

Corrigendum

Report IV(2). Decent work for domestic workers

A. Abbreviations

On page viii and throughout the report, *for* Korean Federation of Trade Unions (KFTU) *read* Korean Confederation of Trade Unions (KCTU).

B. Replies to questions ¹

Qu. 2(b)

On page 10, under Yes, *delete* Indonesia.

On page 10, under Other, *delete* Switzerland.

On page 11, *delete* the comment by Switzerland.

Qu. 2(c)

On page 11, under Yes, *insert* Indonesia.

On page 11, before Comments, *insert* Other: 1. Switzerland.

On page 12, after the comment by Paraguay, *insert*

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). The Government's final position with regard to the form of the instrument or instruments will depend on the proposals made for the first discussion at the 2010 session of the Conference.

Qu. 13(e)

On page 114, *delete* the third sentence in the comment by Switzerland.

Qu. 13(h)

On page 122, *delete* Switzerland under Yes and *insert* Switzerland under Other.

Qu. 18

On page 144, *delete* Switzerland under No and *insert* Switzerland under Other.

¹ Total numbers of replies and numbers of Yes, No and Other replies to be adjusted to take the changes into account.

Qu. 25

On page 174, after the comment by Sri Lanka, *insert* Switzerland. See question 12(c).

Qu. 26

On page 177, *delete* Switzerland under No and *insert* Switzerland under Yes.

Qu. 28

On page 186, *delete* Switzerland under No and *insert* Switzerland under Other.

Qu. 31

On page 198, *delete* Switzerland under No and *insert* Switzerland under Yes.

On page 217 of the French version, in the comment by Switzerland, for *s'entremettre* read *se référer* (not applicable to English).

Qu. 39

On page 256, *replace* Switzerland's existing comment by "In French, the term *contrat modèle* should be used."

Qu. 40

On page 281 of the French version, *insert* the word *seulement* before the words *les informations* in the last line of the comment by Switzerland (not applicable to English).

Qu. 53(b)

On page 320, under Yes, *delete* Switzerland.

C. Replies received not presented in the report ²

Portugal – Confederation of Trade and Services of Portugal (CCP)

The CCP replied in the affirmative to the following questions: 4, 6(a)–6(c), 7, 9(c) and (d), 12–16, 18, 19, 23, 26–31, 33–35, 40, 43(a) and (b), 44, 53(d), 54, 56(b) and (c), 57(a), 58, 59(a) and (b), and 60.

It replied in the negative to the following questions: 8, 39, 41 and 47(a), (b) and (d).

The following questions were answered with comments:

Qu. 2(b): Yes. The instrument should provide guidelines for the global regulation of domestic work, considering the significant differences in the related national law and practice across countries. In a given time frame, the Recommendation could evolve into a Convention.

Qu. 3: Yes. This would enhance the legal security of domestic workers.

Qu. 5: Yes. The preamble should mention the important contribution that employment agencies could make both to individual workers and to the global economy. It should also state that the instrument would significantly contribute towards the non-discriminatory treatment of domestic workers.

² Total numbers of replies and numbers of Yes, No and Other replies to be adjusted to take these replies into account.

Qu. 6(d): Yes. Especially temporary employment agencies.

Qu. 9(a): Yes. However, in many countries, the conditions necessary for the effective exercise of these rights do not yet exist.

Qu. 9(b): Yes. Domestic work is especially vulnerable to forced labour.

Qu. 10: Yes. Work for reduced hours during school holidays should be permitted, thus allowing school attendance during normal working days.

Qu. 11: No. According to Article 3 of Convention No. 138, the minimum age for admission to work that is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years. Even though migrant workers may be more vulnerable than national workers to poor working conditions, increasing the minimum age for admission to work to 18 years is not likely to improve the situation, and could be discriminatory.

Qu. 17: Yes. Also in the case of live-in workers, the employer shall give clear information on the payments corresponding to the services performed.

Qu. 20: Other. The parties should respect what they agreed in this respect.

Qu. 21: Yes. However, this provision should be flexible enough to permit exceptions in some specific situations (such as in cases of force majeure or where workers are employed to look after sick persons or children aged up to 3 years).

Qu. 22: Other. It depends on the availability of the worker.

Qu. 24: Yes. Priorities should be established: first, the provision of individual protective equipment should be ensured; subsequently, occupational hazards and training should be dealt with.

Qu. 25: Yes. Some measures should be applied progressively, starting with maternity protection, providing, eventually, broader social security coverage.

Qu. 32: No. The household's right to privacy could be violated leading to cases of abuse.

Qu. 36: Yes. Young persons from the age of 16 should work for limited periods (for example during school holidays) and perform tasks adequate to their age.

Qu. 37: Other. It depends on the hours of work performed for an employer; for example, in cases where the employee works for three hours per week, this requirement could be unnecessary and the parties may not be interested in it.

Qu. 38(a), (b) and (d): Yes. The salary should always be specified.

Qu. 38(c) and (e)–(k): Other. These points should be progressively covered.

Qu. 42: No. Unless employers are not individuals.

Qu. 43(c): Other. The conditions should not be higher than those prevailing in the household.

Qu. 45: No. This is not always possible; for example, if the employer works outside the household, she/he will not be able to keep a record of the hours of work; only the worker has this information. There is a relationship of trust between the parties.

Qu. 46: Yes. The duration of breaks should be agreed upon by the parties.

Qu. 47(c): No. This should be agreed upon by the parties.

Qu. 48: Yes. This should be achieved progressively and ensure a degree of flexibility adequate to the specificity of this work.

Qu. 49: Yes. Specific and extraordinary situations agreed upon by the parties should be taken into account.

Qu. 50: Yes. Specific and extraordinary situations agreed upon by the parties should be taken into account.

Qu. 51: Yes. Specific and extraordinary situations agreed upon by the parties should be taken into account.

Qu. 52(a): Other. It depends on national legislation. In Portugal, the possibility for the worker to continue living in the employer's home only makes sense when the employer gives notice of the termination of the contract. When termination of contract is due to the contract's expiration or reasonable cause, no notice should be given. In case of expiration of a temporary contract, a three-day period is granted to the workers to allow them to leave the household. Therefore, this provision could be useful for those countries requiring the employer to give notice of the termination of contract, which does not apply in the case of Portugal.

Qu. 52(b): Other. The term "reasonable" is not objective.

Qu. 53(a): Yes. However, individual employers cannot, individually, fulfil all these obligations.

Qu. 53(b): Yes. Although this responsibility should lie with the competent public institutions.

Qu. 53(c): Yes. See question 53(b).

Qu. 55: Yes. The role and responsibility of public bodies in this regard should be clarified.

Qu. 56(a): Other. The employers who recruit migrant domestic workers already residing in the country at the time of recruitment should not be bound by these obligations.

Qu. 57(b): No. In many situations, the household's right to privacy could be violated leading to cases of abuse.

Qu. 59(c): No. This subject should not be dealt with by the Recommendation.