

99ma sessione della International Labour Conference (Ginevra, 1/11 giugno 2010)

I lavori della Commissione “Decent work for domestic workers”

di **Giuseppe Casucci**

Roma, 18 giugno 2010 – La 99ma Conferenza internazionale del Lavoro degli Stati che aderiscono all’OIL, è iniziata a Ginevra, a partire dal primo di questo mese, e conclude i lavori nella giornata di oggi, avendo affrontato molti temi rilevanti. Quest’anno, all’ordine del giorno c’erano: la situazione economica internazionale ed i suoi riflessi sull’occupazione, la situazione HIV/Aids a livello di mondo del lavoro, la dichiarazione 1998 sui principi e diritti fondamentali sul lavoro e, least but no last, la necessità di una convenzione per garantire ai lavoratori domestici in tutto il mondo condizioni di lavoro dignitose.

A quest’ultima commissione (lavoro domestico) la UIL è stata presente, attraverso la mia partecipazione ai lavori, dal 1° all’11 giugno, sessione conclusa con l’approvazione formale di un primo draft di Convenzione e di Raccomandazione, denominato: “lavoro dignitoso per i lavoratori domestici”. Il testo, poi approvato dall’Assemblea plenaria nella giornata di ieri, verrà perfezionato nel corso dei prossimi mesi e nuovamente votato durante la Conferenza Internazionale sul Lavoro di giugno del 2011. Se approvato, poi, dovrà essere ratificato dagli singoli Stati aderenti a ILO e trasferito nelle rispettive legislazioni nazionali, a meno che le leggi esistenti in un Paese non contengano già condizioni normative superiori a quelle approvate dalla Convenzione.

Per quanto riguarda la presenza del sindacato italiano, oltre a me a rappresentanza della UIL, erano presenti Marjorie Burgos e Leopoldo Tartaglia della Cgil. La Cisl era assente per cause di forza maggiore. Nel corso dei lavori è stata presentata da parte della nostra delegazione sindacale una protesta formale all’OIL per violazione – da parte del Governo Italiano – dei principi di proporzionalità nella composizione delle delegazioni. In effetti il nostro Esecutivo – presente con vari funzionari ai lavori – ha deciso di coprire le spese solo per una persona per ciascuna delle due delegazioni, sindacale ed imprenditoriale, in evidente sproporzione numerica con la propria partecipazione in quanto Governo.

Per quanto riguarda la nuova Convenzione sul lavoro domestico, si tratta della stesura di norme minime a difesa delle condizioni di lavoro e di vita di un “esercito invisibile”, com’è stato definito, spesso privo dei diritti minimi fondamentali. Ragazze giovani, a volte bambine, costrette a lavorare quasi sempre senza contratto, a condizioni ben al di sotto degli standard a cui gli europei sono abituati, con orari quasi sempre superiori alle norme contrattuali, a cambio del pagamento di un salario misero, o addirittura di un piatto di minestrina ed un giaciglio in cui dormire.

In effetti non è un’eccezione nei Paesi del Terzo Mondo la pratica del cosiddetto pagamento in natura (lavoro in cambio di cibo, un posto dove vivere e qualche capo di vestiario). E non è nemmeno un’eccezione dover lavorare in una casa in cui si deve sempre rimanere a disposizione della famiglia per cui si lavora, dalle 6 del mattino fino a sera tarda. Ci sono poi le situazioni estreme (nei Paesi in Via di Sviluppo, come nel nostro cosiddetto Primo Mondo), in cui alle lavoratrici vengono confiscati documenti e biglietti di viaggio, per costringerle ad accettare condizioni inumane di lavoro e di vita, sempre sotto la minaccia di essere denunciate e magari espulse dal Paese, quando non si arriva all’estremo delle molestie e degli abusi sessuali. Eccezioni, certo. Ma comunque una realtà in certe aree del nostro pianeta.

Ecco perché l’OIL quest’anno ha deciso di mettere assieme, governi e parti sociali di tutto il mondo per stabilire un salario e condizioni minime di lavoro e di vita degne di essere chiamate umane e dignitose.

Secondo i dati dell'Organizzazione Internazionale del Lavoro, il settore del lavoro domestico (che comprende dalle colf, alle badanti, dalle guardie agli autisti di case private, dalle baby sitter, al giardinaggio, ecc.) dà lavoro a livello mondiale ad oltre 100 milioni di persone, di cui 90% donne, e la maggioranza migranti. Il settore domestico – secondo l'ONU - assorbe una proporzione significativa della forza lavoro con percentuali che vanno dal 4 al 10% della forza lavoro totale nei Paesi in via di Sviluppo e dal 3 al 5% nel mondo industrializzato.

Un aspetto patologico che riguarda questo universo è il fatto che si tratta di un settore in gran parte sommerso. Se in Italia oggi possiamo dire che l'irregolarità lavorativa di colf e badanti è al di sotto del 25%, in alcune aree geografiche come l'Africa, l'Asia o l'America Latina si arriva fino all'80 o 90% del totale della forza lavoro in nero.

La decisione di produrre una nuova Convenzione (accompagnata da una Raccomandazione) da parte dell'OIL viene dunque dai dati drammatici di questa realtà, a difesa dei diritti minimi in quelle aree del mondo dove non esistono contratti di lavoro, né una legislazione capace di inquadrare funzioni, diritti e doveri in questo settore e dove spesso i diritti umani e civili, a cominciare da quelli dell'infanzia, vengono disattesi.

Un tema delicato in quanto tocca gli aspetti inerenti ai processi migratori, ma anche alla piaga del lavoro minorile. Inoltre, tutto viene reso più difficile e complicato dal carattere personale del rapporto tra lavoratrice e datore di lavoro (quasi sempre una famiglia) e dalla conseguente difficoltà di rappresentanza sindacale in un mondo così atomizzato (sia delle organizzazioni dei lavoratori, ma anche da parte delle associazioni imprenditoriali di settore).

Bisogna anche aggiungere che nei Paesi Industrializzati questo lavoro viene fatto soprattutto da donne migranti, spesso ricattate dalla necessità di dover rinnovare il permesso di soggiorno e quindi costrette ad accettare condizioni d'impiego e di retribuzione spesso ben al di sotto dei livelli minimi contrattuali. C'è chi per mettere insieme uno stipendio deve lavorare con più di un datore di lavoro, in parte in nero. Non c'è da meravigliarsi dunque se il sindacato incontra molte difficoltà per raggiungere e tutelare questa parte importante del mondo del lavoro, in un ambiente in cui l'inviolabilità del domicilio domestico rende difficili le ispezioni e dove a volte l'azione di agenzie di intermediazione rende difficile l'attribuzione di responsabilità in caso di vertenze di lavoro.

La Convenzione in teoria intende tutelare tutti, lavoratori in regola e non. Abbiamo fatto osservare, comunque, che di fatto chi è in condizione di clandestinità in un Paese diverso dal suo o vive una situazione di segregazione, rischia di non poter godere della protezione offerta da questo strumento dell'OIL. Abbiamo fatto osservare, nel corso delle sedute di lavoro a Ginevra, come accanto alla Convenzione vada attuata una forte sensibilizzazione dei Governi interessati perché applichino misure (fiscali, di controllo, ma anche misure premiali che sono spesso più efficaci delle altre) con l'obiettivo di far emergere il settore dalla palude del lavoro nero e della invisibilità dei diritti.

La commissione "lavoro domestico", dunque ha preso in carico una bozza di **"conclusioni proposte"** elaborate a partire dal 2008: 22 articoli compongono la Convenzione ed altri 23 la Raccomandazione. Si è discusso e si sono presentati emendamenti e si è votato su tutti gli articoli in lunghe sessioni giornaliere. La commissione era composta inizialmente da 181 membri (85 esponenti di governi, 32 rappresentanti dei datori di lavoro e 64 rappresentanti dei sindacati). Per attribuire peso proporzionale, le rappresentanze sono state poi modificate e le rappresentanze, datoriali e sindacali, sono scesi a 23 ciascuna.

Questi tra i principali gli argomenti contenuti nell'insieme di Convenzione e Raccomandazione

Definizione di lavoro domestico e lavoratrice domestica

a) Lavoro domestico: "lavoro realizzato per e nell'ambito di una o più famiglie";

b) Lavoratore domestico: "persona impegnata in lavoro domestico, nell'ambito di una relazione di lavoro";

c) Una persona che realizzi lavoro domestico solo occasionalmente o sporadicamente, e non su basi occupazionali, non può essere definita lavoratore domestico.

Principi fondamentali a diritti dell'ILO che debbono essere applicati al lavoro domestico

- Diritto di organizzarsi e di negoziare, nonché di evidenziare le migliori pratiche e relativi esempi, compreso il riconoscimento del valore speciale che riveste la contrattazione collettiva per i lavoratori domestici;
- Eliminazione di tutte le forme di lavoro forzato e obbligatorio;
- Effettiva abolizione del lavoro minorile e
- Eliminazione delle discriminazioni in materia di occupazione ed accesso al lavoro per gli immigrati

Condizioni di lavoro e di vita e di sicurezza sociale

- Ogni Stato Membro deve definire una età minima per il lavoro domestico, in accordo con le normative internazionali e, in caso di lavoro al di sotto dei 18 anni, garantire che esso non interferisca con il diritto allo studio ed alla formazione del giovane;
- Ogni Stato Membro deve garantire condizioni eque di occupazione, nonché condizioni di lavoro e di vita dignitose; sicurezza sul posto di lavoro e sicurezza sociale, compresa la protezione della maternità, sia per full-time e lavoratori che operano part-time con diversi datori di lavoro
- Va garantita l'uguaglianza con gli altri lavoratori rispetto a standard minimi di lavoro e in alcuni casi, stabilire standard più elevati per tenere conto delle condizioni particolari in cui operano i lavoratori domestici e la difficoltà in molti casi di accesso alla contrattazione collettiva in parte delle legislazioni nazionali;
- Va garantito l'accesso alle informazioni sui diritti ed alle organizzazioni che possono fornire loro informazioni e sostegno, in quanto migranti (consolati) e in quanto lavoratori (sindacati);
- I datori di lavoro domestico devono informare i propri lavoratori dei termini e delle condizioni d'impiego, come ad esempio il tipo di lavoro da eseguire, compresi i compiti esclusi dal contratto; il normale orario di lavoro, ecc;
- Va garantita la protezione contro tutte le forme di abuso e molestia, anche fisica, verbale, l'abuso sessuale e molestie mentali;
- I lavoratori non possono essere obbligati a rimanere in casa durante il periodo di riposo giornaliero o settimanale;
- I periodi di reperibilità devono essere considerati come orario di lavoro nella misura determinata dalle leggi e dai regolamenti nazionali, dai contratti collettivi o qualsiasi altro mezzo conforme alla prassi nazionale;
- I lavoratori debbono sempre rimanere in possesso dei propri documenti di identità e di viaggio;

Agenzie d'impiego

- I lavoratori reclutati o collocati da agenzie d'impiego, in particolare i lavoratori domestici migranti, debbono essere protetti adeguatamente contro pratiche abusive da parte di queste agenzie;
- Vanno rese effettivamente disponibili e fruibili da parte dei lavoratori domestici, le informazioni sui propri diritti, sulle procedure di reclamo e sulle informazioni di contatto con i gruppi ed i sindacati che operano a loro tutela;

Lavoratori domestici migranti

- Le leggi ed i regolamenti nazionali dovrebbero esigere che i lavoratori domestici migranti ricevano un contratto scritto contenente i termini e le condizioni minime di occupazione, condizioni che debbono essere concordate prima che il lavoratore migrante attraversi i confini nazionali;
- I lavoratori domestici migranti dovrebbero poter godere del diritto al rimpatrio, senza alcun costo per loro, alla scadenza o risoluzione del contratto di lavoro;
- Dovrebbe essere vietata ai datori di lavoro la pratica di trattenere documenti di viaggio e di identità dei lavoratori domestici ;
- I paesi di origine e di destino dovrebbero collaborare tra loro per garantire che i lavoratori domestici migranti possano godere di vantaggi e benefici comparabili a quelli degli altri cittadini e lavoratori nazionali;
- I lavoratori oggetto di casi di abuso o maltrattamento dovrebbero poter godere di uno status di immigrazione protetta;

Implementazione e supporto all'applicazione delle misure

- Ogni Stato Membro dovrebbe adottare misure al fine di garantire che tutti i lavoratori domestici, direttamente o tramite un rappresentante, abbiano un facile accesso ai tribunali, o ad altre procedure di risoluzione delle controversie, in condizioni non meno favorevoli di quelle disponibili per i lavoratori in generale;
- Ogni Stato Membro deve dotarsi di strumenti efficaci al fine di garantire il rispetto delle leggi nazionali e regolamenti per la tutela dei lavoratori domestici;
- Ogni Stato Membro dovrebbe adottare misure al fine di garantire che i lavoratori domestici assunti o collocati tramite una agenzia (comprese le collaboratrici domestiche immigrate) siano efficacemente protetti contro le pratiche abusive; vanno anche stabilite le responsabilità giuridiche rispettive del nucleo familiare d'impiego e della agenzia;
- Ogni Stato Membro deve stabilire criteri di inquadramento, registrazione e qualificazione di dette agenzie d'impiego, assicurare regolari ispezioni alle stesse, nonché assicurare che esse rispondano legalmente in casi di abusi accertati;
- Ogni Stato membro dovrebbe attuare, di concerto con le rappresentanze dei datori di lavoro e delle organizzazioni dei lavoratori , le disposizioni della presente convenzione mediante adeguati strumenti legislativi, regolamenti di applicazione e contratti collettivi, nonché attraverso misure supplementari coerenti con le pratiche nazionali, estendendo o adattando le misure esistenti, al fine di tutelare i lavoratori domestici, anche attraverso l'elaborazione di misure specifiche di protezione.

Ecco il testo delle “conclusioni proposte”, approvato, relativo alla **Convenzione e raccomandazione sul lavoro domestico ([versione disponibile solo in inglese](#))**

([scarica](#) il documento per prendere in visione il resoconto dell'intera discussione della Commissione sul lavoro domestico)

Proposed Conclusions

A. Form of the instruments

1. The International Labour Conference should adopt standards concerning decent work for domestic workers.
2. These standards should take the form of a Convention supplemented by a Recommendation.

B. Definitions

3. For the purpose of these standards:

- (a) the term “domestic work” should mean work performed in or for a household or households;
- (b) the term “domestic worker” should mean any person engaged in domestic work within an employment relationship;
- (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

C. Proposed Conclusions with a view to a Convention

4. The Convention should include a preamble with the following wording:

(a) mindful of the commitment of the International Labour Organization to promote decent work for all through the achievement of the goals of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization;

(b) recognizing the significant contribution of domestic workers to the global economy, which includes increasing paid job opportunities for workers with family responsibilities;

(c) considering that domestic work continues to be undervalued and invisible and is mostly carried out by women and girls, many of whom are migrants or members of historically disadvantaged communities, and who are therefore particularly vulnerable to abuses of basic human rights and to discrimination in respect of employment and working conditions;

(d) further considering that, in developing countries with historically high rates of unemployment, domestic workers constitute a significant proportion of the national workforce, are predominantly nationals drawn from the ranks of the unemployed and are among the most marginalized and vulnerable workers;

(e) recalling that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided;

(f) noting that there are international labour Conventions and Recommendations which have particular relevance for domestic workers, such as, where appropriate, the Migration for Employment Convention (Revised), 1949, the Migrant Workers (Supplementary Provisions) Convention, 1975, the Workers with Family Responsibilities Convention, 1981, the Private Employment Agencies Convention, 1997, the Employment Relationship Recommendation, 2006, as well as the ILO Multilateral Framework on Labour Migration;

(g) recognizing the special conditions under which domestic work is carried out that make it desirable to supplement the general standards with standards specific to domestic workers, to enable them to enjoy their rights fully, taking into account the right to privacy that each domestic worker and each household enjoys;

(h) recalling other relevant international instruments, such as the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention against Transnational Organized Crime and in particular its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

5. (1) The Convention should apply to all domestic workers, provided that a Member which has ratified it may, after consulting representative employers’ and workers’ organizations and, in

particular, organizations representing domestic workers and their employers, where they exist, exclude wholly or partly from its scope:

- (a) categories of workers who are otherwise provided with at least equivalent protection;
 - (b) limited categories of workers in respect of which special problems of a substantial nature arise.
- (2) Each Member which avails itself of the possibility afforded in Point 5(1) should, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, indicate any particular category of workers thus excluded and the reasons for such exclusion and, in subsequent reports, specify any measures that may have been taken with a view to extending the application of the Convention to the workers concerned.

6. Each Member should take measures to ensure the effective protection of basic human rights for all domestic workers.

7. Each Member should take, in relation to domestic workers, measures to respect, promote and realize, in good faith, and in accordance with the ILO Constitution, the fundamental principles and rights at work, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

8. (1) Each Member should set a minimum age for domestic workers in accordance with the provisions of the Minimum Age Convention, 1973, and the Worst Forms of Child Labour Convention, 1999, and not lower than that established by national laws and regulations for workers generally.

(2) Each Member should ensure that domestic work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of, or interfere with, their education or vocational training.

9. Each Member should take measures to ensure that domestic workers, like workers generally, enjoy fair terms of employment as well as decent working conditions and, where applicable, decent living conditions respecting the worker's privacy.

10. Each Member should ensure that domestic workers are informed of their terms and conditions of employment, in an appropriate, verifiable and easily understandable manner, including, where possible and preferably, through written contracts in accordance with national laws and regulations, in particular:

- (a) the name and address of the employer;
- (b) the type of work to be performed;
- (c) the remuneration, method of calculation and regularity of its payment;
- (d) the normal hours of work;
- (e) the duration of the contract;
- (f) the provision of food and accommodation, if applicable;
- (g) the period of probation or trial period, if applicable;
- (h) the terms of repatriation, if applicable; and
- (i) termination of employment provisions.

11. Each Member should take measures to ensure that domestic workers enjoy effective protection against all forms of abuse and harassment.

12. (1) Each Member should take measures to ensure that domestic workers:

- (a) are free to negotiate with their employer whether to reside in the household;
- (b) are not bound to remain in or with the household during the periods of daily and weekly rest or annual leave;
- (c) are entitled to keep in their possession their travel and identity documents.

(2) In taking these measures, due respect should be given to the right to privacy of both the domestic worker and the household.

13. (1) Each Member should take measures to ensure that the normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave of domestic workers are not less favourable than those provided for workers generally in accordance with national laws and regulations.

(2) Weekly rest should be at least 24 consecutive hours per each seven-day period.

(3) Periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls should be regarded as hours of work to the extent determined by national laws or regulations, collective agreements or any other means consistent with national practice.

14. Each Member should take measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex.

15. (1) The wages of domestic workers should be paid directly to them in legal tender at regular intervals but not less often than once a month. (2) Taking into consideration Point 15(1), national laws or regulations, collective agreements or arbitration awards may provide for the payment of a limited proportion of the remuneration of domestic workers in the form of allowances in kind, in conditions not less favourable than those applicable to other categories of workers generally, provided that measures are taken to ensure that such allowances are agreed to by the worker and are appropriate for the personal use and benefit of the worker.

16. (1) Each Member should take appropriate measures, with due regard to the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of:

(a) occupational safety and health; and

(b) social security protection, including with respect to maternity.

(2) The measures referred to in Point 16(1) may be applied progressively.

17. (1) National laws and regulations should require that migrant domestic workers receive a written job offer or a contract of employment containing minimum terms and conditions of employment that must be agreed upon prior to crossing national borders for the purpose of taking up domestic work to which the offer or contract applies, without prejudice to regional, bilateral or multilateral agreements, the rules of a regional economic integration area, where applicable to migrant domestic workers.

(2) Members should cooperate with each other to ensure the effective protection of migrant domestic workers' rights under this Convention.

18. Each Member should take measures to ensure that all domestic workers, either by themselves or through a representative, have easy access to courts, tribunals or other dispute resolution procedures under conditions that are not less favourable than those available to workers generally.

19. Each Member should establish effective means of ensuring compliance with national laws and regulations for the protection of domestic workers.

20. (1) Each Member should take measures to ensure that domestic workers recruited or placed by an employment agency, including migrant domestic workers, are effectively protected against abusive practices, including by establishing the respective legal liability of the household and the agency.

(2) Each Member should take measures to:

(a) establish criteria for the registration and qualifications of employment agencies, including for publicly available information on any past violations;

(b) ensure regular inspections of employment agencies to ensure compliance with relevant laws and regulations, and institute significant penalties for violations;

(c) provide accessible complaint mechanisms for domestic workers to notify authorities

of abusive practices; and

(d) ensure that fees incurred by agencies are not deducted from the remuneration of domestic workers.

21. Each Member should implement, in consultation with representative employers' and workers' organizations, the provisions of this Convention through laws, regulations and collective agreements, as well as through additional measures consistent with national practice, by extending or adapting existing measures to cover domestic workers or by developing specific measures for them.

22. The Convention should not affect more favourable provisions applicable to domestic workers under other international labour Conventions.

D. Proposed Conclusions with a view to a Recommendation

23. The Recommendation should include a preamble indicating that the provisions of the Recommendation should be considered in conjunction with those of the Convention.

24. In taking measures to ensure that domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members should:

(a) identify and eliminate any legislative or administrative restrictions or other obstacles to the right of domestic workers to establish their own organizations or to join the workers' organizations of their choice, and to the right of organizations of domestic workers to join workers' organizations, federations and confederations;

(b) ensure the right of employers of domestic workers to establish and join organizations, federations and confederations of employers of their choosing;

(c) take or support measures to strengthen the capacity of organizations of domestic workers to protect effectively the interests of their members.

25. In taking measures to ensure the elimination of discrimination in respect of employment and occupation among other things, Members should ensure that work-related medical testing respects the principle of the confidentiality of personal data and the privacy of domestic workers and should prevent any discrimination related to such testing.

26. When regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers under the age of 18 and above the minimum age of employment defined by national laws and regulations, including in respect of working time and restrictions on undertaking certain types of domestic work.

27. (1) The terms and conditions of employment should be provided in an appropriate, verifiable and easily understandable manner including, where possible and preferably, through written contracts in accordance with national laws and regulations; when necessary, appropriate assistance should be provided to ensure that the domestic worker has understood those terms and conditions.

(2) The terms and conditions of employment should include the following particulars, in addition to those provided for in Point 10:

(a) the starting date of the employment;

(b) job description;

(c) paid annual leave;

(d) daily and weekly rest;

(e) sick leave and any other personal leave;

(f) the rate of pay for overtime work;

(g) any other cash payments to which the domestic worker is entitled;

(h) any allowances in kind and their cash value;

(i) details of any accommodation provided;

(j) any authorized deductions from the worker's wages; and

(k) the period of notice required by either the domestic worker or the employer for termination.

(3) Members should consider establishing a model contract for domestic work, in consultation with representative organizations of employers and workers and, in particular, organizations representing domestic workers and their employers, where they exist.

(4) Each Member should consider specifying, by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation, at no cost to the worker, upon the expiry or termination of the employment contract.

28. (1) Hours of work and overtime should be accurately calculated and recorded, and this information should be freely accessible to the domestic worker.

(2) Members should consider developing practical guidance in this respect, in consultation with representative organizations of employers and workers and, in particular, organizations representing domestic workers and their employers, where they exist.

29. With respect to periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls (commonly known as standby or on-call periods), national laws and regulations or collective agreements should regulate:

(a) the maximum number of hours per week, month or year that a domestic worker may be required to be on standby and the means by which these might be measured;

(b) the compensatory rest period to which a domestic worker is entitled if the normal period of rest is disturbed by standby; and (c) the rate at which standby hours should be remunerated.

30. Members should consider specific measures, including appropriate financial compensation, for domestic workers whose normal duties are performed at night, taking into account the constraints and consequences of night work.

31. Members should take measures to ensure that domestic workers are entitled to suitable periods of rest during the working day, which allow for the taking of meals and breaks.

32. The day of weekly rest should be a fixed day in every period of seven days to be determined by agreement of the parties, taking into account work exigencies and the cultural, religious and social requirements of the domestic worker.

33. National laws and regulations, or collective agreements, should define the grounds on which domestic workers may be required to work during the period of daily or weekly rest and provide for adequate compensatory rest, irrespective of any financial compensation.

34. Time spent by domestic workers accompanying the household on holiday should not be counted as part of their annual leave.

35. When provision is made for the payment of a limited proportion of the remuneration in the form of allowances in kind, Members should consider:

(a) establishing an overall limit on the proportion of the remuneration that may be paid in kind so as not to diminish unduly the cash remuneration necessary for the maintenance of domestic workers and their families;

(b) calculating the cash value of allowances in kind by reference to objective criteria such as the market value, cost price or prices fixed by public authorities, as appropriate;

(c) limiting allowances in kind to those clearly appropriate for the personal use and benefit of the domestic worker, such as food and accommodation; and

(d) prohibiting allowances in kind that are directly related to the performance of work duties, such as uniforms, tools or protective equipment.

36. (1) Domestic workers should be given at the time of each payment an easily understandable written account of the payments due to them, the amounts paid and the specific amount and purpose of any deductions which may have been made. (2) Upon termination of employment, any outstanding payments should be made promptly.

37. Members should take measures to ensure that domestic workers enjoy conditions not less favourable than those of workers generally in respect of the protection of workers' claims in the event of insolvency or death of the employer.

38. When provided, accommodation and food should, taking into account national conditions, include:

- (a) a separate, private room that is suitably furnished, adequately ventilated and equipped with a lock, the key to which should be provided to the domestic worker;
- (b) access to suitable sanitary facilities, shared or private;
- (c) adequate lighting and, as appropriate, heating and air conditioning in keeping with prevailing conditions within the household; and
- (d) meals of good quality and sufficient quantity, adapted to the cultural and religious requirements, if any, of the domestic worker concerned.

39. In the event of termination of employment, for reasons other than serious misconduct, live-in domestic workers should be given a reasonable period of notice and time off during that period to enable them to seek new employment and accommodation.

40. Members should take measures to:

- (a) identify, mitigate and prevent occupational hazards specific to domestic work;
- (b) establish procedures for collecting and publishing statistics on occupational safety and health related to domestic work;
- (c) advise on occupational safety and health, including on ergonomic aspects and protective equipment; and
- (d) develop training programmes and disseminate guidelines on occupational safety and health requirements specific to domestic work.

41. Members should consider means to facilitate the payment of social security contributions by employers, including in respect of domestic workers working for multiple employers, for instance through a system of simplified payment.

42. In relation to Point 10(h) of the proposed Conclusions, consideration should be given to migrant workers receiving repatriation at no cost on the expiration or termination of the employment contract for which they were recruited.

43. (1) Members should consider additional measures to ensure the effective protection of migrant domestic workers' rights, such as:

- (a) providing for a system of visits to households in which migrant domestic workers will be employed;
- (b) developing a network of emergency housing;
- (c) establishing a national hotline with interpretation services for domestic workers who need assistance;
- (d) making employers aware of their obligations and of the applicable sanctions;
- (e) ensuring that domestic workers can access complaint mechanisms and have the ability to pursue both during and after employment legal civil and criminal remedies, both in-country and after repatriation;
- (f) providing for a public outreach service to domestic workers, in languages understood by the workers concerned, to educate them about their rights under relevant laws and regulations, their access to complaint mechanisms and legal remedies, and other pertinent information.

(2) Members that are countries of origin of migrant domestic workers should assist in the effective protection of the rights of these workers, by informing them of their rights before departure, establishing legal assistance funds, social services and specialized consular services and any other appropriate measures.

44. (1) Members should establish, in consultation with representative organizations of employers and workers and, in particular, organizations representing domestic workers and their employers, where they exist, policies and programmes that:

(a) encourage the continuing development of the competencies and qualifications of domestic workers, including literacy training as appropriate, so as to enhance their career and employment opportunities;

(b) address the work–life balance needs of domestic workers; and

(c) ensure that the concerns and rights of domestic workers are taken into account in the context of more general efforts to reconcile work and family responsibilities.

(2) Members should develop appropriate indicators and measurement systems in order to strengthen the capacity of national statistical offices and effectively collect comprehensive data on domestic workers.

45. (1) Members should cooperate at bilateral, regional and global levels for the purpose of enhancing the protection of domestic workers, especially in matters concerning social security, the monitoring of private employment agencies, the prevention of forced labour and human trafficking, the dissemination of good practices and the collection of statistics on domestic work.

(2) Members should take appropriate steps to assist one another in giving effect to the provisions of the Convention through enhanced international cooperation or assistance, or both, including support for social and economic development, poverty eradication programs and universal education.