

الاتحاد العربي للنقابات
ARAB TRADE UNION CONFEDERATION



MIGRANT DOMESTIC WORKERS

Training Manual

DECENT WORK FOR
MIGRANT DOMESTIC WORKERS
ATUC-MIGRANT RESOURCE CENTER 2020

www.arabtradeunion.org

**M I G R A N T
D O M E S T I C
W O R K E R S**

Training Manual

Arab Center for Migrant Workers Support

1. Training of Trainers – TOT

for representatives of migrant
workers' communities.

Decent work for migrant workers

Education and awareness: understanding the social context and the country's economic frameworks.

Although migrant worker issues are common world-wide, the system in place and the mechanism responsible for managing migrant workers is based on a strong awareness and understanding of the main issues and risks affecting migrant workers in general and domestic workers in particular at the national and local levels.

Relevant domestic legal issues are of reference for Emphasis was placed in this experimental guide on the practices required by the liaison officers or the so-called representatives of migrant workers' communities by nationality, considering that this is how migrant workers and domestic workers often organize themselves in the country of destination, including Jordan.

This guide will help them organize a greater number of domestic workers around the legal requirements and legal protection that exist in the country for the benefit of migrant workers and domestic workers and identifying gaps in legal protection, and on the other hand it may help to begin to address these gaps by the competent authorities through channels Social dialogue with representatives of workers, trade unions, civil society and legal aid centers that work to protect this category of migrant workers, and adherence to the principle of the rule of law within the standards of justice, integrity and transparency that constitute the supreme Training Manual (Decent work for migrant domestic workers) ATUC-migrant resource center 2020 interest of this category of migrant workers.

Domain	Main function
Liaison Officer requirements	Define and understand clearly the requirements of liaison officers relating to migrant workers, which may override applicable legal requirements.
Legal framework	Define relevant laws and regulations, including a pliable international standards.
Recruitment (fetch)	Determine the legal costs of recruitment, and set clear conditions with the employment and recruitment agency or labor agent.
Employment documents	Developing a model employment contract based on legal requirements and good practice.
Medical examinations	Establishing a clear medical examination policy on a nondiscriminatory basis, and making employees aware of it.

Domain	Main function
living conditions	Establishing clear and decent living standards and monitoring them regularly.
The right to a remedy	Evaluate laws and regulations related to remedies, and establish a mechanism that provides transparent remedies and protects against punishment and retaliation.
Withholding wages	Ensure that the deduction from wages is with the consent of the worker only, and that the deductions do not exceed the legal recruitment fees.
Safety in the workplace	Ensure that workers receive equal protection under occupational health and safety laws and regulations.

An Introduction

Understanding the legal framework that defines workers' rights and responsibilities that employers and governments bear in sending countries (i.e. from where workers are brought in) and receiving countries (where the worker is hosted by the employer) is the first step toward protecting workers' rights and identifying the risks to which they are exposed. Her employer and worker.

The relevant ILO standards represent the global standard in all areas, but few countries in Asia, the Middle East and North Africa - important regions of global migration - have ratified the relevant conventions. The legal framework forms the basis for developing a post-arrival guidance program and grievance mechanism.

Relevant international standards include the following agreements:

- International Labor Organization Convention No. 97 Concerning Migrant Workers.
- International Labor Organization Convention No. 143 for Migrant Workers.
- International Labor Organization Convention No. 105 Concerning the Abolition of Forced Labor.
- International Labor Organization Convention No. 181 Concerning Private Employment Agencies.
- Convention No. (189) and Recommendation No. (201) on decent work for domestic workers for the year 2011.
- Convention No. (190) International Labor Organization Concerning the Elimination of Violence and Harassment of 2019.
- National Standards and Legislation (Jordan).
- Jordanian Labor Law No. (8) of 1996 and its amendments.
- Regulation for the regulation of private offices operating in the recruitment and employment of non-Jordanians working in the domestic services No. (12) of 2015, issued in accordance with paragraphs (b) and (c) of Article (10) of the Jordanian Labor Law No. (8) of 1996.

- Social Security Law Law No. (1) of 2014.
- Law of Labor Inspectors No. 56 of 1996 and its amendments.
- System of fees for non-Jordanian workers' work permits No. 36 of 1997 and its amendments.
- Regulation amending the system of fees for work permits for non-Jordanian workers No. (27) of 2018.
- Regulation for the Formation of Committees and Supervisors of Occupational Safety and Health No. 7 of 1998.
- Regulation of Conditions and Procedures for Strike and Closure No. 8 of 1998.
- The system of preventive and curative medical care for workers in establishments No. 42 of 1998 Residency, Work and Workers Regulation in the Development and Free Zones No. 80 for the year 20 .

Work permits in Jordan

Work permit in Jordan falls within the jurisdiction of the labor law and the rules and regulations in force at the Ministry of Labor, as only employers (so-called sponsors) can apply for a work permit for a worker, as the worker must have a legal and valid document, which is usually a passport issued from the worker's home government. Workers arrive in the country via an invitation visa, and after entering Jordan legally, the employer can apply for a work permit within 3 months of the date of arrival.

It is worth noting that upon the expiration of the aforementioned worker's permit or the expiry of the three-month period since his entry into the country, and the employer or worker did not extract a declaration that he must pay each day a dinar and a text as a financial fine imposed by the state, as he cannot leave the country and return to his country to pay

these fines that become expensive.

In some cases, there may be a royal pardon that includes all misdemeanors and violations, and it also includes such fines, but they do not have a specific time or certain controls, which the worker cannot wait for such exemption or dependence on, and sometimes a system may be issued again from the Ministry of Labor a system that allows migrant workers to correct their conditions, but the same thing also does not have a specific time or certain controls, and the worker may not benefit from them because he is not always exempted from the fines, such as the aforementioned royal exemption, and at the same time the worker is not entitled to wait for such exemption or dependence on it, so that he can return to his country or until obtaining a new permit and staying in Jordan according to the law and principles.

In order for workers' community representatives to work, the following things must be taken into consideration:

1. Identify and consult the departments, ministries and government offices related to migrant workers issues, consult with them, and mediate with them.
2. Identify and engage relevant civil society groups and other informed stakeholders.
3. Knowledge of laws and regulations related to migrant workers and the policies and practices of recruitment companies to identify gaps that can serve migrant workers.
4. Knowing and having relationships with consulates and embassies that have migrant workers' communities in the host country.

It is worth noting that in Jordan, as is the case in many Arab countries, national legal frameworks are weak and / or marred by some ambiguity, such as gaps when it comes to protecting the rights of migrant workers.

The laws, regulations, and regulations in force in Jordan are important to laying down the legal foundations for all major issues, but many discussions with other national stakeholders, including formal and semi-official civil society leaders (state and nonstate), must be held, which is necessary in order to bridge

the potential gaps. And how to deal with them, such as the termination of the work permit for the worker with his knowledge or without his knowledge while working with the employer, the seizure of official documents such as the passport of the worker without any right or withholding the wages of the worker without having the right, and the laws related to the registration of children of migrant workers born in Jordan and their right to grant them the nationality of their parents or One of them.

Practical questions that may be asked of the representative or representatives of migrant workers' communities :

- What is the legal status of migrant workers in Jordan (the host country) ? And are the representatives or representatives of the labor communities fully aware of these prevailing laws ?
- Are there clear and followed laws and regulations that protect migrant workers ?
- What are these basic laws ?
- Do these laws provide clear protections or inconsistencies ? And do the representatives of the communities' unions realize this loophole.
- Is there weak legal implementation on the ground (practical or field application) in the event of legal protection ?
- Is there a difference or contradiction between national laws and relevant international standards (such as the International Labor Organization of the United Nations and the United Nations Declaration) ?

Undocumented workers

Jordan is a destination country for migrant domestic workers. Many organizations claim that there are a number of domestic workers who are undocumented in the country and are therefore treated as “illegal” or in violation of the residency and border laws in force and in force in Jordan.

It is worth noting that the Arab Center for Migrant Workers Support monitored, through the reception of migrant workers, many cases that do not have official documents that allow them to stay in Jordan within the rules and laws, such as the expiration of their work permits, their annual residency, or until the expiration of their passports through which they entered the country.

The Arab Center for Migrant Workers Support identifies and advocates for migrant

workers' issues and concerns such as social dialogue, the prohibition of confiscation of travel and identity documents, the promotion of freedom of movement of workers, including the status of social protection for migrant workers, and measures to facilitate regularization of the status of irregular migrant workers within the national tripartite work mechanisms and ensure the inclusion of Unions in setting up bilateral agreements between the governments of sending and host countries.

Many people believe that government policies towards migrant workers and their families can better protect their rights but enforcement is relatively weak, highlighting the need to complement strong regulations with strong legal enforcement.

**Workers' community
representatives should be
aware of several
important legal issues :**

1. Recruitment

Employers are responsible for ensuring that workers are not exploited by contracted recruitment and recruitment agencies, as well as ensuring that they do not charge fees that exceed the amounts permitted by law. Where this practice can lead to workers borrowing exorbitant sums, and to lead them into excessive debt, and it can even lead them to what is called a state of debt bondage (the state of work to repay the debt) before their arrival.

Workers are often made false promises that have nothing to do with the truth about wages and benefits until they discover that they are unable to obtain the wages they were hoping for, and also unable to send the remittances they were expecting to their families. Where the worker discovers that the deductions are high and that he is unable to cope with this reality.

The employer must work transparently with the recruitment agency and local recruitment agencies - and this may include specific conditions laid down in the clauses of the agent's contract that include the values of fee limits and the use of subagents in the recruitment and recruitment process, and through a transparent recruitment process, the potential migrant worker should The family or legal guardian must understand the recruitment and employment process, the type of work in which the immigrant will participate, the policies related to the seizure of documents or passports, the conditions of work, and the conditions of work (including wages) before leaving the sending country (i.e. the country of immigrant).

It is worth noting that this issue is very important, as the representatives or representatives of the communities must know its details so that they can circulate it on the social networking pages of the community in the host country, as well as some details of recruitment into the country so that the worker does not fall victim to unfairness or material exploitation

- Recruitment and employment fees that are legally permitted in Jordan or in any host country.
- Correct recruitment procedures in the host country, as well as a list of recruitment agencies and an evaluation of them.
- Direct contractual terms with recruitment and recruitment agencies in line with local laws, liaison officers and company standards

Practical questions that may be asked of the representative or representatives of migrant workers' communities :

- Was the domestic worker employed directly through the labor agent?
- What are the terms of the contract that the worker has?
- How many sub-agents and agents are involved in this process?
- What is the average fee that is charged and levied on a domestic worker, if any?
- What is a system for monitoring and accountability for these agents in Jordan and the mechanisms for submitting complaints?

Communities representatives or deputies must always have with them a paper or electronic copy of the following :

A copy of the standard employment contract

Regulations and laws regarding the requirements necessary to renew the permit (for example, annual medical examinations ... etc.)

The Jordanian Labor Law and a copy of the special system for domestic workers in the language of the worker

Practical questions that may be asked of the representative or representatives of migrant workers' communities:

When meeting a new domestic worker or entering the group, the ideals of the working community must be directly presented

- Does the domestic worker have the appropriate permits?
- Is the domestic worker aware of her rights and obligations under these rights and responsibilities?
- Is her permit valid or not, and if not, since when was her permit not renewed?

The representative of the migrant workers' communities must organize the workers' and workers' registers that contain the following:

- The worker's full name, date and place of birth, and passport number or equivalent identification.
- Contact information for an emergency worker in the country of origin.
- The contract period and terms of renewal.
- The nature and place of work.
- Details of his place of business.

What information should a community representative communicate to domestic workers ?

Information about wages and working hours (working conditions)

- An explanation of the normal wage rates, overtime, and holidays, that are permitted in accordance with prevailing local laws stipulated in Jordan.
- The means of paying wages to workers.
- A safe and less expensive means of transferring money to the country of origin.
- The expected (regular) official hours for work, overtime hours, the frequency of rest days, holidays, and an estimate of the minimum net wage for a worker expected to receive monthly.
- Bonuses, compensations and allowances, if any, and descriptions of non-monetary compensation, benefits and work-related benefits that are common practice in the country, including medical and social insurance benefits, sick leave, emergency and annual leave.

- The conditions under which the contracting party may deduct from the worker's wage and the extent of that deduction.
- Description of living conditions, including specialization on food, housing, and any curfews.
- Encouraging domestic workers to organize or participate in collective gatherings, taking into account the laws, regulations and regulations in force.
- Clear breakdown of travel, medical, travel documents and associated costs.
- The reasons under which the contract can be terminated prematurely (that is, before the contract expires).

2. Health and medical information

Medical examinations are sometimes mandatory for migrant workers upon arrival in the receiving country (the host country). Although the aim is often to protect the host country's population from the spread of infectious diseases, sometimes the results of these tests can be used to discriminate against migrant workers. Where workers should always be informed of the examination completely and provide them with sufficient information about it before it is conducted by the medical staff or the employer. Workers should not be charged fees for mandatory medical examinations, and the full results of the examinations should also be shared with the worker and shared with him after the examination.

If the result of the medical examination for any of the diseases or conditions is positive for the migrant worker, he can be deported, sometimes with a simple declaration that he is “not qualified to work”.

It is worth noting here that this category of workers has the right to obtain all information related to their health status, and if the result of the medical examination is positive for a migrant worker for a specific condition such as HIV, then this aforementioned worker has the right to know The reason for his deportation, not just informing him that he is not qualified to work in the country of destination.

Some practical questions that the housemaid might ask the actress in the community

- Are medical examinations mandatory ?
- What are the required medical tests ?
- Can migrant workers be deported (returned) if the results of pregnancy tests are positive ?
- Are the cost of medical examinations borne by the worker ?
- In the event of illness, where and how is the treatment done, and with whom does the domestic worker contact if her employer refuses to treat her ?

3. Information about living conditions

Ensuring desirable, good and culturally appropriate living conditions is very important for domestic workers, which the employer must take into account.

First of all, before dealing with any other aspect, we must shed light on employers. They must adhere to the laws that manage and regulate housing standards for migrant workers and domestic workers, and they must adhere to them and take into account this, and if there are no such laws or legislation governing the latter or there is a deficiency in them. And gaps, as in the case of Jordan, policies and procedures should ensure a decent standard of living for domestic workers, as the working and living conditions of migrant workers must be in line with standards of physical fitness, safety, health and the principles of human dignity, as there must also be treatment of all migrant and domestic workers who They stay in the accommodations, equal treatment.

What should representatives of the migrant workers' community know and be able to:

- Defining the systems as well as the regulations that manage and regulate housing standards and standards of living, as well as knowing the customs and culture followed in the country and trying to deliver them to the worker.
- Launching magazines about my livelihood
- Launching community campaigns about the availability of decent living conditions for all migrant workers. We include domestic workers with refining the need to respect privacy as much as possible.

Practical questions that may be asked of representatives or representatives of migrant community workers :

- What are the laws that regulate the living conditions of migrant workers and domestic workers in the country ?
- Are there requirements that must be met for health facilities or public health by the employer ?
- Are domestic workers and immigrants provided with similar living or housing arrangements and is it calculated from the salary ?

4. The Right to Equity: Grievance

Migrant workers are often workers who are more exposed to injustice or violence and tyranny than other national workers, as there are often receiving countries (host countries) mechanisms for redress, or complaints, including Jordan, but there are many factors that can pose a challenge to obtaining these Mechanisms.

In Jordan

Although the right to redress is stipulated in the Immigration Law, when the migrant worker files a case in the civil courts that hear labor cases or submits a report to the judicial police against the employer, the employer may easily and a flexible mandate to cancel his work permit and this is what it is called the abuse of the right .

Here, employers should ensure that grievance policies and procedures adhere to the relevant laws, and due to the multiple intended and unintended gaps in the legal frameworks, and employers must also treat workers fairly by solving problems in the workplace in a fair, transparent and timely manner that is consistent. The interest of the employer and the worker and that the latter not be harmed by these methods, as the option of lay-off and termination of his services from work should be the last resort and resort when all other means of resolving these disputes have been exhausted.

Concerned authorities should provide migrant workers with mechanisms to file complaints and seek redress without discrimination, intimidation or exposure to reprisals, including mechanisms to report violations without revealing their identities, and they should ensure that this category of workers can disclose their problems and concerns without revealing their identity. Imposing on them financial fines (such as paying wages for the workers' direct line (hotline) or similar telephone services) and establishing procedures for regularly reviewing and addressing grievance issues and complaints.

What a representative of the migrant worker community should know :

- Relevant laws and regulations related to the right to redress, grievance and complaint.
- Identify barriers that prevent workers from obtaining equity.
- Communicating the voice of migrant workers about the effectiveness of the grievance system so that it does not discriminate against migrant workers and protects them from punishment and retaliation by the employer regarding this to domestic workers.
- The spatial jurisdiction of urban areas to submit these complaints in the appropriate places.

Practical questions that may be asked of the representative of the migrant worker community :

- What laws provide the right to a remedy for migrant and domestic workers ?
- Do migrant workers and domestic workers have legal access to the mechanisms provided by law and how ?
- Is there a free hotline provided as a service for them ?
- How is the worker's right to a remedy guaranteed despite the legal loopholes ?

5. Withholding wages

The policy or practice of wage deduction is a common and used method by employers so that they can gradually recover from the legal costs related to recruitment and recruitment of workers, especially in the case of domestic workers, where the cost of their recruitment in Jordan reaches 4000 \$ in some nationalities. The concerned authorities shall have clear policies and procedures to ensure legal compliance, and not to deduct from the salary to recover fees and where there are gaps, the policies and procedures should ensure that wages are not withheld without the employee's consent and consent for what happened from this illegal deduction.

What a community actor should know :

- Policies and procedures related to wage deduction and penalties arising therefrom.
- Campaigns to reduce wage deductions in line with legally permitted recruitment and recruitment fees.
- Informing the workers about awareness lectures that make them understand that it is not permissible to deduct wages without the written consent of the workers.
- When is the employer entitled to deduct or reduce the worker's wage?
- Does the employer have the right to deduct the wages of transferring the worker's salary to his country?
- Are the needs, if bought by the employer, presumably for the worker, who can deduct them from the latter's wages?

6. Safety in the workplace

OHS laws usually include migrant workers as part of the public workforce; Nevertheless, we must highlight the provision of occupational health and safety policies, procedures, banners and directives in a language that migrant workers can understand, as linguistic gaps often expose migrant workers to increased risks in the workplace, as there is a large group of illiterate workers.

Employers must present pictorial signs that convey the same information as written safety signs, as there are some special texts that deal with the occupational safety and health of workers and are stipulated in the labor law, but unfortunately there are large gaps in such laws that could escape the owner Work from the criminal and / or civil liability resulting from those provisions.

Employers should also ensure that all migrant workers receive standardized occupational health and safety training as part of their qualification and orientation. Migrant workers can sometimes be overlooked and ignored because they have their own “employee on boarding” schedules.

If the national and local laws do not grant migrant workers the same professional and health protection that they grant to domestic workers, it would have been more appropriate for the authorities to establish policies for treating domestic workers and migrant workers the same treatment, similar to other national workers.

Practical questions that may be asked of the representative of the migrant worker community :

- Demanding to train domestic workers and holding training workshops by a workers committee specialized in the field of occupational safety and health upon recruitment.
- Ensure that domestic workers understand the rights related to them, including compensation and medical care.

Evaluation of the Arab Center for Migrant Workers Support during its reception of migrant workers during the past two years

As they talked in the past, this center is the first of the regional centers in the region and one of the most important future steps aimed at enabling and equitable support for migrant workers regarding their rights and freedoms.

Through the center's reception of migrant workers, the center emphasized the importance of migration for work purposes and its contribution to the economies of both the sending and the host countries.

And that mutual cooperation and respect for the labor rights of workers enhance the benefits of labor migration for workers, companies and economies; The center always strives to address the situation of migrant workers through the principles of international trade union solidarity, social justice, equal treatment, equal opportunities and equal rights. And the need to impose rights and legislation from which migrant workers benefit from the same rights enjoyed by workers of the host country, including the right to join and participate in union activities.

The Center has also carried out several times joint union campaigns to advance union solidarity and strengthen cooperation between the parties to protect all migrant workers, including the harmonization of their

working and living conditions, through the mechanism of establishing information centers for migrant workers to provide information materials in their mother tongue about working conditions.

And their living conditions and entitlements in terms of social benefits, legal immigration, the obligations of employers and national laws, about their working conditions, their lives and their family members, and developing a database about them to formalize this information.

It is worth noting that the Center has more than once pressed for the passage or amendment of national legislation and amendments and the development of a labor contract model for migrant workers based on compliance with the provisions of international labor standards and its implementation through labor regulations and labor inspections to protect and promote the rights of migrant workers.

The center has also legalized, through the reception of migrant workers, to provide (medical, legal, administrative and financial services); As the center is always ready to provide advice and assistance to migrant workers coming from countries of origin in cases where the center can provide assistance on developing common measures, including legal support, denouncing abusive practices, providing legal remedies when needed, expanding services for migrant workers, and establishing mechanisms To protect migrant workers, including the provision of information and direct services to them by unions or by official and non-official institutions in the country such as embassies and consulates.



**2. Trade Unions &
Undocumented
Workers:**

Ten methods unions can promote the rights of undocumented workers:

1. Raising awareness of the rights of undocumented migrants and advocating for their rights, as the protection of migrant workers' rights is a key component of union agendas, in order to promote human rights, equality and labor standards for all workers, in addition to combating racism and xenophobia.
2. Ensuring a clear and explicit commitment from senior positions in your union to uphold the rights of undocumented workers.
3. Establishing specific policies to enable undocumented workers to join your union, waive fees or provide reduced fees, provide the option to pay in cash, as well as their recognition as workers, regardless of their employment status and type, and issue a membership card to them.
4. Making it a goal to organize and employ undocumented workers, conduct awareness-raising and extension activities (such as visiting the main sectors in which undocumented migrants work, distributing brochures and leaflets in several languages , in addition to employing organizers and representatives of immigrants), as well as strengthening their representation at all levels of the union.

5. 5. Providing information and advice services to migrants, regardless of their status or union membership, through dedicated service centers within the union.
6. Continuing the mediation process (which is one of the legal means used in dispute resolution). If it is unsuccessful, organize collective actions, including demonstrations, strikes, media coverage, protests and / or support the submission of complaints and legal cases (individual and collective).
7. Ensuring that the rights of undocumented workers are included in the education and training programs of your union, especially those pertaining to union representatives and negotiators.
8. Including undocumented workers' rights in the union's agenda related to collective bargaining and tripartite dialogue in order to ensure equal treatment and prevent abusive practices.
9. Establishing joint messages together with employers to support and defend laws and policies that improve regulation and accountability, as well as raise awareness that social partners are standing on the side of undocumented workers.
10. Working in partnership with NGOs concerned with migrant rights and local community organizations in order to exchange resources and experiences, and to develop joint campaigns, procedures and training in addition to joint support. The aforementioned organizations can help migrant workers in the field of counseling and raising awareness.

Why should unions intensify the procedures relating to ensuring equality and nondiscrimination for all migrant workers ?

- The rights of migrant workers are human rights, and they are central to trade union activities, so it is impossible today not to support them.
- The recruitment and regulation of migrant workers contributes to building trade union membership and the formation of unions that represent our increasingly diverse societies.
- A united movement of workers, which protects all workers on an equal standing, is one that will only be able to withstand global economic pressures and combat precarious work sufficiently.
- Discrimination against migrant workers is not different from discrimination against other groups in which discrimination could occur on the basis of gender, age, race, ethnicity, disability, religion, sexual orientation or gender identity. Migrant workers, in fact, face discrimination based on the aforementioned multiple motives.
- All migrant workers have the right to be protected from any kind of discrimination, exploitation or abuse.
- Undocumented migrant workers (those who are not on possession of the necessary documents) are often isolated, and they are often denied and deprived of their rights. There by, trade unions should play an important role in supporting these workers.

Who is the undocumented migrant worker ?

Undocumented migrants (or irregular migrants) are people who do not have a permit to be in the country in which they are located. Such status may be due to the failure of the international protection application, the expiration of the permit, or the loss of a permit that depended on a specific job or on a personal relationship (such as a person who lost his job), Or irregular (illegal) entry into the country.

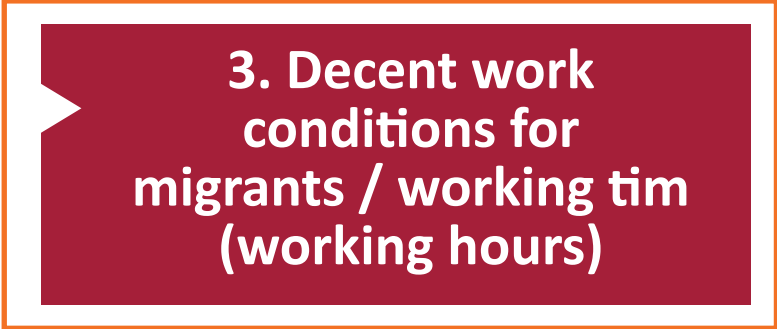
Undocumented migrant workers usually face discrimination in the following situations:

Access to the labor market : Due to restrictive migration policies, migrants are not allowed to work in many of the jobs they are hired as. They often do not have any possibility to work regularly.

Payment of wages, working conditions, and social security (social protection) : Migrant workers are often paid wages that are lower than the minimum wage in the host country. These wages could also be paid late or become subject to theft by their employer. Irregular workers are also required to work for very long hours, without adequate short breaks, overtime, vacation, sick leave, or any other basic social security. Undocumented immigrants also aspire to earn a decent living under normal conditions. However, if they object to these abusive conditions, they will be subject to dismissal or deportation (i.e. return to their home country).

Safety in the workplace and training: they are not provided with the necessary safety equipment and training, as they are more vulnerable to injuries, accidents and occupational diseases (work related illnesses), yet they have very limited health services.

Access to complaints mechanisms and remedies: Labor inspectorates and courts in many countries report undocumented workers to migration authorities or conduct inspections in conjunction with migration police, which means that undocumented workers face deportation instead of protection. Hence, usually, exploitation goes unpunished.



**3. Decent work
conditions for
migrants / working tim
(working hours)**

The reality of living in the workplace leads to ambiguity in the definition of some traditional concepts of working time, as the tool for working hours for domestic workers who reside with the family (the one who lives in the employer's home) came; To include aspects of the working time of resident domestic workers. Below is a list of these aspects, each corresponding to a field for this tool (the hourly calculator). The trainer should use these definitions as a guide in training.

Definition of key concepts :

1. Time to start and finish work

The most prominent characteristics of the domestic worker who resides in the home of the employer; difficulty in determining when to start and finish work. "Residency in the workplace" is seen as allowing domestic workers to work around the clock, from the moment they wake up, to the time they go to sleep, and sometimes beyond their bedtime. The traditional scenario that demonstrates the difficulty of recording completion time, for example, is when a domestic worker is told that she is free to go to her room, and then after 20 minutes she is called to bring a drink or snack to the employer. In this case, when will the exact completion time be determined?

There is another subtle difference with regard to the time of starting and finishing work, it was considered important to take any time they might have available for themselves, not to work around the clock daily. The distinction between “wake up time” and “time to start work” - as well as between “time to finish work” and “time to sleep” - is too cumbersome and complicated to include in the schedule. Instead, it should be an essential part of the training (especially the course on working time concepts), and it should encourage discussions among domestic workers about how to determine when to start and finish work.

After encouraging discussions among domestic workers about some of these nuances, a trainer can provide the following definitions, which have been tested and verified for their effectiveness:

- Time to start work: It is the time when the domestic worker begins her first task, or the time when she is called for the first time in the day.
- Time to finish work: It is the time when the last assignment has ended, and / or when the domestic worker is no longer available to perform the tasks at the request of the employer.

It is also worth noting that differences in intervals of a few minutes should not be significant. If the housemaid wakes up at six in the morning, gets ready to work, prepares breakfast for the employer for 30 minutes, and then takes a 5-minute break before starting her daily housework, then the workday still begins when the housemaid begins her first task.

On the other hand, if the housemaid has gone to sleep and has to get up to answer a request, this should be counted as an interruption during the rest period, and it should be recorded in the “interruptions” column of the “Timekeeping Tool” for the working hours recorder and calculator.

Recording and measuring the working time of domestic workers residing with the family means clarifying the difference between working hours, hours staying in reserve and short breaks during the working day. In most cases, no distinction is made between working hours and hours of “no work” for domestic workers who live with the family, nor There is a concept of overtime hours and periods of staying in reserve, and work that exceeds normal working hours often is not paid at all.

To address these issues and to achieve a better understanding of the working time patterns of domestic workers residing with the employer, (the concepts of working time, periods of stay in the reserve, short periods of stopping work (short breaks), and overtime hours) can be defined as follows :

- Work time: These are the periods during which domestic workers are scheduled to perform tasks for the family for which they work.
- Stand-by periods: are the periods during which domestic workers are not free to dispose of their time as they wish and remain at the family’s watch in order to satisfy their potential requests.
- Short breaks from work (short breaks): They are appropriate breaks during the work day, allowing them to eat meals and short breaks from work.

In practice these definitions include the following:

The definition of “working time” means that the work hour between the hours of nine in the morning and ten in the morning during which the tasks were performed will be recorded and counted as an hour of work.

In practice, it is difficult to define “reserve periods”, this definition is often the subject of controversy. Using the definition in the International Labor Organization’s Decent Work Convention (No. 189), 2011, this means in practice that if domestic workers are present in the family, in a state of readiness to work, but they do not perform or feel the need, they are on the stand-by period, and in accordance with Article 10 of ILO Convention No. 189, these hours should be counted as “working hours to the extent specified by national laws or regulations or collective agreements, or any other method consistent with national practice.”

The meaning of “a short downtime (short rest)” is not much different from periods of reserve stays in practice. For the purpose of this process, it is important for domestic workers to consider whether they really feel able to take a short break during this “short break.” It is also beneficial to use a meal to eat or the ability to make a short departure to the family home as indicators of a short break.

The definition and determination of the period of stay in the reserve and the period of short breaks is in fact more controversial: one of the main difficulties facing the domestic work is precisely that there is never an actual short rest period, In other words, when they are not physically busy performing tasks, they are always in the standby period. Therefore, trainers should work with domestic workers and ask them: As long as they are in the family home, can domestic workers spend their time as they like? Are domestic workers allowed to leave the home during short breaks or days of rest?

The following indicators determine if they are in a working or resting position :

- Can they leave the family home?
- Can they go to their room without worrying about being interrupted?
- Are they able to eat a meal without being interrupted?

If the answer to any of the above questions is **“yes”** , then the housemaid is likely to be on a short break.

After some discussion on these topics, the trainer should clarify the following points:

1. If the domestic worker is able to use her time as she pleases, including her ability to leave the family home, then this is the short rest period, or the daily or weekly rest period. This period is not counted as working time
2. If the domestic worker does not perform tasks, but she must stay in the family home “just in case” she is asked to perform a task for the family for which she works, then she is considered during the work period. Depending on the laws in force, this can be counted either as the period of time in the reserve, or as normal working hours. In our “time record” shift schedule, this is not differentiated, so it should simply be counted as working time (as working hours), and not as a short break or other breaks.
3. If the domestic worker is able to leave the family home during a certain period in order to take free time or to meet her personal needs, this is counted as a period of rest.
4. The truth in some countries is that domestic workers cannot leave the family home due to cultural, religious or other criteria imposed by the employer, even though this is one of their human rights. Under these circumstances, it is unlikely that a domestic worker will enjoy an effective rest period; However, given these circumstances, the participating domestic workers must decide together, with the guidance of the trainer, what to count as a “rest” period

2. Overtime working hours

There are very few countries in which domestic workers benefit from overtime protections. Where workers enjoy this protection, most employers (and workers themselves) will find it impossible to calculate overtime and their own pay. However, it is known that domestic workers, especially those residing with their employers, work very long hours, usually for a fixed monthly wage so that not enough wages are paid for those extra hours.

The International Labor Organization's "Timekeeping Tool" provides a simple method for determining overtime working hours for domestic workers in countries where these rights enjoy protection. If there is a limit to the daily working hours, then this limit must simply be subtracted from the total hours of work on a particular day, so that the remaining hours are considered overtime, and the worker for these additional hours should be paid a wage according to the law.

The following simple definition can be used to help domestic workers determine whether this concept applies to them :

- Overtime working hours: These are periods of work time or reserve time that exceed the legal limit for normal working hours.

3. Sleep and subject the sleep period to interruption and night work

Domestic workers who live with their employers, especially those whose work requirements include providing some form of care, are often required to work during the night, whether for long hours, or simply to meet the on-time needs of their employers. The interruptions that occur after the worker goes to sleep and that occur during sleep may lead to a decrease in the daily rest of the worker, which, as previously described, has a documented effect on the health of the worker and thus poses a significant risk to occupational health and safety in this sector.

Therefore, the work time record “time record” includes sections that record sleep hours and interruptions during these sleeping hours.

Domestic workers should be encouraged to properly record and document hours of night work, and how nighttime work hours interrupt their sleep. Adequate time should be given during training to help domestic workers identify and determine what constitutes an interruption, and to define night work in accordance with national legislation.

4. Troubleshooting (problem solving) and other considerations

When cooperating with and assisting domestic workers with their family in matters related to their working time, and encouraging them to measure and record it, a number of key considerations should be taken into account. The training courses that were conducted witnessed a number of issues that were of interest to domestic workers and preoccupied them. Below are some of the most common questions and concerns, and how they were addressed and addressed by the trainers?.

Obtaining information on rights

The trainer may find a low level of awareness among domestic workers regarding their rights. Although there is a law that regulates this sector. Trainers at the Migrant Workers Support Center revealed that one of the main reasons for this was that the labor law was in English, a language that domestic workers do not usually speak. Therefore, it is imperative that trainers bring information about workers 'rights in the workers' language. Therefore, it is essential that trainers bring information about their rights and present it to them in the language the workers speak .

In many countries, domestic workers are not protected under the law. While this may reduce the power of the work time tool as a tool for **enforcement of compliance**, it remains an important tool for empowering the domestic worker, who will gain knowledge and awareness as a worker through this tool.

With this in mind, in most Arab countries, there is no law that regulates working time for domestic workers, as the trainer still takes time to explain the rights that other workers enjoy, and the rights that domestic workers enjoy, to make a comparison between them. Using ILO Convention No. 189 is another good way to make clear that domestic workers deserve rights under international law, even if they have not yet benefited from national protection.

5. Understanding “tasks”

In some countries, domestic workers needed help understanding their day as a series of tasks. Some domestic workers have not yet considered dividing their daily work into specific tasks at specific times. Instead, they think of their day as a steady flow of work. The trainers at the center helped them navigate this by having domestic workers talk together during their workday, and they were quickly able to understand the division of their daily tasks, and this step was a prerequisite and necessary for understanding how to complete the working time tool.

6. Understand concepts related to working time

The training unit on working time concepts is the unit in which any number of questions are likely to be asked, as the union trainer must be well prepared and have adequate knowledge of the concepts of working time and the use of the tool related to working time. Here are some examples of questions that were asked :

The time of starting and finishing work

During the beginning of training at the center, domestic workers were initially confused about determining when to start their work, as they often confused their own needs and responsibilities with the tasks that they were supposed to perform for the employer (for example, transporting their children to school and then delivering the children of their employers. Their work). These questions are usually presented to the group for discussion.

Together, under the guidance of a trainer who is fully aware of the working time concepts used in training, the group decided that the right time to start work was when they began serving the employer, awake and ready to work, or already performing the tasks required. It was difficult to determine when to finish work, as domestic workers were often required to work at night after they were allowed to stop working.

Night work or overtime?

There were many discussions about how to calculate working time after exceeding the legal daily hour limit of 10 hours, and in doing so, I moved to night work. In this case, the application of national labor legislation becomes complicated for domestic workers, although this is not impossible. Having a legal advisor available and willing to answer such questions is very helpful.

The period of rest and interruptions (that is, the worker's rest period or sleep period)

A key component of this approach revolves around the following issue, What counts as a rest period? Does it count as sleep interruption if the workers haven't gone to sleep yet? Or if the interruption is short? The trainer explained that the principle of recording interruptions is to show how their rest periods are affected, and therefore they should include any interruptions after they go to sleep in their shift log "time log".

Short breaks from work (short breaks)

Domestic workers were not sure how to fill out the column for "short breaks", as it is rare for workers to be left alone to spend their breaks as long as the employer is with them. The coaches acknowledge this concern, and suggest that they only include short breaks in their column when they feel they are having an actual, real break. In this way, the tool will reflect the experience of domestic workers.

All in all, domestic workers found this activity possible, but they felt that the required accounts were either cumbersome or too difficult to be able to calculate on their own, and therefore they strongly preferred to record their tasks rather than counting their working hours.

But it appears that domestic workers were able to make these calculations, but they were not motivated enough to actually do it. For example, a domestic worker in the Philippines claimed the following: “I couldn’t fill in [the total time for work] because I didn’t want to. Really, I counted the number of hours and I had no problem with calculating but I was too lazy to do that.” Another gave a more confusing answer, saying: “It’s difficult to calculate, I’m sorry because I don’t really want to calculate time.”

If domestic workers are concerned that they will not be able to perform these calculations on their own, it is very important for the trainer and / or organizers to be available and willing to assist them during the trial period, until the domestic workers feel comfortable with these accounts.

In the pilot phase, domestic workers asked for help. The union organizer, coach, friends, or representative of the community to which she belongs. This is clearly evident in the case of a domestic worker in the Philippines who said: “In the beginning, I did not calculate the total, I finished first filling out the other parts of the table, and when I asked [for help] , She told me that the sum is only the sum of the squares, and there

are no more problems. “ Also, for domestic workers from Sri Lanka, calculating working time was extremely difficult, and they often had to contact the organizers or other people to ask for help. Another key aspect to remember and communicate to domestic workers is that it just takes practice and a lot of practice.

Illiteracy is a problem for domestic workers, and for many domestic workers. However, in most cases this did not prevent them from using the timer tool.

For this reason, it is extremely important to be familiar with the languages spoken by domestic workers in your country, region, or city, and to make sure that this working time tool and its guide is translated into appropriate languages.

Domestic workers' fear

Many domestic workers at different stages of this training expressed a certain uneasiness in filling out and filling in the tool related to working time when their employers were present, as domestic workers felt that they needed to find time so that they were away from their employers to complete the tool, lest they would not. Their employer agreed to do so, or even fired them. A Filipina domestic worker expressed a similar concern, saying, "I failed to fill the tool because I am very nervous because the employer may ask where we got this (the tool) from. She is very angry (you mean the employer). Even if you move slowly, you will get angry. I really want to show her this tool, but she might say, "Why do you still go there (the trade union office)." Other Filipino domestic workers were also hesitant to fill out and complete the tool because their employers might see the content of this tool and decide to assign them more work.

Interestingly, the participating domestic workers suggested that they practice this training openly and inform their employers about it, thus not feeling that they are hiding anything from their employers, and while this approach may be very fruitful at its best, not all domestic workers and their employers will be comfortable with that. As is generally the case in the domestic work labor relationship, domestic workers usually feel more empowered and empowered when they are part of an organization or union so that they can support them if the employer's behavior is bad.

Other practical obstacles and barriers

In some places, domestic workers staying with their employer may find it difficult to find a way to tell the time (such as a wristwatch, cell phone, wall clock, etc.), as domestic workers had to discuss during their training how to track time.

It was agreed that domestic workers would be able to use their cell phones, and for those workers who did not have mobile phones, other options were discussed, such as raising the call to prayer to see the start of the day, measuring the time with the sun, or by listening to the] radio.

Time, place and motive (motivation)

While finding the time needed to fill and complete the tool for some domestic workers was not a cause for concern, for other workers, they felt that this task took a long time to complete on a daily basis. A domestic worker in the Philippines said that despite being able to use the tool related to working time, she said, “I didn’t have time to fill it.” Another domestic worker explained, “Sometimes I let two days go by without filling it because we were busy, so if I had time A vacuum in the evening or in the morning I fill it. “ A third worker explained that she filled the device “during short breaks, and sometimes in the morning, in the afternoon, and at night.” Domestic workers are already working under great pressure, and therefore it may take some time for them to incorporate a “timekeeping tool” in their schedules.

For most domestic workers, it was possible to fill out their “time record” during the time record Short breaks, before going to bed, or in the morning before they start their work.

In many ways, the key solution is to create a “habit” about Female workers to fill out and complete this tool or form, so that it can be filled out faster and without requiring much thought. During the training period, the trainer should encourage the workers to try packing them for at least two weeks, in order to see the possibility of making it a habit for them.

Record the weekly hours and instructional steps that explain how to use it:

Name of employer :

Address :

Salary (per hour/week/month) :

Date paid:

Name of domestic worker:

Address:

Week starting:

Week end:

Day	Working hours		Breaks		Total Hours			Daily rest (sleep)			Weekly rest		
	A. Start time	B. End time	Start time	End time	C. Total daily hrs	D. Normal hrs	E. Overtime hrs	Start time	End time	Total sleep	Interruptions	Start time	End time
Monday													
Tuesday													
Wednesday													
Thursday													
Friday													
Saturday													
Sunday													
			Total Weekly Hrs		F	G	H						



Domestic workers signature :

Householder signature :

Date :

Date :

Guideline steps for filling out and completing the working hours recording and calculation tool “Timekeeping Tool”

The above table has been prepared to record the number of working hours per day and per week. The schedule is divided into five sections :

1. Working hours
2. Short rest period
3. Total working hours
4. Daily rest, 5. Weekly rest.

Before you start filling in the table, please pay attention to the following:

At the top of the table, please fill in your name and address, as well as the name and address of the employer, and there are also two spaces in which the date of the first day of the week (beginning of the week) and the date of the last day of the week (the end of the week) must be written.

Name of employer:

Address:

Salary (Per Hour/Week/Month):

Date paid:

Name of domestic worker:

Address:

Week starting:

Week end:

Mathematical tools:

At the bottom of this table is a number line that you can use to help you calculate the number of hours you work during the day. To use it, place your finger on the time you started working, then count each vertical line until you reach the time you stopped working.



Your working time rights:

In addition to the “Timekeeping Tool” for working hours, you must obtain information about your rights as a domestic worker, in accordance with national law. If you are protected by law, this schedule will help you to know if you worked overtime where you should be paid extra for these hours, or if you work night hours, where you must be compensated for these hours with a higher additional amount.

First Step → Working hours :

Fill in the start time and end time on the appropriate day Please write the time when the first task was started in the column titled “start time”, and also please write the time when the last task was completed in the column called “finish time”, after which the daily rest begins.

Day	Working hours	
	A. Start time	B. End time
Monday	7:00	20:00
Tuesday		

Step 2 → Fill in the start and end time of your Break

Please write the time at which the first short break was taken in the column titled “Start Time”. Also, please write the time at which the first short break ended in the column titled “End Time”. Repeat this for all short breaks taken during the day the work.

Day	Breaks	
	Start time	End time
Monday	12:00	12:30
	16:30	16:45
	19:00	19:30
Tuesday		

Third Step → Calculate the total working hours in one day

In column “C” of the main column titled “Total Hours”, please calculate the number of hours worked. To do this, calculate the number of work hours between the start time (Column A) and the end time (Column B). You can do this about By subtracting the start time from the end time. For example, if you start at 7:00 and finish at 20:00 (8:00 PM), your total hours will be 13 hours worked.

if it was possible :

1. In the column “D”, which carries the name “normal working hours”, in case the maximum working hours are in the law, please write the legal maximum number of working hours per day. For example, if the law states that normal working hours for domestic workers staying with a family should not exceed 8 working hours, please write the number 8.
2. To find the hours in column “E” that is labeled “overtime”, subtract the number in the column called “Total Daily Work Hours” from the number in the column called “Regular Working Hours”. In this example, The result will be : $13 - 8 = 5$.

Day	Working hours		Total Hours		
	A. Start time	B. End time	C. Total daily hrs	D. Normal hrs	E. Overtime hrs
Monday	7:00	20:00	13	8	5
Tuesday					

Step 4 → Fill up your daily break

In the column titled “Start time”, please write the time you stopped working for the day, when you could have done your time as you wish. In the column titled “End time”, please write when you are no longer free to use your time as you wish, and when you returned to work. In the last column, calculate your total rest hours (sleep hours) by subtracting the end time from the start time or by using the number line.

Day	Daily rest (sleep)		
	Start time	End time	Total sleep
Monday	22:00	6:00	8
Tuesday			

Fifth Step → Fill out your weekly rest period

Please specify the time during which you were free to take a day off (a day off) in the column titled “Starting time”, as you were free to dispose of the time as you wish. This period usually lasts for at least an entire day per week, and in the column titled “End time”, please write down the time when you no longer take a weekly break, so that you are again available and ready to respond to the needs of the employer.

	Weekly rest		
Day	Interruptions	Start time	End time
Monday			
Tuesday			

Step 6 → End of Weekly Calculations, find the total weekly hours

At the bottom of the table, you will find the following boxes: “F”, “G” and “H”. These boxes calculate the sum of the daily working hours, the sum of the normal working hours and the total overtime hours per week. Add all the numbers in the column titled “Total daily working hours” to get the total of weekly working hours in box “F = 13”, and also add all the numbers in the column titled “Regular work hours” to get the total of normal weekly working hours in box “G = 8”, add All the numbers in the column titled “Overtime Worked” to get the total number of overtime worked that week in the box “H= 5”.

Day	Total Hours		
	C. Total daily hrs	D. Normal hrs	E. Over time
Monday	13	8	5
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			
Sunday			
Total Weekly Hrs	13	8	5



4. DOMESTIC WORKERS
C189

INTRODUCTION

In almost every country across the world you will find domestic workers – people (mostly women) who work in other people’s homes for pay. As an organizer, you want to help domestic workers organize so they have the power to challenge their exploitation:

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

You may face challenges when organizing domestic workers:

In almost every country across the world you will find domestic workers – people (mostly women) who work in other people’s homes for pay. As an organizer, you want to help domestic workers organize so they have the power to challenge their exploitation:

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

WIEGO and the IDWF partnered to write this toolkit to support IDWF affiliates in their efforts to make C189 real for domestic workers. After drafting this toolkit, we held a workshop in Kenya with IDWF affiliates from 21 African countries. At the workshop, we asked IDWF affiliates to tell us how to improve the toolkit. We hope that it will help you build your campaigns, educate government, and organize workers to understand and promote C189. This toolkit contains **five sections**:

SECTION 1: ILO Convention 189 – What is it?

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

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

SECTION 4: Model contract of employment

SECTION 5: Other resources that you can use

Some words and phrases in this toolkit and what they mean

CHILD: A person below the age of 18.

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

EMPLOYER: The person whom a domestic worker works for.

Some words and phrases in this toolkit and what they mean

ILO

The International Labour Organization is an international organization that is part of the United Nations. The ILO was formed in 1919 and has its head office in Geneva, Switzerland. It brings together representatives of governments, employers and workers from 187 different member countries. Together they set labour standards that member countries should

follow. Find out if your country belongs here.

<http://www.ilo.org/public/english/standards/relm/country.htm>

Some words and phrases in this toolkit and what they mean

ILO CONVENTION

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

MEMBER COUNTRY

A country that belongs to the ILO.

MIGRANT DOMESTIC WORKER

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

Some words and phrases in this toolkit and what they mean

SOCIAL PARTNERS

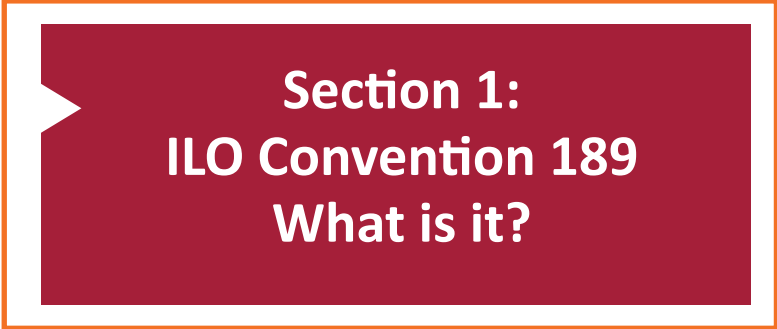
Employers' and workers' organizations, and (where they exist) organizations of domestic workers and those of employers of domestic workers.

UNITED NATIONS

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

WORKERS' ORGANIZATION

A trade union or association that organizes domestic workers.



**Section 1:
ILO Convention 189
What is it?**

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

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

Definition:

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

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

Who does C189 apply to?

C189 applies to all domestic workers:

- Whether they work full time or part-time.
- Whether they live in the household where they are paid to work, or live somewhere else and travel to work.
- Whether they work in the country where they live or whether they work as a migrant domestic worker; and.
- Whether they work for one household or several households. Member countries may exclude certain categories of workers after consulting with the social partners in their own country.

What minimum standards does C189 sets out?

Each member country must make sure that domestic workers enjoy:

- Basic rights
- A written employment contract
- Basic working conditions
- Workplace safety and health
- Social security
- The power to make complaints against employers

A) What are the basic rights that C189 sets out?

- Domestic workers have the right to be treated fairly and to enjoy decent working conditions (Art. 6).
- Domestic workers have the right to: join the organization that they think best represents them or, form one if there isn't one (freedom of association); and.
- bargain or negotiate with their employer (Art. 3(2)(a), Art. 3(3)).
- No child below the age of 15 should work as a domestic worker. A child domestic worker who is above the minimum age should be allowed to complete compulsory education and to pursue further education or job training (Art. 3(2)(c), Art. 4).
- Nobody should be forced to be a domestic worker (Art. 3(2)(b)).
- No domestic worker should be discriminated against at work (Art. 3(2)(d)).
- A member country must:
- Protect domestic workers against abuse, harassment and violence (Art. 5);
- Ensure that workers can negotiate with the employer to live in the employer's house or away from the household where they work (Art. 9(a)).

- Ensure that workers can keep their travel and identity documents with them (Art. 9(c)).
- Ensure that live-in domestic workers:
 1. enjoy decent living conditions that respect their privacy (Art. 6).
 2. are not forced to stay in the household when they have rest periods or leave (Art. 9(b)).
 3. get protection from laws that regulate stand-by hours (the times when their employer wants them to be on call in case they need them) (Art. 10(3)).

Member countries should:

- Make sure that all laws and procedures make it easy for domestic workers to establish their own organizations or join organizations of their choice.
- Consider supporting domestic workers' organizations to strengthen them.
- Ensure that children do not do types of domestic work that harm their health, safety and morals.
- Protect child domestic workers who are above the age of 15 by limiting their hours of work, prohibiting them from working at night, and restricting work that is too demanding. Check children's working and living conditions.
- Set rules to protect domestic workers' medical information and protect workers who must have medical tests for work purposes.
- Protect workers from being forced to have an HIV or pregnancy test or to tell the employer their HIV or pregnancy status.

b) What are their rights to an employment contract:

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

- Name and address of their employer and (if this is a different address) where they work.
- The starting date and (if it is for a specific time) the period of the contract.
- The type of work they will do.
- Their wages and how often they will be paid.
- Normal working hours.
- Their daily and weekly rest periods.
- How many days leave they will get each year.

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

- How they or their employer can end their contract, including notice periods.
- The trial period (probation).
- If they live in the household where they work the food and accommodation their employer will give them.
- Terms of home passage return to the worker's home at the end of their contract (repatriation).

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

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

A member country must make sure that:

- Their normal working hours, their overtime pay, their daily and weekly rest periods and their paid annual leave are similar to other workers in their country (Art. 10(1)).
- Each week they get at least 24 hours' (one full day) rest (Art. 10(2)).
- If there is a minimum wage in their country, it must apply to domestic workers as well (Art. 11).

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

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

D) What basic working conditions are domestic workers entitled to?

- They are paid their wages in cash at least once a month. If they agree, their employer can pay with a cheque or direct deposit to their bank account (Art.12(1)).

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

E) What about workplace safety and health?

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

Member countries should:

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

F) And social security?

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

Member countries should:

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

G) They have the right to make complaints against employers Member countries must:

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

- Countries can create a national hotline in different languages for workers who need help.
- Countries can set aside funds for workers' legal fees.
- Migrant domestic workers must be able to pursue a case or complaint after returning to the home country.
- There should be rules to allow inspectors to enter the domestic workplace while respecting the employer's privacy

H) Protect migrant domestic workers by ensuring:

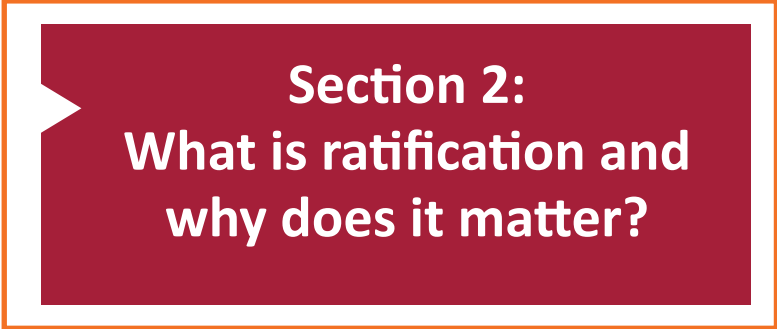
- They have a written contract or a written job offer before they travel to the country where they are going to work (Art. 8(1)).
- Their contract spells out how they will get home when their contract finishes (Art. 8(4)); and
- Their home country and the country where they work (host country) work together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

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

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

I) They regulate private employment agencies:

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



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

C189 sounds good doesn't it? It sets out some powerful rights for domestic workers, and promotes decent work at the country level. Ratification of C189 is the best way to get countries to commit to doing what the Convention says. In this section, we explain what it means to ratify a convention and what happens after a country does so. We also explain why Training Manual (Decent work for migrant domestic workers) ATUC-migrant resource center 2020 it is important for the Convention to be ratified.

What does ratification of a convention mean?

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

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

Within two years of ratifying the convention, a member country must report to the ILO on its progress in doing what the convention says. After that, it must report every five years.

The ILO regularly tells member countries where they are falling short of ratified conventions and what they should do to bring their national laws closer to the conventions.

Worker organizations have an important role to play in the reporting process. The government must share its report to workers' organizations before sending it to the ILO.

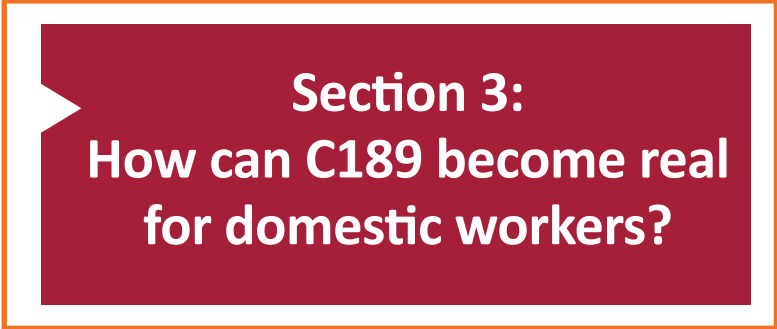
Workers' organizations may comment on the report and point out any areas where it does not agree or any gaps in the report. Federations of workers' organizations can write their own reports and submit them to the ILO. A registered domestic workers' union can also submit its own report directly to the ILO.

Why is it important for C189 to be ratified?

C189 protects the rights of domestic workers:

- 1. The right to organize:** Freedom of association and collective bargaining are central to C189. When a country ratifies and applies C189, it gives workers' organizations a legal basis to support domestic workers (e.g. by giving them the legal right to organize).
- 2. Beyond workers' organizations rights:** The Convention also covers basic human rights, the regulation of recruitment agencies and equal treatment for migrant domestic workers.
- 3. Protecting migrant domestic workers:** Ratification of C189 enables sending countries to protect the rights of their workers abroad. In fact, it enables different countries to align their labour laws and allows sending and receiving countries to work together to maintain migrant domestic workers' rights.
- 4. Inclusion:** Domestic workers are not fully protected by the law in most countries, and because they are isolated, they can be exploited and abused. C189 aims to extend legal protection to domestic workers.

5. **Enshrining or preserving rights:** Governments change, and often laws change with them. But conventions bind the countries that ratify them, even if the government changes. Ratification of C189 could prevent a new government from lowering standards for domestic workers' working conditions.
6. **Promoting accountability:** Workers' organizations can use C189 to denounce abuses and exploitation and may use the ILO system to track the country's progress.



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

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

We look at the following three steps:

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

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

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

STEP 1: FIND OUT IF YOUR COUNTRY HAS RATIFIED C189

By August 2018, 25 countries had ratified C189, and Peru's Congress had agreed to ratify it.

These 25 countries are now supposed to consult with social partners, including yourselves, and make laws, regulations and agreements to give effect to the Convention. If your country has ratified C189, it means you can campaign for your country to implement it to make it real. And remember that the ILO system also comes into play and require that your country report to the ILO on its progress.

Table 1: Countries That Had Ratified C189 By April 2018

AFRICA	ASIA	EUROPE	NORTH AMERICA	SOUTH AMERICA
Guinea	Philippines	Belgium	Costa Rica	Argentina
Mauritius		Finland	Dominican Republic	Brasil
South Africa		Germany	Jamaica	Bolivia
		Ireland	Nicaragua	Chile
		Italia	Panama	Colombia
		Portugal		Ecuador
		Switzerland		Guyana
		Paraguay		Paraguay
		Uruguay		Uruguay

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

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

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

STEP 2: USE THE CHECKLIST TO FIND THE GAPS IN YOUR LAWS

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

If your country hasn't ratified C189, use it:

- When requesting or conducting a gap analysis on C189: which areas of your labour laws are in line with C189, and which areas fall short?
- Where government officials and law makers may not know about C189 or what it says. You can use this checklist to identify where there are any gaps in awareness in your country.
- As an educational tool to show domestic workers where the gaps are between your country's laws and C189. This will help to empower the organization's members and to build the organization.

If your country has ratified C189, use it:

- To make government officials aware of C189 and what is in it so that government can better protect domestic workers.
- When commenting on government reports or sending information to the ILO; and.
- As an educational tool to show domestic workers where the gaps are between your country's laws and C189. This will help to empower the organization's members and to build the organization.

Table 3: C189 Checklist

	YES	NO	COMMENTS
a) Are there measures (laws, policies and practices) to protect domestic workers' basic rights?			
<ul style="list-style-type: none"> • That require employers to treat domestic workers fairly and provide them with decent working conditions (Art. 6). 			
<ul style="list-style-type: none"> • That protect domestic workers when they form or join an organization and/or bargain with their employer (Art. 3(2)(a), Art. 3(3)). 			
<ul style="list-style-type: none"> • That protect children from working in the domestic sector before they complete school (Art. 3(2)(c), Art. 4). 			
<ul style="list-style-type: none"> • That protect people from being forced to be a domestic worker (Art. 3(2)(b)). 			
<ul style="list-style-type: none"> • That protect domestic workers from being discriminated against at work (Art. 3(2)(d)). 			

Table 3: C189 Checklist

	YES	NO	COMMENTS
• That protect domestic workers against abuse, harassment and violence (Art. 5).			
• That protect a worker’s right to choose to live in the employer’s house or live somewhere else (Art. 9(a)).			
• That protect live-in domestic workers regarding privacy, stand-by hours and the right to leave the household when they are off (Art. 6, 9(b) and 10(3))			
• That protect workers’ right to retain their identity documents (Art. 9(c)).			

Table 3: C189 Checklist

	YES	NO	COMMENTS
b) Does your law ensure that workers have an employment contract?			
<ul style="list-style-type: none"> Does it require employers to explain the details of the domestic worker's contracts and provide a written contract where possible? The contract should cover things such as the period of the contract, type of work to be done, wages, working hours, rest periods and leave (Art. 7). 			
c) Does your law include domestic workers' basic working conditions?			
<ul style="list-style-type: none"> By treating domestic workers the same as other workers in relation to working hours, overtime pay, rest periods and paid leave (Art. 10(1)). 			
<ul style="list-style-type: none"> By extending the national minimum wage (if any) to domestic workers (Art. 11). 			

Table 3: C189 Checklist

	YES	NO	COMMENTS
• By guaranteeing workers at least 24 hours' weekly rest (Art. 10(2)).			
• By ensuring that workers are paid at least once a month, in cash or (if they agree) with a cheque or bank deposit (Art. 12(1)).			
• By protecting workers who receive part of their wages in kind (Art. 12(2)).			
• d) Are there measures to protect domestic workers' safety and health at work (Art. 13)?			
• e) Are there measures to include domestic workers in social security schemes (e.g. pensions, maternity and disability benefits) (Art. 14)?			
f) Do domestic workers have the right to make complaints against employers?			

Table 3: C189 Checklist

	YES	NO	COMMENTS
<ul style="list-style-type: none"> Is it easy for domestic workers to make complaints or go to court to settle a dispute (Art 17(1))? 			
<ul style="list-style-type: none"> Do labour inspectors check private households to ensure that employers comply with the laws (Art 17(1))? 			
g) Does your country protect migrant domestic workers?			
<ul style="list-style-type: none"> Must migrant workers have a contract of employment before leaving home (Art. 8(1))? 			
<ul style="list-style-type: none"> Must your government work with other countries to protect domestic workers (Art. 8(4))? 			
h) Does your law regulate employment agencies that place domestic workers?			
<ul style="list-style-type: none"> Must the government make rules for employment agencies to follow (Art. 15(a))? 			

Table 3: C189 Checklist

	YES	NO	COMMENTS
• Must the government investigate complaints against employment agencies (Art. 15(b))?			
• Does it protect workers against agencies that treat workers badly Art. 15(c))?			
• Must governments work with other countries to regulate agencies where necessary (Art. 15(d))?			
• Are agencies prohibited from deducting fees from domestic workers' wages (Art. 15(e))?			

IF YOUR COUNTRY HAS ALREADY RATIFIED C189

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

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

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

Example :

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

- 2. Mobilizing workers around real situations that highlight the plight of domestic workers** to convince the government to make domestic workers a priority and to gather public and employer support.
- 3. Participating in the ILO reporting process**, either by commenting on the government's report or contributing towards a trade union's federation's report, or by writing its own report (if a registered trade union). Work with your union federations that are officially represented at the ILO to get their support.

4. **Accessing the ILO's comments on the government's progress on implementing the Convention.** After the government submits its report on C189, the ILO Committee of Experts writes comments which say where the government is falling short. It also asks the government to explain what it has done to address certain issues. The comments of the Committee of Experts carry a lot of weight, and are a powerful tool for trade unions to use when calling the government to account.
5. **Making a representation to the ILO explaining that the government is not meeting any of the requirements of C189.** The ILO will then ask the government to respond to the representation. If the government does not respond, or does not give a satisfactory response, the ILO may publish the representation and the reply.
6. **Making a complaint about freedom of association,** the right to organize and collective bargaining. These complaints fall under Convention No. 87 on freedom of association and the right to organize and Convention No. 98 on the right to organize and collective bargaining. The ILO Committee on Freedom of Association will consider the complaint and will write a report stating its conclusions and recommending how to address the situation.

IF YOUR COUNTRY HAS NOT RATIFIED THE CONVENTION

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

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

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

Example:

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

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

Example:

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

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

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

Example:

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

STRATEGIES FOR ALL WORKERS' ORGANIZATIONS

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

1. **Working with the media** to spread general awareness about domestic workers' contribution and their situation to change attitudes about them. Organizations in different countries have used the press, TV and radio programmes, theatre, music, movies and social media in their campaigns.
2. **Mobilizing, supporting and empowering workers** to address issues that concern them: educate workers about their rights, provide them with skills training, provide negotiation training and provide employment support such as model employment contracts. This contributes towards making C189 real for domestic workers.

Example:

In 2013, the International Domestic Workers Network (IDWN) and CHODAWU of Tanzania trained live-in domestic workers about their legal rights, including rest periods and leave. They also learned how to calculate their working time and wages using a time sheet.

STRATEGIES FOR ALL WORKERS' ORGANIZATIONS

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

Example:

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

(To learn more, visit: idwfed.org/myfairhome)

Example:

Since the founding of Guinea's domestic workers' union (SYNEM GUINEE) in 2011, it has been working with the employers' federation which supported its efforts towards implementing C189. Guinea does not have an employer' association for the domestic sector, but its largest employers' federation represents employers in discussions about the sector. SYNEM targets employers in its awareness campaigns and invites the federation to its training workshops.

STRATEGIES FOR ALL WORKERS' ORGANIZATIONS

- 4. Training some organizers/educators as paralegals** within the organization. Paralegals can provide support to workers in their daily struggles, and support leaders of workers' organizations in their efforts to ensure that the government implements existing legislation.
- 5. Campaigning for government to fully implement existing laws and policies** that protect domestic workers, e.g. by making it easier for employers to comply through convenient ways of paying pension contributions.
- 6. Building relationships with institutions that are involved in law reform** to stay informed on possible changes that could affect domestic workers (e.g. the parliamentary committee on labour matters and the law reform commission).
- 7. Working with the national union federation(s)** which are represented at the ILO and may be the contact point on ILO Conventions. Domestic workers' organizations may also consult federations on issues related to enforcement and implementation.

Example:

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

- 8. Working with other trade unions that can support domestic workers**, or with other unions and solidarity with other workers.
- 9. Working with unions in other countries** to share experiences and information about what they have done to promote the rights of domestic workers. In addition to meetings, workers must try to use technology and social media, including WhatsApp groups, Facebook and the IDWF communication network.

Example:

IDWF Communication Network was created in 2014. Its goal is to unite domestic workers globally and create a place for them to share updates, news, activities and resources. The network is also a source of information on domestic workers.

(Go to <http://www.idwfed.org/en/campaigns/idwf-new-online-communicationnetwork> to access the Network).

STRATEGIES FOR ALL WORKERS' ORGANIZATIONS

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

Example:

NGOs in Uganda work with community groups in churches and women's groups to identify child domestic workers at risk of abuse. In Tanzania, organizations work with street-level officials who have access to people's homes and who know which households employ young domestic workers.

STRATEGIES FOR ALL WORKERS' ORGANIZATIONS

12. **Working with government departments and local Working with the police to ensure that they understand** the situation of domestic workers. This will enable them to assist domestic workers who report abuse (e.g. KUDHEIHA of Kenya has worked with police in this way).
13. **Reaching out to lawyers who can support workers** and help them to understand the legal documents and participate in legal processes. These may be nonprofit research centers, legal aid clinics, university researchers or research centers, or law firms that do pro bono (free) work. The local ILO office, or your trade union federation may be able to recommend good lawyers to assist you.

STRATEGIES FOR ALL WORKERS' ORGANIZATIONS

Look out for the following qualities in a lawyer or/research centre/law firm:

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

Example:

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



SUMMARY
Making C189 real

Summary: Making C189 real

STEP 1: Find out if your country has ratified C189

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

If your country hasn't ratified

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

If your country has ratified C189, use the checklist:

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

Summary: Making C189 real

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

If your country hasn't ratified

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

In countries that have ratified C189, workers can:

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

Summary: Making C189 real

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

For all workers' organizations:

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



**Section 4:
Model contract of
employment**

Tips for domestic workers' organizers and educators

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

Tips for employers and domestic workers

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



**CONTRACT OF
EMPLOYMENT
FOR DOMESTIC SERVICES**

Contract of employment for domestic services

Introduction

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

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

Parties to the contract

The parties to the contract

Name of employer: _____

Identity number: _____

Telephone number: _____

Address: _____

Name of worker: _____

Identity number: _____

Telephone number: _____

Address: _____

Date of Birth: _____

Nature of contract

1 *Job title:* _____

2 *Type and length of contract*

The domestic worker shall be employed on a

fixed term contract permanent contract

The domestic worker shall be employed from _____ to _____

The domestic worker shall work on a

part-time full-time basis and for _____ days per week.

3 *The period of probation (trial period)*

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

The household and duties

4 Household address

The worker shall work at this address: _____

5 Domestic worker's duties

The worker's duties are as follows:

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

Pay and payments

6 Pay

The employer shall pay the domestic worker a wage of _____ per _____.

The employer shall pay the domestic worker every

week fortnight month

The employer shall pay the domestic worker

in cash by bank deposit by bank cheque

Working time

7 Working hours and daily rest periods

The domestic worker shall work for a total of _____ hours per day and _____ hours per week.

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

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

The domestic worker shall enjoy a daily rest period of at least _____ hours.

8 Weekly rest periods

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

Leave

9 Leave

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

_____ days' annual leave/holiday.

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

Living arrangements

10 Accommodation

The employer shall provide the domestic worker with accommodation.

Yes No

11 Daily meals

The employer shall provide the domestic worker _____ meals per day.

Ending the contract

12 Notice of termination

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

The domestic worker shall give the employer _____ days' / _____ weeks' / _____ months' notice.

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

13 Repatriation on termination of contract

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

Yes No

Signature of the parties

Signature of employee: _____

Date and place: _____

Signature of employer: _____

Date and place: _____

Signature of witness: _____

Date and place: _____

Annex 1: Optional clauses from Recommendation 201

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

1. Payments in kind

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

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

_____ valued at _____

_____ valued at _____

_____ valued at _____

2. Other payments

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

_____ per _____ for _____

_____ per _____ for _____

_____ per _____ for _____

Annex 1: Optional clauses from Recommendation 201

3. Overtime

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

4. Stand-by

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

5. Wage deductions

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

_____ for health insurance/medical aid

_____ for social security (unemployment insurance/pension)

_____ for personal telephone calls

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

Annex 1: Optional clauses from Recommendation 201

6. Details of accommodation

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

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

7. Other forms of leave

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

_____ days' sick leave,

_____ days' family responsibility,

_____ days' study leave,

_____ months' maternity leave, of which _____ shall be unpaid.

Annex 2: Optional clauses from national model contracts

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

1. Changing the terms of the contract

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

2. Pay increases

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

3. Clothing

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

Annex 2: Optional clauses from national model contracts

4. Health and safety at work

The employer shall:

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

5. Assistance in emergencies

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

Annex 2: Optional clauses from national model contracts

6. Employer's travel

The employer shall

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

7. Weekly rest periods

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

Annex 2: Optional clauses from national model contracts

8. Public holidays

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

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

9. Benefits on termination

The employer shall pay the worker _____ when the contract is terminated.

10. Annual gratuity (bonus)

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

Annex 3: Monthly time sheet and pay slip

MONTHLY TIME SHEET AND PAY SLIP												
From _____ to _____												
Name: _____												
DAYS		WORKING HOURS			TOTAL HOURS				END TIME			
Date	Day	Start	Breaks	End	Daily	Regular	Overtime	Holiday	Regular (hours x)	Overtime (hours x)	Holiday (hours x)	Total
1 st												
2 nd												
3 rd												
4 th												
5 th												
6 th												
7 th												
8 th												
9 th												
10 th												
11 th												

Annex 3: Monthly time sheet and pay slip

MONTHLY TIME SHEET AND PAY SLIP													
From _____ to _____													
Name: _____													
DAYS		WORKING HOURS			TOTAL HOURS				END TIME				
Date	Day	Start	Breaks	End	Daily	Regular	Overtime	Holiday	Regular (hours x)	Overtime (hours x)	Holiday (hours x)	Total	
12 th													
13 th													
14 th													
15 th													
16 th													
17 th													
18 th													
19 th													
20 th													
21 st													

Annex 3: Monthly time sheet and pay slip

DAYS		WORKING HOURS			TOTAL HOURS				END TIME			
Date	Day	Start	Breaks	End	Daily	Regular	Overtime	Holiday	Regular (hours x)	Overtime (hours x)	Holiday (hours x)	Total
22 nd												
23 rd												
24 th												
25 th												
26 th												
27 th												
28 th												
29 th												
30 th												
31 st												

Annex 3: Monthly time sheet and pay slip

TOTAL BASIC PAY	
Deduction 1:	
Deduction 2:	
Deduction 3:	
<i>Less Total deductions:</i>	
TAKE HOME PAY	

PAID (Signed by employer)

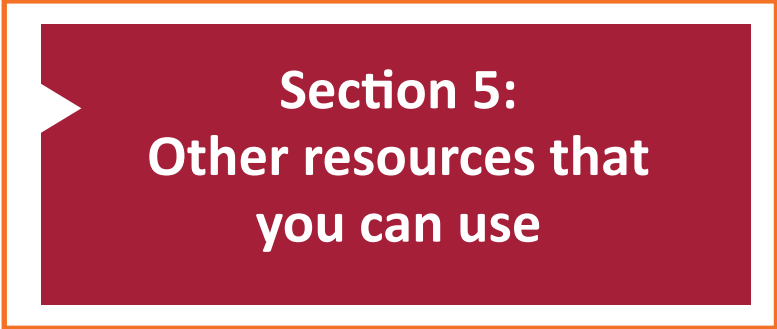
Date: _____

Place: _____

RECEIVED (Signed by employee)

Date: _____

Place: _____



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

Section 5: Other resources that you can use

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

Resources on C189

1. Celia Mather 'Yes, we did it!' How the World's Domestic Workers Won their International Rights and Recognition (2013).
<http://www.wiego.org/resources/yes-we-did-it-how-worlds-domesticworkers-won-theirinternational-rights-and-recognition>
2. C189: Conventional Wisdom, a documentary film on C189 by the International Domestic Workers' Federation and WIEGO.
<http://www.wiego.org/resources/video-c189-conventional-wisdom>
3. International Labour Office, Geneva. C189 and R201 at a Glance (2011).
http://www.ilo.org/wcmsp5/groups/public/@ed_protect/@protrav/@travail/documents/publication/wcms_170438.pdf

5. International Labour Office, Geneva. Achieving Decent Work for Domestic Workers: An Organizers' Manual to Promote C189 and Build Domestic Workers' Power (2012)
http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_181344.pdf
6. International Trade Union Confederation, International Domestic Workers' Federation and International Labour Organization. Domestic Workers Unite: A Guide For Building Collective Power to Achieve Rights and Protections for Domestic Workers (2013)
https://www.ituc-csi.org/IMG/pdf/ituc-domesticworkersunite-final-en-final_digital.pdf

Resources on organizing

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

BOOK 1: Recruiting Informal Workers into Democratic Workers' Organisations

<http://www.wiego.org/sites/default/files/resources/files/ICC1-Recruiting-Informal-Workers-Orgs-English.pdf>

BOOK 2: Building and Maintaining a Democratic Organisation of Informal Workers

<http://www.wiego.org/sites/default/files/resources/files/ICC2-Building-Orgs-Informal-Workers-English.pdf>

BOOK 3: Handling the Day-To-Day Problems of Informal Workers

<http://www.wiego.org/sites/default/files/resources/files/ICC3-Handling-Problems-English.pdf>

BOOK 4: Collective Negotiations for Informal Workers

<http://www.wiego.org/sites/default/files/resources/files/ICC4-Collective-Bargaining-English.pdf>

BOOK 5: Handling Disputes between Informal Workers and those in Power

<http://www.wiego.org/sites/default/files/resources/files/ICC5-Disputes-English.pdf>

BOOK 6: Collective Action for Informal Workers

<http://www.wiego.org/sites/default/files/resources/files/ICC6-Collective-Action-English.pdf>



**Appendix: What is ILO
Recommendation
No. 201?**

Appendix: What is ILO Recommendation No. 201?

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

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

Like C189, it covers the following:

1. Basic rights.
2. An employment contract.
3. Basic working conditions.
4. Health and safety at work.
5. Social protection.
6. Measures to protect domestic workers, especially migrant domestic workers.
7. Regulating employment agencies.

Appendix: What is ILO Recommendation No. 201?

It also covers other rights.

This is what R201 says:

1. Basic rights

Member countries should:

- Make sure that all laws and procedures make it easy for domestic workers to establish their own organizations or join organizations of their choice.
- Consider supporting domestic workers' organizations to strengthen them.
- Set rules to protect domestic workers' medical information and protect workers who must have medical tests for work purposes.
- Protect workers from being forced to have an HIV or pregnancy test or to tell the employer their HIV or pregnancy status.
- Share information about possible diseases that may affect domestic workers and guidelines for good health practices and work-related medical testing.
- Ensure that children do not do types of domestic work that harm their health, safety and morals. 42

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

2. An employment contract

Member countries should:

- Assist domestic workers to understand their terms and conditions of employment.
- Develop a model contract of employment that should be made available to employers, workers and the public, free of charge.
- **In addition to the matters that C189, the terms and conditions of employment should include:**
 1. A job description.
 2. Sick leave and any other personal leave.
 3. Any other payments that the domestic worker has a right to receive.

4. Any payments made in kind and their monetary value.
5. Details of any accommodation provided.
6. Amounts that the employer can deduct from the domestic worker's wages.

3. Basic working conditions

Member countries should:

- Guide and support employers and workers to record working time, overtime and stand-by periods properly. Domestic workers must be able to access these records easily.
- Regulate on-call periods by setting maximum stand-by hours per week, month or year, and the rate of pay for stand-by. Workers should get time off for being on stand-by when they should be resting.
- Regulate night work by setting the maximum night hours, the rate of pay for night work and time off for doing night work during a rest period.
- Ensure that parties can agree on the weekly rest day, considering the domestic workers' cultural, social and religious requirements.
- Ensure that workers enjoy a rest period to make up for any time they must work on their rest day, whether or not they are paid for this work.

- Allow a worker to accumulate their weekly rest days by working for up to 14 days and then taking the combined rest days.
- Ensure that the employer does not deduct workers' leave days when they take the domestic worker with them on their holiday.
- Limiting how much can be paid in kind, making sure the value of the payment is calculated fairly and limiting payment in kind to things that the domestic worker needs and uses.
- Ensure that employers do not charge live-in domestic workers for accommodation.
- Ensure that the employer does not charge workers for anything that they need to do their work (e.g. uniforms, tools and gloves, etc.).
- Ensure that employers give domestic workers a pay slip each time they pay them. The pay slip should explain the total pay that is due to them and explain any deductions from the pay.
- Ensure that workers have a private room with furniture, windows and adequate lighting and air conditioning. The room should have a lock and the worker must have their own key. The worker should be able to use a toilet and bathroom.
- Ensure that employers provide good and adequate meals that meet workers' religious and cultural needs where possible.

4. Workplace safety and health

Member countries should:

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

5. Social security

Member countries should:

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

6. Measures to protect domestic workers, especially migrant domestic workers

Member countries should:

- Where they are the sending country, educate migrant domestic workers about their rights in the host country and the remedies in languages that they understand.
- Establish clear rules about when domestic workers will have the right to free transport back to their home country when their contract ends.
- Creating a national hotline in different languages for workers who need help.
- Enabling migrant domestic workers to visit the household before they start to work.
- Developing a network of emergency housing.
- Educating employers about their duties to workers, including migrant domestic workers.
- Making it easy for domestic workers to file complaints and take employers to court, even after returning to their home country.
- Working with other countries to tell migrant workers about their rights before they leave for work in another country.
- Setting aside funds for workers' legal fees and to provide them with social services.

7. Regulate employment agencies

Member countries should:

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

8. Addressing other issues affecting domestic workers

Member countries should:

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

How must member countries give effect to this Recommendation?

To protect domestic workers, member countries:

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



**5.THE IMPACTS OF THE
COVID-19 PANDEMIC ON
WOMEN MIGRANT
WORKERS**

Introduction

Women migrant workers around the world are on the frontlines of the COVID-19 pandemic. They work in essential but low-paid and vulnerable jobs, as health and care workers, nurses, cleaners and laundry workers, placing them at high risk of exposure to coronavirus. Women migrant workers already have to grapple with multiple and intersecting forms of discrimination and inequalities, gender-specific restrictions in migration policies, insecure forms of labour, racism, and xenophobia.

The COVID-19 pandemic is having a disproportionate impact on women all over the world, but one group which is particularly vulnerable to its effects are migrant domestic workers in the Middle East. A surge of migrant workers into the Middle East began in the early 1970s.

The International Labor Organization estimates that 2.1 million people are engaged in domestic work in the Gulf Cooperation Council (GCC) countries of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (UAE), and also in the Arab states of Jordan and Lebanon .The majority of migrant domestic workers are women from Asian and African countries such as Sri Lanka, the Philippines, Bangladesh, Nepal, Indonesia, Kenya and Ethiopia .

In the Middle East, the relationship between employers and migrant workers is regulated by the Kafala system: a restrictive sponsorship system binding a worker's immigration status to her/his employer. Migrant workers are completely dependent upon their employer for their livelihood and residency. Although they contribute greatly to the economic and social wellbeing of both their countries of origin and destination, their work is largely unrecognized and undervalued (ILO, 2020). Lack of legal protections and the power imbalance between employer and worker put female migrant domestic workers at risk in many ways, including in terms of exposure to gender-based violence (GBV).

Women migrant workers face a higher risk of losing their livelihoods, having their labour and human rights violated and contracting coronavirus. They are likely to work in the informal economy, especially domestic service and the care sector, with insecure contracts and no paid leave or ability to work from home. They are also more likely to be engaged in short-term, part-time work. Their jobs are generally excluded from contributory social insurance schemes, which means limited or no social safety nets to compensate for lost income and limited or no access to health care and maternity protection.

This Manual details some of the impacts of COVID-19 on female migrant domestic workers in the Middle East. It looks first at the implications of the Kafala system in relation to the general health and well-being of female migrant domestic workers under COVID-19. The Manual then examines more specifically female migrant workers' heightened risk of genderbased violence under COVID-19, as well as the challenges female migrant domestic workers have in accessing essential services. The report concludes with several recommendations for organizations to mitigate risks and safely respond to needs of female migrant domestic workers in the context of COVID-19.

Implications of the Kafala System for Female Migrant Domestic Workers during COVID-19

Female migrant domestic workers in the Middle East are facing many increased risks as a combined result of the Kafala system and the COVID-19 pandemic. This section highlights (1) some of the most critical risks workers face under the Kafala system; and (2) how these risks have been exacerbated due to COVID-19.

1. Common risks for female migrant domestic workers under the Kafala system

Female migrant domestic workers under the Kafala system are excluded from the national labor legislation . Their welfare, and the extent to which their basic human rights are protected, is largely left up to the benevolence of employers. The extreme power and control exercised by the employer under the Kafala system has been likened to conditions similar to human trafficking for labor exploitation .

Gendered views on domestic work influence the under-valuation of the work performed by female domestic workers. While some employers do respect the dignity and human rights of the domestic workers, violations are nevertheless widespread, including forced labor, discrimination and different types of gender-based violence perpetrated against domestic workers by their employers . Given the lack of legal protections for domestic migrant workers, these violations are often committed with impunity.

Female migrant domestic workers who attempt to flee situations of exploitation and abuse are frequently re-victimized. Their visas become void and they are legally categorized as irregular migrants. If caught by the police, they will likely be transferred to detention centers before being deported. Before and during their detention, they may be subject to violence perpetrated by police or other security forces (Global Detention Project and MigrantRights.org, 2018).

Female migrant domestic workers who manage to escape detection by the authorities become undocumented workers. Without work permits, many find themselves in extreme situations of legal and social vulnerability. They often live in crowded rental apartments with other undocumented workers and depend on unstable daily work for their subsistence.

2. Additional risks faced by female migrant domestic workers during the COVID-19 pandemic

Loss of livelihoods :

- The International Labour Organization estimates that global unemployment figures could rise by almost 25 million as a result of COVID-19, disproportionately affecting the income security of women and migrants and the wider community.

- Women migrant workers are reported to be losing their jobs in large numbers in some sectors. Because they tend to work in the informal economy in precarious conditions without formal employment contracts and limited coverage by labour laws, employers can more readily end their employment in response to the economic decline caused by the COVID-19 pandemic.
- Women migrant workers in formal employment are also vulnerable to losing their jobs due to the economic downturn, leaving many in limbo regarding their work authorizations and visa status and great uncertainty about income and housing prospects.

Increased work demands and caretaking responsibilities.

- Female migrant domestic workers often live inside the homes of their employers. They clean, cook, take care of children and/or elderly family members. Because these workers lack legal protection, there are effectively no limits to the number of hours they may be asked to work per day, no paid sick leave or annual leave, and no maternity leave. If an employer does not uphold the worker's basic human rights, she may face denial of salary, sleep deprivation, passport confiscation, and/or forced confinement.
- In some households, pre-existing abusive conditions will be amplified by the COVID19 pandemic. For example, workers may be required take on extra duties cleaning and disinfecting homes, leading to burns, rashes or other injuries due to harsh cleaning products (Begum, R. 2020). Additionally, with the arrival of Ramadan¹, the workload for many female domestic workers has increased even more than usual because of the inability of employers to hire additional workers (Freedom Collaborative, 2020).

Reduced remittances :

- Remittances are key for the survival of many households and communities all over the world. A recent analysis estimates that remittances will register a negative seven per cent decline in 2020 relative to 2019, from \$76 billion to \$70 billion.
- Women migrant workers' remittances are commonly used to meet the educational, health and livelihood needs of families and communities in their countries of origin. These remittances often act as a substitute for lack of social protection in countries with limited public welfare systems; the impact of lost remittances will be hardest on poor families, who are least likely to have access to social protection.
- With large numbers of women migrant workers losing their jobs due to the global recession caused by the COVID-19 pandemic, the impact on the individuals and local economies dependent on this income will be devastating.

Increased risk of gender-based violence for female migrant domestic workers at the household level

- Prior to movement restrictions in the Middle East, family members would spend time out of the house – in school, at work or for leisure. This would reduce female migrant domestic workers exposure to abusive family members. Currently, family members are spending the vast majority of their time indoors. Not only do abusive employers, their children and relatives have increased access to vulnerable female migrant domestic workers, stressors have increased that may in turn increase the frequency and severity of abusive behavior. Several media reports documenting cases of abuse towards female migrant domestic workers during the lockdown, The domestic workers are being subject to emotional, physical, economic and sexual abuse, in addition to excessive work demands.
- COVID-19 exacerbates women migrant workers' increased risk of sexual and gender-based violence at all stages of migration, particularly migrant women with irregular migration status or sexual and gender minorities who are least likely to report violence due to discrimination or fear of arrest or deportation.
- Past epidemics demonstrated that women and girls, including migrant women and girls, were at heightened risk of gender-based violence, intimate partner violence and sexual exploitation and abuse. The Ebola pandemic showed that multiple forms of violence are exacerbated within crisis contexts, including trafficking, child marriage, and sexual exploitation and abuse. COVID-19 is likely driving similar trends at present and will particularly affect migrant women and girls given their vulnerable situations.

Limited freedom of movement :

- Travel bans and restrictions are preventing women migrant workers from returning to their countries of origin as cross-border travel becomes more complex and difficult. This includes screening measures and health certificate requirements for entering a country. Those who want to go home may decide against travelling for fear of not being allowed to return to the countries where they are working.
- Women migrant workers who are unable to return to work due to travel restrictions may experience a complete loss of their livelihoods, in the absence of social protection, as well as of their families who depend on their remittances.
- In some countries, the impact of city/province/country lockdowns and business closures has led to mass movements of migrants trying to return to their countries of origin, increasing the risk of community transmission of COVID-19 and spreading the virus to areas with less preparedness and capacity to respond.

Lack of social protection and health care :

- Migrant women, particularly those working in the informal economy, have limited or no access to social protection, health care and maternity protection, because they are generally excluded from contributory social insurance schemes.
- Women migrant workers lacking health insurance or with irregular migration status may be hesitant to comply with COVID-19 screening, testing and treatment procedures due to fear of documentation checks by authorities and potential fines, arrest, detention or deportation.
- Women migrant workers' sexual and reproductive health is compromised by a lack of health insurance and access to health care, and even more so as health systems are stretched to the limit by COVID-19. In the United States, for example, which has a fully privatized healthcare system, an estimated 20 per cent of all migrants are uninsured (as compared to 8.5 per cent of the population overall) and for those with irregular migration status the figure is expected to be even higher.

Stresses on care and domestic workers :

- Women migrant domestic workers are at particular risk of losing their jobs due to COVID-19 as they tend to be in informal employment, often unregistered and excluded from labour protections. The lack of assistance and protection mechanisms for women migrant domestic workers, their social isolation due to language and cultural differences, and the limited availability of accurate information heighten their vulnerabilities during the pandemic.
- Women migrant domestic workers face a significant risk of abuse, leaving them trapped and unable to reach their homes as a result of increased travel restrictions.
- Migrant women working in households caring for children, the sick, and the elderly face an increased risk of contracting the virus as they are likely to be in direct contact with persons who may have COVID-19.

Lack of access to services under COVID-19

- Exploitative working conditions faced by female migrant domestic workers have a devastating impact on their health and well-being. Frequently, they are isolated and lack social and community support (Amnesty International, 2020). Many migrant workers do not speak the local language. They have little or no knowledge of their rights under the Kafala system. When they are subjected to gender-based violence or other harms, they may be misled to believe that they cannot report incidents, or get help (Anti-Slavery, 2012). This further adds to their isolation.
- Not all female migrant domestic workers have access to a phone, technology or to the internet. As they spend their time inside, many are unable to connect with others, or to contact their families back home. Moreover, with lack of access to technology and information, female migrant domestic workers are unable to receive vital information around GBV services. They may be unable to contact organisations or other community members to report gender-based violence incidents, or to seek help when needed.

Recommended action For Mitigating and Responding to Risks

- Inform workers about COVID-19 and share information in a language they understand.
- Pay workers' salaries in full, on time and in USD or the market exchange rate for USD.
- Provide access to health care and access to psycho-social support, and inform the relevant embassy or NGOs providing services to migrant workers in case they are subject to a health risk.
- If migrant workers test positive for COVID-19, respect their right to paid sick leave without terminating their contract.
- Activate or reinforce systems for providing gender-based services to female migrant domestic workers under COVID-19.
- The potential of sexual exploitation and violence by state officials and armed guards
- abusing their power over migrant women at border crossings has increased.
- Inform the domestic workers about COVID-19 and share knowledge material in a language they understand.

- Manage their work assignment and schedule in a realistic, fair and humane way allowing enough time for daily and weekly rest and recuperation. This is especially relevant now that all members of the household are in the house at all times .
- Undertake advocacy with governments and employers .
- Women migrant workers need to be provided with information and guidance on how to send remittances digitally to help close the persistent digital gender gap.

MIGRANT DOMESTIC WORKERS

Training Manual

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