

Letter from the IUF to ILO/Travail 9 September 2009 (ro/bh 0728), concerning Questionnaire on decent work for domestic workers.

Annexe: Additional comments:

Question No. 6 (b): Should the term “domestic worker” mean any person who undertakes domestic work, whether on a full-time or part-time basis, for remuneration?

Yes. In addition, the Recommendation should provide for specific mechanisms to add up different employment arrangements of part-time domestic workers to enable access to all rights connected to a full time employment relationship, especially with regard to social protection (see also comment of ITUC document to question no. 12)

Question No. 12: Should the Convention provide that each Member should take measures to ensure that domestic workers, like all wage earners, have (b) a safe and secure workplace

Yes. Domestic workers are exposed to many of the H&S hazards that hotel- and restaurant workers and / or care workers are facing (burns, cuts, falls, exposure to chemicals, repetitive strain injuries, allergies, stress, sexual harassment, violence, etc). Therefore, C155 (incl. protocol), C187 and C111 should also apply to domestic workers.

Question No. 14: Should the Convention provide that each Member should take measures to ensure that domestic workers are protected against all forms of abuse and harassment, including physical, verbal sexual and mental abuse and harassment?

Yes. In cases of abuses, as indicated in the question, the Convention should provide for the possibility to terminate the contract unilaterally by the domestic worker immediately, without any responsibility to fulfill requirements of the contract but with the responsibility of the employer to fulfill his obligations which arise out of the contract and to comply with national laws and regulations and collective agreements, where applicable.

Question No. 20: Should the Convention provide that each Member should ensure that domestic workers have normal hours of work, overtime compensation, periods of daily and weekly rest, and annual leave as determined by national laws and regulations, and which are not less favourable than those applicable to other wage earners?

Yes. The Convention should make reference to C1 and 47, which both regulate working time and should also be applicable to domestic workers. The Weekly Rest (Commerce and Offices) C106 and /or C172, (Working Conditions in Hotels and Restaurants, Articles 4 and 5) may serve as a convenient guideline. Reference should also be made to existing laws, for example in South Africa and Austria and to collective agreements, like in France, where regulations of working time, weekly rest and annual leave for domestic workers exist, which should be taken into consideration.

Question No. 22: Should the Convention provide that periods of standby should be regarded as hours of work to the extent determined by national laws and regulations, collective agreements or any other means consistent with national practice?

Yes. The Convention should provide for limitations in time and compensation of standby time. Existing laws, as for example in South Africa, and collective agreements, like in France, could serve as guidelines as well as ILO C172, Articles 4 and 5.

Question No. 31: Should the Convention provide that each Member should ensure that domestic workers have easy access to fair and effective dispute settlement procedures? Please specify.

Yes. Further to the comments by ITUC: Domestic workers should have the right to seek legal advice, also the ones provided by trade unions, and to nominate another person of his or her own choosing as representative in court or any other dispute settlement procedures.

Question No. 32: Should the Convention provide that each Member should ensure that arrangements are in place to ensure compliance with national laws and regulations applicable to domestic workers, such as labour inspection services, with due regard to privacy?

Yes. The right of the household to privacy should not deprive the rights of the domestic worker to a workplace with safe and healthy working conditions. Households, which are at the same time workplaces, should be treated as any other workplaces. The Convention should provide for the possibility that a household can be subject to regular labour inspection and on request. The Labour Inspection C81 can serve as a guideline.

Questions No. 63: Are there any other pertinent problems not covered by the present questionnaire that ought to be taken into consideration when drafting the instruments?

Yes. Diplomats or foreigners, who enjoy a privileged status in a country and who employ domestic workers should have the same obligations as any other employer of domestic workers in that country.