



27 July 2016

Employment of domestic workers by ILO officials

Introduction

1. This Directive seeks to clarify the obligations incumbent on all ILO officials pursuant to Articles 1.2 and 1.7 of the Staff Regulations and the 2013 *Standards of Conduct for the International Civil Service* as regards the employment of domestic workers.
2. The purpose of this Directive is to ensure that domestic workers employed by ILO officials enjoy working conditions that are consistent with the principles and standards set out in the Domestic Workers Convention, 2011 (No. 189), and the accompanying Domestic Workers Recommendation, 2011 (No. 201).
3. This Directive comes into effect on the date of issue.

Scope

4. For the purposes of this Directive, “domestic worker” means any person employed, whether full-time or part-time, in the household of an ILO official for the provision of services such as housekeeping, household maintenance, cooking, gardening, driving or caregiving for children or elderly dependents. Au pairs assisting the household of an ILO official will not be considered as a domestic worker, provided that the au pair relation is regulated in the country of residence of the official’s household and strictly complied with.
5. This Directive is applicable to all ILO officials regardless of their grade or duty station.

General principles and responsibilities

6. ILO officials should ensure that the domestic workers employed by them enjoy decent working conditions, and if residing within the official’s household, decent living conditions. All officials must observe relevant local laws in their relationship with the domestic workers engaged by them. In this regard officials have the duty to properly inform themselves of the local legal requirements, having regard to the guidelines appended to this Directive. The guidelines are particularly relevant in duty stations where there is no specific legislation regulating the working conditions of domestic workers, in particular as regards the minimum age to admission to employment, minimum wage rates, hours of work and social protection.

7. In some duty stations, as is the case of Switzerland, international professional staff have the possibility of employing domestic workers under special conditions.¹ Moreover, in Switzerland and neighbouring France, officials who wish to employ a domestic worker under the relevant national labour and social security regulations, including for part-time work or even a few hours a week, may contact the relevant institutions responsible for advice and facilitation of the recruitment and social security affiliation processes.²
8. ILO officials are reminded that their conduct and activities outside the workplace, even if unrelated to official duties, can compromise the image and the interests of the ILO.³ The treatment of domestic workers employed by ILO officials is particularly relevant in this respect. Exemplary conduct is therefore expected from all ILO officials.
9. ILO officials must provide any domestic worker employed by them with a copy of this Directive.

Enforcement

10. Any information regarding allegations of the inappropriate treatment of domestic workers of ILO officials should be forwarded to the ILO Ethics Officer (ETHICS@ilo.org) who may refer them to HRD for appropriate action. Communication with the Ethics Officer may be made directly or via the director of the relevant ILO Office or HRD staff in the field. Any form of retaliation against a domestic worker for contacting the ILO in respect of the terms of this Directive will not be tolerated.
11. Diplomatic privileges and immunities of officials will in principle be waived by the Organization in respect of employment disputes involving domestic workers employed by ILO officials so that domestic workers can have access to local courts in order to pursue their claims against their employer.
12. Any case of improper treatment or abuse of domestic workers employed by ILO officials may be subject to internal disciplinary review in accordance with the provisions of Chapter XII of the Staff Regulations.
13. Any question concerning the application of this Directive should be addressed to the Human Resources Development Department (HRD).

Guy Ryder
Director-General

¹ The special conditions applicable in Switzerland are contained in the *Private Household Employees Ordinance* of the Swiss Federal Government, which is available at the following web page along with applicable forms and guidelines: <https://www.dfae.admin.ch/missions/mission-onu-omc-aele-geneva/en/home/manuel-application-regime/privaten-haus-angestellten-verordnung.html>. Eligible officials considering the recruitment of a domestic worker in Switzerland under these special conditions may consult the Staff Welfare Office.

² These institutions are: Cheque service for Switzerland, available at <http://www.chequeservice.ch/cs/ch/fr-ch/index.cfm> and Cheque emploi service for France, available at <http://www.cesu.urssaf.fr/cesweb/home.jsp>.

³ *Standards of Conduct for the International Civil Service*, paragraph 42.

Annex

Guidelines concerning the employment of domestic workers by ILO officials

1. ***Fundamental principles and rights at work.*** The conduct of officials towards domestic workers employed by them, or seeking to be employed by them, shall respect 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.
2. ***Minimum age and protection of young domestic workers.*** Where local law sets a minimum age for admission to domestic work that is lower than the general minimum age, officials will apply the latter. Where the local law does not set a minimum age, it is set at 15 for the purpose of this Directive.
3. Officials will give special attention to the needs of domestic workers who are under the age of 18. In particular, they cannot require them to perform night work or otherwise excessively demanding work, and their hours of work should be limited to ensure adequate time for rest, education and training, leisure activities and family contacts.
4. Officials have the duty to ensure that neither the work requested nor the working environment is likely to harm the health, safety and morals of domestic workers below the age of 18.
5. ***Violence and harassment.*** Violence and sexual or other harassment by officials towards domestic workers employed by them is unacceptable. Officials shall take all necessary steps to prevent violence and harassment against domestic workers by members of their household. They shall also take all necessary steps to follow-up on any complaints of violence or harassment raised by domestic workers.
6. Information on terms and conditions of employment. Officials shall take steps to ensure that the domestic workers employed by them are informed of their terms and conditions of employment in an appropriate and verifiable manner. To this end officials shall use a written contract addressing essential terms and conditions (see checklist below, which may be used to complement national model contracts, as necessary).
7. One copy of the contract shall be given to the domestic worker against signature of receipt. As needed, officials shall ensure that the terms and conditions set out in the contract are explained to the domestic workers in a manner that he or she understands.
8. Where domestic workers are recruited from abroad, the official concerned shall provide the written contract to the domestic worker, translated where necessary into a language the domestic worker understands, before he or she travels to the country where the official's duty station is located.
9. ***Working time.*** First reference for the officials should be the national law regulating domestic work. Where the local law is silent on domestic worker's working hours and leave, officials employing domestic workers should be guided by the arrangements

regarding normal hours of work, overtime compensation, daily and weekly rest periods, paid annual leave, maternity leave and sick leave provided under local laws for workers generally, taking into account the special characteristics of domestic work. In addition, the conditions in the following paragraphs must be observed.

10. Domestic workers shall be entitled to suitable periods of rest during the working day, which allow for meals and breaks to be taken.
11. At a minimum, the weekly rest period shall be 24 consecutive hours. The fixed day of weekly rest should be determined by agreement of the parties, taking into account work exigencies and the cultural, religious and social requirements of the domestic worker.
12. Domestic workers shall be compensated for overtime and standby periods (i.e. 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).
13. Officials shall not oblige their domestic workers to remain in the household or with household members outside the agreed hours of work.
14. Where on a strictly exceptional basis, work is required from domestic workers during their daily or weekly rest, compensatory rest periods shall be granted, irrespective of any financial compensation.
15. Officials shall accurately record overtime and standby hours and this information shall be made available to the domestic workers.
16. Time spent by domestic workers accompanying the household members on holiday will not count as part of their paid annual leave.
17. **Remuneration.** Irrespective of existing local minimum wage coverage for domestic workers, officials should satisfy themselves that the remuneration of domestic workers employed by them ensures a decent standard of living. Where the local minimum wage rate or rates do not cover domestic workers, existing local rates should be used as benchmarks. Remuneration in kind is only acceptable if permitted under local law and agreed to by the worker in advance. Remuneration in kind can only constitute a limited proportion of the overall remuneration; it must be of personal use and benefit to the worker and the monetary value attributed to it must be fair and reasonable.
18. Domestic workers shall be paid directly in cash or other lawful means of monetary payment, at regular intervals of no longer than one month. Domestic workers will be given at the time of each payment an easily understandable written account of the total remuneration due to them and the specific amount and purpose of any deductions which may have been made. The official shall keep on record a copy of each payslip, countersigned by the workers. In case of payment by bank transfer, the official shall keep on record proof of such payments. As a good practice, records should be kept for at least one year following the end of the employment.
19. No deductions can be made from the remuneration of the domestic workers for fees charged by employment agencies.
20. Upon termination of employment, officials will make any outstanding payments promptly.
21. **Personal documents.** In no case shall officials keep in their possession any personal documents of domestic workers employed by them, such as travel and identity documents.

22. **Accommodation and meals.** When provided, accommodation and food should include the following:
- (a) a separate, private room that is suitably furnished, adequately ventilated and equipped with a lock, the key to which should be given 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 extent reasonable to the cultural and religious requirements, if any, of the domestic worker concerned.
23. Where the officials require the domestic workers to live in accommodation provided by the household, no deduction may be made from the financial remuneration with respect to that accommodation, unless otherwise agreed to by the worker or required by national laws pertaining to taxation and social security.
24. In the event of termination of employment at the initiative of the employer, for reasons other than serious misconduct, live-in domestic workers will be given a reasonable period of notice and time off during that period to enable them to seek new employment and accommodation.
25. **Occupational safety and health.** Officials will take reasonable steps to safeguard the occupational safety and health of domestic workers employed by them. In particular, officials will make sure that neither the work assigned nor the work tools or environment constitutes a hazard to workers' safety and health. Officials should discuss with the domestic workers safety and health risks concerning their work and ways of mitigating them, for example, by explaining how to safely use household appliances.
26. Where work-related medical testing is required under national law, officials shall respect the principle of confidentiality and privacy in respect of domestic workers employed by them. ILO officials shall not require domestic workers employed by them to undertake HIV or pregnancy testing, or disclose HIV or pregnancy status.
27. **Social security.** In the absence of mandatory coverage of domestic workers under statutory social security schemes in the country of employment, officials should consider providing employment injury and health insurance for domestic workers engaged by them through other means.
28. **Checklist for written contracts.** The terms and conditions to be reflected in the written contract of domestic workers should include:
- (a) name and address of the official and of the domestic worker;
 - (b) address of the usual workplace or workplaces;
 - (c) starting date and, where the contract is for a specified period of time, its duration;
 - (d) type of work to be performed and job description;
 - (e) the period of probation, if applicable;
 - (f) remuneration, method of calculation and periodicity of payments;

- (g) normal hours of work;
- (h) daily and weekly rest periods;
- (i) the rate of pay or compensation for overtime and standby;
- (j) any other payments to which the domestic worker is entitled;
- (k) any payments in kind and their monetary value;
- (l) any authorized deductions from the worker's remuneration;
- (m) paid annual leave;
- (n) sick leave and, if applicable, any other personal leave;
- (o) the provision of food and the details of accommodation, if applicable;
- (p) the terms of repatriation, if applicable; and
- (q) the terms and conditions relating to the termination of employment, including any period of notice by either the domestic worker or the official.