



International  
Labour  
Office

# Working Time Standards for Domestic Workers

International Labour Office  
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## Why limit working hours for domestic workers?

The number of hours of work, working-time arrangements, and permissible rest-time have significant effects on the quality of people's work and their quality of life in general. Long-established findings from occupational health studies show that long working hours, nocturnal work, and patterns of shift work that involve an irregular distribution of working hours are the factors that have the greatest negative effects on workers' health (Folkard and Tucker, 2012). They carry especially important risks for women during and after pregnancy as well as for young workers. In addition, workers who work under pressure and those who lack control over their working hours are more likely to report that their working time has a negative impact on their health (ILO, 2004; ILO, 2011).

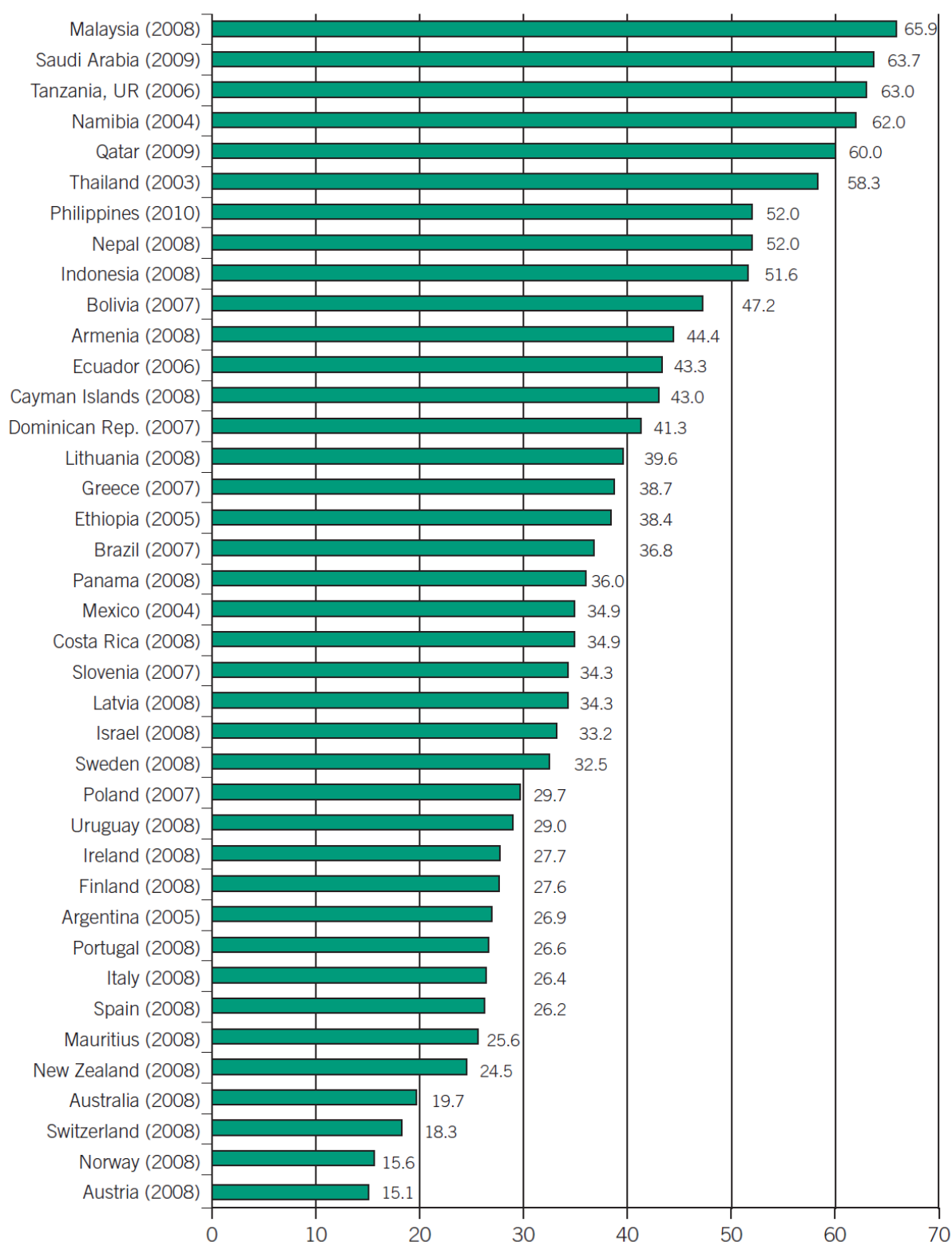
For such reasons, virtually every government around the world has instituted minimum standards for regulating working time, often guided by the relevant ILO Conventions. In fact, working time was the subject of the first ever ILO Convention - the Hours of Work (Industry) Convention, 1919 (No. 1), adopted by the ILO after its foundation, setting 48 hours as the normal weekly limit for working hours. This has since become a globally accepted minimum standard, and the negative impacts of working hours that are above this threshold have been well documented (ILO, 2011).

In a similar spirit, the Universal Declaration of Human Rights recognizes that all individuals have the right to rest and leisure, including reasonable limits to their working hours and periodic holidays with pay. Furthermore, the Declaration explicitly affirms that all workers, without discrimination, have "*the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay*" (Article 24).

Nevertheless, domestic workers often remain outside the scope of relevant working time standards – despite the fact that they are in particular need of protection. Due to the nature of their work and the circumstances under which it is performed, domestic workers are particularly exposed to excessively long working hours, often without the benefit of the weekly day of rest most other workers enjoy.

According to data collected from labour force surveys, the average working hours of domestic workers around the world are among the longest and most unpredictable. For instance in Nepal, while the weekly average working time for all workers is 39 hours, that for domestic workers is 52 hours, on average. Similar averages are found for domestic workers from other Asian countries, such as Indonesia (51.6 hours, 2008), Malaysia (65.9 hours, 2008), the Philippines (52.0 hours, 2010) and Thailand

**Figure 1. Average hours of work for domestic workers, per week (latest available year)**



Note: All data are from labour force surveys. They refer to hours actually worked, except in the case of Bolivia and Lithuania (hours paid for). Where available, data with total employment coverage were preferred; those for Austria, Bolivia, Brazil, Finland, France, Georgia, Lithuania, Mexico, Norway, Poland, Portugal, Qatar, Saudi Arabia, Slovenia, Switzerland, the United Republic of Tanzania, Thailand and Uruguay, where they refer to employees only. See LABORSTA for further details.

Sources: ILO LABORSTA; for Nepal: Central Bureau of Statistics of Nepal: Report on the Nepal Labour Force Survey 2008 (Kathmandu); for the Philippines: Bureau of Labor and Employment Statistics (BLES), Profile of Persons Employed in Private Households, Labstat Updates Vol. 15 No. 27 (October 2011); for Saudi Arabia: Central Department of Statistics and Information of the Kingdom of Saudi Arabia: Manpower Research Bulletin 2009 (Riyadh), table 61; for Qatar: Qatar Statistics Authority: Labour Force Sample Survey 2009 (Doha), table 12.

(58.3 hours, 2003), all exceeding the 48-hour threshold (see Figure 1). The problem of long weekly hours among domestic workers is evident in Asia, Africa, and the Middle East, though it is generally less prevalent in the Americas (Lee et al., 2007, p. 92). The same holds for developed countries, where many domestic workers are employed only on a part-time basis.

While the perception that domestic work is not 'real' work is still widespread, what is often overlooked is that the tasks domestic workers perform are demanding and strenuous, both physically and psychologically – be it cooking, cleaning or taking care of children or elderly family members. Employers of domestic workers may perceive integrating working time considerations in the day-to-day reality of the domestic work employment relationship as inconvenient or challenging, particularly in the absence of information and regulatory frameworks regarding these matters. With very little negotiating power in the employment relationship however, domestic workers are not in a position to request or to insist on working time limitations or to refuse performing their duties. Regulating working time is therefore an essential for domestic workers, and an essential part of legal protection of domestic workers against abusive practices.

The Domestic Workers Convention, 2011 (No. 189), thus obliges ratifying member states to take measures “*towards ensuring equal treatment between domestic workers and workers generally*” and lists the normal hours of work, overtime compensation, periods of daily and weekly rest, and paid annual leave each as standard entitlements. This briefing note provides some detail on the current coverage of domestic workers with respect to normal weekly hours, weekly rest periods and annual leave.

#### **Domestic Workers Convention, 2011 (No. 189)**

##### **Article 10**

1. Each Member shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work.
2. Weekly rest shall be at least 24 consecutive hours.
3. Periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls shall be regarded as hours of work to the extent determined by national laws, regulations or collective agreements, or any other means consistent with national practice.

## **What is the global and regional situation regarding statutory limitations on working time?**

### **Normal weekly hours**

One important element of working time regulation is in the limits set on normal weekly working hours that establish how long the normal working week can be (i.e. before overtime work). Virtually all countries set such weekly limits, most of them between 40 and 48 hours (ILO, 2013a). The lack of protection for domestic workers cannot then be said to arise from a lack of working time legislation, as such, but from the frequent exclusion that is made of domestic workers who are often expected to work for longer hours and without any statutory limitation on their working week at all. Nevertheless, a number of countries successfully regulate working hours for domestic workers, showing that fair working time provisions are indeed feasible.

As Figure 2 shows, a total of some 20.9 million domestic workers (or 39.7 per cent of the 53 million domestic workers worldwide) are entitled to the same standards on their normal weekly hours as other workers. A further 1.9 million (or 3.6 per cent) have some limitation on their normal weekly hours (although on less favourable terms than other workers). The remaining 29.7 million domestic workers (or 56.6 per cent), however, are covered by no national legislation to limit their normal weekly working hours, despite the near-complete adoption of working time legislation worldwide (ILO, 2013a).

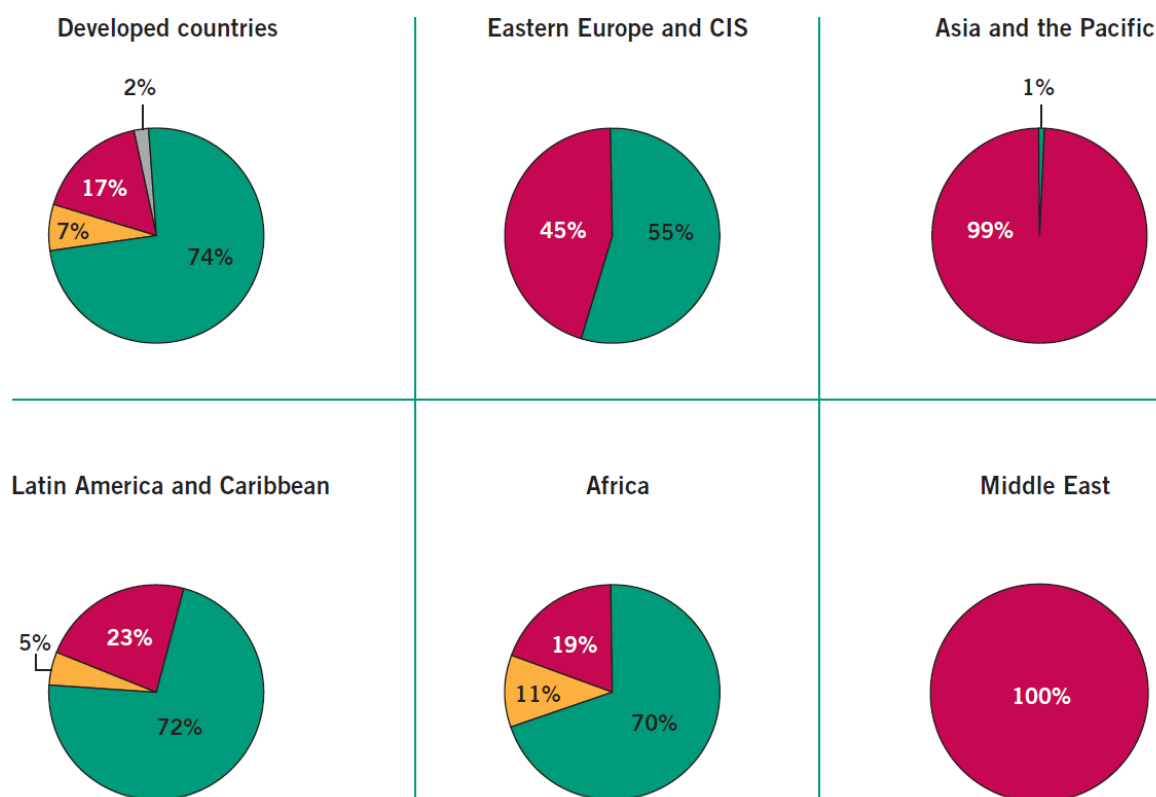
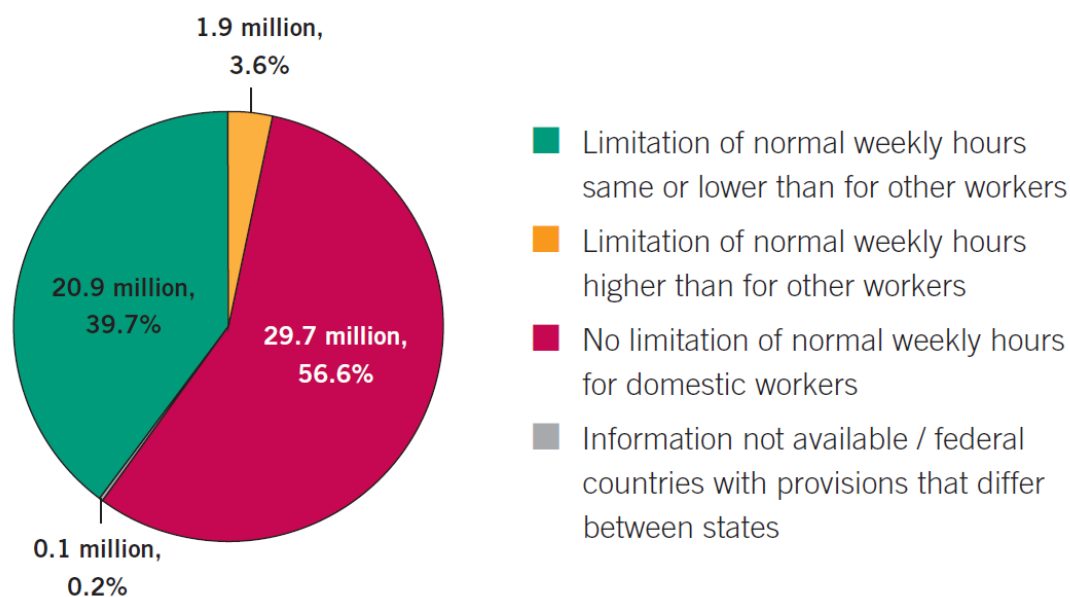
Such low levels of working time protection are primarily caused by the exclusion of domestic workers from existing national standards on normal working hours (28.2 million domestic workers are not tabulated), whereas only a minority of cases arise from a complete absence of standards on weekly working hours for all workers.

At a regional level, the weakest coverage is found in Asia and the Middle East, where – as far as data are available – statutory limits on normal weekly working time are almost entirely absent.<sup>1</sup> In Asia in 2010, 99 per cent of domestic workers received no protection under national legislation to limit their normal weekly hours, whilst the remaining one per cent of domestic workers were receiving either the same or lower protection compared to other workers (ILO, 2013a).

### **Weekly Rest**

The delineation of weekly rest periods is another important feature of working time regulations that has therefore been reflected in the Domestic Workers Convention, 2011 (No. 189), which states that “weekly rest

**Figure 2. Limitation of normal weekly hours of domestic workers under national legislation, 2010**



Source: ILO (2013a) *Domestic workers across the world: global and regional statistics and the extent of legal protection*, International Labour Office, Geneva, January, p.61.

shall be at least 24 consecutive hours." As of 2010, almost half of all domestic workers (25.7 million or 49 per cent) were entitled to such a rest period (see Figure 3, below). In some cases, countries like Uruguay and South Africa have gone above the minimum requirements of the Convention in establishing weekly rest periods of 36 hours (i.e. a day and a half) for domestic workers.

Nevertheless, the available data also show that there still remain huge gaps in the statutory provision of weekly rest periods: as of 2010, some 44.9 per cent of all domestic workers (or 23.6 million worldwide) were not entitled to any weekly rest under national legislation.

Most of these are from Asia and the Middle East. In both regions, only a small fraction of domestic workers are entitled to a weekly day of rest under national legislation (ILO, 2013a). This exclusion is gradually being corrected in Asia: the Philippines' labour legislation under the new Domestic Workers Act entitles domestic workers to at least 24 consecutive hours of rest per week, whilst Thailand's new Ministerial Regulation No. 14 (B.E. 2555) extends the right to a weekly rest day under the Labour Protection Act to domestic workers (ILO, 2013b). Likewise, in Singapore, foreign domestic workers whose work permits are issued or renewed from 1 January 2013 onwards will be entitled to a weekly day of rest from work (unless they reach a separate agreement with their employer).<sup>2</sup>

## **Paid Annual Leave**

Together with limits to weekly hours of work and guaranteed adequate rest periods, paid leave enhances the overall wellbeing of workers by providing them with sufficient leisure, rest and autonomy on an annual basis. The Domestic Workers Convention, 2011 (No. 189), states that annual leave is one of the areas in which member States should ensure equal treatment for domestic workers and many countries have, in fact, already extended entitlement to such leave to their domestic workers.

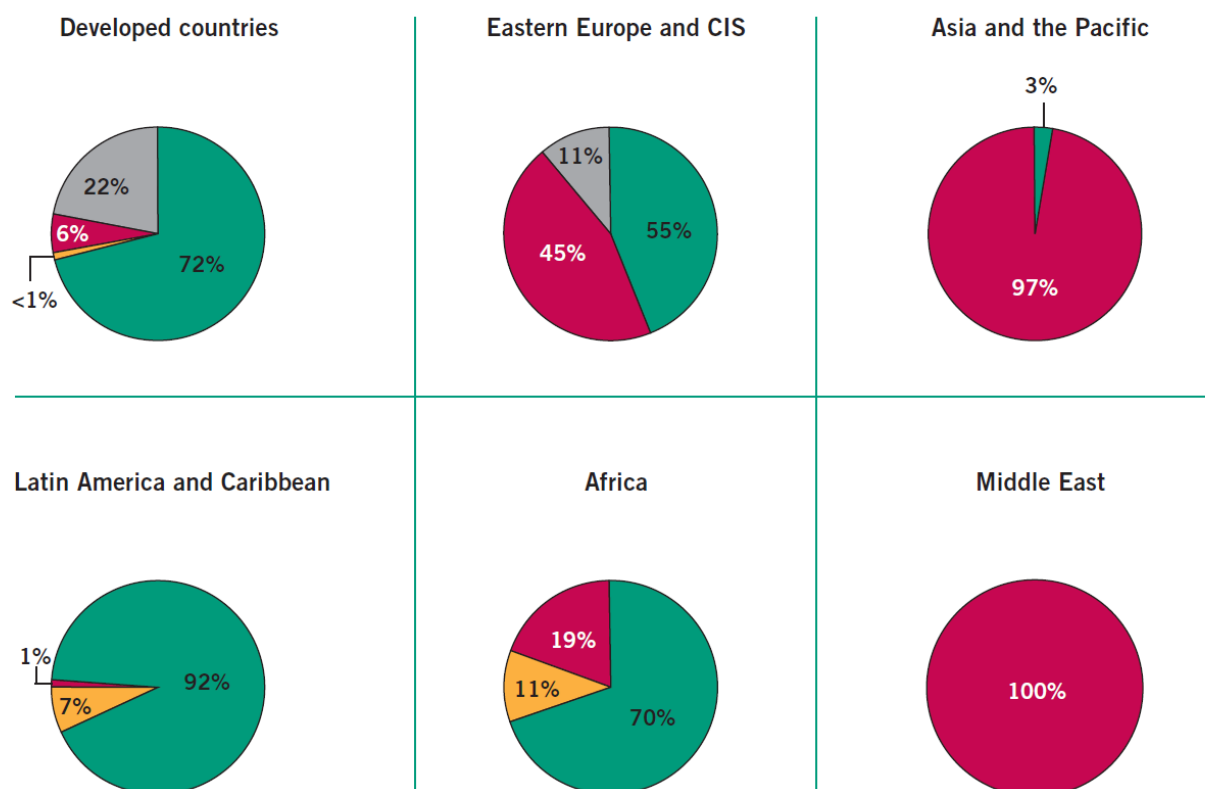
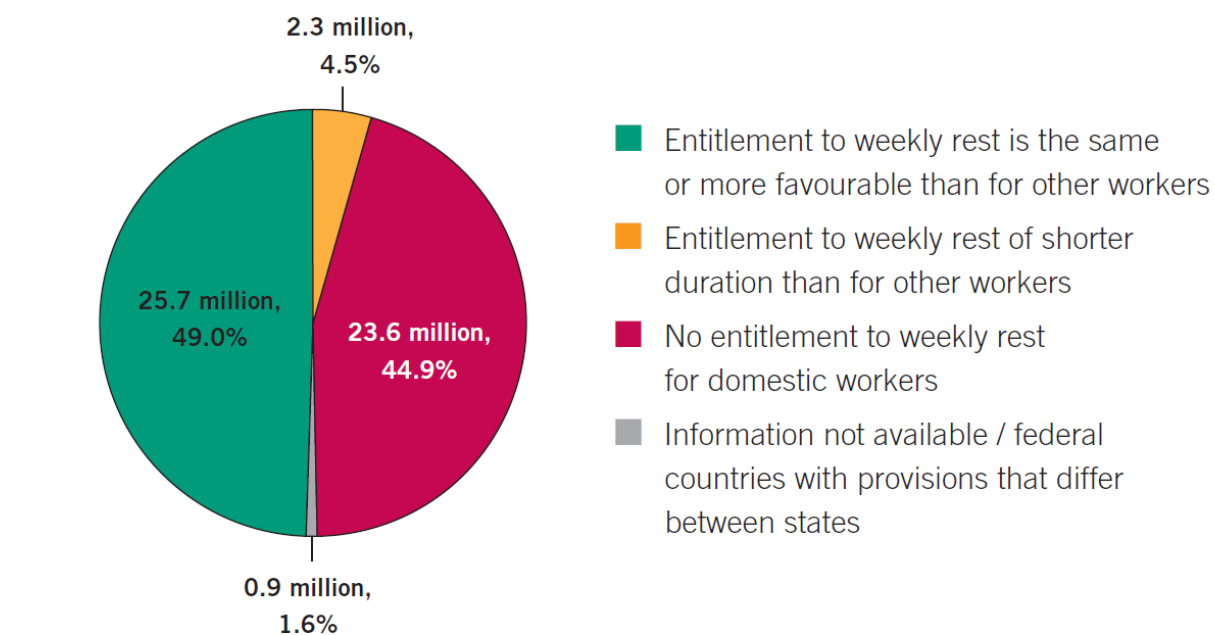
In 2010, just under half of all domestic workers across the world (approximately 25.7 million) had equal entitlements to annual leave as other workers (see Figure 4). The legal coverage for domestic workers in this respect is especially robust in Latin America and the Caribbean, where almost all domestic workers in the region are currently entitled to annual leave.

As in the case of normal weekly hours and weekly rest, legal entitlement to paid annual leave is the weakest in Asia and the Middle East, where 97 per cent and 99 per cent of domestic workers, respectively, have no such entitlement under national legislation (ILO, 2013a). Leave arrangements thus depend entirely on the discretion of employers and holidays are often only granted on national festival days. Under Thailand's new Ministerial Regulation No. 14 (B.E. 2555), domestic workers are now entitled to all 13 standard



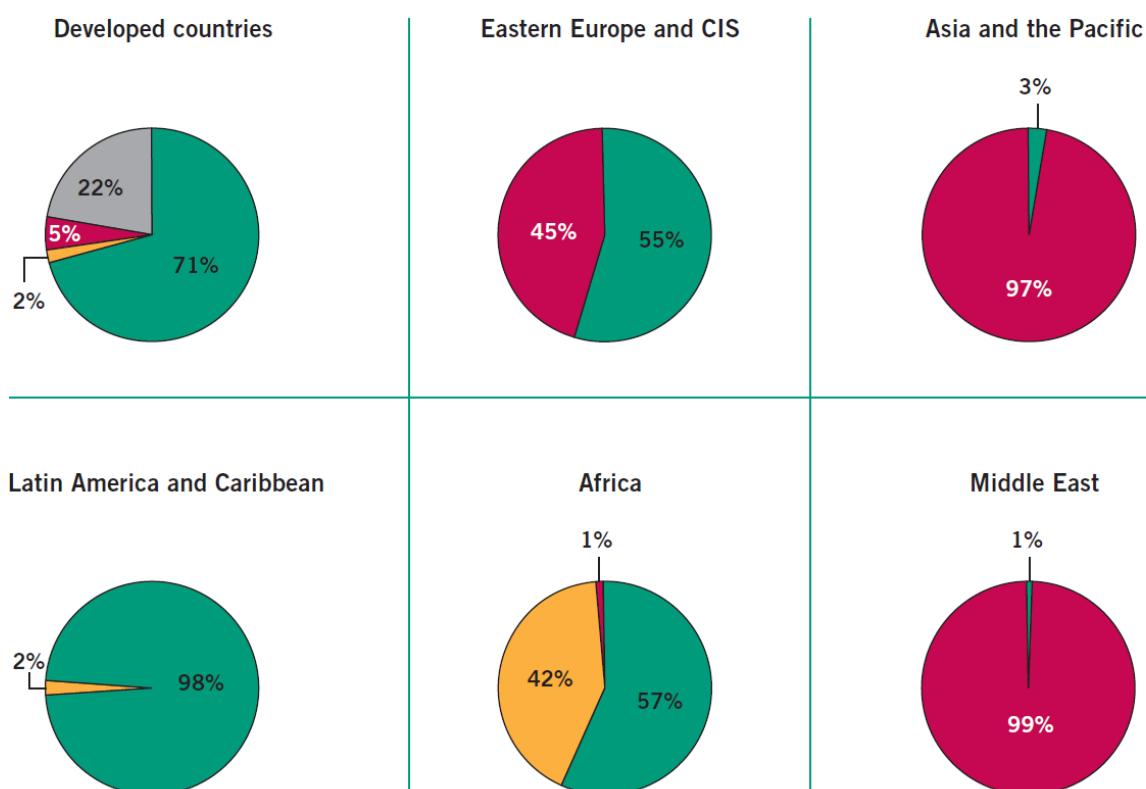
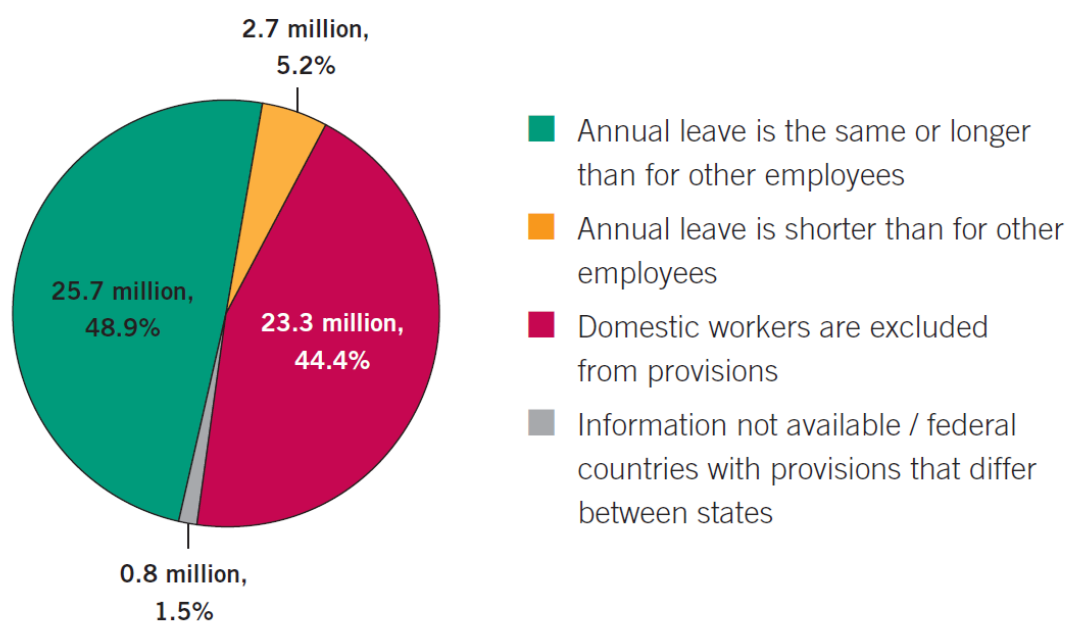
*A young domestic worker washes dishes in a nearby canal, Copyright ILO, 1985.*

**Figure 3. Entitlement to weekly rest (at least 24 consecutive hours) for domestic workers under national legislation, 2010**



Source: ILO (2013a) *Domestic workers across the world: global and regional statistics and the extent of legal protection*, International Labour Office, Geneva, January, p.63.

**Figure 4. Entitlement to annual leave for domestic workers under national legislation, 2010**



Source: ILO (2013a) *Domestic workers across the world: global and regional statistics and the extent of legal protection*, International Labour Office, Geneva, January, p.65.

public holidays, as well as to six days of paid leave upon completing one uninterrupted working year. Similarly, the Philippines' new Domestic Workers Act entitles domestic workers to five days of paid leave once they have rendered at least one year of service.

### What are the building blocks of working time limitation for domestic workers?

A fundamental principle of working time regulation is to distinguish between work and rest. This principle should apply also when a worker lives in the household for which they are employed. Limiting working time necessitates defining what are hours of work (and hence deserving of remuneration) and what are not. This distinction is captured by the terms "working hours" and "rest periods": whereby the former notion should refer to periods during which the employee is at the disposal of the employer. By contrast, "rest periods" are those during which the worker is free to dispose of the time as she or he wishes.

The key principle on working time enshrined within the Domestic Workers Convention, 2011 (No. 189) is to take measures towards ensuring equal treatment between domestic workers and other workers in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave, whilst taking into account the special characteristics of domestic work.

Domestic workers are frequently asked to remain in the household in order to

respond to possible calls, such as family or household exigencies might require. During such periods, they may not actually be performing any tasks and may retreat to their room though they are nevertheless required to remain at the household's disposal and restricted in using their time they might wish. Such periods are referred to as "stand-by" or "on-call" periods and the Domestic Workers Convention, 2011 (No. 189) states that such hours should be regarded as hours of work to the extent determined by national laws and regulations.

#### Designing and implementing working time standards for domestic workers: Guidance from C.189 and R.201

- Defining normal hours of work (i.e. daily and weekly hourly limits) and rules concerning overtime
- Determining daily rest periods and a weekly rest of at least of 24 consecutive hours
- Rules regarding work during daily and weekly rest, in exceptional cases.
- Paid annual leave
- Defining rules on stand-by
- Ensuring that domestic workers are not obliged to remain in the household or with household members during periods of daily rest and weekly rest or annual leave
- Including working time stipulations in the employment contract
- Recording of hours of work, overtime and stand-by periods

(See C.189, Articles 9(b) and 10 and R.201, Paragraphs 8-13)

### ENDNOTES

<sup>1</sup> Daily and weekly limits on hours in unified standard employment contracts were not considered as statutory limits.

<sup>2</sup> Ministry of Manpower, FDW Weekly Rest Day: A guide for Employers. Singapore, not dated.

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