

# Questionnaire

---

At its 301st Session (March 2008), the Governing Body decided to put on the agenda of the 99th Session (2010) of the International Labour Conference an item on decent work for domestic workers for a double discussion leading to the possible adoption of a Convention supplemented by a Recommendation.

The purpose of the questionnaire is to request the views of member States on the scope and content of the proposed instruments, after consultation with the most representative organizations of employers and workers. Replies received should enable the Office to prepare a report for the Conference.

## I. Form of the international instrument or instruments

- 1. *Should the International Labour Conference adopt an instrument or instruments concerning decent work for domestic workers?*

*Comments:*

---

---

---

- 2. *If so, should the instrument or instruments take the form of :*
  - (a) *a Convention*
  - (b) *a Recommendation*
  - (c) *a Convention supplemented by a Recommendation or*
  - (d) *a Convention comprising binding and non-binding provisions?*

*Comments:*

---

---

---

---

---

## II. Preamble

3. *Should the preamble of the instrument or instruments recall that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided?*

*Comments*

---

---

---

4. *Should the preamble of the instrument or instruments refer to the special conditions in which domestic work is carried out that make it desirable to supplement the general standards by standards specific to domestic workers, to enable them to enjoy their rights fully?*

*Comments:*

---

---

---

5. *Should other considerations be included in the preamble? Please specify.*

*Comments:*

---

---

---

## III. Definitions

6. *For the purposes of the instrument or instruments,*  
*(a) should the term “domestic work” mean work performed in and for a household and include housekeeping, child care and other personal care?*

*Comments:*

---

---

---

- (b) should the term “domestic worker” mean any person who undertakes domestic work, whether on a full-time or part-time basis, for remuneration?*

*Comments:*

---

---

---

(c) *should the term “standby” mean periods during which a domestic worker is not free to dispose of time as the worker pleases?*

*Comments:*

---

---

---

(d) *should the term “employer” include intermediaries?*

*Comments:*

---

---

---

(e) *should any other terms be defined by the instrument or instruments? If yes, please provide particulars.*

*Comments:*

---

---

---

#### IV. Scope

7. *Should the instrument or instruments apply to all domestic workers?*

*Comments:*

---

---

---

8. *Should the instrument or instruments provide for the possible exclusion of limited categories of domestic workers and, if so, under what circumstances? Please specify.*

*Comments:*

---

---

---

## V. Content of a Convention

### A. Fundamental principles and rights

9. *Should the Convention provide that each Member should take measures to ensure the enjoyment by domestic workers of the fundamental principles and rights at work, namely:*

(a) *freedom of association and the effective recognition of the right to collective bargaining;*

*Comments:*

---

---

---

(b) *the elimination of all forms of forced and compulsory labour;*

*Comments:*

---

---

---

(c) *the effective abolition of child labour; and*

*Comments:*

---

---

---

(d) *the elimination of discrimination in respect of employment and occupation?*

*Comments:*

---

---

---

10. *Should the Convention stipulate a minimum age for admission to domestic work? Please specify.*

*Comments:*

---

---

---

11. *Should the Convention provide that the minimum age of employment for migrant domestic workers should be 18?*

*Comments:*

---

---

---

---

**B. Working and living conditions and social security**

12. *Should the Convention provide that each Member should take measures to ensure that domestic workers, like all wage earners, have:*

(a) *fair terms of employment as well as decent working conditions and, where applicable, living conditions;*

*Comments:*

---

---

---

(b) *a safe and secure workplace; and*

*Comments:*

---

---

---

(c) *social security, including maternity protection?*

*Comments:*

---

---

---

13. *Should the Convention provide that employers should inform domestic workers of their terms and conditions of employment, in particular:*

(a) *the name and address of the employer;*

*Comments:*

---

---

---

(b) *the type of work to be performed;*

*Comments:*

---

---

---

(c) *the rate of remuneration, method of calculation and pay interval;*

*Comments:*

---

---

---

*(d) the normal hours of work;*

*Comments:*

---

---

---

*(e) the duration of the contract;*

*Comments:*

---

---

---

*(f) the provision of food and accommodation, if any;*

*Comments:*

---

---

---

*(g) the period of probation, if applicable; and*

*Comments:*

---

---

---

*(h) the terms of repatriation, if applicable?*

*Comments:*

---

---

---

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?*

*Comments:*

---

---

---

15. *Should the Convention provide that each Member should ensure that domestic workers enjoy minimum wage coverage where such coverage exists?*

*Comments:*

---

---

---

16. *Should the Convention provide that all domestic workers should be paid for their work at no greater than monthly intervals?*

*Comments:*

---

---

---

17. *Should the Convention allow partial payment of wages in kind? If so, please specify any circumstances and limits, in particular whether a domestic worker can refuse such in kind payments.*

*Comments:*

---

---

---

18. *Should the Convention provide that each Member should ensure that domestic workers are not required by national law or regulation to reside in the home of the employer?*

*Comments:*

---

---

---

19. *Should the Convention provide that, when accommodation and food are provided by the employer, the accommodation should be safe and decent, and should respect the worker's privacy, and the meals should be of good quality and sufficient quantity?*

*Comments:*

---

---

---

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?*

*Comments:*

---

---

---

21. *Should the Convention provide that each Member should ensure that domestic workers are not bound to remain in the household during the period of daily or weekly rest?*

*Comments:*

---

---

---

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?*

*Comments:*

---

---

---

23. *Should the Convention provide that each Member should take measures to ensure that domestic workers enjoy at least 24 consecutive hours of rest in every seven-day period?*

*Comments:*

---

---

---

24. *Should the Convention provide that each Member should take measures to ensure equality of treatment between domestic workers and other wage earners in respect of occupational safety and health? Should the Convention provide that such measures may be applied progressively? Please elaborate.*

*Comments:*

---

---

---

- 
25. *Should the Convention provide that each Member should take measures to ensure the application of social security schemes, including maternity protection, to domestic workers? Should the Convention provide that certain measures may be applied progressively? Please elaborate.*

*Comments:*

---

---

---

**C. Employment agencies**

26. *Should the Convention provide that each Member should take measures to ensure that domestic workers recruited or placed by employment agencies, particularly migrant domestic workers, are effectively protected against abusive practices?*

*Comments:*

---

---

---

**D. Migrant domestic workers**

27. *Should the Convention provide that national laws and regulations should require that migrant domestic workers receive a written contract containing minimum terms and conditions of employment that must be agreed upon prior to crossing national borders?*

*Comments:*

---

---

---

28. *Should the Convention provide that migrant domestic workers should be entitled to repatriation at no cost on expiry or termination of the employment contract?*

*Comments:*

---

---

---

29. *Should the Convention provide that each Member should prohibit employers from keeping in their possession domestic workers' travel and identity documents?*

*Comments:*

---

---

---

30. *Should the Convention provide that Members should cooperate with each other to ensure that migrant domestic workers enjoy benefits comparable with those of nationals?*

*Comments:*

---

---

---

**E. Implementation and enforcement measures**

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.*

*Comments:*

---

---

---

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? Please elaborate.*

*Comments:*

---

---

---

33. *Should the Convention provide that its provisions should be applied by laws, regulations, collective agreements or other measures consistent with national practice, by extending existing measures to cover domestic workers, adapting them, where appropriate, and developing specific measures for domestic workers?*

*Comments:*

---

---

---

34. *Should the Convention provide that, in implementing its provisions, each Member should consult the employers' and workers' organizations concerned?*

*Comments:*

---

---

---

## VI. Content of a Recommendation

### A. Fundamental principles and rights

35. *Should the Recommendation provide that the competent authority should take or support measures to promote capacity building for representative organizations of employers and domestic workers, including collective bargaining?*

*Comments:*

---



---



---

36. *Should the Recommendation provide that, when regulating working and living conditions, Members should give special attention to the needs of young domestic workers, including in respect of working time and restrictions on undertaking certain types of domestic work? If yes, please specify.*

*Comments:*

---



---



---

### B. Working and living conditions and social security

37. *Should the Recommendation provide that the terms of employment should be provided in writing?*

*Comments:*

---



---



---

38. *Should the Recommendation provide that additional particulars should be included in the terms of employment, such as:*

- |   |                          |
|---|--------------------------|
| <i>(a) the starting date of the employment</i>                              | <input type="checkbox"/> |
| <i>(b) a detailed list of duties</i>  | <input type="checkbox"/> |
| <i>(c) annual leave</i>   | <input type="checkbox"/> |
| <i>(d) daily and weekly rest</i>  | <input type="checkbox"/> |
| <i>(e) sick leave and any other personal leave</i>                          | <input type="checkbox"/> |
| <i>(f) the rate of pay for overtime work</i>                                | <input type="checkbox"/> |
| <i>(g) any other cash payments to which the domestic worker is entitled</i> | <input type="checkbox"/> |
| <i>(h) any in-kind allowance and its cash value</i>                         | <input type="checkbox"/> |

- (i) details of any accommodation provided
- (j) any authorized deductions
- (k) the period of notice required for termination?

Comments:

---

---

---

---

39. Should the Recommendation provide for a model contract, for example prepared by each Member in consultation with organizations of employers and workers concerned?

Comments:

---

---

---

40. Should the Recommendation provide that any work-related medical testing should respect domestic workers' right to privacy and should be free from discrimination, including on the basis of pregnancy and HIV status?

Comments:

---

---

---

41. Should the Recommendation provide that domestic workers should be given at the time of each payment an easily understandable written account of the payments due and the amounts paid?

Comments:

---

---

---

42. Should the Recommendation provide that national laws and regulations concerning the protection of wages, including in the case of the employer's insolvency or death, apply to domestic workers?

Comments:

---

---

---

43. *Should the Recommendation provide that, consistent with national conditions, the accommodation when provided by the employer should:*

(a) *comprise a separate, private room equipped with a lock and key provided to the domestic worker, that is suitably furnished and adequately ventilated;*

*Comments:*

---

---

---

(b) *include access to suitable sanitary facilities, shared or private; and*

*Comments:*

---

---

---

(c) *be adequately lit, and as appropriate heated and air conditioned in keeping with prevailing conditions within the household?*

*Comments:*

---

---

---

44. *Should the Recommendation provide that no deduction should be made from the remuneration of a domestic worker with respect to accommodation provided by the employer?*

*Comments:*

---

---

---

45. *Should the Recommendation provide that the hours of work and overtime should be accurately calculated and recorded by the employer and this information communicated to the domestic worker?*

*Comments:*

---

---

---

46. *Should the Recommendation provide that domestic workers should be entitled to meal breaks of the same duration as other wage earners during the working day?*

*Comments:*

---

---

---

47. *Should the Recommendation provide, with respect to standby work, that national laws and regulations or collective agreements should regulate:*

- (a) *that standby hours should only apply to night hours as defined in national laws or regulations or collective agreements;*

*Comments:*

---

---

---

- (b) *the maximum number of hours per week, month or year that an employer may require a domestic worker to be on standby;*

*Comments:*

---

---

---

- (c) *the compensatory rest period if the normal period of rest is disturbed by standby; and*

*Comments:*

---

---

---

- (d) *the extent to which the standby hours should be remunerated according to normal or overtime wage rates?*

*Comments:*

---

---

---

- 
48. *Should the Recommendation provide that domestic workers whose normal duties are performed at night should be treated not less favourably than other wage earners performing night work?*

*Comments:*

---

---

---

49. *Should the Recommendation provide that national laws and regulations, or collective agreements, should stipulate that ongoing needs of the household are not to be used to deprive the domestic worker of daily and weekly rest?*

*Comments:*

---

---

---

50. *Should the Recommendation provide that Members should give due consideration to establishing a fixed day of the week for rest, as well as compensatory rest and extra payment in the case of derogation?*

*Comments:*

---

---

---

51. *Should the Recommendation provide that domestic workers should not be required to remain in or with the household during their annual leave, and that time spent accompanying the household on vacation is not considered annual leave?*

*Comments:*

---

---

---

52. *Should the Recommendation provide that, in the event of termination of employment, domestic workers who live in employer-provided accommodation are given:*

*(a) an extended period of notice during which they may continue living in the employer's home;*

*Comments:*

---

---

---

(b) *reasonable time off with pay during the notice period to enable them to seek new employment?*

*Comments:*

---

---

---

53. *Should the Recommendation provide that Members should:*

(a) *identify, mitigate and prevent occupational hazards specific to domestic work;*

*Comments:*

---

---

---

(b) *establish procedures for collecting and publishing statistics on occupational safety and health related to domestic work;*

*Comments:*

---

---

---

(c) *advise on occupational safety, health and hygiene as well as on ergonomics and protective equipment; and*

*Comments:*

---

---

---

(d) *develop training programmes and disseminate guidelines on occupational safety and health requirements?*

*Comments:*

---

---

---

54. *Should the Recommendation provide that Members should consider means to facilitate the payment of social security contributions by employers, such as a system of simplified payment?*

*Comments:*

---

---

---

---

**C. Professional development**

55. *Should the Recommendation provide that Members should, in consultation with the employers' and workers' organizations concerned, establish policies and programmes for domestic workers to encourage ongoing development of their competencies and qualifications, including literacy training as appropriate, as well as to enhance their career and employment opportunities?*

*Comments:*

---

---

---

**D. Migrant domestic workers**

56. *Should the Recommendation provide that regulation concerning repatriation of domestic workers should:*

*(a) ensure financial guarantees by those responsible for repatriation costs;*

*Comments:*

---

---

---

*(b) prohibit any payment by migrant domestic workers to cover repatriation costs;*

*Comments:*

---

---

---

*(c) identify the time frame and circumstances for the exercise of the right to repatriation?*

*Comments:*

---

---

---

57. *Should the Recommendation provide that Members should consider additional measures to ensure the effective protection of migrant domestic workers' rights, such as:*

*(a) the development of a network of safe emergency housing; and*

*Comments:*

---

---

---

(b) *a placement visit of the household in which the migrant domestic worker will be employed?*

*Comments:*

---

---

---

58. *Should the Recommendation provide that Members that are sending countries should assist in the effective protection of migrant domestic workers' rights, including by informing migrant domestic workers of their rights before departure, establishing legal assistance funds, social services and specialized consular services and by any other additional measures? Please specify.*

*Comments:*

---

---

---

**E. Relationship to other national policies**

59. *Should the Recommendation provide that Members should be encouraged to develop national policies that:*

(a) *promote accessible, collective measures for the delivery of child care and other personal care;*

*Comments:*

---

---

---

(b) *promote work-life balance for families; or*

*Comments:*

---

---

---

(c) *promote the domestic workers' employment in occupational categories that match their education and skills?*

*Comments:*

---

---

---

F. International cooperation

60. *Should the Recommendation provide that Members should be encouraged to continue improving protection of domestic workers, notably through cooperation at bilateral, regional and international levels? Please elaborate.*

*Comments:*

---

---

---

VII. Special problems

61. *Are there unique features of national law or practice that are liable to create difficulties in the practical application of the instruments?*

*Comments:*

---

---

---

62. (For federal States only) *In the event of the instruments being adopted, would the subject matter be appropriate for federal action or, wholly or in part, for action by the constituent units of the federation?*

*Comments:*

---

---

---

63. *Are there any other pertinent problems not covered by the present questionnaire that ought to be taken into consideration when drafting the instruments?*

*Comments:*

---

---

---

\* \* \*