



Women in Informal Employment:  
Globalizing and Organizing



**YOUR TOOLKIT ON ILO CONVENTION 189 -  
THE DOMESTIC WORKERS' CONVENTION**

**YOUR TOOLKIT ON ILO  
CONVENTION 189  
THE DOMESTIC  
WORKERS' CONVENTION  
(CARIBBEAN REGION)**

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# INTRODUCTION

In almost every country across the world you will find domestic workers - people (mostly women) who work in other people's homes for pay.

As an organizer, you want to help domestic workers organize so they have the power to challenge their exploitation:

- They mostly earn low wages, have poor working conditions and often work without a written contract of employment.
- Many governments do not recognize domestic workers as workers.
- If they are foreigners, it is difficult for them to leave their job and find another.
- They almost always work long hours with little rest.
- Because they work on their own, it is easy for their employer to fire them or abuse them.

You may face challenges when organizing domestic workers:

- Many say they are afraid of their employers and fear they will lose their jobs if they join an organization such as a union or workers' association.
- Often their job goes with live-in accommodation at their employer's home - they worry that if you organize them, their employer will fire them and they will also lose their home.
- Some of them come from another country (often without papers). Standing up to their employer by joining a union or workers' organization could result in them being dismissed.
- Their long hours of work and working on their own, makes it difficult for them to meet with you or to attend meetings.



**Despite these challenges domestic workers all over the world are organizing and winning the struggle for recognition and rights as workers. Is this your experience? Sometimes you must feel like giving up. But there is hope.**

But first let's tell you who we are. **We are Women in Informal Employment: Globalizing and Organizing**, WIEGO for short. We work with the [International Domestic Workers' Federation \(IDWF\)](#), which supports domestic workers' organizations across the world. The [IDWF](#) leads the struggle for domestic workers' rights and has 67 member organizations in 54 countries. WIEGO tries to influence international policies that can improve workers' lives, especially those employed informally, and helps to strengthen their organizations. (Find us on [www.wiego.org](http://www.wiego.org) and [www.idwfed.org](http://www.idwfed.org) for more info).

For more than 10 years domestic workers from across the world have been building their international organization. They have been supported by allies such as national trade unions, international trade union bodies, especially the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), and support organizations like WIEGO. All of us have shared domestic workers' problems from our own countries. Working together, we have developed strategies to try and better protect domestic workers.

One very important strategy was to put pressure on the International Labour Organization, or the ILO as it's called. The ILO is made up of governments, worker organizations and employers' organizations from almost all the countries in the world, and one of its key jobs is to negotiate and adopt **conventions and recommendations**. These are international standards that set out worker rights that all countries can approve and then adopt national laws to make these rights real. We wanted the ILO to adopt a special **convention** that would protect domestic workers.

It was not an easy process. In 2010 and 2011, domestic workers and their organizers attended the ILO Conference, supported in particular by the IUF and WIEGO. We got the support of representatives of different countries, and we finally did it. The ILO adopted Convention 189, the Domestic Workers Convention, or **C189** in short.

That struggle for the Convention is now over. Now the real work begins to make C189 real for domestic workers.

WIEGO and the [IDWF](#) partnered to write this toolkit to support IDWF affiliates in their efforts to make C189 real for domestic workers. We first developed the toolkit for the African region. We adapted it for the Caribbean and held a workshop with domestic worker leaders in the region. At the workshop, we asked the domestic worker leaders to tell us how to improve the toolkit. We hope that it will help you build your campaigns, educate government, and organize workers to understand and promote C189. This toolkit contains five sections:

**SECTION 1:** ILO Convention 189 – What is it?

**SECTION 2:** What is ratification and why does it matter?

**SECTION 3:** How can C189 become real for domestic workers?

**SECTION 4:** Model contract of employment

**SECTION 5:** Other resources that you can use

## Some words and phrases in this toolkit and what they mean

### CHILD

A person below the age of 18.

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### DOMESTIC WORKER

A person who works in the homes of others for pay.

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### EMPLOYER

The person whom a domestic worker works for. The Convention applies when a person or family employs a worker to work in their home. It does not apply when an individual or company employs a worker to work in a house or villa that is rented out to guests.

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### ILO

The International Labour Organization is an international organization that is part of the United Nations. The ILO was formed in 1919 and has its head office in Geneva, Switzerland. It brings together representatives of governments, employers and workers from 187 different member countries. Together they set labour standards that member countries should follow. Find out if your country belongs here. <http://www.ilo.org/public/english/standards/relm/country.htm>

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### ILO CONVENTION

Representatives of workers, governments and employers draw up agreements at the ILO. These are called conventions and act as international labour standards. Member countries are encouraged to ratify (adopt) them in their own countries.



## MEMBER COUNTRY

A country that belongs to the ILO.

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## MIGRANT DOMESTIC WORKER

A worker who is from one country (home country) and works in another country (host country).

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## SOCIAL PARTNERS

Employers' and workers' organizations, and (where they exist) organizations of domestic workers and those of employers of domestic workers.

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## UNITED NATIONS

An international organization set up in 1945. With 193 member countries, it aims to maintain international peace and security. The ILO is part of the United Nations.

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## WORKERS' ORGANIZATION

A trade union or association that organizes domestic workers.

# Acronyms

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<b>CARICOM</b>	Caribbean Community
<b>CPDC</b>	Caribbean Policy Development Centre
<b>CSME</b>	Caribbean Single Market and Economy
<b>JHWU</b>	Jamaica Household Workers' Union
<b>NUDE</b>	National Union of Domestic Employers



## Section 1

# ILO Convention 189 – What is it?



**You can use R201 to explain what your government must do to give effect to specific parts of C189 more fully. Look out for bubbles like this, which explain different ways to address the same issue.**

The ILO agreed to C189 in 2011. It contains a minimum set of labour standards to promote decent work for domestic workers. If a country ratifies C189, it promises to raise labour standards to those set out in C189. The ILO recommends that countries ratify C189 and turn it into law or use it to change their existing laws.

When the ILO adopted C189 it also adopted a Recommendation on Decent Work for Domestic Workers. An ILO Recommendation is a set of guidelines to help countries shape their labour laws. Unlike conventions, recommendations do not need to be ratified and are not binding on member countries. Recommendation No. 201 (or R201) guides member countries on how to align their labour laws and policies with C189.

### Definition:

**ILO CONVENTION:** Representatives of employers, workers and governments sit at the International Labour Conference (ILC), which is held in June every year. Together, the representatives draw up agreements, some of which are called conventions. A convention is a special type of agreement that sets international labour standards. Member countries (countries that belong to the ILO) can then decide if they are going to ratify it and make it apply in their own countries. Often it needs a lot of campaigning by workers to get their country to ratify it.

By signing and ratifying a convention, the countries commit to doing certain things. The ILO has mechanisms to check whether countries are doing what they have committed to do to give effect to each convention that they have ratified. The ILO regularly tells member countries where they are falling short of ratified conventions and what they should do to bring their national laws closer to the conventions.

## Who does C189 apply to?

C189 applies to all domestic workers:

- Whether they work full-time or part-time;
- Whether they live in the household where they are paid to work, or live somewhere else and travel to work;
- Whether they work in the country where they live or whether they work as a migrant domestic worker; and
- Whether they work for one household or several households.

Member countries may exclude certain categories of workers after consulting with the social partners in their own country.



## What minimum standards does C189 sets out?

Each member country must make sure that domestic workers enjoy:

- a) Basic rights
- b) A written employment contract
- c) Basic working conditions
- d) Workplace safety and health
- e) Social security
- f) The power to make complaints against employers

Each member country must make sure that:

- g) Migrant domestic workers are protected
- h) Employment agencies are regulated

## a) What are the basic rights that C189 sets out?

- Domestic workers have the right to be treated fairly and to enjoy decent working conditions (Art. 6).
- Domestic workers have the right to:
  - » join the organization that they think best represents them or form one if there isn't one (freedom of association); and,
  - » bargain or negotiate with their employer (Art. 3(2)(a), Art. 3(3)).
- No child below the age of 15 should work as a domestic worker. A child domestic worker who is above the minimum age should be allowed to complete compulsory education and to pursue further education or job training (Art. 3(2)(c), Art. 4).

### Member countries should:

- Make sure that all laws and procedures make it easy for domestic workers to establish their own organizations or join organizations of their choice.
- Consider supporting domestic workers' organizations to strengthen them.

### Member countries should:

- Ensure that children do not do types of domestic work that harm their health, safety and morals.
- Protect child domestic workers who are above the age of 15 by limiting their hours of work, prohibiting them from working at night, and restricting work that is too demanding.
- Check children's working and living conditions.

### Member countries should:

- Set rules to protect domestic workers' medical information and protect workers who must have medical tests for work purposes.
- Protect workers from being forced to have an HIV or pregnancy test or to tell the employer their HIV or pregnancy status.

- Nobody should be forced to be a domestic worker (Art. 3(2)(b)).
- No domestic worker should be discriminated against at work (Art. 3(2)(d)).
- A member country must:
  - » Protect domestic workers against abuse, harassment and violence (Art. 5);
  - » Ensure that workers can negotiate with the employer to live in the employer's house or away from the household where they work (Art. 9(a));
  - » Ensure that workers can keep their travel and identity documents with them (Art. 9(c));
  - » Ensure that **live-in domestic workers:**
    - i. enjoy decent living conditions that respect their privacy (Art. 6);
    - ii. are not forced to stay in the household when they have rest periods or leave (Art. 9(b));
    - iii. get protection from laws that regulate stand-by hours (the times when their employer wants them to be on call in case they need them) (Art. 10(3)).

### Member countries should:

- Provide complaints mechanisms and provide temporary shelter and health care to help domestic workers who have been abused, harassed or ill-treated.

## b) What are their rights to an employment contract:

An employer should give a domestic worker clear and understandable details about the contract/terms and conditions of work (Art. 7):

- Name and address of their employer and (if this is a different address) where they work;
- The starting date and (if it is for a specific time) the period of the contract;
- The type of work they will do;
- Their wages and how often they will be paid;
- Normal working hours;
- Their daily and weekly rest periods;
- How many days leave they will get each year;
- How they or their employer can end their contract, including notice periods;
- The trial period (probation);
- If they live in the household where they work, the food and accommodation their employer will give them;
- Terms of home passage return to the worker's home at the end of their contract (repatriation).

**Member countries must develop a model contract of employment and make it available to the public.**

Where possible, the employer should give the worker a written contract (Art. 7).

## c) What basic working conditions are domestic workers entitled to?

A member country must make sure that:

- Their normal working hours, their overtime pay, their daily and weekly rest periods and their paid annual leave are similar to other workers in their country (Art. 10(1)).
- Each week they get at least 24 hours' (one full day) rest (Art. 10(2)).
- If there is a minimum wage in their country, it must apply to domestic workers as well (Art. 11).
- They are paid their wages in cash at least once a month. If they agree, their employer can pay with a cheque or direct deposit to their bank account (Art.12(1)).

**Member countries should guide employers and workers to record working time, overtime and standby periods properly.**

**The parties should be able to agree on the weekly rest day, considering the domestic workers' cultural, social and religious requirements.**

**Employers should give domestic workers a pay slip that explains the total pay that is due to them and explain any deductions from the pay.**

- If they are paid in-kind (for example with clothes or food) that:
  - » These are just a small part of what the employer pays them;
  - » The value of the payment in-kind is fair and reasonable; and
  - » The payment in-kind helps them (Art. 12(2)).



**The workers' total pay (cash and in kind) must be included when calculating social security contributions and benefits.**

**Member countries should:**

- Develop ways to inspect the workplace and punish employers who break the health and safety laws.
- Advise and share information on safety and health at work for domestic workers.

## d) What about workplace safety and health?

- Domestic workers have a right to a safe and healthy workplace (Art. 13).
- Their employer must make sure that they are protected at work, for example, by explaining how to use equipment and tools properly and by providing them with gloves for cleaning (Art. 13).

## e) And social security?

- Domestic workers have a right to pensions for old age and disability. They should also enjoy maternity benefits when they go on leave to have a baby, and unemployment benefits when they lose their job like other workers receive (Art. 14(1)).
- Their government may not be able to give them these rights immediately, but must do so over time (Art. 14(2)).



**Member countries should:**

- Make it easy to pay social security contributions, including for workers who have more than one employer.
- Work with other countries to ensure that domestic workers who are entitled to benefits in one country can claim them in the country where they live.

## f) They have the right to make complaints against employers

Member countries must:

- Make it easy for domestic workers to make complaints about their employer, or go to court if there is a dispute that they need to settle (Art. 16); and
- Make sure that their employers comply with these laws by inspecting workplaces (Art. 17).

**There should be rules to allow inspectors to enter the domestic workplace while respecting the employer's privacy.**

- Countries can create a national hotline in different languages for workers who need help.

- Countries can set aside funds for workers' legal fees.

- Migrant domestic workers must be able to pursue a case or complaint after returning to the home country.

Each member country must also make sure that:

## g) They protect migrant domestic workers by ensuring:

- They have a written contract or a written job offer before they travel to the country where they are going to work (Art. 8(1));
- Their contract spells out how they will get home when their contract finishes (Art. 8(4)); and
- Their home country and the country where they work (host country) work together to help protect them (Art. 8(3)).

**Before leaving, workers should be educated about their rights and remedies in the host country.**

**There should be clear rules about when domestic workers will have this right.**

## h) They regulate private employment agencies:

- By making rules for employment agencies to follow (Art. 15(a));
- By investigating workers' complaints about these agencies (Art. 15(b));
- By protecting them from agencies that treat workers badly (Art. 15(c));
- By working with other countries to regulate agencies that help migrant domestic workers to find jobs (Art. 15(d));
- By making sure that agencies do not deduct any fees from workers' pay (Art. 15(e)).



## Section 2

# What is ratification and why does it matter?

C189 sounds good doesn't it? It sets out some powerful rights for domestic workers, and promotes decent work at the country level. Ratification of C189 is the best way to get countries to commit to doing what the Convention says. In this section, we explain what it means to ratify a convention and what happens after a country does so. We also explain why it is important for the Convention to be ratified.

## What does ratification of a convention mean?

A member country ratifies a convention when its law-makers (in Parliament or Senate) confirm that the country will do what the convention says. A member country that has ratified a convention must make laws, regulations and agreements to make the convention real. In making C189 real, a member country must:

- Consult with employers' and workers' organizations;
- Consider the special nature of domestic work; and
- Make sure that domestic workers are treated the same or not less favourably than other workers.

Within two years of ratifying the convention, a member country must report to the ILO on its progress in doing what the convention says. After that, it must report every five years. The ILO regularly tells member countries where they are falling short of ratified conventions and what they should do to bring their national laws closer to the conventions.

Worker organizations have an important role to play in the reporting process. The government must share its report to workers' organizations before sending it to the ILO. Workers' organizations may comment on the report and point out any areas where it does not agree or any gaps in the report. Federations of workers' organizations can write their own reports and submit them to the ILO. A registered domestic workers' union can also submit its own report directly to the ILO.

## Why is it important for C189 to be ratified?

*C189 protects the rights of domestic workers:*

**1. The right to organize:** Freedom of association and collective bargaining are central to C189. When a country ratifies and applies C189, it gives workers' organizations a legal basis to support domestic workers (e.g. by giving them the legal right to organize). Before making decisions about actions that it should take to make C189 real, governments that have ratified the Convention must not only consult with the most representative worker organizations, but also with organizations that represent domestic workers. This will allow domestic worker organizations to speak for themselves and to make demands in the process of making the Convention real.

**2. Beyond workers' organizations rights:** The Convention also covers basic human rights, the regulation of recruitment agencies and equal treatment for migrant domestic workers.



**3. Protecting migrant domestic workers:** Ratification of C189 enables sending countries to protect the rights of their workers abroad. In fact, it enables different countries to align their labour laws and allows sending and receiving countries to work together to maintain migrant domestic workers' rights.

**4. Inclusion:** Domestic workers are not fully protected by the law in most countries, and because they are isolated, they can be exploited and abused. C189 aims to extend legal protection to domestic workers.

**5. Enshrining or preserving rights:** Governments change, and often laws change with them. But conventions bind the countries that ratify them, even if the government changes. Ratification of C189 could prevent a new government from lowering standards for domestic workers' working conditions.

**6. Promoting accountability:** Workers' organizations can use C189 to denounce abuses and exploitation and may use the ILO system to track the country's progress.

*How does the ILO keep track of progress with making C 189 real?*

Countries that ratify the convention commit to passing laws and taking other measures to promote decent work for domestic workers. They also agree to let the ILO supervise their progress in making C 189 real. The ILO system requires governments to submit reports about what they have done to make the Convention real every four years. Worker organizations and employer organizations can also submit shadow reports to add information that the government left out or to correct anything in the report that they do not agree with. After reading the reports, the ILO Committee of Experts will respond by noting the government's progress and identifying areas for improvement or by asking the government to answer specific questions. The committee will follow up on the government's progress from time to time.

*Can we file a complaint against the government at the ILO?*

A workers' organization that has a seat at the ILO conference may make a complaint that the government is violating the principles of C189. This complaint is sent to the relevant committee, which will make a finding and recommendations for the government to follow. Various ILO bodies will follow up on the government's progress in taking the recommended actions.

*What can the ILO do if it finds that a government has violated a ratified convention?*

The ILO system focuses on working with member states and supporting them to make ratified conventions real. Any findings and recommendations by an ILO body are shared publicly. Most governments do not want the bad publicity that comes from reports stating that they are violating the rules in the conventions. Although it is possible for the ILO to impose sanctions in extreme cases, it has rarely used these powers.



## Section 3

# How can C189 become real for domestic workers?

We have talked about why ratification of C189 is important. In this section, we will look at how parts of the Convention can become a reality in the workplace for domestic workers. We look at the following three steps:

**STEP 1:** Find out if your country has ratified C189.

**STEP 2:** Use the checklist to find the gaps in your laws.

**STEP 3:** Use C189 to raise general awareness about domestic workers' needs and about C189.

### Step 1: Find out if your country has ratified C189

By August 2018, 25 countries had ratified C189, and Peru's Congress had agreed to ratify it. These 25 countries are now supposed to consult with social partners, including yourselves, and make laws, regulations and agreements to give effect to the Convention.

If your country has ratified C189, it means you can campaign for your country to implement it to make it real. And remember that the ILO system also comes into play and require that your country report to the ILO on its progress.

See if you can find your country in Table 1 below.

**Table 1: Countries that had ratified C189 by September 2022**

<b>AFRICA</b>	<b>CARIBBEAN</b>
Guinea	Antigua and Barbuda
Madagascar	Grenada
Mauritius	Guyana
Namibia	Jamaica
Sierra Leone	<b>LATIN AMERICA</b>
South Africa	Argentina
<b>ASIA</b>	Bolivia
Philippines	Brazil
<b>EUROPE</b>	Chile
Belgium	Colombia
Finland	Costa Rica
Germany	Dominican Republic
Ireland	Ecuador
Italy	Guyana
Malta	Mexico
Norway	Nicaragua
Portugal	Panama
Sweden	Paraguay
Switzerland	Peru
	Uruguay



Visit the [ILO website](#) for an updated list of countries that have ratified C189.

If your country is not in the list above, it is likely that it has not ratified the Convention, and you must check Table 2 below. Table 2 shows some countries that have not ratified the Convention have laws that give some protection to domestic workers. Some of these countries have adopted or amended laws to ensure that the country complies with C189, even though they have not yet ratified the Convention.

Look in Table 2 below to see if your country is like this.

**Table 2: Table showing some countries that have adopted laws and policies to protect domestic workers since the adoption of C189**

<b>AFRICA</b>	<b>ASIA</b>
Cape Verde	Bahrain
Kenya	Bangladesh
Mauritania	India
Morocco	Jordan
Namibia	Kuwait
Tanzania	Nepal
Uganda	Pakistan
Zambia	Saudi Arabia
<b>EUROPE</b>	Singapore
Spain	Thailand
<b>NORTH AMERICA</b>	Vietnam
El Salvador	<b>SOUTH AMERICA</b>
United States of America	Venezuela



## Step 2: Use the checklist to find the gaps in your laws

Now that you know where your country sits, you can use the checklist in Table 3 below, whether your country has ratified C189 or not.

- **If your country hasn't ratified C189, use it:**
  - » When requesting or conducting a gap analysis on C189: which areas of your labour laws are in line with C189, and which areas fall short?
  - » Where government officials and law makers may not know about C189 or what it says. You can use this checklist to identify where there are any gaps in awareness in your country.
  - » As an educational tool to show domestic workers where the gaps are between your country's laws and C189. This will help to empower the organization's members and to build the organization.
- **If your country has ratified C189, use it:**
  - » To make government officials aware of C189 and what is in it so that government can better protect domestic workers.
  - » When commenting on government reports or sending information to the ILO.
  - » As an educational tool to show domestic workers where the gaps are between your country's laws and C189. This will help to empower the organization's members and to build the organization.

**Table 3: C189 Checklist**

	YES	NO	COMMENTS
<b>a) Are there measures (laws, policies and practices) to protect domestic workers' basic rights?</b>			
<ul style="list-style-type: none"> <li>• That require employers to treat domestic workers fairly and provide them with decent working conditions (Art. 6).</li> </ul>			
<ul style="list-style-type: none"> <li>• That protect domestic workers when they form or join an organization and/or bargain with their employer (Art. 3(2)(a), Art. 3(3)).</li> </ul>			
<ul style="list-style-type: none"> <li>• That protect children from working in the domestic sector before they complete school (Art. 3(2)(c), Art. 4).</li> </ul>			
<ul style="list-style-type: none"> <li>• That protect people from being forced to be a domestic worker (Art. 3(2)(b)).</li> </ul>			
<ul style="list-style-type: none"> <li>• That protect domestic workers from being discriminated against at work (Art. 3(2)(d)).</li> </ul>			
<ul style="list-style-type: none"> <li>• That protect domestic workers against abuse, harassment and violence (Art. 5).</li> </ul>			
<ul style="list-style-type: none"> <li>• That protect a worker's right to choose to live in the employer's house or live somewhere else (Art. 9(a)).</li> </ul>			
<ul style="list-style-type: none"> <li>• That protect live-in domestic workers regarding privacy, stand-by hours and the right to leave the household when they are off (Art. 6, 9(b) and 10(3)).</li> </ul>			
<ul style="list-style-type: none"> <li>• That protect workers' right to retain their identity documents (Art. 9(c)).</li> </ul>			

	YES	NO	COMMENTS
<b>b) Does your law ensure that workers have an employment contract?</b>			
<ul style="list-style-type: none"> <li>Does it require employers to explain the details of the domestic worker's contracts and provide a written contract where possible? The contract should cover things such as the period of the contract, type of work to be done, wages, working hours, rest periods and leave (Art. 7).</li> </ul>			
<b>c) Does your law include domestic workers' basic working conditions?</b>			
<ul style="list-style-type: none"> <li>By treating domestic workers the same as other workers in relation to working hours, overtime pay, rest periods and paid leave (Art. 10(1)).</li> </ul>			
<ul style="list-style-type: none"> <li>By extending the national minimum wage (if any) to domestic workers (Art. 11).</li> </ul>			
<ul style="list-style-type: none"> <li>By guaranteeing workers at least 24 hours' weekly rest (Art. 10(2)).</li> </ul>			
<ul style="list-style-type: none"> <li>By ensuring that workers are paid at least once a month, in cash or (if they agree) with a cheque or bank deposit (Art. 12(1)).</li> </ul>			
<ul style="list-style-type: none"> <li>By protecting workers who receive part of their wages in kind (Art. 12(2)).</li> </ul>			
<b>d) Are there measures to protect domestic workers' safety and health at work (Art. 13)?</b>			
<b>e) Are there measures to include domestic workers in social security schemes (e.g. pensions, maternity and disability benefits) (Art. 14)?</b>			

	YES	NO	COMMENTS
<b>f) Do domestic workers have the right to make complaints against employers?</b>			
<ul style="list-style-type: none"> <li>Is it easy for domestic workers to make complaints or go to court to settle a dispute (Art 17(1))?</li> </ul>			
<ul style="list-style-type: none"> <li>Do labour inspectors check private households to ensure that employers comply with the laws (Art 17(1))?</li> </ul>			
<b>g) Does your country protect migrant domestic workers?</b>			
<ul style="list-style-type: none"> <li>Must migrant workers have a contract of employment before leaving home (Art. 8(1))?</li> </ul>			
<ul style="list-style-type: none"> <li>Must your government work with other countries to protect domestic workers (Art. 8(4))?</li> </ul>			
<b>h) Does your law regulate employment agencies that place domestic workers?</b>			
<ul style="list-style-type: none"> <li>Must the government make rules for employment agencies to follow (Art. 15(a))?</li> </ul>			
<ul style="list-style-type: none"> <li>Must the government investigate complaints against employment agencies (Art. 15(b))?</li> </ul>			
<ul style="list-style-type: none"> <li>Does it protect workers against agencies that treat workers badly Art. 15(c )?</li> </ul>			
<ul style="list-style-type: none"> <li>Must governments work with other countries to regulate agencies where necessary (Art. 15(d))?</li> </ul>			
<ul style="list-style-type: none"> <li>Are agencies prohibited from deducting fees from domestic workers' wages (Art. 15(e))?</li> </ul>			

## Step 3: Use C189 to raise general awareness about domestic workers' needs and about C189

In this section, we look at the strategies we can use to win better rights and working conditions for domestic workers. We look at examples of countries that have brought their laws and practices in line with C189, and the role that workers' organizations have played in the process. We look at strategies for organizations in countries that have already ratified C189 and those in countries that have not ratified C189. We also look at strategies that all workers' organizations should adopt, whether their countries have ratified C189 or not.

### If your country has already ratified C189

Congratulations on this victory! Remember, the work is not over, and the struggle continues. Using Table 3 that you have filled in, identify which parts of the Convention are missing from existing law: this will be important to ensure that all domestic workers in your organizations are educated about C189 and about what your local laws say.

Here are some ways that other domestic worker organizations have been able to get the rights that C189 lays down:

**1. Campaigning for the government** to give workers the rights and protections in C189. Sometimes domestic workers have demanded a full reform to address all the issues relating to domestic workers. In other cases, workers' organizations have participated in reforms on one or a few issues to ensure that the rights of domestic workers are better protected and prevent the law from undermining domestic workers' rights in relation to that issue.

#### Example:

Guinea's domestic workers' union, Syndicat National des Employés de Maison de Guinée (SYNEM-GUINEE) and the national federation were part of the process of revising Guinea's labour code, which did little to protect domestic workers. The new Labour Code was passed a year before Guinea ratified C189 in 2017 and gives domestic workers more rights. In 2018, the union and the federation have drafted a national law on domestic work to bring the law closer to C189. The draft law is modeled on Morocco's law on domestic work, and regulates issues such as working hours, annual leave, family leave, employment agencies and child labour. The union and the federation plan to submit the draft law to the National Assembly.

**2 Mobilizing workers around real situations that highlight the plight of domestic workers** to convince the government to make domestic workers a priority and to gather public and employer support.

**3. Participating in the ILO reporting process**, either by commenting on the government's report or contributing towards a trade union's federation's report, or by writing its own report (if a registered trade union). Work with your union federations that are officially represented at the ILO to get their support.

**4. Accessing the ILO's comments on the government's progress on implementing the Convention.** After the government submits its report on C189, the ILO Committee of Experts writes comments which say where the government is falling short. It also asks the government to explain what it has done to address certain issues. The comments of the Committee of Experts carry a lot of weight, and are a powerful tool for trade unions to use when calling the government to account.

**5. Making a representation to the ILO explaining that the government is not meeting any of the requirements of C189.** The ILO will then ask the government to respond to the representation. If the government does not respond, or does not give a satisfactory response, the ILO may publish the representation and the reply.

**6. Making a complaint about freedom of association, the right to organize and collective bargaining.** These complaints fall under Convention No. 87 on freedom of association and the right to organize and Convention No. 98 on the right to organize and collective bargaining. The ILO Committee on Freedom of Association will consider the complaint and will write a report stating its conclusions and recommending how to address the situation.

## If your country has not ratified the Convention

There is hope! Here are some important things to do if your country has not ratified the Convention with some examples of what some countries have done.

### 1. Finding out why the government has not ratified the Convention

- i. Some countries only ratify a convention after bringing the national laws in line with that convention. The ILO can ask these member countries to report and explain why they have not ratified. These countries can ratify C189 later, as part of the process of applying the standard.

#### Example:

Uganda's government has committed to ratifying C189. The Government has decided to align the laws with the Convention before ratifying it. The Ministry of Labour is reviewing the occupational health and safety law, which does not protect domestic workers. It is also developing a minimum wage law, which will include domestic workers. The government is also proposing to amend the National Social Security Fund Act to extend social security provision to workers who are currently excluded. The Uganda Hotels, Food, Tourism, Supermarkets and Allied Workers Union (UFTAWU) has been involved in the process and has been demanding that the revised laws should protect domestic workers.

- ii. Countries may decide not to ratify a certain convention, but may still bring their laws into line with the Convention. In such countries, the convention provides guidelines to shape laws and policy.

**Example:**

The Government of Zimbabwe has decided that it will not ratify C189 at this time, but has committed to reforming the Domestic Workers' Employment Regulations in line with C189. The Zimbabwe Domestic and Allied Workers' Union is working with the Ministry of Labour to regulate migrant domestic work and to provide for social protection and the privacy of live-in domestic workers. The union and government have agreed that they will monitor compliance with the regulations after they are revised. The government will then re-consider its position on ratification.

- iii. Some countries do not ratify because they are concerned about the burden and costs that come with committing to the Convention.

**2. Campaigning to ensure that the government implements and enforces existing** laws that cover domestic workers, e.g. by making it easier for employers to comply with the law or by budgeting more money for inspections.

**Example:**

In 2013, Peru's Ombudsman Office published a report that assessed the government's efforts to implement its laws that protect domestic workers. Its report identifies the reasons why very few domestic workers are registered for social protection. These include lack of communication and awareness-raising, strict registration requirements and inconvenient procedures. Some government agencies and local authorities have responded by raising employers' awareness and by making it easier for employers to register workers. In 2016, domestic workers' organizations campaigned for the government to implement the recommendations of the Ombudsman Office.

## Strategies for all workers' organizations

Whether or not your government has ratified the Convention, your workers' organization can organize and build relationships/alliances with different actors. Here are some examples:

- 1) **Working with the media** to spread general awareness about domestic workers' contribution and their situation to change attitudes about them. Organizations in different countries have used the press, TV and radio programmes, theatre, music, movies and social media in their campaigns.



### Example:

In February 2013, the Barbados Workers' Union (BWU) launched a campaign to spread awareness about C189. In August, the BWU named radio broadcast personality Mr. Larry Mayers "Champion of Domestic Workers in Barbados". Mr. Mayers is a charismatic personality who has a strong community presence. He had the ability to reach employers, friends, neighbours, and the public. BWU began mobilizing domestic workers to raise their awareness of C189 and have them speak on Larry's programme so that domestic workers could educate their peers about the Convention. BWU partnered with the Caribbean Broadcasting Corporation to use its popular programme "Q in the Community" as a platform to share information and raise awareness.

- 2) Mobilizing, supporting and empowering workers** to address issues that concern them: educate workers about their rights, provide them with skills training, provide negotiation training and provide employment support such as model employment contracts. This contributes towards making C189 real for domestic workers.

### Examples:

The National Union of Domestic Employees in Trinidad and Tobago established a cooperative as an agency to place its members in good jobs.

In 2017, the Barbados Workers' Union embarked on a drive to build a community of trained advocates to locate domestic workers and educate them about the principles of C189.

In 2022, the Jamaica Household Workers' Union (JHWU) established the JHWU Training Institute in Kingston. The Institute provides dedicated training for domestic workers by domestic workers.

- 3) Educating employers about their duties** to domestic workers and encouraging them to commit to respecting domestic workers' rights and to complying with the Convention.

### Examples:

The [IDWF/ILO My Fair Home](#) campaign calls on employers to sign a pledge to commit to better working and living conditions for domestic workers: paying workers at least the minimum wage, ensuring reasonable working hours and rest periods, written employment contracts, access to decent health care and freedom from abuse and harassment.

**(To learn more, visit: [idwfed.org/myfairhome](https://idwfed.org/myfairhome))**

In 2022, the JHWU launched a Manual for Household Workers and Employers in Jamaica and developed TV and radio ads to educate domestic workers and employers about their rights and obligations on issues including employment contracts. The Union has also developed TV and radio ads to educate workers and employers. One of the ads highlights domestic workers' contribution to the smooth operation of businesses: "If we are serious about productivity, we must be serious about the rights of all workers."

- 4) **Training some organizers/educators as paralegals** within the organization. Paralegals can provide support to workers in their daily struggles, and support leaders of workers' organizations in their efforts to ensure that the government implements existing legislation.
- 5) **Campaigning for government to fully implement existing laws and policies** that protect domestic workers, e.g. by making it easier for employers to comply through convenient ways of paying pension contributions.

#### Example:

The Jamaica Household Workers' Union recognized that only 3 per cent of the country's domestic workers were registered with the National Insurance Schemes. One of the challenges for workers was that workers could not leave work during office hours for registration. The JHWU campaigned for a special

- 6) **Building relationships with institutions that are involved in law reform** to stay informed on possible changes that could affect domestic workers (e.g. the parliamentary committee on labour matters and the law reform commission).
- 7) **Working with the national union federation(s)** which are represented at the ILO and may be the contact point on ILO Conventions. Domestic workers' organizations may also consult federations on issues related to enforcement and implementation.

#### Example:

*"For us in Liberia, the Domestic Workers' Union, being a very young union, had to attach itself to the mother body ... because as a young baby you can't just go and start fighting government. You will not be recognized... So, we affiliated with the Liberian Labour Congress, we discuss our issues with them. They are our spokesperson and we are engaging them, and they along with us are engaging government."*

—Mathaline Cole, Liberia Domestic Workers' Union.

- 8) **Working with other trade unions that can support domestic workers**, or with other unions whose members employ domestic workers. This helps to build domestic worker organizations and solidarity with other workers.
- 9) **Working with unions in other countries** to share experiences and information and to collaborate in other ways to promote the rights of domestic workers. In addition to meetings, workers must try to use technology and social media, including WhatsApp groups, Facebook and the [IDWF](https://idwfed.org/en/campaigns/idwf-new-online-communication-network) communication network.

#### Examples:

[IDWF](https://idwfed.org/en/campaigns/idwf-new-online-communication-network) Communication Network was created in 2014. Its goal is to unite domestic workers globally and create a place for them to share updates, news, activities and resources. The network is also a source of information on domestic workers. (Go to <https://idwfed.org/en/campaigns/idwf-new-online-communication-network> to access the Network).

Between 2012 and 2014, the BWU, JHWU, NUDE, Red Thread and other partners collaborated with the Caribbean Policy Development Center (CPDC) to implement the project, Making CARICOM Single Market and Economy (CSME) Work for Artisans and Domestic Workers. The CPDC identified five countries that were either major senders or receivers of domestic workers and sought to guide domestic workers through the procedures that they would have to follow in seeking to benefit from the rights granted within the CSME Free Movement of Skilled Nationals Regime.

In October 2022, domestic worker organizations in Antigua and Barbuda, Barbados, Grenada, Guyana, Jamaica, St. Kitt's and Nevis, St. Lucia, and Trinidad and Tobago committed to resuscitating the Caribbean Domestic Workers' Network. The organizations will support each other in strengthening their organizations and will collaborate to build regional campaigns on issues that affect domestic workers in these countries. These include the promotion of registration in National Insurance Schemes in the region.

**10) Working with government departments and local authorities** that can support efforts to promote compliance and protect workers (e.g. screening promotional videos in offices that the public visits, attaching brochures to electricity bills to reach employers, providing school lessons to child domestic workers).

**11) Working with local and community leaders and community groups.**

#### **Example:**

The JHWU has partnered with the Ministry of Labour and Social Security on several initiatives. These include nation-wide campaigns to spread awareness and promote domestic workers' registration with the National Insurance Scheme. They have also partnered with the Ministry to obtain space and funding for the establishment of the JHWU Training Institute.

**12) Working with the police to ensure that they understand** the situation of domestic workers. This will enable them to assist domestic workers who report abuse (e.g. KUDHEIHA of Kenya has worked with police in this way).

**13) Reaching out to lawyers who can support workers** and help them to understand the legal documents and participate in legal processes. These may be nonprofit research centres, legal aid clinics, university researchers or research centres, or law firms that do pro bono (free) work. The local ILO office or your trade union federation may be able to recommend good lawyers to assist you. Look out for the following qualities in a lawyer or/research centre/law firm:

- Respected by workers' organizations, authorities, employers;
- Sympathetic to the poor and vulnerable in society, and committed to improving their lives;
- Willing to speak and listen to workers, not just their leaders;
- Gender-sensitive and able to encourage women workers to speak out;
- Able to explain things clearly to workers and patiently answer questions;
- Has respect for, and is willing to use, the knowledge and views of workers;
- Provides pro-bono service. Alternatively, is willing to charge a reduced fee.

### Example:

The South African Domestic Service and Allied Workers' Union (SADSAWU) has had a long-standing relationship with the Social Law Project (SLP) at the University of the Western Cape. SLP has supported SADSAWU in preparations for discussions on C189 at the ILO, engagement with Parliament for ratification and the development of workers' education materials. In 2016, SADSAWU partnered with the Wits University Law Clinic to take the government to court to bring domestic workers under workers' compensation laws.

## Summary: Making C189 real

### STEP 1: Find out if your country has ratified C189

### STEP 2: Use the checklist to find the gaps in your laws

#### If your country hasn't ratified C189, use the checklist:

- When requesting or conducting a gap analysis on C189;
- To identify gaps in awareness about C189 in your country; and
- As an educational tool with domestic workers.

#### If your country has ratified C189, use the checklist:

- To make government officials aware of C189;
- When commenting on government reports or sending information to the ILO; and
- As an awareness and educational tool with domestic workers.

### STEP 3: Use C189 to raise general awareness about domestic workers' needs and C189

#### In countries that have ratified C189, workers can:

- Campaign for government to give workers the rights in C189;
- Mobilize workers around issues affecting domestic workers;
- Participate in the ILO reporting process;
- Access the ILO's comments on your government's progress on implementing the Convention;
- Make a representation to the ILO; and
- Make a complaint about freedom of association, the right to organize and collective bargaining.

#### In countries that have ratified C189, workers can:

- Find out why the government has not ratified the Convention; and
- Campaign for the government to implement and enforce existing laws.

**STEP 3 (continued): Use C189 to raise general awareness about domestic workers' needs and about C189**

**For all workers' organizations:**

- Build campaigns and use the media to spread general awareness.
- Mobilize, support and empower workers to address issues that concern them.
- Educate employers about their duties to domestic workers.
- Train some organizers/educators as paralegals.
- Campaign for your government to fully implement existing laws and policies.
- Build strategic relationships with possible allies who can support your work: with national union federations, with workers' organizations in other sectors, with domestic workers' organizations in other countries, with institutions that are involved in law reform, e.g. Parliamentary portfolio committee, with the police, with other government departments, with local government and community leaders, and with lawyers.



## Section 4

# Model contract of employment

### Tips for domestic workers' organizers and educators

- This model contract aims to guide workers and employers to have a clear contract that covers the issues that C189 identifies.
- You may want to modify some of the terms in line with the national laws.
- If your country has already developed a model contract, consult your ministry or department of labour about changing it to cover all of the issues included in this model contract.
- Make sure that the government has copies of the model contract to distribute to domestic workers and their employers, e.g. at their offices and during inspections in homes.
- Please try to ensure that the worker receives a copy of the contract, or has its terms explained to them in a language that they understand.

### Tips for employers and domestic workers

1. Clauses 1-13 cover what C189 requires an employment contract to cover. Use them as a checklist of what should go into the contract.
2. Delete the clauses that do not apply to you. For example, if the domestic worker is not from another country, you could leave out clause 13.
3. Optional clauses are listed as well. These are not covered by C189, but they are good clauses to have if you can negotiate them. Recommendation 201 lists some clauses that could be included in a model contract (See Annex 1). We also list some optional clauses that we found in model contracts in countries around the world (See Annex 2).
4. We have included a model time sheet and pay slip to help to guide you to keep records of working time and the worker's pay and deductions (See Annex 3).



# Contract of employment for domestic services

## Introduction

The employer and the domestic worker agree to create an employment contract for domestic work.

The following laws and/or collective agreements regulate this contract:

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## Parties to the contract

### The parties to the contract

**Name of employer:** \_\_\_\_\_

Identity number: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

**Name of worker:** \_\_\_\_\_

Identity number: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Date of Birth: \_\_\_\_\_



## Nature of contract

1 **Job Title:** \_\_\_\_\_

2 **Type and length of contract**

The domestic worker shall be employed on a

fixed term contract       permanent contract

The domestic worker shall be employed from \_\_\_\_\_ to \_\_\_\_\_

The domestic worker shall work on a

part-time       full-time basis and for \_\_\_\_\_

3 **The period of probation (trial period)**

The first \_\_\_\_\_ days of the contract will be a probationary (trial) period.



## The household and duties

4 **Household address**

The worker shall work at this address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5 **Domestic worker's duties**

The worker's duties are as follows:

- cleaning     special events  
 caring for elderly/sick/those with disabilities     cooking  
 trips/holidays     pet care     laundry     child care  
 gardening     motor car





## Pay and payments

### 6 Pay

The employer shall pay the domestic worker a wage of \_\_\_\_\_ per \_\_\_\_\_

The employer shall pay the domestic worker every

week     fortnight     month

The employer shall pay the domestic worker

in cash     by bank deposit     by bank cheque



## Working time

### 7 Working hours and daily rest periods

The domestic worker shall work for a total of \_\_\_\_\_ hours per day  
and \_\_\_\_\_ hours per week

**The table below lists the domestic worker's starting, ending and break times for each day.**

DAY	START TIME	BREAKS	END TIME
Sunday			
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			

The domestic worker shall enjoy a daily rest period of at least \_\_\_\_\_ hours per day

### 8 Weekly rest periods

The domestic worker shall enjoy at least \_\_\_\_\_ continuous hours  
of rest per week, and the normal rest day will be \_\_\_\_\_.



## Leave

### 9 **Leave**

The domestic worker shall be entitled to the following leave after completing one year of service:

\_\_\_\_\_ days' annual leave/holiday.

The parties shall agree on the date when annual leave shall start.



## Living arrangements

### 10 **Accommodation**

The employer shall provide the domestic worker with accommodation.

Yes     No

### 11 **Daily meals**

The employer shall provide the domestic worker \_\_\_\_\_ meals per day.



## Ending the contract

### 12 Notice of termination

The employer shall give the domestic worker \_\_\_\_\_ days'/  
\_\_\_\_\_ weeks' \_\_\_\_\_ months' notice, or termination of  
employment, or pay the domestic worker instead of notice.

The domestic worker shall give the employer \_\_\_\_\_ days'/  
\_\_\_\_\_ weeks' \_\_\_\_\_ months' notice, or termination

There is no need to give notice for terminating the contract on good cause, e.g.  
where the worker steals from the employer, or the employer abuses the worker.

### 13 Repatriation on termination of contract

Upon termination of the employment relationship, the employer shall pay the  
costs of the domestic worker's travel to their home.

Yes  No



## Signature of the parties

Signature of employee: \_\_\_\_\_

Date and place: \_\_\_\_\_

Signature of employer: \_\_\_\_\_

Date and place: \_\_\_\_\_

Signature of witness: \_\_\_\_\_

Date and place: \_\_\_\_\_

## Annex 1: Optional clauses from Recommendation 201

Recommendation 201 suggests that a model contract should include additional clauses to the minimum clauses that C189 requires.

### 1. Payments in kind

The employer shall pay the domestic worker up to \_\_\_\_\_ per cent of their pay in kind.

The employer shall give the worker (state items and quantity)

\_\_\_\_\_ valued at \_\_\_\_\_  
\_\_\_\_\_ valued at \_\_\_\_\_  
\_\_\_\_\_ valued at \_\_\_\_\_

### 2. Other payments

The employer shall pay the worker the following in addition to his/her basic pay:

\_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_  
\_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_  
\_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_

### 3. Overtime

The employer shall pay the domestic worker a rate of \_\_\_\_\_ per hour of overtime worked.

### 4. Stand-by

The employer shall pay the domestic worker a rate of \_\_\_\_\_ for every hour of stand-by.

### 5. Wage deductions

The employer may deduct the following amount from the domestic worker's pay:

\_\_\_\_\_ for health insurance/medical aid  
\_\_\_\_\_ for social security (unemployment insurance/pension)  
\_\_\_\_\_ for personal telephone calls

The employer may not deduct money if the domestic worker breaks an item.

## 6. Details of accommodation

The employer shall provide the domestic worker with decent and hygienic accommodation that meets the following requirements:

- Lockable room with a key
- Bed and mattress
- Electricity and heat
- Ventilation
- Clean drinking water
- Lockable toilet and bath facilities

## 7. Other forms of leave

The domestic worker shall also be entitled to the following leave after completing one year of service:

- \_\_\_\_\_ days' sick leave,
- \_\_\_\_\_ days' family responsibility,
- \_\_\_\_\_ days' study leave,
- \_\_\_\_\_ months' maternity leave, of which \_\_\_\_\_ shall be unpaid.

## Annex 2: Optional clauses from national model contracts

We have also included some of the clauses that we found in model contracts for domestic workers around the world. Although C189 and R201 do not require that these issues should be covered in an employment contract, you should consider which ones you would want to include in a model employment contract for your country. You should also consider which clauses are most important to you as a worker, and try to negotiate them with your employer over time.

### 1. Changing the terms of the contract

The parties shall agree to change the terms of this contract in writing.

### 2. Pay increases

The employer shall increase the domestic worker's pay by \_\_\_\_\_ per cent after completing each year of employment.

### 3. Clothing

The employer must provide the worker with uniforms free of charge.

### 4. Health and safety at work

The employer shall:

- provide protective clothing and equipment free of charge,
- teach them how to protect their health and safety at work (e.g. showing them how to use machines and chemicals),
- register the worker to cover occupational injuries or diseases if the country has such a law.

### 5. Assistance in emergencies

- The employer shall provide a first aid kit.
- The employer shall provide the details of the nearest police station and medical service.
- The employer shall provide the domestic worker with contact details to be used in an emergency.

## 6. Employer's travel

The employer shall

- Give the worker \_\_\_\_\_ notice about travel plans.
- Cover any expenses related to the worker's travel with the employer.
- Pay the worker even if they don't travel with the employer.

## 7. Weekly rest periods

The domestic worker shall enjoy at least \_\_\_\_\_ continuous hours of rest per week, and the normal rest day will be \_\_\_\_\_.

## 8. Public holidays

The employer will grant the domestic worker a day off with pay on national/public holidays that fall on an ordinary working day.

A worker will be paid at a rate of \_\_\_\_\_ per hour/per day for working on a national/public holiday.

## 9. Benefits on termination

The employer shall pay the worker \_\_\_\_\_ when the contract is terminated.

## 10. Annual gratuity (bonus)

The employer shall give the employer an annual gratuity (bonus) amounting to \_\_\_\_\_ weeks'/months' pay.

## Annex 3: Monthly time sheet and pay slip

### MONTHLY TIME SHEET AND PAY SLIP

From \_\_\_\_\_ to \_\_\_\_\_

Name: \_\_\_\_\_

DAYS		WORKING HOURS			TOTAL HOURS				END TIME			
Date	Day	Start	Breaks	End	Daily	Regular	Overtime	Holiday	Regular (hours x )	Overtime (hours x )	Holiday (hours x )	Total
1 <sup>st</sup>												
2 <sup>nd</sup>												
3 <sup>rd</sup>												
4 <sup>th</sup>												
5 <sup>th</sup>												
6 <sup>th</sup>												
7 <sup>th</sup>												
8 <sup>th</sup>												
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16 <sup>th</sup>												
17 <sup>th</sup>												
18 <sup>th</sup>												
19 <sup>th</sup>												
20 <sup>th</sup>												
21 <sup>st</sup>												



DAYS		WORKING HOURS			TOTAL HOURS				END TIME			
Date	Day	Start	Breaks	End	Daily	Regular	Overtime	Holiday	Regular (hours x)	Overtime (hours x)	Holiday (hours x)	Total
22 <sup>nd</sup>												
23 <sup>rd</sup>												
24 <sup>th</sup>												
25 <sup>th</sup>												
26 <sup>th</sup>												
27 <sup>th</sup>												
28 <sup>th</sup>												
29 <sup>th</sup>												
30 <sup>th</sup>												
31 <sup>st</sup>												
<b>TOTAL BASIC PAY</b>												
Deduction 1:												
Deduction 2:												
Deduction 3:												
<i>Less Total deductions:</i>												
<b>TAKE HOME PAY</b>												

\_\_\_\_\_  
PAID (Signed by employer)

Date: \_\_\_\_\_

Place: \_\_\_\_\_

\_\_\_\_\_  
RECEIVED (Signed by employee)

Date: \_\_\_\_\_

Place: \_\_\_\_\_

## Section 5

### Other resources that you can use

Reading this booklet on C189 will help you to be more effective in organizing domestic workers and winning better rights for them. This section lists some other resources that we referred to in writing this manual. You can read them to help you to spread awareness about C189, and to help to build your organization.

#### Resources on C189

1. Celia Mather **'Yes, we did it!' How the World's Domestic Workers Won their International Rights and Recognition** (2013) <https://www.wiego.org/resources/yes-we-did-it-how-worlds-domestic-workers-won-their-international-rights-and-recognition>
2. **C189: Conventional Wisdom**, a documentary film on C189 by the International Domestic Workers' Federation and WIEGO <https://www.wiego.org/resources/video-c189-conventional-wisdom>
3. International Labour Office, Geneva. **C189 and R201 at a Glance** (2011) [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_170438.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_170438.pdf)
4. International Labour Office, Geneva. **Effective Protection for Domestic Workers: A Guide to Designing Labour Laws** [https://www.ilo.org/travail/areasofwork/domestic-workers/WCMS\\_173365/lang--en/index.htm](https://www.ilo.org/travail/areasofwork/domestic-workers/WCMS_173365/lang--en/index.htm)
5. International Labour Office, Geneva. **Achieving Decent Work for Domestic Workers: An Organizer's Manual to Promote C189 and Build Domestic Workers' Power** (2012) [https://www.ilo.org/wcmsp5/groups/public/@ed\\_dialogue/@actrav/documents/publication/wcms\\_181344.pdf](https://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@actrav/documents/publication/wcms_181344.pdf)
6. International Trade Union Confederation, International Domestic Workers' Federation and International Labour Organization. **Domestic Workers Unite: A Guide For Building Collective Power to Achieve Rights and Protections for Domestic Workers** (2013) [https://www.ituc-csi.org/IMG/pdf/ituc-domesticworkersunite-final-en-final\\_digital.pdf](https://www.ituc-csi.org/IMG/pdf/ituc-domesticworkersunite-final-en-final_digital.pdf)

## Resources on organizing

Be sure to read other booklets published by WIEGO that give you advice on organizing workers. Book 1, below, talks about the importance of doing research, especially on the laws and regulations that affect the workers you are organizing.

- BOOK 1:** *Recruiting Informal Workers into Democratic Workers' Organisations* <https://www.wiego.org/resources/yes-we-did-it-how-worlds-domestic-workers-won-their-international-rights-and-recognition>
- BOOK 2:** *Building and Maintaining a Democratic Organisation of Informal Workers* <https://www.wiego.org/sites/default/files/migrated/resources/files/ICC2-Building-Orgs-Informal-Workers-English.pdf>
- BOOK 3:** *Handling the Day-To-Day Problems of Informal Workers* <https://www.wiego.org/sites/default/files/resources/files/ICC3-Handling-Problems-English.pdf>
- BOOK 4:** *Collective Negotiations for Informal Workers* <https://www.wiego.org/sites/default/files/resources/files/ICC4-Collective-Bargaining-English.pdf>
- BOOK 5:** *Handling Disputes between Informal Workers and those in Power* <https://www.wiego.org/sites/default/files/resources/files/ICC5-Disputes-English.pdf>
- BOOK 6:** *Collective Action for Informal Workers* <https://www.wiego.org/sites/default/files/resources/files/ICC6-Collective-Action-English.pdf>

## Appendix:

### What is ILO Recommendation No. 201?

- An ILO recommendation is a set of guidelines to help countries to implement a convention.
- Recommendation No. 201 (or R201) guides member countries on how to give effect to C189. It differs from C189 in that it does not have to be ratified and is not binding on member countries.

You can use R201 to explain what your government must do to give effect to specific parts of C189 more fully. In some cases, it explains different ways for addressing the same issue.

Like C189, it covers the following:

- Basic rights;
- An employment contract;
- Basic working conditions;
- Health and safety at work;
- Social protection;
- Measures to protect domestic workers, especially migrant domestic workers;
- Regulating employment agencies.

It also covers other rights.

This is what R201 says:

#### **a) Basic rights**

##### **Member countries should:**

- Make sure that all laws and procedures make it easy for domestic workers to establish their own organizations or join organizations of their choice.
- Consider supporting domestic workers' organizations to strengthen them.
- Set rules to protect domestic workers' medical information and protect workers who must have medical tests for work purposes.
- Protect workers from being forced to have an HIV or pregnancy test or to tell the employer their HIV or pregnancy status.
- Share information about possible diseases that may affect domestic workers and guidelines for good health practices and work-related medical testing.
- Ensure that children do not do types of domestic work that harm their health, safety and morals.

- Protect child domestic workers who are above the age of 15 years by limiting their hours of work, prohibiting them from working at night and restricting work that is too demanding. Governments should also check children's working and living conditions.
- Provide complaints mechanisms and provide temporary shelter and health care to help domestic workers who have been abused, harassed or ill-treated.

## **b) An employment contract**

### **Member countries should:**

- Assist domestic workers to understand their terms and conditions of employment.
- Develop a model contract of employment that should be made available to employers, workers and the public, free of charge.
- In addition to the matters that C189 covers, the terms and conditions of employment should include:
  - » A job description;
  - » Sick leave and any other personal leave;
  - » Any other payments that the domestic worker has a right to receive;
  - » Any payments made in kind and their monetary value;
  - » Details of any accommodation provided;
  - » Amounts that the employer can deduct from the domestic worker's wages.

## **c) Basic working conditions**

### **Member countries should:**

- Guide and support employers and workers to record working time, overtime and stand-by periods properly. Domestic workers must be able to access these records easily.
- Regulate on-call periods by setting maximum stand-by hours per week, month or year, and the rate of pay for stand-by. Workers should get time off for being on stand-by when they should be resting.
- Regulate night work by setting the maximum night hours, the rate of pay for night work and time off for doing night work during a rest period.
- Ensure that parties can agree on the weekly rest day, considering the domestic workers' cultural, social and religious requirements.
- Ensure that workers enjoy a rest period to make up for any time they must work on their rest day, whether or not they are paid for this work.
- Allow a worker to accumulate their weekly rest days by working for up to 14 days and then taking the combined rest days.
- Ensure that the employer does not deduct workers' leave days when they take the domestic worker with them on their holiday.
- Limit how much can be paid in kind, making sure the value of the payment is calculated fairly and limiting payment in kind to things that the domestic worker needs and uses.

- Ensure that employers do not charge live-in domestic workers for accommodation.
- Ensure that the employer does not charge workers for anything that they need to do their work (e.g. uniforms, tools and gloves, etc.).
- Ensure that employers give domestic workers a pay slip each time they pay them. The pay slip should explain the total pay that is due to them and explain any deductions from the pay.
- Ensure that workers have a private room with furniture, windows and adequate lighting and air conditioning. The room should have a lock and the worker must have their own key. The worker should be able to use a toilet and bathroom.
- Ensure that employers provide good and adequate meals that meet workers' religious and cultural needs where possible.

#### **d) Workplace safety and health**

##### ***Member countries should:***

- Protect domestic workers by getting rid of hazards and risks at work.
- Develop ways to inspect the workplace and punish employers who break the health and safety laws.
- Collect data on domestic workers who are involved in accidents and contract diseases at work.
- Advise and share information on safety and health at work for domestic workers.

#### **e) Social security**

##### ***Member countries should:***

- Make it easy to pay social security contributions, including for workers who have more than one employer.
- Work with other countries to ensure that domestic workers who are entitled to benefits in one country can claim them in the country where they live.
- Consider the workers' total pay (cash and in kind) when calculating contributions and benefits.

#### **f) Measures to protect domestic workers, especially migrant domestic workers**

##### ***Member countries should:***

- Where they are the sending country, educate migrant domestic workers about their rights in the host country and the remedies in languages that they understand.
- Establish clear rules about when domestic workers will have the right to free transport back to their home country when their contract ends.

### **Member countries should consider:**

- Creating a national hotline in different languages for workers who need help.
- Enabling migrant domestic workers to visit the household before they start to work.
- Developing a network of emergency housing.
- Educating employers about their duties to workers, including migrant domestic workers.
- Making it easy for domestic workers to file complaints and take employers to court, even after returning to their home country.
- Working with other countries to tell migrant workers about their rights before they leave for work in another country.
- Setting aside funds for workers' legal fees and to provide them with social services.
- Developing rules to allow inspectors to enter the domestic workplace while respecting the employer's privacy.
- Developing codes of conduct for diplomats who employ domestic workers.

### **g) Regulate employment agencies**

- Member countries should work with other countries to monitor employment agencies.

### **h) Addressing other issues affecting domestic workers**

#### **Member countries should:**

- Ensure that a domestic worker whose employer dies or becomes insolvent has rights that are similar to those workers employed in other sectors.
- Ensure that employers pay domestic workers any amounts due to them soon after the employment comes to an end.
- Ensure that an employer who ends the employment (for any reason except for serious misconduct) gives a live-in domestic worker fair notice and time off to look for another job and a place to stay.
- Promote training of domestic workers to improve their skills and job prospects.
- Help domestic workers to balance their work with their family responsibilities.
- Improve their systems for collecting data on domestic work.

### **i) How must member countries give effect to this Recommendation?**

#### **To protect domestic workers, member countries:**

- Can give effect to R201 through laws, policies, collective agreements and other measures;
- Should consult with employers' and workers' organizations before adopting these measures;
- Should work with other countries and through their embassies abroad in some cases.

**Women in Informal Employment: Globalizing and Organizing (WIEGO)** is a global network focused on securing livelihoods for the working poor, especially women, in the informal economy. We believe all workers should have equal economic opportunities and rights. WIEGO creates change by building capacity among informal worker organizations, expanding the knowledge base about the informal economy and influencing local, national and international policies. Visit [www.wiego.org](http://www.wiego.org).

**The International Domestic Workers Federation (IDWF)** is a membership-based organization of domestic and household workers. A domestic or household worker is any person engaged in domestic work within an employment relationship. The IDWF believes that domestic work is work and all domestic and household workers have the same rights as all other workers. Its objective is to build a strong, democratic and united global organization of domestic/household workers to protect and advance their rights everywhere. Visit [www.idwfed.org](http://www.idwfed.org)

