and this information should be freely accessible to the domestic worker.

(2) Members should consider developing practical guidance in this respect, in consultation with representative organizations of employers and workers and, in particular, organizations representing domestic workers and their employers, where they exist.

28. With respect to periods during which domestic workers are not free to dispose of time as they please and remain at the disposal of the household in order to respond to possible calls (commonly known as standby or on-call periods), national laws and regulations or collective agreements should regulate:

- (a) the maximum number of hours per week, month or year that a domestic worker may be required to be on standby;
- (b) the compensatory rest period to which a domestic worker is entitled if the normal period of rest is disturbed by standby; and
- (c) the rate at which standby hours should be remunerated.

29. Members should consider specific measures, including appropriate financial compensation, for domestic workers whose normal duties are performed at night, taking into account the constraints and consequences of night work.

30. Members should take measures to ensure that domestic workers are entitled to suitable periods of rest during the working day, which allow for the taking of meals and breaks.

31. The day of weekly rest should be a fixed day in every period of seven days to be determined by agreement of the parties, taking into account work requirements and the cultural, religious and social needs of the domestic worker.

32. National laws and regulations, or collective agreements, should define the grounds on which domestic workers may be required to work during the period of daily or weekly rest and provide for adequate compensatory rest, irrespective of any financial compensation.

33. Time spent by domestic workers accompanying the household on holiday should not be counted as part of their annual leave.

34. When provision is exceptionally made for the payment of a limited proportion of the remuneration in the form of allowances in kind, Members should consider:

- (a) establishing an overall limit on the proportion of the remuneration that may be paid in kind so as not to diminish unduly the cash remuneration necessary for the maintenance of domestic workers and their families;
- (b) calculating the cash value of allowances in kind by reference to objective criteria such as the market value, cost price or prices fixed by public authorities, as appropriate;
- (c) limiting allowances in kind to those clearly appropriate for the personal use and benefit of the domestic worker, such as food and accommodation; and
- (d) prohibiting allowances in kind that are directly related to the performance of work duties, such as uniforms, tools or protective equipment.

35. (1) Domestic workers should be given at the time of each payment an easily understandable written account of the payments due to them, the amounts paid and the specific amount and purpose of any deductions which may have been made.

(2) Upon termination of employment, any outstanding payments should be made promptly.

36. Members should take measures to ensure that domestic workers enjoy conditions not less favourable than those of other wage earners in respect of the protection of workers' claims in the event of the insolvency or death of the employer.

37. When provided, accommodation and food should, taking into account national conditions, include:

- (a) a separate, private room that is suitably furnished, adequately ventilated and equipped with a lock, the key to which should be provided to the domestic worker;
- (b) access to suitable sanitary facilities, shared or private;
- (c) adequate lighting and, as appropriate, heating and air conditioning in keeping with prevailing conditions within the household; and
- (d) meals of good quality and sufficient quantity, adapted to the cultural and religious requirements of the domestic worker concerned, if any.

38. In the event of termination of employment, for reasons other than serious misconduct, live-in domestic workers should be given a reasonable period of notice and time off during that period to enable them to seek new employment and accommodation.

39. Members should take measures:

- (a) to identify, mitigate and prevent occupational hazards specific to domestic work;
- (b) to establish procedures for collecting and publishing statistics on occupational safety and health related to domestic work;
- (c) to advise on occupational safety and health, including on ergonomic aspects and protective equipment; and
- (d) to develop training programmes and disseminate guidelines on occupational safety and health requirements specific to domestic work.

40. Members should consider means to facilitate the payment of social security contributions by employers, including in respect of domestic workers working for multiple employers, for instance through a system of simplified payment.

41. (1) Members should consider additional measures to ensure the effective protection of migrant domestic workers' rights, such as:

- (a) a system of visits to households in which migrant domestic workers will be employed;

- (b) the development of a network of emergency housing; and
- (c) the provision of relevant information in languages understood by the workers concerned.

(2) Members that are countries of origin of migrant domestic workers should assist in the effective protection of the rights of these workers, by informing them of their rights before departure, establishing legal assistance funds, social services and specialized consular services and any other appropriate measures.

42. Members should establish, in consultation with the representative organizations of employers and workers and, in particular, organizations representing domestic workers and their employers, where they exist, policies and programmes that:

- (a) encourage the continuing development of the competencies and qualifications of domestic workers, including literacy training as appropriate, so as to enhance their career and employment opportunities;
- (b) address the work–life balance needs of domestic workers; and
- (c) ensure that the concerns and rights of domestic workers are taken into account in the context of more general efforts to reconcile work and family.

43. Members should cooperate at the bilateral, regional and global levels for the purpose of enhancing the protection of domestic workers, especially in matters concerning social security, the monitoring of private employment agencies, the prevention of forced labour and human trafficking, the dissemination of good practices and the collection of statistics on domestic work.