1. Introduction

Live-in domestic workers provide crucial household and care services to families around the world. By virtue of living in the household, live-in domestic workers and their employers are likely to build close ties, working and living together for many years. However, living in the homes of their employers has also meant that live-in domestic workers on average work far more hours per day and per week than almost any other category of workers. In some cases, the isolation of domestic workers in the household has meant that they are expected to be available to work around the clock, with very little rest. Working excessively long hours with little to no rest has well-documented impacts on health, and constitutes a violation of the human right “to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay” (UDHR, Art. 24).

Improving the working time of domestic workers is therefore an essential component of achieving decent work for domestic workers; yet, it is probably among the hardest of policies to regulate, apply in practice, and enforce in the sector. Even in countries where working time regulations are in place, inadequate compliance strategies, the privacy of the household, the low awareness of domestic workers and their employers that domestic work is real work, and the lack of recognition of the emotional and physical strain of this occupation, all present their own barriers to formalization, improving working conditions, and ensuring the rights of domestic workers.

2. What is live-in domestic work?

Live-in domestic work is arguably one of the oldest occupations for women in most countries around the world. Traditionally, live-in domestic work has often been a “life-cycle occupation”, meaning that domestic workers begin working with a family at a very young age, and stay with the family throughout their life (Laslett, 1965). Although customs do vary across regions, the services provided by live-in domestic workers remain the same: cooking, cleaning, taking care of children, the elderly and disabled, and generally attending to the needs and demands of their employers.

Live-in domestic work can sometimes be the preferred form of domestic employment by either the domestic worker or the employer. In the eyes of the householder, having a live-in domestic worker is often perceived as enjoying the luxury of having around-the-clock service. In addition to household services, some employers have personal care needs, for example for children, the elderly or disabled people living in the household who are in need of close attention. A live-in domestic worker is often the preferred option especially for the elderly or disabled who need living assistance, as it optimizes their freedom of movement and independence.

When given the choice, domestic workers can also see living in the household for which they work as an advantage, as they would not have to look for housing elsewhere. In some cases, the living conditions they

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1 Although household members are usually employers, it is not always the case: sometimes, the employer is an agency or organization which makes the workers available to the household. For the purposes of this text, the term “employer” will refer to the householder.
might find in the home of their employer are of better quality than elsewhere. Moreover, many migrant women – whether internal or cross-border – who find employment as domestic workers find it convenient to live-in on the premises of the householder, freeing them from the challenging task of finding adequate, affordable housing in a foreign territory. However, the fact of being housed by the employer ceases to be an advantage if too much of the domestic worker’s salary is deducted from his or her salary in exchange for the accommodation; if they are expected to work without sufficient rest; if the living conditions are inadequate; or if their right to privacy and freedom of movement is not respected. Live-in domestic workers also face additional challenges if they are dismissed or must escape from an exploitative or abusive employer, as they often become homeless as well as unemployed.

3. Profile and numbers of live-in domestic workers

Domestic workers today are still generally young workers. Estimates show that approximately half of domestic workers are of childbearing age, likely to have young children, or fall pregnant (ILO, 2013a). In Uruguay, half of all domestic workers in 2010 were in the 14-44 age range (Encuesta Continua de Hogares, 2010), and in Viet Nam, 52 per cent of domestic workers are aged 15-39 (Labour Force Survey, 2009).

Young people have tended to cluster into live-in domestic work because they usually do not yet have family responsibilities, and therefore can more easily meet the long hours expected by employers. However, in some regions, domestic work as a sector is “ageing”. In most countries in Latin America for example, the average age of domestic workers in 2011 was 40. This ageing has been linked to an increase in the average years of schooling, and a growing number of alternative jobs available to youth (ILO, 2012).

Live-in domestic workers are also often women who migrate from rural areas or from abroad, in search of employment to support the families they left behind. Far away from their family responsibilities, they are also perceived as being “free” to work long hours in the homes of others, and also might initially see living-in as an advantage.

Although less common today than it once was in most places, live-in domestic work continues to exist. In the Philippines, live-in domestic workers make up a third of all domestic workers (ILO, 2011a). In Indonesia, 1 in 10 domestic workers live in the employer’s household (Tijdens and van Klaveren, 2011), while survey data gathered in the United States (2011) found that 11% of domestic workers were live-in (NDWA survey). Across Latin America, statistics also show that comparatively fewer households employ live-in domestic workers as compared to live-out domestic workers (Los Medios y Mercados de Latinoamérica 1998, Audits and Surveys Worldwide).

As a sector, domestic work has grown significantly in the last 15 years, with the total number of domestic workers increasing from 33.2 million in 1995 to 52.6 million in 2010, an increase of 19 million worldwide (ILO, 2013b). But while the share of domestic workers in total employment has grown, live-in domestic work appears to be in decline. In the Philippines, the proportion of live-in domestic workers declined from 39 per cent in 2004 to 30 per cent in 2010 (ILO, 2011a). In Latin America also, the sector seems to have progressively become more “modern”, with proportionally more live-out domestic workers than live-in domestic workers (Valenzuela and Mora, 2009). Such is the case in Bolivia, where the share of live-in domestic workers in urban areas decreased from 31 per cent in 2001 to 22 per cent in 2007 (Encuesta de Hogares 2007). Moreover, as national economies grew, and more employment opportunities opened up for national women, live-in domestic work increasingly is performed by immigrant women in search for employment.

The decline in live-in domestic work could be an indication of various socio-economic changes, such as a decreasing ability or willingness of employers to pay for a full-time live-in domestic worker; a reduction in the spatial capacity of employers to house domestic workers; a more equal sharing of household responsibilities between women and men; or a cultural change in which one’s status is not defined by the number of live-in domestic workers in one’s employment. Another possible reason is that 24 hour in-home service is no longer seen as necessary for the functioning of a household.

But while live-in domestic work seems to be decreasing in some countries, it remains an important form of employment among low income women and youth, and, due to an ageing population in most of the world, is an occupation that is likely to remain in demand. Indeed, according to UN estimates, the number of people in the world aged 60 or above has doubled in the last 30 years, and it is projected to more than double again by 2050. At that point in time, the elderly would outnumber children aged 0 to 14 (UN, 2009). At the same time, multigenerational households are becoming less common around the world, meaning more and more of the elderly

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2 However, it should also be noted that in many cases, live-in arrangements are the only option for international migrant domestic workers under the rules and regulations governing their entry and stay in the country of employment.
live alone. A recent Eurofound report found that, while there is an increasing trend towards community-based care, home care is still the preferred option for many, due to lower costs, greater independence, and the potential of assisted-living technology (Eurofound, 2013).

As such, as populations age, particularly in countries with few adequate and affordable community or facility-based care services, 24 hour in-home care services – i.e., live-in domestic work – is likely to remain in demand. Ensuring effective protections for live-in domestic workers therefore will continue to be relevant.

4. Key issues in working time of live-in domestic workers

By virtue of living at their workplace, domestic workers face specific challenges in limiting their working time and realizing their labour rights that are uncommon in most other sectors. In this sense, live-in domestic work is an occupation with particular characteristics that must be given special attention. McCann and Murray have summarized the working time concerns of domestic workers generally. Box 1 provides an adaptation of that list, including only those working time concerns that are specific to live-in domestic workers.

**Long hours**

Recent ILO estimates have found that domestic workers generally work some of the longest and most unpredictable hours (ILO, 2013b). Among domestic workers, those who live-in are particularly vulnerable to such long hours because they live in the homes of their employers, who arguably have hired a live-in domestic worker for the very reason that this arrangement facilitates availability of the worker virtually around the clock. For live-in domestic workers alone, therefore, the average weekly working hours tend to be even higher than those of live-out domestic workers. In Chile (2000), live-in domestic workers worked an average of 67.6 hours, while live-out domestic workers averaged a far more reasonable 40 hours per week (ILO, 2013b). In the Philippines (2010), 51% of women live-in workers and 38% of male live-in workers worked at least 61 hours in a given week, and approximately a third of live-in domestic workers recorded working on average two hours more per day than live-out domestic workers (ILO, 2011a).

**Working, on break, or on call/standby?**

Live-in domestic workers are characteristically expected by their employers to be available at all times (ILO, 2011b; Rodriguez, 2007; Gallotti, 2009; Tous et al., 2010; Kundu, 2008; Esim and Smith, 2004; Sabban, 2002). A national survey of nearly 3000 domestic workers in the United States found that the employers of about half of all live-in domestic workers expect them “to be available at any time – whether or not they are enjoying a day off or simply a night of sleep” (NDWA Survey). Research has also documented that if employers found their domestic employees taking a break, they would immediately assign them another task.¹

Indeed, one of the main difficulties of live-in domestic work is that there never is a real break, specifically because, as long as domestic workers are at the workplace, they must respond to calls whenever they are made, i.e., when they are not actively occupied with performing tasks, they are always on standby. Contributing to the problem is that many live-in domestic workers face restrictions set by their employers as to when they can leave the household, and for how long. Even during their daily or weekly rest, employers sometimes do not allow domestic workers to leave the household. This constitutes an infringement on the human rights of domestic workers, and also results in a lack of rest.

The constant presence of the domestic worker in the household means that what periods of rest a domestic worker may have, day or night, are frequently interrupted.

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¹ See for instance Anderson, Doing the Dirty Work, 41.
by requests from household members. This is particularly the case for live-in domestic workers with caregiving responsibilities. As a result, many domestic workers feel that they are constantly on standby or on call, blurring the line between working time and rest periods.

Lack of weekly rest and annual leave

The long working hours are further exacerbated by lack of weekly and annual rest. Recent ILO estimates found that just under half of all domestic workers are legally entitled to at least 24 hours of consecutive weekly rest. Live-in domestic workers in particular complain that they are rarely allowed to take a day off from the household, and domestic workers’ unions in many countries have campaigned for the right to a simple weekly day of rest. Moreover, recent ILO estimates found that 44.4% of domestic workers are not entitled to annual leave (ILO, 2012), and it can safely be assumed that few of those who are entitled to this right are able to benefit from it in reality.

Lack of sleep

Live-in domestic workers, and especially those whose job requirements include caregiving of any kind, are often called upon to work at night, whether for long hours, or just to address punctual needs of their employers. Interruptions after a worker has gone to bed and during sleep can result in a lack of daily rest, which has a well-documented impact on health and therefore an important occupational health and safety hazard in the sector.

Impacts on health

To date, few studies have been conducted on the occupational safety and health hazards of live-in domestic work.⁴ On the other hand, well-established findings from occupational health studies show that long working hours, night work, and unpredictable working hours – all of which are characteristic of live-in domestic work – are factors that most negatively affect workers’ health.⁵ The long normal weekly hours of live-in domestic workers also have long term health consequences: at least once study has shown that working 60 hours or more a week makes a worker almost three times more likely to go on disability retirement.⁶

Particularly harmful is the irregular distribution of working hours and night work, which are found to have a biased impact on women during and after pregnancy,⁷ and on young workers. Many studies have shown that fatigue and interruptions during sleep has a significant impact on health, including increased risk of cardiovascular disease, diabetes, obesity, depression, anxiety, and leaves workers more likely to get into accidents at work.⁸ Yet, live-in domestic workers with caregiving responsibilities are frequently called upon at night to tend to a child, or an elderly or disabled person, leaving them sleep-deprived and fatigued.

Informal employment relationship habits

Live-in domestic workers and their employers frequently lack information about the basic elements of a harmonious and productive employment relationship. Often, neither party is aware of their rights and responsibilities regarding working time, and neither is familiar with employment practices such as using contracts, negotiating tasks, working time and breaks, assessing performance, or keeping records such as timesheets or payslips.

Indeed, although written contracts are slowly becoming more common, and while record-keeping is common practice in many sectors, domestic workers and employers alike lack the tools and awareness of how to count and record time worked, and remuneration received. Employers in particular have concerns with regards to how to estimate the time spent by domestic workers on performing their assigned tasks. Time spent on call, or on standby also remains challenging to qualify, assess and record. The lack of concrete agreements and tools with regards to working time frequently leads to tensions and disputes among domestic workers and employers regarding what work was really performed, when the work was performed, and how it should be remunerated.

5. Findings from pilot record-keeping tool and pilot FGD on the employment relationship

In 2013, the ILO conducted two pilot studies on live-in domestic workers, including a specific emphasis on their working time. A timekeeping tool was developed and piloted in Tanzania, Bolivia, the Philippines and Thailand to help live-in domestic workers understand, manage and record their working time. In parallel, qualitative research was piloted in Hong Kong, consisting of two focus group discussions with live-in domestic workers and employers of live-in domestic workers on their employment relationship practices. Together, the findings from these pilots shed relevant light on the real working time of live-in domestic workers, and how domestic workers and employers manage questions of working time between them. Following are some highlights to help guide policymakers in thinking about limiting and regulating the working time of live-in domestic workers.

Clarifying key notions and concepts

Start time and end time

The most apparent characteristic of live-in domestic work is the difficulty in identifying start and end time. “Live-ins” are considered to be available for work around the clock, from the moment they wake up, to the time they go to sleep, and beyond. A typical scenario that illustrates the difficulty in registering end time is, for example, when the domestic worker is told she is free to retire to her room, and then called on 20 minutes later to fetch the employer a drink or snack. In this case, when would the accurate end time be placed? This also implies that the start time and end time can vary from day to day. These characteristics create difficulties in establishing fixed schedules and, as a result, limiting working time. For this reason, start time and end time must both be clearly defined and recorded to ensure that the daily limits in force are respected. In a recent exercise to record the working time of live-in domestic workers, the following definitions were tested and validated as effective:

- **Start-time**: the time at which the domestic worker starts her first task, or is called on for the first time in the day.
- **End time**: the time at which the last task had ended, and/or when the domestic worker was no longer available to perform tasks at the request of the employer.

Normal working hours, standby, breaks, overtime

Regulating the working time of live-in domestic workers also means clarifying the difference between working hours, standby hours, and breaks. Because very often no distinction is made between working hours and non-working hours for live-in domestic workers, the notion of overtime and standby time does not exist, and work in excess of the normal hours is often not remunerated at all. This leads to long hours of somewhat unpredictable work flow that is not regularly punctuated by clear break periods. To approach these issues and get a better understanding of a live-in domestic worker’s working time patterns, the study notions of working time, standby, break, and overtime can be understood as follows:

- **Working time**: periods during which a domestic worker is scheduled to perform tasks for the household.
- **Standby**: 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.\(^5\)
- **Break**: suitable period of rest during the workday, which allows for meals and breaks to be taken.
- **Overtime**: Periods of working time or stand-by beyond the legal limits of normal hours of work.

Delineating working hours from rest periods

Improving the working time of live-in domestic workers means reducing the periods during which it is unclear if they are working or if they are resting. A key finding from

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\(^5\) This is the description of the notion of standby or on-call as set out in Art. 10 of the ILO Domestic Work Convention (No. 189), 2011. The Convention further states that “such periods should be regarded as hours of work to the extent determined by national laws, regulations or collective agreements, taking into account the special characteristics of domestic work” (Art. 10).
the research is that domestic workers are not truly able to enjoy rest periods unless they are genuinely free to dispose of time as they please, including by leaving the household premises. It is clear that, like all other workers, domestic workers should be present during the hours they are contracted to work (which may include standby hours). However, when they are on daily rest, weekly rest, or leave, it should be clear that they are allowed to leave the household in order to fully dispose of time as they please. In addition, sufficient breaks during the work day need to be ensured. This is the best way of ensuring that domestic workers can genuinely enjoy their rest periods. Interruptions during sleep must also be strictly limited to emergencies to ensure that the domestic worker is getting adequate rest.

**Formalize the employment relationship**

Many domestic workers do not have the capacity or power to negotiate working time arrangements with their employer. Yet, focus group discussions conducted in Hong Kong among both live-in domestic workers and employers of live-in domestic workers showed that clear, open communication was the preferred means of both employers and domestic workers to discuss tasks, working time and daily and weekly rest. Both sides emphasized the need for some amount of flexibility, which is also dependent on clear, trusted communication. Where such practices are encouraged, domestic workers and employers can come together to negotiate and agree upon working time arrangements, including tasks to be performed each day, their timing, and break duration and timing. Daily and weekly rest periods should also be negotiated in this way. Regular check-ins would allow both employers and domestic workers to raise concerns and make needed amendments to the working time arrangements.

**Box 3. Tips for the employment relationship**

- Establish clear and regular communication
- Include in your contract provisions on normal hours of work, tasks, breaks, daily rest, weekly rest, remuneration, overtime and how it is to be remunerated, and annual leave*
- Negotiate and agree upon a list of tasks to be performed each day
- Negotiate and agree upon set breaks to be taken each day
- Allow for flexibility on both sides
- Have regular check-ins
- Record working time and pay
- Ensure freedom to leave the household

* For a full list of items that should be included in a contract, see ILO Domestic Work Convention (No. 189), 2011 (Art. 7) and Para. 6 of the Recommendation.

Once established, working time arrangements should be written, and working time and remuneration recorded regularly, using the definitions provided above. A good tool that records a work schedule, tasks performed and real hours worked helps to promote a harmonious work relationship and prevents misunderstandings.

**6. Points for consideration in designing working time regimes for live-in domestic workers**

Given the extensive working hours reported by live-in domestic workers, priority must be given to limiting the working time of live-in domestic workers. To make these measures effective, programmes should also be developed to extensively raise awareness and promote good employment practices in the domestic work sector. Following are considerations policymakers may wish to make to effectively protect live-in domestic workers from overwork.

**Limit working time**

- In working time regulation, define normal hours of work, rules regarding standby, rest periods and breaks, and encourage workers and employers to negotiate clear work schedules, including start times and end times.
- Limit standby time and overtime hours, and define how these periods are to be remunerated.
- Set adequate periods for short breaks during the day, and daily rest to ensure domestic workers have time to get adequate rest.
- Set strict conditions under which night work can be performed and sleep/daily rest can be interrupted.
- Ensure that domestic workers are allowed to leave the household for their periods of break, daily rest, and weekly rest.
- Ensure compensatory rest in case of exceptional work during rest periods, especially at night, is, irrespective of financial compensation.
- Require employers to document the domestic worker’s work schedule as well as any extra hours worked. Such provision can also provide that these records are accessible to the worker and the authorities charged with supervising compliance with the legislation, such as labour inspectorates.

**Promote formal employment practices in the home**

In addition to setting regulation, attention must be given to awareness raising and the development of tools for domestic workers and employers to better manage the employment relationship. In many countries, this process has started with the development of standard or model contracts (for example in South Africa, Switzerland,

As in most employment relationships, domestic workers and employers should agree at the outset on the tasks to be performed, the work schedule including periods of rest and overtime, appropriate remuneration for the work performed, and a schedule for when payments are made. In Hong Kong, the domestic workers’ union has helped broker agreements between employers and domestic workers by making initial assessments of how many hours of work and how many domestic workers a particular job might require.

Whether or not such platforms for negotiation are available, working time of live-in domestic workers is best regulated through the use of practical tools that are simple and accessible to both workers and employers. Tools would be introduced ideally in the following order: 1) written standard or model contract, 2) agreed schedule of tasks to be performed and regular breaks negotiated and agreed upon, and 3) tools designed to record tasks, working time and breaks, and payslips.

These tools will also have to be extensively disseminated and promoted, and the practice of negotiation encouraged. Organizations of workers and employers have a key role to play in this respect, raising awareness of their constituents and helping them to learn appropriate behaviours in the domestic employment relationship.

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Resources

The Colombia guide on domestic work can be found here: http://www.mintrabajo.gov.co/publicaciones-mintrabajo/669-servicio-domestico-guia-laboral.html

The Argentina guide can be found here: http://www.afip.gob.ar/genericos/blanco/documentos/ManualServicioDomestico.pdf

The Uruguay guide can be found here: http://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---sro-santiago/documents/publication/wcms_219955.pdf

British Colombia, Canada: http://www.labour.gov.bc.ca/esb/domestics/brochure.htm


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The Domestic Work Policy Brief series aims to stimulate and inform policy debates on advancing decent work for domestic workers. It provides information on terms and conditions of employment in domestic work, policy issues and different views on these issues, and varied approaches to addressing them around the world.