Promotion and protection of the human rights of all domestic workers
Respect and protection of fundamental principles and rights at work: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) elimination of all forms of forced or compulsory labour; (c) abolition of child labour; and (d) elimination of discrimination in respect of employment and occupation
Effective protection against all forms of abuse, harassment and violence
Fair terms of employment and decent living conditions
Domestic workers must be informed of their terms and conditions of employment in an easily understandable manner; preferably through a written contract

Weekly rest period of at least 24 consecutive hours
Regulation of stand-by hours (periods during which domestic workers are not free to dispose of their time as they please and are required to remain at the disposal of the household in order to respond to possible calls)

Right to safe and healthy working environment
Measures are put in place to ensure workers’ occupational safety and health

Minimum wage if a minimum wage exists for other workers
Payment of wages must be paid in cash, directly to the worker, and at regular interval of no longer than one month. Payment by cheque or bank transfer – when allowed by law or collective agreements, or with worker’s consent
In-kind payment is allowed under 3 conditions: only a limited proportion of total remuneration; monetary value is fair and reasonable; the items or services given as in-kind payment are of personal use by and benefit to the workers. This means that uniforms or protective equipments are not to be regarded as payment in kind, but as tools that the employer must provide to the workers at no cost to them for the performance of their duties
Fees charged by private employment agencies are not to be deducted from the remuneration

Social security protection, including maternity benefits
Conditions that are not less favourable than those applicable to workers generally

Requirement to set a minimum age for entry into domestic work
Domestic workers aged 15 years old but less than 18 years old – their work should not deprive them of compulsory education, or interfere with their opportunities for further education or vocational training
June 2011, the Convention sets standards for the working conditions of domestic workers. It states that they must have the same basic labour rights as other workers, including:

- Reasonable working hours
- Weekly rest of at least 24 consecutive hours
- A limit on in-kind payment
- Clear information on terms and conditions of employment
- Respect for fundamental principles and rights at work, including freedom of association and the right to collective bargaining

The Convention, which comes into force in September 2013, is binding for countries that ratify it.

WHAT HAS CHANGED IN LABOUR LEGISLATION SINCE THE ADOPTION OF THE DOMESTIC WORKERS’ CONVENTION 189?

Bahrain: The new labour code has several provisions on domestic work.

Brazil: A constitutional amendment gives domestic workers the same rights as other workers.

BRAZIL: A written contract that is enforceable in the country of employment, or a written job offer prior to traveling to the country of employment

Clear conditions under which domestic workers are entitled to repatriation at the end of their employment

Protection of domestic workers from abusive practices by private employment agencies

Cooperation among sending and receiving countries to ensure the effective application of the provisions of the Convention to migrant domestic workers

Argentina & Peru: Migrant domestic workers receive the same treatment as nationals under labor law with respect to wages, working conditions, and social security.

Argentina & Peru: A Labour Act gives domestic workers the same rights as other workers.

VENEZUELA: A Labour Act gives domestic workers the same rights as other workers.

What are the main changes in labour legislation since the adoption of the Domestic Workers’ Convention 189?

- Bahrain: New labour code with several domestic work provisions.
- Brazil: Constitutional amendment granting domestic workers the same rights as other workers.
- Argentina & Peru: Migrant domestic workers receive the same treatment as nationals.
- Spain: New royal decree replacing previous legislation.
- Namibia: Creation of a wage commission.
- Philippines: New law on domestic work covering minimum wages, social security, and health insurance.
- India: Bill on sexual harassment at the workplace.

PRIVATE EMPLOYMENT AGENCIES

- Regulate the operation of private employment agencies;
- Ensure adequate machinery for the investigation of complaints by domestic workers;
- Provide adequate protection of domestic workers and prevention of abuses, in collaboration with other Members where appropriate;
- Consider concluding bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices.

GREEN FACTS

- 52.6 million people claim to be domestic workers across the world
- 83% of Domestic Workers are women
- In early April 2013, domestic workers protested before the Mexican Senate to demand ratification of ILO Convention 189 and its recommendation as a way to respect their labour rights.

Required:

- Consider concluding bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices.
- Effective access to the court, tribunals or other dispute settlement mechanisms, including accessible complaint mechanisms.
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Migrant domestic workers receive the same treatment as nationals under labor law with respect to wages, working conditions, and social security.

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In regard, the convention recognizes the need to balance domestic workers’ right to protection and the right to privacy of the household’s members.

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HUMAN TRAFFICKING

If your employer is physically or sexually abusing you, holding your documents or passport, threatening you or your family members, restricting you from leaving the house or talking on the phone, depriving you of food or sleep, or otherwise using force, fraud, or coercion to keep you working, contact:

The National Human Trafficking Resource Center Hotline (24/7) at 1-888-373-7888

These are possible indicators of human trafficking, and you can be connected to help.

OTHER RESOURCES

The California Division of Labor Standards Enforcement (866) 924-9757

For more information about your rights to paid the minimum wage and overtime in California, see the state’s website or the website of The Legal Aid Society, Employment Law Center.

National Domestic Workers Alliance Anti-Trafficking Campaign
www.domesticworkers.org/anti-trafficking-campaign

SOURCE: