

Governing Body

335th Session, Geneva, 14–28 March 2019

GB.335/LILS/3

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

LILS

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THIRD ITEM ON THE AGENDA

Proposed form for reports to be requested under article 19 of the ILO Constitution in 2020

Purpose of the document

In the present document, the Governing Body is invited to request governments to submit in 2020, under article 19 of the ILO Constitution, reports on certain instruments relevant to the strategic objective of social protection: the Nursing Personnel Convention, 1977 (No. 149), the Domestic Workers Convention, 2011 (No. 189), the Nursing Personnel Recommendation, 1977 (No. 157), and the Domestic Workers Recommendation, 2011 (No. 201), with a view to the preparation of the General Survey by the Committee of Experts on the Application of Conventions and Recommendations in 2020 and its discussion by the Conference Committee on the Application of Standards in 2021, and to approve the corresponding report form (see the draft decision in paragraph 4).

Relevant strategic objective: All.

Main relevant outcome/cross-cutting policy driver: Outcome 2: Ratification and application of international labour standards; cross-cutting policy drivers: gender equality and non-discrimination; social dialogue.

Policy implications: None.

Legal implications: None.

Financial implications: The usual implications related to the preparation of a General Survey.

Follow-up action required: Implementation of Governing Body decisions.

Author unit: International Labour Standards Department (NORMES).

Related documents: GB.334/LILS/4; GB.334/LILS/PV.

1. At its 334th Session (October–November 2018), the Governing Body had before it a document concerning the choice of Conventions and Recommendations on which reports should be requested under article 19 of the ILO Constitution in 2020, with a view to the preparation of the annual General Survey in 2020 by the Committee of Experts on the Application of Conventions and Recommendations, for discussion by the Conference Committee on the Application of Standards in 2021.¹ The document presented two options aimed at aligning the topic of the General Survey with the corresponding recurrent discussion scheduled for 2021 on the strategic objective of social protection, in accordance with the 2016 resolution of the International Labour Conference on Advancing Social Justice through Decent Work.²
2. The Governing Body decided that the General Survey to be prepared by the Committee of Experts in 2020 and submitted to the International Labour Conference in 2021 should focus on the first option proposed: decent work for care economy workers in a changing economy. The General Survey would therefore address certain instruments relevant to the selected topic, specifically the Nursing Personnel Convention, 1977 (No. 149), the Domestic Workers Convention, 2011 (No. 189), the Nursing Personnel Recommendation, 1977 (No. 157), and the Domestic Workers Recommendation, 2011 (No. 201). In the discussions, it was further suggested that existing laws and practices be examined from a gender perspective.³
3. The proposed questionnaire prepared by the Office aims to take into account the different views and concerns expressed at the 334th Session of the Governing Body. Accordingly, the Office proposes the requested report form (see appendix) to the Governing Body for its consideration and approval.

Draft decision

4. *The Governing Body:*

- (a) *requested governments to submit reports for 2020, under article 19 of the Constitution, on the Nursing Personnel Convention, 1977 (No. 149), the Domestic Workers Convention, 2011 (No. 189), the Nursing Personnel Recommendation, 1977 (No. 157), and the Domestic Workers Recommendation, 2011 (No. 201); and*
- (b) *approved the report form concerning these instruments set out in the appendix to document GB.335/LILS/3.*

¹ GB.334/LILS/4.

² Paragraphs 15.1 and 15.2(b) of the 2016 [resolution on Advancing Social Justice through Decent Work](#), adopted by the International Labour Conference at its 105th Session (2016).

³ GB.334/LILS/PV, para. 64.

Appendix

Appl. 19
C.149, C.189, R.157 and R.201.

INTERNATIONAL LABOUR OFFICE

REPORTS ON
UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

*(article 19 of the Constitution of the
International Labour Organisation)*

REPORT FORM FOR THE FOLLOWING INSTRUMENTS:

NURSING PERSONNEL CONVENTION, 1977 (No. 149)

DOMESTIC WORKERS CONVENTION, 2011 (No. 189)

NURSING PERSONNEL RECOMMENDATION, 1977 (No. 157)

DOMESTIC WORKERS RECOMMENDATION, 2011 (No. 201)

Geneva

2019

Article 19 of the Constitution of the International Labour Organization relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5, 6 and 7 of this article read as follows:

5. In the case of a Convention:

...

- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation:

...

- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces or cantons rather than for federal action, the federal Government shall:

...

- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;
- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present report form. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.

REPORT

to be made no later than 28 February 2020, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of, on the position of national law and practice in regard to matters dealt with in the instruments referred to in the following questionnaire.

Workers' and employers' organizations may send comments no later than 30 June 2020.

* * *

Context and scope of the questions

The questionnaire has been prepared in the light of the ILO Declaration on Social Justice for a Fair Globalization and its follow-up. Account has been taken of the fact that “[t]his follow-up seeks to make the fullest possible use of all the means of action provided under the Constitution of the ILO to fulfil its mandate. Some of the measures to assist the Members may entail some adaptation of existing modalities of application of article 19, paragraphs 5(e) and 6(d), of the ILO Constitution, without increasing the reporting obligations of member States”. For instance, by grouping and focusing on instruments related to a specific strategic objective, General Surveys may provide an overview on the law and practice in ILO member States concerning certain instruments and feed into the recurrent discussions with relevant information on the trends and practices in relation to a given strategic objective.

At its 334th Session in October–November 2018, the Governing Body requested the Office to undertake a General Survey on the instruments related to decent work for care economy workers in a changing economy: the Nursing Personnel Convention, 1977 (No. 149), and its Recommendation (No. 157), and the Domestic Workers Convention, 2011 (No. 189), and its Recommendation (No. 201).¹ The General Survey will provide a comprehensive overview of the current situation in ILO member States with respect to care workers, as relevant to Conventions Nos 149 and 189, which may be useful to the next recurrent discussion on labour protection in a transforming world of work, which will take place at the 111th Session of the International Labour Conference in 2022.

The General Survey will examine the different categories of care workers covered by the four instruments in both the formal and informal economies, which may take the form of direct care (nursing services, child care or personal care for ill persons or those with disabilities as well as the elderly) or indirect care (which may include cooking, cleaning and other services). Both direct and indirect care services may be provided in a range of settings, including hospitals, clinics or in or for private households. Direct or indirect care work provided in or for a private household or households can fall within the scope of the definition of domestic work as per Convention No. 189. In addition, special attention will be paid to the gender dimension of these forms of work.

The inclusion of the nursing personnel and domestic worker instruments in a General Survey is particularly timely. The Working for Health five-year action plan for health employment and inclusive economic growth (2017–21) launched by the ILO, the Organisation for Economic Co-operation and Development and the World Health Organization in 2017 focuses on implementation of the recommendations of the United Nations (UN) High-level Commission on Health Employment and Economic Growth and seeks to stimulate investment in health employment and the care workforce in support of the

¹ [GB.334/LILS/PV](#), para. 69.

achievement of the UN Sustainable Development Goals (SDGs). Conventions Nos 149 and 189 are relevant to the achievement of the SDGs, particularly Goals 3 (good health and well-being), 5 (gender equality), 8 (decent work and economic growth) and 10 (reduce inequalities). This General Survey will also coincide with the tenth anniversary of the adoption of Convention No. 189.

* * *

The following questions relate to issues covered by Conventions Nos 149 and 189 and Recommendations Nos 157 and 201.

As appropriate, please give a specific reference (weblink) or include information relating to the provisions of the relevant legislation, regulations and policies, as well as electronic copies thereof.

Article 19 report form concerning decent work for care economy workers in a changing economy

Notes:

1. Governments of countries which have ratified one or several of the Conventions and from which a report is due under article 22 of the Constitution will use the present form only with regard to the Conventions not ratified, if any, and the Recommendations. It will not be necessary to repeat information already provided in reports under article 22 in connection with the Conventions ratified. *The questions contained under the title “Possible need for standards-related action and for technical assistance” are addressed to all member States.*
2. When reference is made to “national laws and regulations” or “provisions”, this should be understood as including laws, regulations, policies, collective agreements, court decisions or arbitration awards.
3. Where the national legislation or other provisions do not cover issues raised in this questionnaire, please provide information on current and emerging practices.

NATIONAL POLICY ON NURSING PERSONNEL AND THE PROMOTION OF ADEQUATE QUALITY HEALTH SERVICES		
1.	Please indicate whether, and if so, how the term “nursing personnel” has been defined in law or practice. Please indicate whether there are special rules concerning nursing personnel who provide care and services on a voluntary basis. If so, please provide information regarding such rules.	Art. 1 of C.149. Paras 1–3 of R.157.
2.	Please indicate whether there is a national policy concerning nursing services and nursing personnel aimed at providing the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population. If so, please provide information regarding the content of the policy and the extent to which it has been or is being implemented, as well as in relation to any consultations held with the social partners in this respect. Please also indicate whether such policy, if it exists, applies to nationals and non-nationals.	Arts 1(1) and (2) and 2(1) and (3) of C.149. Paras 4(1) and (2)(d) and 19(1) of R.157.
3.	Does the policy or the national law and practice on nursing services and personnel cover professional nurses, including midwives (birth attendants), and/or other categories of nursing personnel, such as auxiliary nurses and nursing aides? Are other categories of care workers, as relevant to Conventions Nos 149 and 189, covered under national law, practice or policy, such as personal care workers, healthcare assistants, nursing aides, community health workers, or home-based personal care providers? Please explain.	Para. 5(2)(a)–(c) of R.157.
4.	Have measures been taken in consultation with the social partners to establish a rational nursing personnel structure which classifies nursing personnel in a limited number of categories determined by reference to education and training, level of functions and authorization to practice? If so, please explain.	Para. 5 of R.157.
5.	Please indicate whether and in what manner it is ensured that the national policy on nursing services and personnel is coordinated with policies and programmes relating to other aspects of healthcare and to other categories of workers in the field of health.	Art. 2(1) and (4) of C.149. Para. 4(2)(a) of R.157.

NURSING EDUCATION AND TRAINING		
6.	If a national policy on nursing services and nursing personnel has been declared and pursued, please specify whether, and if so, what measures have been taken to provide nursing personnel with education and training appropriate to the exercise of their functions.	Art. 2(2)(a) of C.149. Para. 4(1) and (2)(b) of R.157.
7.	Please provide detailed information regarding any laws, regulations and other measures in place which establish the basic educational and training requirements for the practice of nursing and limit the practice of nursing to persons who meet the requirements established. Please also provide information on the manner in which compliance with such requirements, if these exist, is supervised and enforced and the authorities, if any, mandated to regulate education, training and practice.	Arts 3 and 4 of C.149. Paras 7(3) and (4) and 13(a) and (b) of R.157.
8.	Please indicate whether any measures have been taken to promote education and employment of nursing personnel in rural areas and remote communities, with a view to ensuring adequate healthcare coverage in such areas. If so, please describe the nature and impact of such measures and the scope and outcome of any consultations held with the social partners in this respect.	Art. 2(1) and (3) of C.149. Para. 4(2)(c) and (d) of R.157.
9.	Please indicate the measures taken, if any, to offer nursing personnel reasonable career prospects through a varied range of possibilities for career development. In addition, recalling that nursing personnel are covered by many international labour Conventions and Recommendations establishing general standards concerning employment and conditions of work, such as instruments on discrimination, please provide detailed information on any measures taken to ensure equality of opportunity and treatment in the care services sector. These could include measures to promote the advancement of women and men in leadership positions in the field of nursing on the basis of equitable criteria taking into account experience and demonstrated ability.	Preamble of C.149. Preamble and Para. 21 of R.157. Para. 2(3) of the Annex to R.157.
WORKING CONDITIONS		
10.	Please indicate whether measures have been put in place to ensure employment and working conditions – including career prospects and remuneration – that are likely to attract women and men to the nursing profession and retain them. If so, please provide detailed information on the nature and extent of such measures, and their impact, if known.	Art. 2(2)(b) of C.149. Paras 21(1) and (2) and 25(1) of R.157.
11.	Please provide detailed information regarding whether, and if so, how levels of remuneration are fixed for the different categories of nursing personnel, as well as the periodicity of adjustments to their salary scales. Please also indicate whether and to what extent the remuneration is fixed by collective agreement and, if so, provide copies of such agreements. In addition, please provide detailed information regarding whether, and if so, what measures have been taken to ensure that the remuneration of nursing personnel is fixed at levels commensurate with their socio-economic needs, qualifications, duties and experience, taking account of the constraints and hazards inherent to the profession, and without discrimination on the basis of sex.	Preamble of C.149. Preamble and Paras 25(1)–(5), 26 and 27 of R.157. Para. 12(3) of the Annex to R.157.
12.	Please indicate whether and in what manner it is ensured that nursing personnel enjoy conditions that are at least equivalent to those of other workers in relation to: hours of work, weekly rest, paid annual holidays, educational leave, maternity leave and sick leave.	Art. 6(a)–(g) of C.149. Paras 32(1), 39(1) and 42(1) of R.157.
13.	Please provide detailed information on any measures taken in relation to the protection of nursing personnel with respect to current and emerging working time arrangements, ¹ meal breaks, rest periods and sick leave. In addition, please provide information on any measures taken to limit	Paras 30–43 of R.157.

¹ Changes to the labour market for nursing personnel include, for example, increased use of part-time and flexible working time arrangements, shift work (including rotating shift work arrangements), on-call arrangements, zero-hours contracts and other forms of working time arrangements.

	recourse to overtime work, work at inconvenient hours (including shift work) and on-call duty, as well as to ensure that on-call duty hours of nursing personnel are counted as working time.	
14.	Please describe whether, and if so, how it is ensured that the normal weekly hours of nursing personnel do not exceed those set in the country for workers in general and any provisions made to ensure that nursing personnel are informed of their working hours in advance to enable them to better balance their work and family responsibilities. In addition, please provide detailed information on the rest periods and meal breaks afforded to nursing personnel and the manner in which overtime hours are compensated. ²	Paras 32, 33, 34, 35 and 38 of R.157.
15.	Please indicate whether and the manner in which it is ensured that nursing personnel, without distinction based on civil status, are assured the benefits and protection provided for in the ILO instruments on maternity protection.	Para. 42 of R.157.
16.	Please provide information on any measures taken or envisaged to improve existing laws and regulations on occupational health and safety by adapting them to the special nature of nursing work and the working environment in which it is carried out. ³ In particular, please provide detailed information on any measures taken to ensure the access of nursing personnel to occupational care services. In addition, have any measures been taken to avoid or minimize special risks to nursing personnel – including emergency service personnel? ⁴ Have any measures been taken to seek the collaboration of nursing personnel and organizations representing them in ensuring effective occupational safety and health protections for nursing personnel? If so, please describe.	Art. 7 of C.149. Paras 44–52 of R.157.
17.	Please indicate whether and to what extent nursing personnel enjoy social security protection that is at least equivalent to that enjoyed by other public- and private-sector workers or self-employed persons.	Art. 6(g) of C.149. Para. 53 of R.157.

² At the previous recurrent discussion on labour protection, held during its 104th Session (2015), the International Labour Conference concluded that working time has a direct and crucial impact on the protection of the safety and well-being of workers, on their ability to balance their work and personal lives – including balancing their family responsibilities – and on the protection of wages, including fair remuneration for overtime. However, certain categories of care workers, such as domestic workers and nursing personnel, are excluded from the scope of the main ILO Conventions on hours of work.

³ Care work occupations such as nursing, personal care work and domestic work carry with them special occupational risks, including the risk of violence and harassment at work, or exposure to occupational accidents and illnesses. For example, workers in the health sector face a range of occupational risks associated with biological, chemical, physical, ergonomic and psychosocial hazards (ILO: *Improving employment and working conditions in health services*, Report for discussion at the Tripartite Meeting on Improving Employment and Working Conditions in Health Services (Geneva, 24–28 April 2017), para. 102).

⁴ For example, such risks could include the risk of occupational HIV transmission and transmission of other infectious diseases, such as Hepatitis B and C and tuberculosis, or special risks of violence and harassment at the workplace. Similarly, special risks could include burnout or depression, or risks due to climate change, such as exposure to heat stress.

MIGRANT WORKERS		
18.	Are any bilateral or multilateral arrangements in place to facilitate the recognition of the qualifications and skills of all categories of foreign nursing personnel, as well as those of national nursing personnel who acquired such qualifications and skills abroad? If so, please describe. In addition, please indicate whether any bilateral or multilateral measures have been taken to harmonize education and training programmes for nurses, including lower-skilled groups such as nursing aides or personal carers, as well as the requirements for authorization to practise in order to promote exchanges of personnel, ideas and knowledge.	Para. 62(a)–(d) and 66(1) of R.157.
19.	Have measures been taken to safeguard the labour rights of nursing personnel working abroad as well as to ensure that foreign nursing personnel with equivalent qualifications enjoy conditions of employment as favourable as those of national personnel in positions involving equivalent duties and responsibilities? ⁵ If so, please explain.	Para. 66(1)–(3) of R.157.
SOCIAL DIALOGUE		
20.	Please indicate whether measures have been taken to promote the participation of nursing personnel in the planning and classification of nursing services as well as in consultations with nursing personnel in relation to decisions that concern them.	Art. 5(1) of C.149 Para. 19(1) and (2) of R.157.
21.	Please indicate whether and to what extent conditions of employment of nursing personnel are determined through negotiations between employers' and workers' organizations. Please also indicate the manner in which any disputes that may arise are settled.	Art. 5(2) and (3) of C.149. Paras 19(2)(b) and (c), and 43 of R.157.
DOMESTIC WORKERS ⁶		
22.	Does your national legislation contain a definition of the terms “domestic worker” and “domestic work”? If so, please explain.	Art. 1(a)–(c) of C.189.
23.	Are domestic workers excluded from the scope of general labour legislation? If so, please provide information regarding the legislation, regulations, policies or other measures, if any, applicable to domestic workers. Please also indicate the scope and nature of any exclusions from the definition of “domestic worker” and the extent to which these excluded categories of workers enjoy labour protections equivalent to those enjoyed by other domestic workers.	Art. 2 of C.189.

⁵ A significant proportion of nursing personnel, domestic workers and other care workers are also migrants.

⁶ For the purposes of this questionnaire, the terms “domestic work” and “domestic workers” are used in accordance with the definitions set out in Article 1 of Convention No. 189, which provides that: (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.

The definition of the term “domestic worker” set out in the Convention excludes only those who perform domestic work sporadically and not on an occupational basis. According to the preparatory work in relation to the Convention, this clarification was included to guarantee that day labourers and other precarious workers in similar situations would be included in the definition of “domestic worker” (see ILO: *Decent work for domestic workers*, [Report IV\(1\)](#), International Labour Conference, 100th Session, Geneva, 2011, p. 5). The definition within the meaning of the Convention would therefore include a person engaged in domestic work on an occupational basis for more than one employer, and would also include persons engaged in domestic work employed by a household, public or private organization or through an intermediary.

24.	Are there any categories of domestic workers, within the meaning of Convention No. 189, that fall outside of the scope of the national definition of domestic worker, if such a definition exists? If so, please explain, in particular indicating the extent to which these excluded categories of workers enjoy labour protections equivalent to those enjoyed by other domestic workers. Please also provide information on any consultations held in this regard with organizations of employers and workers and organizations representative of domestic workers and those representative of employers of domestic workers, where these exist, in relation to any such exclusions.	Art. 2(2)(a) and (b) of C.189.
FUNDAMENTAL LABOUR RIGHTS		
25.	Have specific measures been taken to promote and effectively protect the right of domestic workers and their employers to establish and join organizations, federations and confederations of their own choosing? If so, please describe, and provide information regarding any organizations representative of domestic workers and of employers of domestic workers, where these exist. In addition, please provide information on any measures taken to ensure the effective recognition of the right of domestic workers to collective bargaining. Please also indicate whether there are any collective bargaining agreements in place, and if so, please provide details in this respect.	Art. 3(1), (2)(a) and (3) of C.189. Para. 2(a) and (b) of R.201.
26.	Please indicate whether measures have been taken to prevent and prohibit all forms of forced or compulsory labour for national and migrant domestic workers, taking account of the particular characteristics of domestic work, especially in the case of live-in domestic workers, who may be working alone and in isolated conditions. If so, please explain.	Art. 3(1) and (2)(b) of C.189.
27.	Is there a minimum age established for domestic workers under national legislation or regulations? If so, please provide information in this respect. Please also provide information on whether any measures have been adopted to ensure the effective abolition of child labour in relation to domestic work.	Arts 3(1) and (2)(c) and 4(1) of C.189. Para. 5 of R.201.
28.	Please provide information on any measures adopted to ensure effective protection against discrimination in employment and occupation in relation to domestic workers, including migrant domestic workers.	Arts 3(1) and (2)(d) of C.189. Para. 3 of R.201.
29.	What measures, if any, have been adopted to ensure that work performed by young domestic workers under the age of 18 and above the minimum age of employment, as defined by national legislation, does not deprive them of access to compulsory education or interfere with their ability to participate in further education or vocational training? Please describe.	Art. 4(2) of C.189. Para. 5(2)(a) of R.201.
30.	Have any measures been taken to protect domestic workers under the age of 18 and above the minimum age of employment, as defined by national laws and regulations, 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.	Art. 4(2) of C.189. Para. 5(2)(a) of R.201.
31.	Have any measures been taken to ensure effective protection of domestic workers from abuse, harassment and violence in the workplace? If so, please describe such measures and the manner in which they are given effect.	Art. 5 of C.189. Para. 7(a)–(c) of R.201.

CONDITIONS OF EMPLOYMENT		
32.	Are there any measures in place to ensure that domestic workers enjoy fair terms of employment and decent working conditions, like workers generally and, if they reside in the household, decent living conditions that respect their privacy?	Art. 6 of C.189. Para. 17(a)–(d) of R.201.
33.	Please indicate whether and in what manner it is ensured that domestic workers are informed of their terms and conditions of work in an appropriate, verifiable and easily understandable manner.	Art. 7 of C.189. Para. 21(1)(f) and (2) of R.201.
34.	Please indicate whether employers are required to inform domestic workers of their conditions of work, particularly by specifying one or all of the following elements: the name and address of the employer and worker; the address of the usual workplace(s); the starting date and duration of the contract; the type of work to be performed; the remuneration, method of calculation and periodicity of payments; the normal hours of work; paid annual leave and daily and weekly rest periods; the provision of food and accommodation, where applicable; the period of probation, where applicable; the terms of repatriation, where applicable; and the terms and conditions relating to termination of the employment relationship, including any period of notice to be given by either the employer or the worker. If so, please indicate the manner in which this is ensured, and whether the law or practice contemplates that the employer should provide the domestic worker with a written contract.	Art. 7(a)–(k) of C.189. Paras 6(1) and (2)(a)–(g) and 18 of R.201.
35.	Is there guidance available for employers and workers in the domestic work sector, such as model contracts, guides, manuals, public outreach services, legal assistance, social services, specialized consular services and other information regarding the domestic employment contract? Please describe.	Art. 7 of C.189. Paras 6(3) and (4) and 21(1)(a) and (f) and (2) of R.201.
36.	Please indicate whether, and if so, what measures are in place to ensure that domestic workers who reside in the household are: free to reach agreement with their employer or potential employer on whether or not to reside in the household; not obliged to remain in the household or with household members during periods of daily and weekly rest or annual leave; entitled to keep their travel and identity documents in their possession.	Art. 9 of C.189.
37.	Please describe in detail any measures adopted to ensure equal treatment between domestic workers – including live-in domestic workers – and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave.	Arts 3(2)(d) and 10(1) of C.189.
38.	Please indicate whether there are any measures in place to ensure that domestic workers enjoy a period of weekly rest of at least 24 consecutive hours.	Art. 10(2) of C.189. Para. 11(1)–(3) of R.201.
39.	Please indicate whether, and if so, to what extent measures have been taken through laws, regulations, collective agreements, or any other means consistent with national practice to provide that periods during which domestic workers are not free to dispose of their time as they please and are required to remain at the disposal of the household in order to respond to possible calls are considered as hours of work. If any such measures are in place, please provide detailed information on their scope and content and the manner in which they are enforced.	Art. 10(3) of C.189. Para. 9(1) and (2) of R.201.
40.	Have minimum wage rates been established for the domestic work sector? If so, please indicate the manner in which minimum wage rates have been established (for all categories of domestic work). In addition, please indicate whether any measures have been taken with a view to ensuring that the remuneration of domestic workers is established without discrimination based on sex. If so, please provide information on the scope and content of such measures and the manner in which minimum wage protections for domestic workers are enforced.	Art. 11 of C.189.
41.	Do national laws and regulations provide that domestic workers should be paid in cash and at regular intervals of at least once a month? If so, please explain. In addition, are there measures in place to ensure the protection of wages of domestic workers, including in respect of wage	Art. 12(1) and (2) of C.189. Para. 14(a)–(e) of R.201.

	deductions? If payments in kind are permitted, please specify whether there are limits on the proportion of the remuneration that can be paid in kind (including deductions for food and lodging) that are not less favourable than those applicable to other workers. If so, please provide information in this regard.	
42.	Have any measures been taken to ensure the occupational safety and health of domestic workers, taking into account the particular characteristics of domestic work? If so, please describe. Please also indicate the scope and content of any consultations held in respect of any such measures, with organizations of employers and workers as well as with organizations representative of domestic workers and those representative of employers of domestic workers, where these exist.	Art. 13 of C.189. Para. 19 of R.201.
43.	Have any measures been taken to ensure social security protection for domestic workers? Have any special measures been adopted to facilitate the payment and recognition of social security contributions made, including in respect of domestic workers working for multiple employers, as well as in respect of migrant domestic workers? If so, please provide information in this regard.	Art. 14 of C.189. Para. 20(1)–(3) of R.201.
44.	Have the conditions for the operation of private employment agencies in the domestic work sector been determined under national law and practice? If so, please provide information on measures that may have been adopted to prevent and address abuses of domestic workers, including migrant domestic workers, recruited by or through such agencies. In addition, please indicate if provisions are in place which ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers. Please also indicate the scope and content of any consultations held in respect of the abovementioned issues with organizations of employers and workers as well as with organizations representative of domestic workers and those representative of employers of domestic workers, where these exist.	Art. 15 of C.189. Para. 23 of R.201.
MIGRANT DOMESTIC WORKERS		
45.	Please indicate if there are any 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 in a language they understand, that is enforceable in the country in which the work is to be performed, and that establishes their terms and conditions of employment, prior to crossing national borders for the purpose of taking up the domestic work to which the offer or contract applies.	Art. 8(1) of C.189. Para. 21(2) of R.201.
46.	Please indicate whether there are any 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.	Art. 8(4) of C.189. Para. 22 of R.201.
EQUALITY OF OPPORTUNITY AND TREATMENT		
47.	Are there any measures in place that provide for effective protections for all categories of nursing personnel and domestic workers and other care workers, which take into account the high proportion of girls and women in the care economy, and which may include: (a) young women and men; (b) older workers; (c) migrant workers; and (d) workers employed in the informal economy. If so, please provide detailed information in this regard.	Arts 1(1) and (2) of C.149. Arts 1(b), 2(1) and 3(1) and (2)(d) of C.189. Paras 1 and 2 of R.157.

48.	Does the national policy address the elimination of discrimination in respect of employment and occupation, taking into account the high proportion of girls and women, particularly female migrant workers, engaged in nursing and domestic work and other types of care work? If so, please provide detailed information in this regard.	Art. 2 of C.149. Art. 3(2)(d) of C.189.
STATISTICS		
49.	Please provide any statistical data that may be available, including data disaggregated by age and sex, on the nature, size and characteristics of the care workforce in your country. In this regard, please also provide any information that may be available on changes in the patterns and structure of care work at the national and sectoral levels, including nursing personnel, domestic workers ⁷ and other care workers, taking into account age, the distribution of men and women and other relevant factors.	Arts 1(2) and 2(1) of C.149. Paras 2 and 4(1) of R.157. Para. 25(2) of R.201.
ENSURING COMPLIANCE		
50.	What measures, if any, are in place to promote compliance with labour protections for nursing personnel, domestic workers and other categories of care workers, for example through preventive measures and employer incentives, awareness-raising campaigns and dissemination of guidelines and educational materials for both employers and workers in these sectors? In addition, please provide detailed information, including statistical data, on whether, and if so, in what manner enforcement of labour protections is ensured through labour inspection or other compliance mechanisms, such as judicial proceedings. Please also indicate the conditions under which access to inspect household premises where domestic workers or other care workers are employed may be granted, having due respect for privacy.	Art. 8 of C.149. Arts 16, 17(2) and (3) and 18 of C.189.
51.	Please provide information on whether national laws and regulations, collective agreements, or court judgments have addressed the working conditions of nursing personnel, domestic workers and other care workers. If so, please provide copies.	Art. 8 of C.149. Arts 17 and 18 of C.189. Para. 70 of R.157.
IMPACT OF ILO INSTRUMENTS/PROSPECTS OF RATIFICATION		
52.	Please indicate whether any modifications have been made or are envisaged to national laws, regulations or practice, with a view to giving effect to all or some of the provisions of the Conventions or Recommendations that are the subject of this questionnaire.	
53.	Please provide information regarding any prospects of ratification and identify any challenges or obstacles with regard to the possible ratification of Conventions Nos 149 and 189, where these exist.	
54.	Please indicate the representative employers' or workers' organizations to which copies of the present questionnaire have been communicated in accordance with article 23(2) of the ILO Constitution and indicate whether you have received observations from such organizations concerning the effect given, or to be given, to any of the instruments to which this questionnaire relates. If so, please communicate a copy of the observations received together with any comments that you may consider useful.	

⁷ Paragraphs 103 and 104 of the resolution concerning statistics on work relationships adopted at the 20th International Conference of Labour Statisticians (Geneva, 10–19 October 2018) provide a general statistical definition of domestic work and domestic workers for use in statistics on employment that is intended to allow the provision of comprehensive statistics on the various circumstances in which domestic work is performed, including when such work is mediated through agencies or internet applications, or through independent domestic service providers. See also ILO: [Statistics on work relationships](#), Report II, 20th International Conference of Labour Statisticians (Geneva, 10–19 October 2018), ICLS/20/2018/2, para. 171.

POSSIBLE NEED FOR STANDARDS-RELATED ACTION AND FOR TECHNICAL ASSISTANCE	
55.	Are there any existing gaps or inconsistencies that should be addressed by future standard-setting discussions in regard to the instruments to which this questionnaire relates, with regard to the promotion of decent work for care economy workers?
56.	Has your country formulated any requests for technical assistance by the ILO to assist it in giving effect to all or some of the provisions of the instruments covered by this questionnaire? If so, please explain. If not, please indicate the manner in which the ILO could best provide appropriate assistance within its mandate to support country efforts to ensure the effective promotion of decent work and protection for care economy workers covered by the instruments that are the subject of this questionnaire.