



## Governing Body

313th Session, Geneva, 15–30 March 2012

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**Legal Issues and International Labour Standards Section**  
*International Labour Standards and Human Rights Segment*

**LILS**

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### SEVENTH ITEM ON THE AGENDA

## Form for reports on the application of ratified Conventions (article 22 of the Constitution): Domestic Workers Convention, 2011 (No. 189)

#### Purpose of the document

The Domestic Workers Convention, 2011 (No. 189) was adopted in June 2011. As per established practice, soon after the adoption of a new international labour Convention, the Governing Body establishes the questionnaire that the governments of ratifying States will have to use for the purpose of preparing reports on the application of the Convention in accordance with article 22 of the ILO Constitution. In the present document, the Governing Body is invited to examine and approve the report form to be used as a basis for the reports on the application of the Domestic Workers Convention, 2011 (No. 189) which the governments of ratifying States will be required to submit regularly for the attention of the ILO supervisory organs. (See the point for decision in paragraph 2.)

**Relevant strategic objective:** Not applicable.

**Policy implications:** None.

**Legal implications:** Form to be used by ratifying States in order to meet their reporting obligations pursuant to article 22 of the ILO Constitution.

**Financial implications:** None.

**Decision required:** Paragraph 2.

**Follow-up action required:** None.

**Author unit:** International Labour Standards Department (NORMES).

**Related documents:** Domestic Workers Convention, 2011 (No. 189), Domestic Workers Recommendation, 2011 (No. 201).



1. In accordance with the usual practice, the Governing Body is requested to examine the draft form to be used as a basis for the reports on the above instrument which the governments of ratifying States will be required to submit under article 22 of the Constitution of the ILO. The draft form is appended.
  
2. *The Governing Body may wish to approve the report form for the Domestic Workers Convention, 2011 (No. 189).*



## Appendix

### Domestic Workers Convention, 2011

INTERNATIONAL LABOUR OFFICE, GENEVA

#### REPORT FORM FOR THE DOMESTIC WORKERS CONVENTION, 2011 (NO. 189)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: “Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request.”

The Government may deem it useful to consult the appended text of the Domestic Workers Recommendation, 2011 (No. 201), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

The matters with which this Convention deals may be beyond the immediate competence of the ministry responsible for labour questions, so that the preparation of a full report of the Convention may necessitate consultation of other interested ministries or government agencies.

### Practical guidance for drawing up reports

#### *First report*

1. If this is your government’s first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

#### *Subsequent reports*

2. In subsequent reports, information need normally be given only on the following points:
  - (a) any new legislative or other measures affecting the application of the Convention;
  - (b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of evaluations or audits, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;
  - (c) **replies to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which have been addressed to your government by the Committee of Experts on the Application of Conventions and Recommendations or the Conference Committee on the Application of Standards.

## Article 22 of the Constitution of the ILO

Report for the period from \_\_\_\_\_ to \_\_\_\_\_  
 made by the Government of \_\_\_\_\_  
 on the  
 Domestic Workers Convention, 2011 (No. 189)  
 (ratification registered on \_\_\_\_\_)

- I. Please give a list of the laws, regulations or other measures which apply the provisions of the Convention. Where this has not already been done, please forward copies of these texts to the International Labour Office or provide references to publicly accessible sites from where they may be downloaded electronically.**

**Please indicate whether there exist other means which are relevant to the implementation of the Convention, such as collective agreements, arbitration awards or court decisions. If so, please provide the texts of sample agreements or awards and of leading court decisions.**

**Please give any available information concerning the extent to which the laws and regulations have been enacted or modified to permit ratification or as a result of ratification.**

- II. Please indicate in detail *for each of the following Articles of the Convention* the provisions of the laws, regulations or other measures under which each Article is applied. Please also give the information specifically requested below under each Article.**

**If in your country ratification of the Convention gives the force of national law to its provisions, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to implement those provisions of the Convention which require the competent authority or authorities to take action, such as a definition of its exact scope and the institution of indispensable practical measures and procedures to apply it.**

**If the Committee of Experts or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your government to settle the points in question.**

### *Article 1*

For the purposes of the Convention:

- (a) the term **domestic work** means work performed in or for a household or households;
- (b) the term **domestic worker** means any person engaged in domestic work within an employment relationship;
- (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

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*Please indicate the definition of the terms “domestic work” and “domestic worker”, if contained in the national legislation, collective agreements or court decisions, and communicate relevant text(s).*

*Article 2*

1. The Convention applies to all domestic workers.
2. A Member which ratifies this Convention may, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, exclude wholly or partly from its scope:
  - (a) categories of workers who are otherwise provided with at least equivalent protection;
  - (b) limited categories of workers in respect of which special problems of a substantial nature arise.
3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate any particular category of workers thus excluded and the reasons for such exclusion and, in subsequent reports, specify any measures that may have been taken with a view to extending the application of the Convention to the workers concerned.

*If recourse has been had to the provisions of paragraph 2 of this Article:*

- (a) *please indicate the categories of workers which have been excluded, in whole or in part, from the scope of application of the Convention, in accordance with subparagraphs (a) and (b);*
- (b) *please explain in detail the reasons for such exclusion and provide information on the consultations which have been held prior to such exclusions with the most representative organizations of employers and workers, and where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers;*
- (c) *please describe any measures taken to extend the application of the Convention to the workers concerned.*

*Article 3*

1. Each Member shall take measures to ensure the effective promotion and protection of the human rights of all domestic workers, as set out in this Convention.
2. Each Member shall, in relation to domestic workers, take the measures set out in this Convention to respect, promote and realize the fundamental principles and rights at work, namely:
  - (a) freedom of association and the effective recognition of the right to collective bargaining;
  - (b) the elimination of all forms of forced or compulsory labour;
  - (c) the effective abolition of child labour; and
  - (d) the elimination of discrimination in respect of employment and occupation.

3. In taking measures to ensure that domestic workers and employers of domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members shall protect the right of domestic workers and employers of domestic workers to establish and, subject to the rules of the organization concerned, to join organizations, federations and confederations of their own choosing.

*Please specify the measures taken to ensure the effective promotion and protection of the human rights of all domestic workers, including the fundamental principles and rights at work referred to in this Article, especially the right of domestic workers and employers of domestic workers to establish and join organizations, federations and confederations of their own choosing.*

#### Article 4

1. Each Member shall set a minimum age for domestic workers consistent with the provisions of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and not lower than that established by national laws and regulations for workers generally.
2. Each Member shall take measures to ensure that work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training.

*Paragraph 1. Please indicate the minimum age for admission to employment established by laws and regulations for workers generally, and if different, for domestic workers.*

*Paragraph 2. Please describe the measures taken to ensure that work performed by domestic workers below 18 years of age does not deprive them of compulsory education or interfere with opportunities for further education or vocational training.*

#### Article 5

Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence.

*Please describe the measures taken to ensure that domestic workers are effectively protected against all forms of abuse, harassment and violence.*

#### Article 6

Each Member shall take measures to ensure that domestic workers, like workers generally, enjoy fair terms of employment as well as decent working conditions and, if they reside in the household, decent living conditions that respect their privacy.

*Please describe the measures taken to ensure that domestic workers, like workers generally, enjoy fair terms of employment, decent working conditions and if they reside in the household, decent living conditions that respect their privacy.*

#### Article 7

Each Member shall take measures to ensure that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written contracts in accordance with national laws, regulations or collective agreements, in particular:

- (a) the name and address of the employer and of the worker;
- (b) the address of the usual workplace or workplaces;
- (c) the starting date and, where the contract is for a specified period of time, its duration;
- (d) the type of work to be performed;
- (e) the remuneration, method of calculation and periodicity of payments;
- (f) the normal hours of work;
- (g) paid annual leave, and daily and weekly rest periods;
- (h) the provision of food and accommodation, if applicable;
- (i) the period of probation or trial period, if applicable;
- (j) the terms of repatriation, if applicable; and
- (k) terms and conditions relating to the termination of employment, including any period of notice by either the domestic worker or the employer.

*Please indicate the measures taken to ensure that domestic workers are informed of their terms and conditions of employment – especially the particulars listed in this Article – in an appropriate, verifiable and easily understandable manner. Please also specify whether national laws, regulations or collective agreements require the conclusion of written contracts for the employment of domestic workers.*

#### *Article 8*

1. National laws and regulations shall require that migrant domestic workers who are recruited in one country for domestic work in another receive a written job offer, or contract of employment that is enforceable in the country in which the work is to be performed, addressing the terms and conditions of employment referred to in Article 7, prior to crossing national borders for the purpose of taking up the domestic work to which the offer or contract applies.
2. The preceding paragraph shall not apply to workers who enjoy freedom of movement for the purpose of employment under bilateral, regional or multilateral agreements, or within the framework of regional economic integration areas.
3. Members shall take measures to cooperate with each other to ensure the effective application of the provisions of this Convention to migrant domestic workers.
4. Each Member shall specify, by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation on the expiry or termination of the employment contract for which they were recruited.

*Paragraph 1. Please provide particulars of the laws or regulations requiring that migrant domestic workers who are recruited in one country for domestic work in another receive a written job offer, or contract of employment that is enforceable in the country in which the work is to be performed, addressing the terms and conditions of employment referred to in Article 7, prior to crossing national borders for the purpose of taking up the domestic work to which the offer or contract applies.*

*Paragraph 2. Where applicable, please provide details about any bilateral, regional or multilateral agreement, or any arrangement within the framework of a regional economic integration area, by virtue of which workers might enjoy freedom of movement for the purpose of employment.*

*Paragraph 3. Please describe any measures taken in cooperation with other ILO Members to ensure the effective application of the Convention to migrant domestic workers.*

*Paragraph 4. Please indicate the laws, regulations or other measures that specify the conditions under which migrant domestic workers are entitled to repatriation on the expiry or termination of their employment contract.*

#### *Article 9*

Each Member shall take measures to ensure that domestic workers:

- (a) are free to reach agreement with their employer or potential employer on whether to reside in the household;
- (b) who reside in the household are not obliged to remain in the household or with household members during periods of daily and weekly rest or annual leave; and
- (c) are entitled to keep in their possession their travel and identity documents.

*Please indicate the measures taken to give effect to the provisions of this Article.*

#### *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.

*Paragraph 1. Please describe the measures taken towards ensuring equal treatment between domestic workers and workers generally in respect of the areas referred to in this paragraph.*

*Paragraph 2. Please indicate the measures taken to ensure that domestic workers enjoy a period of weekly rest of at least 24 consecutive hours.*

*Paragraph 3. Please specify the laws, regulations or collective agreements, or any other means consistent with national practice giving effect to the provisions of this paragraph.*

*Article 11*

Each Member shall take measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex.

*To the extent that a minimum wage fixing machinery exists, please indicate the measures taken to ensure that domestic workers enjoy minimum wage coverage. Please also describe the measures taken to ensure that remuneration of domestic workers is established without discrimination based on sex.*

*Article 12*

1. Domestic workers shall be paid directly in cash at regular intervals at least once a month. Unless provided for by national laws, regulations or collective agreements, payment may be made by bank transfer, bank cheque, postal cheque, money order or other lawful means of monetary payment, with the consent of the worker concerned.
2. National laws, regulations, collective agreements or arbitration awards may provide for the payment of a limited proportion of the remuneration of domestic workers in the form of payments in kind that are not less favourable than those generally applicable to other categories of workers, provided that measures are taken to ensure that such payments in kind are agreed to by the worker, are for the personal use and benefit of the worker, and that the monetary value attributed to them is fair and reasonable.

*Paragraph 1. Please indicate the laws, regulations or collective agreements regulating the modalities of payment of wages to domestic workers, in accordance with the provisions of this paragraph.*

*Paragraph 2. Please indicate whether laws, regulations, collective agreements or arbitration awards set out the conditions under which a limited proportion of the remuneration of domestic workers may be paid in kind, in accordance with the provisions of this paragraph, and, if so, specify that proportion.*

*Article 13*

1. Every domestic worker has the right to a safe and healthy working environment. Each Member shall take, in accordance with national laws, regulations and practice, effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers.
2. The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

*Please describe the measures taken to ensure the occupational safety and health of domestic workers, due regard being taken of the specific characteristics of domestic work. If such measures are applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, please provide details including with regard to the consultation process.*

*Article 14*

1. Each Member shall take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure

that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity.

2. The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

*Please indicate the measures taken to ensure that domestic workers enjoy conditions that are not less favourable than those applied to workers generally in respect of social security protection, including with respect to maternity. If such measures are applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, please provide details including with regard to the consultation process.*

*Article 15*

1. To effectively protect domestic workers, including migrant domestic workers, recruited or placed by private employment agencies, against abusive practices, each Member shall:
  - (a) determine the conditions governing the operation of private employment agencies recruiting or placing domestic workers, in accordance with national laws, regulations and practice;
  - (b) ensure that adequate machinery and procedures exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies in relation to domestic workers;
  - (c) adopt all necessary and appropriate measures, within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of domestic workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations that specify the respective obligations of the private employment agency and the household towards the domestic worker and provide for penalties, including prohibition of those private employment agencies that engage in fraudulent practices and abuses;
  - (d) consider, where domestic workers are recruited in one country for work in another, concluding bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment; and
  - (e) take measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers.
2. In giving effect to each of the provisions of this Article, each Member shall consult with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

*Please indicate the measures taken to implement the provisions of this Article. Please also provide particulars on the consultations which have taken place in this regard with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.*

*Article 16*

Each Member shall take measures to ensure, in accordance with national laws, regulations and practice, that all domestic workers, either by themselves or through a representative, have effective access to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally.

*Please indicate the measures taken to ensure the effective access of domestic workers to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally.*

*Article 17*

1. Each Member shall establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers.
2. Each Member shall develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations.
3. In so far as compatible with national laws and regulations, such measures shall specify the conditions under which access to household premises may be granted, having due respect for privacy.

*Please indicate the measures taken to establish effective and accessible complaint mechanisms and means of ensuring compliance with national legislation for the protection of domestic workers, including measures for labour inspection, enforcement and penalties having due regard to the special characteristics of domestic work. Please also indicate any measures taken to specify, in so far as compatible with national laws and regulations, the conditions under which access to the household premises may be granted, having due respect for privacy.*

*Article 18*

Each Member shall implement the provisions of this Convention, in consultation with the most representative employers and workers organizations, through laws and regulations, as well as through collective agreements or additional measures consistent with national practice, by extending or adapting existing measures to cover domestic workers or by developing specific measures for them, as appropriate.

*Please specify the means by which the provisions of the Convention are implemented and communicate the relevant text(s). Please also indicate the consultations which have taken place in this regard with the most representative employers' and workers' organizations.*

*Article 19*

This Convention does not affect more favourable provisions applicable to domestic workers under other international labour Conventions.

**III. Please state to what authority or authorities the application of the abovementioned legislation, regulations, etc. is entrusted, and by what methods such application is supervised.**

- IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.**
- V. Please give a general appreciation of the manner in which the Convention is applied in your country and supply – in so far as the information in question has not already been supplied in connection with other questions in this form – extracts from inspection reports and, where such statistics exist, information on the number of workers covered by the measures giving effect to the Convention, disaggregated by sex and age as well as the number and nature of infringements reported, any model contract of employment for domestic work, etc.**
- VI. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization. If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explains the procedure followed.**
- VII. Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention. If so, please communicate a copy of the observations received, together with any comments that you consider useful.**

## Domestic Workers Recommendation, 2011 (No. 201)

### INTERNATIONAL LABOUR CONFERENCE

#### **Recommendation 201**

#### **RECOMMENDATION CONCERNING DECENT WORK FOR DOMESTIC WORKERS**

The General Conference of the International Labour Organization,  
Having been convened at Geneva by the Governing Body of the International  
Labour Office, and having met in its 100th Session on 1 June 2011, and

Having adopted the Domestic Workers Convention, 2011, and

Having decided upon the adoption of certain proposals with regard to decent  
work for domestic workers, which is the fourth item on the agenda of the  
session, and

Having determined that these proposals shall take the form of a Recommendation  
supplementing the Domestic Workers Convention, 2011;

adopts this sixteenth day of June of the year two thousand and eleven the following  
Recommendation, which may be cited as the Domestic Workers Recommendation,  
2011.

1. The provisions of this Recommendation supplement those of the Domestic  
Workers Convention, 2011 (“the Convention”), and should be considered in  
conjunction with them.

2. In taking measures to ensure that domestic workers enjoy freedom of  
association and the effective recognition of the right to collective bargaining,  
Members should:

- (a) identify and eliminate any legislative or administrative restrictions or other  
obstacles to the right of domestic workers to establish their own organizations  
or to join the workers’ organizations of their own choosing and to the right of  
organizations of domestic workers to join workers’ organizations, federations and  
confederations;
- (b) give consideration to taking or supporting measures to strengthen the capacity  
of workers’ and employers’ organizations, organizations representing domestic  
workers and those of employers of domestic workers, to promote effectively  
the interests of their members, provided that at all times the independence and  
autonomy, within the law, of such organizations are protected.

3. In taking measures for the elimination of discrimination in respect of  
employment and occupation, Members should, consistent with international labour  
standards, among other things:

- (a) make sure that arrangements for work-related medical testing respect the principle  
of the confidentiality of personal data and the privacy of domestic workers, and  
are consistent with the ILO code of practice “Protection of workers’ personal  
data” (1997), and other relevant international data protection standards;
- (b) prevent any discrimination related to such testing; and
- (c) ensure that no domestic worker is required to undertake HIV or pregnancy  
testing, or to disclose HIV or pregnancy status.

Members giving consideration to medical testing for domestic workers should consider:

- (a) making public health information available to members of the households and domestic workers on the primary health and disease concerns that give rise to any needs for medical testing in each national context;
- (b) making information available to members of the households and domestic workers on voluntary medical testing, medical treatment, and good health and hygiene practices, consistent with public health initiatives for the community generally; and
- (c) distributing information on best practices for work-related medical testing, appropriately adapted to reflect the special nature of domestic work.

5. (1) Taking into account the provisions of the Worst Forms of Child Labour Convention, 1999 (No. 182), and Recommendation (No. 190), Members should identify types of domestic work that, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children, and should also prohibit and eliminate such child labour.

(2) When regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers who are under the age of 18 and above the minimum age of employment as defined by national laws and regulations, and take measures to protect them, including by:

- (a) strictly limiting their hours of work to ensure adequate time for rest, education and training, leisure activities and family contacts;
- (b) prohibiting night work;
- (c) placing restrictions on work that is excessively demanding, whether physically or psychologically; and
- (d) establishing or strengthening mechanisms to monitor their working and living conditions.

6. (1) Members should provide appropriate assistance, when necessary, to ensure that domestic workers understand their terms and conditions of employment.

(2) Further to the particulars listed in Article 7 of the Convention, the terms and conditions of employment should also include:

- (a) a job description;
- (b) sick leave and, if applicable, any other personal leave;
- (c) the rate of pay or compensation for overtime and standby consistent with Article 10(3) of the Convention;
- (d) any other payments to which the domestic worker is entitled;
- (e) any payments in kind and their monetary value;
- (f) details of any accommodation provided; and
- (g) any authorized deductions from the worker's remuneration.

(3) Members should consider establishing a model contract of employment for domestic work, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

(4) The model contract should at all times be made available free of charge to domestic workers, employers, representative organizations and the general public.

Members should consider establishing mechanisms to protect domestic workers from abuse, harassment and violence, such as:

- (a) establishing accessible complaint mechanisms for domestic workers to report cases of abuse, harassment and violence;
- (b) ensuring that all complaints of abuse, harassment and violence are investigated, and prosecuted, as appropriate; and
- (c) establishing programmes for the relocation from the household and rehabilitation of domestic workers subjected to abuse, harassment and violence, including the provision of temporary accommodation and health care.

8. (1) Hours of work, including overtime and periods of standby consistent with Article 10(3) of the Convention, should be accurately recorded, and this information should be freely accessible to the domestic worker.

(2) Members should consider developing practical guidance in this respect, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

9. (1) With respect to 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 (standby or on-call periods), Members, to the extent determined by national laws, regulations or collective agreements, should regulate:

- (a) the maximum number of hours per week, month or year that a domestic worker may be required to be on standby, and the ways they might be measured;
- (b) the compensatory rest period to which a domestic worker is entitled if the normal period of rest is interrupted by standby; and
- (c) the rate at which standby hours should be remunerated.

(2) With regard to domestic workers whose normal duties are performed at night, and taking into account the constraints of night work, Members should consider measures comparable to those specified in subparagraph 9(1).

10. Members should take measures to ensure that domestic workers are entitled to suitable periods of rest during the working day, which allow for meals and breaks to be taken.

11. (1) Weekly rest should be at least 24 consecutive hours.

(2) The fixed day of weekly rest should be determined by agreement of the parties, in accordance with national laws, regulations or collective agreements, taking into account work exigencies and the cultural, religious and social requirements of the domestic worker.

(3) Where national laws, regulations or collective agreements provide for weekly rest to be accumulated over a period longer than seven days for workers generally, such a period should not exceed 14 days for domestic workers.

12. National laws, regulations or collective agreements should define the grounds on which domestic workers may be required to work during the period of daily or weekly rest and provide for adequate compensatory rest, irrespective of any financial compensation.

13. Time spent by domestic workers accompanying the household members on holiday should not be counted as part of their paid annual leave.

When provision is made for the payment in kind of a limited proportion of remuneration, Members should consider:

- (a) establishing an overall limit on the proportion of the remuneration that may be paid in kind so as not to diminish unduly the remuneration necessary for the maintenance of domestic workers and their families;
- (b) calculating the monetary value of payments in kind by reference to objective criteria such as market value, cost price or prices fixed by public authorities, as appropriate;
- (c) limiting payments in kind to those clearly appropriate for the personal use and benefit of the domestic worker, such as food and accommodation;
- (d) ensuring that, when a domestic worker is required to live in accommodation provided by the household, no deduction may be made from the remuneration with respect to that accommodation, unless otherwise agreed to by the worker; and
- (e) ensuring that items directly related to the performance of domestic work, such as uniforms, tools or protective equipment, and their cleaning and maintenance, are not considered as payment in kind and their cost is not deducted from the remuneration of the domestic worker.

15. (1) Domestic workers should be given at the time of each payment an easily understandable written account of the total remuneration due to them and the specific amount and purpose of any deductions which may have been made.

(2) Upon termination of employment, any outstanding payments should be made promptly.

16. Members should take measures to ensure that domestic workers enjoy conditions not less favourable than those of workers generally in respect of the protection of workers' claims in the event of the employer's insolvency or death.

17. When provided, accommodation and food should include, taking into account national conditions, the following:

- (a) a separate, private room that is suitably furnished, adequately ventilated and equipped with a lock, the key to which should be provided to the domestic worker;
- (b) access to suitable sanitary facilities, shared or private;
- (c) adequate lighting and, as appropriate, heating and air conditioning in keeping with prevailing conditions within the household; and
- (d) meals of good quality and sufficient quantity, adapted to the extent reasonable to the cultural and religious requirements, if any, of the domestic worker concerned.

18. In the event of termination of employment at the initiative of the employer, for reasons other than serious misconduct, live-in domestic workers should be given a reasonable period of notice and time off during that period to enable them to seek new employment and accommodation.

19. Members, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, should take measures, such as to:

- (a) protect domestic workers by eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks, in order to prevent injuries, diseases and deaths and promote occupational safety and health in the household workplace;

provide an adequate and appropriate system of inspection, consistent with Article 17 of the Convention, and adequate penalties for violation of occupational safety and health laws and regulations;

- (c) establish procedures for collecting and publishing statistics on accidents and diseases related to domestic work, and other statistics considered to contribute to the prevention of occupational safety and health related risks and injuries;
- (d) advise on occupational safety and health, including on ergonomic aspects and protective equipment; and
- (e) develop training programmes and disseminate guidelines on occupational safety and health requirements specific to domestic work.

20. (1) Members should consider, in accordance with national laws and regulations, means to facilitate the payment of social security contributions, including in respect of domestic workers working for multiple employers, for instance through a system of simplified payment.

(2) Members should consider concluding bilateral, regional or multilateral agreements to provide, for migrant domestic workers covered by such agreements, equality of treatment in respect of social security, as well as access to and preservation or portability of social security entitlements.

(3) The monetary value of payments in kind should be duly considered for social security purposes, including in respect of the contribution by the employers and the entitlements of the domestic workers.

21. (1) Members should consider additional measures to ensure the effective protection of domestic workers and, in particular, migrant domestic workers, such as:

- (a) establishing a national hotline with interpretation services for domestic workers who need assistance;
- (b) consistent with Article 17 of the Convention, providing for a system of pre-placement visits to households in which migrant domestic workers are to be employed;
- (c) developing a network of emergency housing;
- (d) raising employers' awareness of their obligations by providing information on good practices in the employment of domestic workers, employment and immigration law obligations regarding migrant domestic workers, enforcement arrangements and sanctions in cases of violation, and assistance services available to domestic workers and their employers;
- (e) securing access of domestic workers to complaint mechanisms and their ability to pursue legal civil and criminal remedies, both during and after employment, irrespective of departure from the country concerned; and
- (f) providing for a public outreach service to inform domestic workers, in languages understood by them, of their rights, relevant laws and regulations, available complaint mechanisms and legal remedies, concerning both employment and immigration law, and legal protection against crimes such as violence, trafficking in persons and deprivation of liberty, and to provide any other pertinent information they may require.

(2) Members that are countries of origin of migrant domestic workers should assist in the effective protection of the rights of these workers, by informing them of their rights before departure, establishing legal assistance funds, social services and specialized consular services and through any other appropriate measures.

Members should, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, consider specifying by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation at no cost to themselves on the expiry or termination of the employment contract for which they were recruited.

23. Members should promote good practices by private employment agencies in relation to domestic workers, including migrant domestic workers, taking into account the principles and approaches in the Private Employment Agencies Convention, 1997 (No. 181), and the Private Employment Agencies Recommendation, 1997 (No. 188).

24. In so far as compatible with national law and practice concerning respect for privacy, Members may consider conditions under which labour inspectors or other officials entrusted with enforcing provisions applicable to domestic work should be allowed to enter the premises in which the work is carried out.

25. (1) Members should, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, establish policies and programmes, so as to:

- (a) encourage the continuing development of the competencies and qualifications of domestic workers, including literacy training as appropriate, in order to enhance their professional development and employment opportunities;
- (b) address the work–life balance needs of domestic workers; and
- (c) ensure that the concerns and rights of domestic workers are taken into account in the context of more general efforts to reconcile work and family responsibilities.

(2) Members should, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, develop appropriate indicators and measurement systems in order to strengthen the capacity of national statistical offices to effectively collect data necessary to support effective policy-making regarding domestic work.

26. (1) Members should consider cooperating with each other to ensure the effective application of the Domestic Workers Convention, 2011, and this Recommendation, to migrant domestic workers.

(2) Members should cooperate at bilateral, regional and global levels for the purpose of enhancing the protection of domestic workers, especially in matters concerning the prevention of forced labour and trafficking in persons, the access to social security, the monitoring of the activities of private employment agencies recruiting persons to work as domestic workers in another country, the dissemination of good practices and the collection of statistics on domestic work.

(3) Members should take appropriate steps to assist one another in giving effect to the provisions of the Convention through enhanced international cooperation or assistance, or both, including support for social and economic development, poverty eradication programmes and universal education.

(4) In the context of diplomatic immunity, Members should consider:

- (a) adopting policies and codes of conduct for diplomatic personnel aimed at preventing violations of domestic workers' rights; and
- (b) cooperating with each other at bilateral, regional and multilateral levels to address and prevent abusive practices towards domestic workers.