

Making decent work a reality for domestic workers in the Middle East:

Progress and prospects ten years after the adoption of the ILO Domestic Workers Convention, 2011 (No. 189) Copyright © International Labour Organization 2021 First published 2021

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Executive summary

There are approximately 6.6 million domestic workers over the age of 15 employed in the Arab States of the Middle East (hereafter 'Arab States'),¹ representing around 8.7 per cent of the total number of domestic workers globally. The sector represents a significant proportion of employment in the region, accounting for 12.3 per cent of total employment (in comparison to 2.3 per cent globally). The significance of this sector is even more stark in the Gulf Cooperation Council (GCC) countries, where the sector accounts for between a fifth and a quarter of the labour force in most countries. While men outnumber women as domestic workers in the region (men representing 63.4 per cent of the sector); domestic work is a very important sector for women's employment – with female domestic workers representing 32.4 per cent of women's employment (and 34.6 per cent of women employees) in the Arab States.

Though there is a growing demand for the services provided by domestic workers, this group of workers is also among the most under-protected, as they are often excluded from the scope of, or actual protections enabled by, national labour laws. The high levels of informality in the domestic work sector further exacerbate the working situation for domestic workers. In the Arab States, 99.7 per cent of domestic workers are excluded from social protection – the highest proportion of any region globally – as compared to 60 per cent of all other (non-domestic) workers in the region.

This regional brief for the Arab States, based largely on the ILO global report Making Decent Work a Reality for Domestic Workers: Progress and Prospects Ten Years after the Adoption of the Domestic Workers Convention, 2011 (No. 189), examines the situation of domestic workers in the Arab States, in light of the Domestic Worker Convention, 2011 (No. 189) (hereafter 'Convention No. 189') and the accompanying Recommendation No. 201 (hereafter 'Recommendation No. 201') adopted by the International Labour Conference a decade ago. The brief estimates the current number of domestic workers in the region, levels of formality and the degree to which domestic workers are included in legal and social protections, and outlines possible areas for future reform, including implementation and enforcement of legislation.

In the last decade, the vast majority of countries in the Arab States region have introduced some protections for domestic workers in line with Convention No. 189 and Recommendation No. 201, either through the inclusion of domestic workers in the labour law, in separate laws or in subordinate regulations concerning domestic work. Additionally, many countries have also introduced standard employment contracts for domestic workers. These protections should not be understated. Yet, as they usually provide lower standards for domestic workers than for other workers covered under the full protection of the labour law, a key focus should be towards giving effect to Article 10 of Convention No. 189, pursuant to which States should take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest, and paid annual leave (in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work). In the context of some working conditions – such as the right to a weekly rest day – reforms have reduced the gap in legal protection between domestic workers and other workers. However, in relation to most other labour rights, legal protections for domestic workers still fall short. In most countries in the Arab States region, this means longer maximum working hours, reduced annual leave, lower minimum wages and virtually no social security coverage.

¹ The "Arab States", for the purposes of this brief, covers Bahrain, Iraq, Jordan, Kuwait, Lebanon, Occupied Palestinian Territory, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen.

Moreover, based on the limited data available, it appears that significant gaps in implementation remain, meaning that domestic workers in the region work some of the longest hours in the world, while also being excluded from social protection.

As a job-intensive sector that meets essential and growing household needs for direct and indirect care services, domestic work could be an important source of employment in the post-COVID-19 economic recovery. The next decade of reforms in the region needs to focus on changing perceptions and practices in this sector. In the context of working hours, more priority should be given to issues such as excessive working hours among live-in domestic workers, and regulating overtime pay and compensatory rest. The right to a weekly rest day and to rest periods should also be upheld by ensuring that domestic workers are free to dispose of their rest time as they please, with the right to leave the household during rest periods. In closing legal gaps with respect to wages, governments are encouraged to engage with social partners to fix an appropriate minimum wage level that accounts for the specificities of the sector. Additionally, the scope of social security laws should be reviewed with a view to extending protections to include domestic workers. Stronger regulation can be complemented with public awareness campaigns, greater access to justice and dispute resolution, and practical tools to facilitate monitoring and enforcement.

Finally, a future in which decent work becomes a reality for domestic workers must be driven by social dialogue as a crucial instrument for addressing the remaining decent work deficits for domestic workers. Currently, domestic workers across the Arab States region are denied the right to join – or form their own – trade unions.

To understand the progress made towards achieving decent work for domestic workers and the decent work deficits that remain in the Arab States, this regional brief looks at:

- 1. the extent of legal coverage experienced by domestic workers;
- 2. actual wages and working time compared to other employees (to the degree that limited data is available); and
- 3. the extent of effective social protection coverage, as measured by employment-related social security contributions.

Policy recommendations are then provided to close legal and implementation gaps.

Acknowledgements

This regional brief would not have been possible without the extensive and detailed work of Claire Hobden and Florence Bonnet (INWORK) in preparing the report *Making Decent Work a Reality for Domestic Workers: Progress and Prospects Ten Years after the Adoption of the Domestic Workers Convention, 2011 (No. 189).*

Drawing from the global report, this regional brief was prepared by Sophia Kagan, ILO Regional Office for Arab States, Beirut. Technical comments and support were also provided by Ryszard Cholewinski, Zeina Mezher and Suha Labadi, ILO Regional Office for Arab States, and by Claire Hobden and Florence Bonnet, INWORK, ILO Geneva, and David Cann, external consultant.

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1 Introduction

In June 2011, the International Labour Conference of the ILO adopted the Domestic Workers Convention, 2011 (No. 189).

The Conference recognized the significant contribution of domestic workers to the global economy, but also acknowledged that domestic work was largely invisible, undervalued and mostly performed by women and girls – often migrant workers from less-developed countries or members of disadvantaged communities with limited access to formal employment. Although international labour Conventions and Recommendations, including the widely ratified eight ILO fundamental Conventions, already applied to all workers, including domestic workers, the special conditions under which domestic work is carried out made it desirable to supplement the existing standards with standards specific to domestic workers to underscore that domestic work is indeed work and to enable domestic workers to fully enjoy their rights at work. The purpose of Convention No. 189 and Recommendation No. 201 was to formally recognize the particular vulnerabilities of these workers and provide Member States with an agreed framework within which to afford domestic workers additional legal protections and remedies.

All Arab States government representatives voted in favour of the Convention. ²

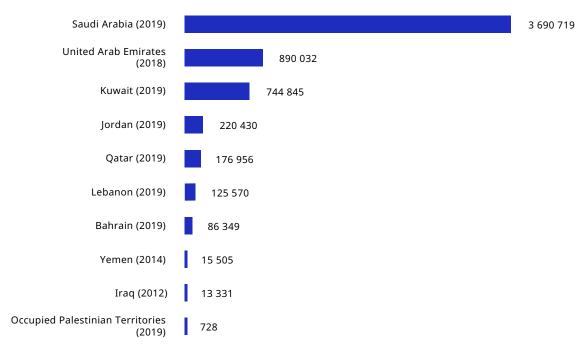
Ten years on from the adoption of Convention No. 189 presents a good time to assess the extent to which decent work has become a reality for domestic workers in the Arab States and the extent to which domestic workers enjoy legal protection – namely, their inclusion under key labour and social security laws – and the extent to which they can effectively access their rights and protections in practice.

With regard to Convention No. 189, 396 delegates voted in favour and 16 against, with 63 abstentions. See: ILO, "Press Release on 100th ILO Annual Conference Decides to Bring an Estimated 53 to 100 Million Domestic Workers Worldwide under the Realm of Labour Standards", 16 June 2011. The final record vote on the adoption of Convention No. 189 is available in ILO, "Final Record Vote on the Adoption of the Convention concerning Decent Work for Domestic Workers, 2011", 2011.

► 1.1. Regional estimates of domestic workers in the Arab States

There are several distinctive features of domestic work in the Arab States, relative to the rest of the world. It is estimated that there are 6.6 million men and women performing domestic work in the region, constituting 12.3 per cent of all workers and representing the **largest share of domestic work in total employment globally.**

▶ Figure 1. Number of domestic workers in the Arab States



Note: The numbers of domestic workers for Jordan and Lebanon are derived from labour force survey data and include both documented and non-documented (migrant) domestic workers. These numbers are superior to official statistics from the Ministry of Labour, as the latter only include documented workers. In Jordan, for instance, the official number of documented migrant domestic workers in 2019 is 60,803 (out of whom 55,551 are women).

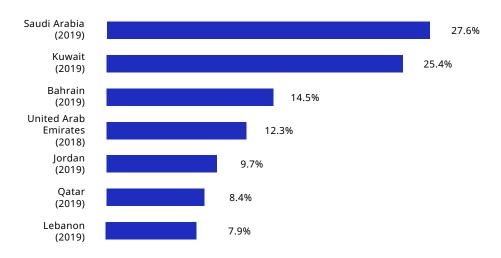
Source: ILO 2021a.

▶ Box 1. How was the regional estimate calculated?

The estimates rely on microdata (original labour force and household survey microdata sets) from four countries, and published data from an additional four countries in the Arab States (see the Annex for the specific sources used). To enhance international comparability, a common approach was applied to each country when processing microdata to identify domestic workers. As a result, statistics are as far as possible comparable across countries and regions, but the ILO's country estimates of the number of domestic workers may differ from national ones, where such estimates exist. To the degree possible, the estimates capture live-in and live-out domestic workers employed directly by a household or households; domestic workers employed through a service provider; and domestic workers who provide direct and indirect care services. The estimates do not include domestic workers under the age of 15. For a detailed explanation on the methodology, data sources and limitations, see the global ILO report (2021a) Making Decent Work a Reality for Domestic Workers: Progress and Prospects Ten Years after the Adoption of the Domestic Workers Convention, 2011 (No. 189).

In fact, seven countries in the region rank among the ten countries globally with the highest proportion of domestic workers within the employed population. The country with the highest share of domestic workers in the world is Saudi Arabia, where domestic work represents around 28 per cent of total employment. It is also the fourth-largest employer in terms of absolute numbers, with 3.7 million domestic workers. In Kuwait domestic workers represent 25.4 per cent of total employment, followed by the United Arab Emirates (12 per cent), and Bahrain and Jordan (14.5 and 9.7 per cent, respectively) (see figure 2).

▶ Figure 2. Domestic workers as a percentage of total employment



Source: ILO 2021a.

▶ Domestic workers in numbers: Arab States (regional estimates, 2019)

	No. of domestic workers (million)		Domestic workers in total employment (%)		Domestic workers among employees (%)		Share of women in total (%)			
Region	Total	Women	Men	Total	Women	Men	Total	Women	Men	total (70)
Arab States	6.59	2.41	4.18	12.3	32.4	9.0	14.8	34.6	10.6	36.6
GCC ¹	5.80	2.05	3.74	21.3	47.8	15.6	21.4	48.0	15.6	35.4
World	75.63	57.66	17.97	2.3	4.5	0.9	4.5	8.8	1.7	76.2

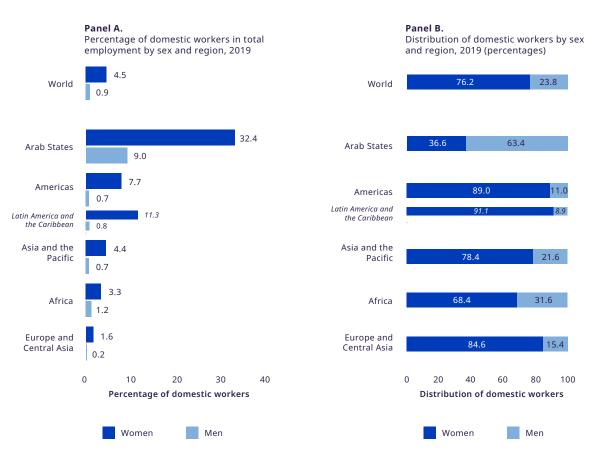
¹ GCC = Gulf Cooperation Council

Another distinctive feature of the Arab States is that **men domestic workers comprise a significant proportion of workers in the sector**; indeed, the region is the only one in the world in which men

domestic workers outnumber women, representing 63.4 per cent of all domestic workers (the region is home to 23.2 per cent of the global population of men domestic workers) (see figure 3).

Women, who make up just 36.6 per cent of domestic workers in the region, typically work as child caregivers, cleaners and elder caregivers. Men, working as drivers, cooks, gardeners and security guards, dominate the sector in some countries in the region (see figure 4). In Saudi Arabia, for instance, where women have relatively recently been given legal permission to drive, there is a high demand for men drivers, who comprise the majority of all domestic workers in the country. ³ This is not the case in all countries – for example, in the United Arab Emirates and Qatar, there are significantly more women than men domestic workers. In Lebanon, only women can be recruited as migrant domestic workers. And even though men currently make up the majority of the sector, women domestic workers still account for a significant proportion of the total number of women in employment in the region, comprising 32.4 per cent of total women's employment.

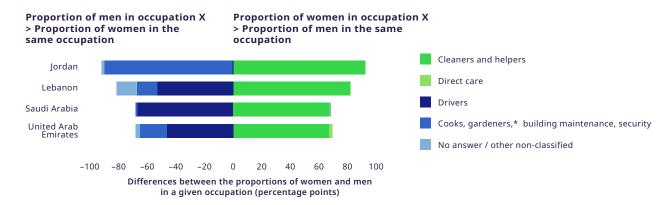
► Figure 3. Gender distribution of domestic workers globally and by region (%)



Source: ILO 2021a.

³ Based on data from the General Authority for Statistics, Saudi Arabia, cited in Tayah and Assaf, 2018.

▶ Figure 4. Occupational differences between women and men domestic workers



Source: ILO 2021a.

Note: The length of bars shows to what extent some occupations performed by domestic workers are gender-specific. It is measured by the difference between women and men in the proportions of domestic workers in given occupations. A positive value (on the right side of the figure) means that the proportion of women domestic workers in a particular occupation is higher than the corresponding proportion among men domestic workers for the same occupation. By contrast, negative values as shown on the left side reflect occupations in which men domestic workers are over-represented.

* Including agricultural domestic workers, who represent a significant share of men domestic workers in some countries. Source: ILO 2021a.

The vast majority of domestic workers in the region are migrants. According to the ILO's 2013 global and regional estimates on migrant workers, which also included a specific focus on domestic work, 83 per cent of domestic workers in the Arab States region were migrants (ILO 2015c). Labour migration had grown by 5.2 per cent per year between 2013 and 2017, resulting in an even higher number of migrant domestic workers coming from an evolving set of countries (ILO 2018). In the GCC, domestic workers are almost exclusively migrant workers. For example, in Kuwait, 90 per cent of domestic workers in 2018 were from India, the Philippines, Bangladesh and Sri Lanka. Those from India and Bangladesh tended to be men (in part because of labour migration policies in those countries and bilateral arrangements); while those from the Philippines, Sri Lanka, Nepal, Ethiopia and Madagascar tended to be women. ⁴

Recent shifts in international migration patterns for domestic work, both within and between regions, have led to growing numbers of workers from East, North and West Africa, who migrate to the Arab States for employment in low- and medium-skilled occupations in construction, manufacturing, agriculture, food services, retail trade, and domestic and care work (Atong et al. 2018). Although administrative data in countries of destination are limited, country of origin data (which have their own limitations) can provide some approximate measure of the number of African nationals in the Arab States. For example, the 2021 Labour Force Migration Survey in Ethiopia estimated approximately 280,000 Ethiopian migrants in Saudi Arabia and approximately 75,000 in the United Arab Emirates (ILO and AUC 2021a). According to the Kenyan Ministry of Labour, prior to the COVID-19 pandemic, there were 97,000 Kenyan workers employed in Saudi Arabia alone (Otieno 2021), many as domestic workers. In Uganda, the Ministry of Gender, Labour and Social Development noted that 21,716 nationals left to take up domestic work in Saudi Arabia and Jordan between 2016 and early 2019 (GAATW 2019).

⁴ Estimates based on data from Kuwait Central Statistical Bureau, Labour Market Information System, cited in Tayah and Assaf 2018.

The demand for domestic workers has been steadily increasing in the region over the past decade but was impacted by COVID-19. Prior to the COVID-19 pandemic, the increasing demand for migrant domestic workers was frequently attributed to rising labour force participation rates among women, growing dependency ratios and large households that historically rely on home-based care.

Demographic data show an ageing population and a high number of children aged under 14 years, despite declining fertility rates (Tayah and Assaf 2018). Recent care policies in the region have tended to emphasize part-time work and home-based care. Such policies allow women, who would otherwise take on a caregiver role in the family, greater flexibility to participate in the wider labour market, forming part of the chain-of-care economy in which lower-paid women work for women in higher-paid jobs. Indeed, labour force participation rates for women have increased steadily across the region, reaching 40 per cent in Kuwait, 18 per cent in Saudi Arabia, 37 per cent in Qatar, and 30 per cent in Bahrain. ⁵ Further, the general lack of day-care facilities for children and residential care for elderly people has pushed many households to hire domestic workers to substitute for the unpaid care work performed by women. In some cases, particularly in the Gulf Cooperation Council (GCC) countries, the demand for domestic workers is also a function of the high rate of growth of the expatriate population (estimated to have increased by 51 per cent or 18 million people in the last decade), as such households also recruit migrant domestic workers (Tayah and Assaf 2018).

However, it is as yet unclear how COVID-19 and economic crises in the region will impact on employment in the domestic work sector. In Lebanon and Jordan, recruitment of new migrant domestic workers has drastically fallen, particularly in Lebanon where – exacerbated by a deepening economic and financial crisis (Kebebe, Stave, and Kattaa 2020) – the total number of new and renewed work permits for migrant domestic workers decreased by 43 per cent between 2018 and 2020. ⁶

An analysis of administrative data in several Arab States shows that although numbers of domestic workers in a regular situation had been increasing until 2019, they declined during 2020 (ILO and AUC 2021a). The decrease was most severe in Jordan and Lebanon as a proportion of total domestic workers in the sector, but also affected other countries in the region. For example, the number of domestic workers decreased in:

- ► Saudi Arabia: from 3,690,719 (Q4 2019) to 3,663,939 (Q4 2020), indicating a less than 1 per cent decrease; ⁷
- Kuwait: from 706,586 (Q4 2019) to 677,939 (Q4 2020), indicating a 4 per cent decrease; 8
- Oman: from nearly 300,000 (Q4 2019) to 252,681 (Q4 2020), indicating a 14 per cent decrease; 9
- ▶ Jordan: from 60,398 (Q4 2019) to 40,295 (Q4 2020), indicating a 33 per cent decrease; 10
- **Lebanon:** from 207,757 in 2018 to 119,081 in 2020, ¹¹ indicating a 43 per cent decrease.
- 5 Based on data from national statistical offices, as compiled by Tayah and Assaf, 2018.
- 6 Based on unpublished data from the Lebanese Ministry of Labour on the number of new and renewed work permits for migrant domestic workers.
- 7 Based on Labour Force Survey data for Q4 2019 and Q4 2020.
- 8 Integrated Database, Labour Market Information System, Central Statistical Bureau.
- 9 Based on Royal Oman Police Monthly Statistical Bulletins from January 2021 and January 2020.
- 10 Based on unpublished data on permit holders by activity sector as of 13 September 2021 provided by the Jordanian Ministry of Labour.
- 11 Based on unpublished data provided by the Lebanese Ministry of Labour.

In addition to job losses in Lebanon and Jordan, across the region, domestic workers suffered an erosion of working conditions, such as increased working time, and delayed and non-payment of wages. ¹²

Many live-in domestic workers had been restricted by their employers from leaving the house for fear of contagion, while also requiring them to work more, since entire families remained at home. Those workers who contracted the virus could have their contracts terminated with an immediate impact on their residence rights. ¹³ Alternatively, domestic workers may have been required to care for household members who have tested positive for COVID-19, exposing them to the risk of infection. Notwithstanding the additional risks, there is still the issue of access to essential health services and vaccinations, especially in the case of undocumented domestic workers, and the question of payment of wages during lockdown and periods of illness.

For migrant domestic workers in an irregular situation, the context of COVID-19 was, and remains, especially challenging. Many were working as 'freelancers' and saw their jobs and income evaporate as a result of lockdowns and fear of contagion. It is unclear whether many were able to obtain access to COVID-19 testing, treatment and vaccines. Those who were in detention or shelters faced a significant risk of infection due to crowded living conditions.

¹² See, for example, ILO, "Impact of the COVID-19 Crisis on Loss of Jobs and Hours among Domestic Workers", 15 June 2020; and ILO, "Beyond Contagion or Starvation: Giving Domestic Workers Another Way Forward", May 2020; as well as an April 2020 ILO brief on the situation in Lebanon: ILO, "Impact of COVID-19 on Migrant Workers in Lebanon and What Employers Can Do about It", 2020.

¹³ Some countries of origin (for example, Sri Lanka) offered repatriation flights for citizens, but if domestic workers do not have access to their passport or a COVID-19 test, they cannot travel.





Coverage of domestic workers in labour and social security laws

It is promising that legal coverage of domestic workers in the Arab States has vastly increased compared to 2010, but major gaps remain.

Since Convention No. 189 and Recommendation No. 201 were adopted, governments around the world – often in consultation with workers and employers – have made efforts to include domestic workers within the scope of national labour laws, either through coverage by the general labour law or separate laws regulating domestic work. Legal recognition of the sector is often considered the first and most foundational step towards ensuring decent work. After ten years of efforts on behalf of governments, workers' organizations and employers' organizations, it is promising that legal coverage of domestic workers in the Arab States has vastly increased compared to 2010. In the last ten years, at least seven countries have included coverage of domestic workers either under several provisions of the general labour law (Bahrain in 2012), ¹⁴ separate legislation on domestic work (Kuwait in 2015, ¹⁵ Qatar and United Arab Emirates in 2017 ¹⁶), or through the adoption of specific subordinate regulations on domestic work (Saudi Arabia in 2013, ¹⁷ Jordan in 2009 ¹⁸ and Oman in 2004 ¹⁹). However, in some parts of the region, including Lebanon, domestic workers remain excluded from labour laws and thus the only measure regulating the employer–domestic worker legal relationship is the 2009 Standard Unified Contract. ²⁰

- $14 \quad Bahrain, Law\,No.\,36\,of\,2012\,on\,the\,Promulgation\,of\,the\,Labour\,Law\,in\,the\,Private\,Sector.$
- 15 Kuwait, Law No. 68 of 2015 on Domestic Workers. Law No. 68 of 2015 was followed by the adoption of Ministerial Order No. 2194 of 2016 Concerning the Executive Rules for Law No. 68 of 2015 on Domestic Workers, and Ministerial Order No. 2302 of 2016 on the Rules and Procedures of Enforcement of the Provisions of Kuwait Law No. 68/2015 Concerning Domestic Workers.
- 16 Qatar, Law No. 15 of 2017 on Domestic Workers; United Arab Emirates, Federal Law No. 10 of 2017 on Domestic Workers.
- 17 Saudi Arabia, Ministerial Decision No. 310 of 1434 regulating the employment of domestic workers.
- 18 Jordan, Regulation No. 90/2009 concerning Domestic Workers, Cooks, Gardeners and Similar Categories, and its amendments.
- 19 Oman, Ministerial Regulation No. 189 of 2004 on Labour Rules and Conditions for Domestic Employees.
- 20 A revised standard unified contract was issued by the Caretaker Minister of Labour on 8 September 2020, but was later suspended by the Shura Council, Lebanon's highest administrative court, and thus is not currently in force.

Importantly, while domestic workers may be covered by labour laws – whether general labour laws, subordinate regulations or specific laws – this does not necessarily mean that they are entitled to adequate levels of protection. They may be excluded from specific provisions, or the level of protection afforded may not be equal to that enjoyed by other workers. ²¹

2.1. Normal weekly hours of work and weekly rest

Working time

Working time is a fundamental issue for all workers; however, domestic workers have regularly been excluded from both national and international laws regulating working time. The adoption of Convention No. 189 sought to correct these exclusions by calling on ratifying Member States to take measures to ensure that domestic workers enjoy working time to the same extent as workers generally, with respect to normal hours of work, overtime compensation, periods of daily and weekly rest, and paid annual leave (see Article 10). It is through the adoption and implementation of such measures that domestic workers should be able to enjoy improved working conditions and the recognized human right to rest and leisure.

In the Arab States, only 6.4 per cent of domestic workers enjoy legal protection of normal weekly hours equal to, or more favourable than, those afforded to other workers. Across the region, most workers (in the private sector) are entitled to normal working hours of 40 hours per week (excluding breaks), which works out to be approximately 8 hours per day in a 6-day week. With the exception of Jordan, ²² normal weekly hours for domestic workers are longer than for other workers. A summary of limits on normal daily hours for select countries in the region is provided in figure 5.

²¹ Such as in Bahrain, where domestic workers are excluded from most provisions of the Labour Law in the Private Sector, 1976.

²² For example, in Jordan, Section 2 of Regulation No. 11 of 2013 amends section 6(a) of Regulation No. 90 of 2009 concerning Domestic Workers, Cooks, Gardeners and Similar Categories, as follows: "The total actual hours of domestic work shall be 8 hours per day, excluding idle time and rest or meal breaks."

▶ Figure 5. Limits on working hours for domestic workers in selected countries in the region

Country	Limits on working hours	Breaks included in the limit as per legislation? (Yes/No)
Bahrain	Limits on working hours not specified	n/a
Jordan	8 hours per day	No
Kuwait	12 hours per day ¹	Yes
Lebanon	10 hours per day ²	n/a
Oman	Limits on working hours not specified	n/a
Qatar	10 hours per day ³	No
Saudi Arabia	15 hours per day ⁴	Yes
United Arab Emirates	12 hours per week ⁵	Not specified

n/a = information not available.

Source: Compiled by the author.

Maximum working hours are not specified in Bahrain and Oman, with the result that domestic workers are expected to negotiate a maximum limit with their employers.

Weekly rest

The Arab States have made impressive progress in ensuring the legal right to weekly rest for domestic workers, with a number of countries having in the last decade extended such measures to grant domestic workers rights equal to those of other workers. In Kuwait, since 2015, domestic workers have been entitled to one day of rest per week, which is the same as what has been established for workers in the private sector. In Qatar, in 2017, domestic workers gained the right to a period of 24 consecutive hours of weekly rest, equal to that enjoyed by other workers. In Saudi Arabia, domestic workers have the right to one day of rest per week, in accordance with that established for workers generally. Finally, the United Arab Emirates also adopted a law in 2017 establishing a domestic worker's right to one day of weekly rest.

¹ Kuwait, Law No. 68 of 2015 on Domestic Workers.

 $^{^2}$ As per the Standard Unified Contract, as established by the Unified Contract Decree No. 19/1, 2009, and governed by the Code of Contracts and Obligations.

³ Qatar, Law No. 15 of 2017 Concerning Domestic Workers. This excludes rest, food and worship breaks, but can be longer if both parties agree.

 $^{^4}$ Ministerial Decision No. 310 of 1434 (2013) regulating the employment of domestic workers does not specifically state the maximum working hours per day, but specifies that the total daily rest period should be of at least nine hours' duration.

⁵ United Arab Emirates, Federal Law No. 10 of 2017 on Domestic Workers.

▶ 2.2. Paid annual leave

In the Arab States, 73.1 per cent of domestic workers are granted some paid annual leave, but generally of shorter duration than for other workers, while the remaining 26.5 per cent have the same legal entitlements as other workers (ILO 2021a). This improvement in the level of legal coverage in the region is the result of changes in law and policy in Bahrain, ²³ Qatar, ²⁴ and the United Arab Emirates, ²⁵ which have adopted measures to ensure that paid annual leave is equivalent to provisions for workers generally. In some cases, while the final entitlements may be equivalent, the regulatory approach differs. For instance, in Kuwait, a standard contract for domestic work provides for a period of two months of paid leave following two years of service, while the general labour law establishes 30 days of paid annual leave after a single year of service. ²⁶ In Saudi Arabia, domestic workers enjoy a shorter period of annual leave (one month of paid leave after two years of service, pending renewal of their contract ²⁷) than other workers (21 days annually ²⁸).

▶ 2.3. Minimum wage and social security protection

Minimum wage

Like any other workers, domestic workers aim to earn an income to secure a livelihood for themselves and their families. Yet, despite their significant contributions to supporting households and societies, domestic workers typically earn some of the lowest wages in the labour market. The low pay of domestic workers has frequently been associated with the undervaluation of domestic work. Convention No. 189 recognizes this persistent undervaluation in its preamble, associating it with women's unpaid work in the home and discriminatory attitudes towards the groups that typically perform domestic work, namely women, girls, migrants, ethnic minorities and the poor (ILO 2021a).

Minimum wages are a common tool to protect workers against unduly low pay and to correct asymmetries in bargaining power between workers and employers. Indeed, domestic workers generally have a low amount of power to negotiate their wages, whether individually at the household level or through collective bargaining agreements (ILO 2015a; ILO 2015b). As such, fixing a minimum wage for domestic workers can be essential to prevent them from falling into poverty and to help domestic workers and their families meet their needs. To ensure affordability and to avoid potential negative

- 23 In Bahrain, article 8 of the Model Contract establishes that domestic workers are entitled to paid annual leave of 30 days after completing a year of service. If the domestic worker's period of service is less than one year, they shall be entitled to leave in proportion to their period of service. The domestic worker may waive their right to the leave against financial compensation. This is the same as established for workers in general in article 58 of the Labour Code.
- 24 In Qatar, section 14 of Law No. 15 of 22 August 2017 on Domestic Workers establishes that domestic workers shall be entitled to three weeks of paid annual leave for every year of service. This is the same limit established in article 79 of the Labour Law for workers in general.
- 25 In the United Arab Emirates, article 13 of Federal Law No. 10 of 2017 on Domestic Workers states that domestic workers must enjoy 30 days of paid vacation per year. The Labour Law establishes in article 75 that workers generally are entitled to: (A) two days of paid leave for each month, starting after six months of service; and (B) 30 days for each year, after one year of service.
- 26 Kuwait, article 70 of the Labour Law of the Private Sector.
- 27 Saudi Arabia, article 10 of Decision 310 of 1434.
- 28 Saudi Arabia, article 109 of the Labour Law.

impacts on employment, some countries have opted to take a gradual approach to extending minimum wage coverage. In a small but growing number of countries, such wages have been fixed through collective bargaining, and show significant promise in achieving wages that are adapted to the sector.

Unfortunately, two-thirds of domestic workers in the Arab States are excluded from minimum wage provisions, and a further 17 per cent are working in countries in which there is no statutory minimum wage at all. ²⁹ Only 5.7 per cent of domestic workers in the region now have the right to a minimum wage equal to that of other workers (ILO 2021a).

▶ Box 2. Minimum wages covering domestic workers

Two important developments with respect to minimum wages for domestic workers can be cited in Qatar and Kuwait. In March 2021, a non-discriminatory national minimum wage of 1,000 Qatari riyals (US\$275) per month took effect in Qatar. ¹ The new law applies to all workers, regardless of nationality or sector. ² Kuwait fixed the minimum wage for domestic workers in 2016 at 60 Kuwaiti dinars (US\$200) per month; however, this is lower than the minimum wage applicable to other workers (fixed at 75 Kuwaiti dinars, or US\$250). ³

- 1 Plus 500 riyals per month allocated for accommodation expenses and 300 riyals per month for food, unless the employer already provides adequate food or accommodation for the employee.
- 2 Qatar, Law No. 17 of 2020.
- 3 Kuwait, Public Authority for Manpower Ministerial Decision 14/17.

Social security

Social security, as a fundamental human right, should be inherent to all human beings. ³⁰ Effective social security systems guarantee income security and access to health protection; thereby contributing to the prevention and reduction of poverty and inequality, and the promotion of social inclusion and human dignity. They do so through the provision of benefits, in cash or in kind, intended to ensure access to medical care and health services, as well as income security throughout the life cycle, particularly in the event of illness, unemployment, employment injury, maternity, family responsibilities, invalidity, loss of the family breadwinner, as well as during retirement and old age. ³¹

Social security is an area where, globally, domestic workers face a deficit in coverage, which in many cases is made worse by compliance gaps. For the ILO, effective social security coverage is measured by whether or not domestic workers and their employers are making contributions to social security. By this definition, the Arab States is the worst performing region globally, with nearly all domestic workers (99.7 per cent) excluded from social security systems, as opposed to 60 per cent of non-domestic workers in the region.

²⁹ In many cases, migrant workers are excluded from existing minimum wage provisions, for which only nationals are eligible. See for example, ILO 2019.

³⁰ Universal Declaration of Human Rights, 1948, Art. 22; International Covenant on Economic, Social and Cultural Rights, 1966, Art. 9.

³¹ As per the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102).

Just two countries in the Arab States include domestic workers under the social security law for at least one branch of social security, meaning that less than 4 per cent of domestic workers have such legal entitlements. ³² No country in the region provides legal coverage to domestic workers for all branches of social security.

Contributory social protection systems in the region exclude not only domestic workers, but migrant workers in general (ILO 2021a). Instead, employer-funded liability solutions, such as end-of service indemnities and occupational injury insurance, are available, but these solutions are largely inefficient, as they are characterized by several challenges, including coverage being limited to salaried work, minimal provisions for benefits and services, low enforceability, and the risk of employers' inability to pay. In the case of end-of-service benefits, the lump sum payments cannot provide migrant workers with long-term social protection. In many countries, employers of domestic workers are required to obtain private-sector insurance; however, this is commonly cost-inefficient, unregulated and characterized by limited coverage. Some countries such as Bahrain, Jordan and Saudi Arabia have been shifting towards a more inclusive social protection approach, though it remains to be seen whether domestic workers will be included (ILO and AUC 2021b).

No country in the region provides maternity protection, and in many cases, domestic workers also face the risk of dismissal when their employers learn of their pregnancy. In some countries, domestic workers are in fact prohibited from becoming pregnant, and they can be repatriated back to their country of origin if they are found to be pregnant when they arrive. ³³ For domestic workers who live with their employers, pregnancy can lead to them losing both their jobs and their accommodation. When domestic workers lose their jobs or incomes without effective maternity and employment protection, they are left with no income replacement. In comparison, globally 74.1 per cent of countries provide equal entitlements with respect to maternity leave for domestic workers as for other workers (covering approximately 45 per cent of women domestic workers) and 68.5 per cent of countries provide equal entitlements with respect to maternity cash benefits (covering 41.2 per cent of women domestic workers) (ILO 2021a).

In view of the fact that many migrant domestic workers in the Arab States are men, it is noteworthy that more and more countries are also providing paternity leave and benefits for male domestic workers (ILO 2021a).

Conclusion

In summary, the legal gaps in the protection of domestic workers discussed in this section demonstrate that much more needs to be done regarding the legal entitlements of domestic workers in relation to working time, wages and social security, including maternity protection, in the Arab States region. On a positive note, thanks to new or revised regulations, more domestic workers now enjoy guarantees regarding weekly rest and paid annual leave, with these rights afforded on an equal footing with other workers in some cases. However, in light of the principle of equal treatment referred to in Article 10 of Convention No. 189, it is important for countries to make greater efforts to ensure limits on normal weekly hours of domestic workers that are consistent with other workers. Moreover, the effectiveness of working time regulations is particularly dependent on effective implementation measures and on measures to monitor compliance and ensure enforcement, which is addressed in the next section.

³² This can be compared with the vast majority of domestic workers in the Americas, Latin America and in Europe and Central Asia, who are covered by sickness benefits and maternity benefits, medical care and employment injury, as well as, in many cases, old-age benefits and employment injury benefits.

³³ In Jordan, Regulation No. 12 of 2015 provides for several specific scenarios where an employer may secure from the private recruitment agency a replacement worker without additional fees and conditions. These include: if, within three months of arrival, the worker fails Ministry of Health examinations or is pregnant.

3

Working conditions of domestic workers: The current reality

While closing legal gaps is a key priority under Convention No. 189, making decent work a reality for domestic workers also entails the effective implementation of measures contained in laws and regulations.

This section looks at the extent to which decent work has become a reality for domestic workers compared to other employees (that is, compliance rather than legal gaps), focusing on actual practice in the context of working time, wages, social security, occupational safety and health (OSH) and protection from violence and harassment.

▶ 3.1. Working time

As detailed in Section 2 above, working time is one of the areas in which domestic workers face a deficit in coverage, particularly with respect to normal weekly hours. These legal coverage gaps are made worse by compliance gaps, resulting in domestic workers often working either very long or very short hours. In the Arab States, domestic workers are predominately over-represented in terms of working very long hours, especially domestic workers in informal employment.

Based on an analysis of national household surveys from six Arab countries and territories for which microdata were available, more than three-quarters of all domestic workers (75.2 per cent) are working more than 48 hours per week, compared with just a third (33.2) of other employees (figure 6). Focusing on very long hours of work, 42.5 per cent of domestic workers work more than 60 hours per week, compared to 12.1 per cent of other employees, and such hours are slightly more common among women domestic workers (43 per cent) than for men (39 per cent) (ILO 2021a). These long hours can be due to low hourly wages, for which domestic workers compensate by working longer hours, as well as the fact that most workers are live-in and are thus required to provide "round-the-clock" assistance to the household. As noted in Section 2, the legal limits on normal working hours are much higher for domestic workers than for other workers or there may be no defined legal limit ³⁴.

► Figure 6. Working time patterns among women and men domestic workers compared to other employees, Arab States and for the GCC subregion, 2019 (%)



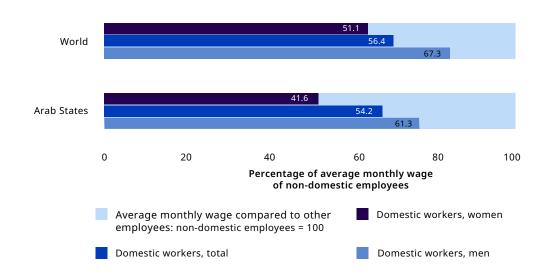
Note: ILO calculations based on an analysis of national household surveys from six countries and territories for which microdata were available (Iraq, Jordan, Lebanon, Occupied Palestinian Territory, United Arab Emirates, Yemen), representing 50.6 per cent of employment and 46.0 per cent of employees in the Arab States. The estimate is weighted by the total number of domestic workers and other employees in 2019 in each country.

Source: Adapted from ILO 2021a.

▶ 3.2. Wages

Low wages in domestic work have often been attributed to the lack of financial value placed on women's work in the home, as well as to the perception that the work is low-skilled and/or performed by groups such as migrants or people with low levels of education. Although data on domestic workers' wages in GCC countries are not available, data from Jordan, Lebanon, Occupied Palestinian Territory and Yemen show that domestic workers earn 54.2 per cent of the average monthly wages of other employees (figure 7). Women domestic workers earn just 41.6 per cent of the average monthly wages of other employees, while men domestic workers earn 61.3 per cent of the average monthly wages of other employees – significantly higher than their female counterparts (ILO 2021a). It should be noted, however, that these monthly wage disparities become even greater when viewed in the light of the long hours of work performed by domestic workers compared to other employees.

► Figure 7. Domestic worker wage gap: Average monthly wage of domestic worker expressed as a percentage of average monthly wage of non-domestic employees in selected Arab States, by sex, 2019 (%)



Note: Based on data from four countries and territories (Jordan, Lebanon, Occupied Palestinian Territory, Yemen) representing 21.1 per cent of domestic workers and 15.4 per cent of employees in the Arab States. To produce the estimates, the monthly average wage among domestic workers was compared to the monthly average of other employees. The difference is expressed as a ratio, and not as a pay gap. No comparisons were made with respect to hourly wages, and the results were not controlled for specific features such as number of working hours per month. Other parameters, such as education or whether the workers were employed in urban or rural areas, were also not considered in the estimates.

Source: ILO 2021a.

► 3.3. Social security

No data are currently available on the actual practice of social security coverage with respect to domestic workers, beyond what is described in section 2.3 above regarding legal coverage. As noted earlier, only 4 per cent of domestic workers in the region are legally covered by at least one branch of social security.

▶ 3.4. Occupational safety and health (OSH)

Central to the working conditions of domestic workers are OSH conditions. Here too, domestic workers tend to experience decent work deficits, and are more exposed to the impacts of OSH risks due to the characteristics of their work, the nature of their workplaces and the specificities of the sector. It is possible to identify some common work-related hazards to which domestic workers are exposed, including chemical, ergonomic, physical, psychosocial (including harassment), and biological hazards.

In performing cleaning and gardening tasks, domestic workers are typically exposed to chemical hazards such as bleach or insecticides, which can cause immediate effects (such as intoxication, allergies) or long-term effects (such as cancer). The work is also physically demanding as a result of such tasks as lifting and handling heavy loads, and repetitive postures. Domestic workers also face physical hazards that may be especially pronounced in the urban settings of densely populated Arab States, such as working at heights and pollution and noise. Maternity protection for domestic workers deserves particular attention, as the absence of medical care and lack of OSH prevention measures during pregnancy can involve a serious risk for the mother and the baby, and such care and measures may be even less accessible to migrant domestic workers.

These factors are compounded by psychosocial hazards. Among psychosocial hazards, the most often mentioned in domestic work is violence and harassment in its different forms, including sexual harassment (see next subsection). Nevertheless, other hazards such as communication problems, lack of free time, isolation and lack of family contact also put domestic workers at high risk of depression, mental fatigue and mental health issues. Adding to this, certain social and cultural characteristics of the domestic workers themselves also play a role. For example, domestic workers may not be able to speak or read Arabic, and low literacy rates can contribute to difficulties in accessing information, including on OSH. The situation is further exacerbated for live-in domestic workers due to workplace isolation, as well as for domestic workers in informal employment due to their lack of access to healthcare and social protection.

Finally, certain characteristics of the workplace also produce an environment that is more conducive to OSH risks. For instance, most people do not usually associate housework in their own homes with risk, nor do they always perceive their homes as the workplace of domestic workers. The household is regularly conceptualized as private, rather than a workplace, and protection of privacy is often embedded in legal frameworks, making it more difficult for labour inspectors to enter and inspect such workplaces for OSH risks.

▶ 3.5. Violence and harassment

Domestic workers are particularly at risk of facing violence and harassment at work as a result of a confluence of factors: work is performed behind closed doors, in isolation and in working environments with deepened power imbalances. When domestic workers are in a situation of dependence on their employer, either economically or due to migrant status, they are more likely to tolerate violence and harassment. The absence of accessible and gender-sensitive complaint mechanisms, lack of freedom of association, exclusion from labour and social protection, and low awareness of rights also mean domestic workers are less likely to be able to assert their rights. Despite domestic workers' susceptibility to violence and harassment, few countries have robust monitoring and enforcement mechanisms on violence and harassment, nor include these as OSH risks as part of the OSH management system. In addition, only a small number of countries consider the health consequences of work-related violence and harassment as compensable occupational illnesses under workers' compensation insurance. This, in turn, often leaves workers with incapacitating physical and/or mental health conditions to pay substantial expenses out of pocket (ILO 2016).





Towards decent work for domestic workers – Policy recommendations

To effectively improve the lives of domestic workers, laws and regulations should be equal to those applicable to other workers generally and should be fully implemented, monitored and enforced.

This section sets out some of the key policy recommendations to ensure decent work for domestic workers in the region, with an overarching recommendation for countries to actively consider ratifying Convention No. 189 and effectively incorporating its provisions in national legislation by including domestic work in their labour laws.

Reduce working hours and ensure wages are on par with the wages of other workers

Closing legal gaps can target such issues as excessive working hours among live-in domestic workers by establishing periods of daily and weekly rest, regulating overtime pay and compensatory rest, and limiting payments in kind. The right to rest should also be upheld by ensuring that domestic workers are free to dispose of their rest time as they please, with the right to leave the household during rest periods. Worryingly, research concerning employers of domestic workers in several Arab States revealed that a significant proportion of employers took steps to prevent their domestic worker from leaving the house unaccompanied, or refused the worker a day off (Kagan 2017).

In closing legal gaps, governments are encouraged to engage with social partners to fix an appropriate minimum wage level that accounts for the specificities of the domestic work sector. Equality of treatment and non-discrimination – including in the context of wages – is a fundamental principle enshrined in core human rights instruments and two ILO fundamental Conventions: the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). In particular, Convention No. 100 – which has been ratified by some countries in the region – obliges ratifying Members to "promote ... and ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value" (Art. 2(1)). The principle is to be applied to all workers, including domestic workers, whether nationals or non-nationals, and particular attention should be given to ensuring that domestic work is not undervalued due to gender stereotypes (ILO 2021e).

Adequate regulation needs to be complemented with public awareness campaigns and tools to facilitate the monitoring and enforcement of working time and wage provisions in order to ensure their effective implementation. This can include capacity-building of employers and domestic workers on monitoring working hours, including on the provision of tools that provide a written record of hours worked and wages, such as timesheets, work schedules and payslips, thereby supporting compliance with legal limits. Public awareness campaigns to establish new social norms on what is acceptable and unacceptable behaviour with respect to working time, wages, occupational safety and health, and violence and harassment are also considered good practices that help make decent work a reality for domestic workers.

Another recommendation is to review and revise standard employment contracts that set minimum standards and protections for domestic workers. These contracts should be comprehensive and set out workers' rights and responsibilities in line with international labour standards and Convention No. 189 in particular.

Capacitate labour inspectors to ensure decent working conditions, and promote access to justice for workers

It is also important to establish the conditions under which labour inspectors are allowed access to the household, and to build the capacity of labour inspectorates to carry out inspections and raise awareness of employers in particular. Household labour inspections are challenging, as labour inspectors in the region typically need to obtain a judicial authorization to access a household, which undermines the possibility of undertaking routine inspections. Even where legislation permits labour inspectors to enter the house upon a domestic worker's complaint (for example, in Jordan), actual household inspections are very rare. ³⁵ To address these challenges, some countries are developing new inspection methods that can be undertaken without entering the household; for example, reviewing the contractual documents or interviewing the domestic worker and the employer at the door.

Further, labour inspectors, judges and other stakeholders are predominately men, and are rarely provided with training on identifying risks of violence and harassment and what can immediately be done to deal with these risks. To address this issue, trainings on the specific decent work deficits often experienced by domestic workers can be implemented for labour inspectors and other stakeholders.

Other important elements of enforcement require ensuring access to justice by:

- a. strengthening the capacity of relevant institutions to resolve disputes between workers and employers;
- b. providing avenues for domestic workers to bring complaints and be protected from reprisals;
- c. allowing human rights and other organizations, including workers' organizations, to denounce cases of violence and harassment; and
- d. protecting whistle-blowers.

Measures need to ensure access to effective remedies by allowing complaints to be brought (safely), and not only under criminal law, but also under labour, OSH, and equality and non-discrimination laws.

Enforcement capacity can be built by:

- a. mandating labour inspectors, judges and other stakeholders to address violence and harassment, including through household inspections and stopping work; and
- b. training labour inspectors in identifying risks of violence and harassment.

Pursuant to article 11 of Jordan's Regulation 90/2009, in case the Ministry receives any complaint or information regarding the violation of workers' rights or the obligations of either party, the Ministry shall (whenever the complaint is about the accommodation of the worker) inspect the accommodation for compliance with the present Regulation by two labour inspectors, male and female, with the consent of the householder.

▶ Box 3. Promising practice in access to justice for domestic workers

A promising practice introduced in Qatar in 2021 is a unified platform for labour-related complaints by employees and whistle-blowers, which allows private sector employees and domestic workers to file complaints through an electronic system. Complainants (including third parties who witness a violation) can report anonymously, and there is a function to enter the address or a Google Maps location. The complaints need to be submitted in Arabic or English, although there are user guides and FAQs available on the platform website in nine other languages. ¹

In Saudi Arabia, the Musaned platform for recruitment and employment of domestic workers contains a multi-lingual complaint system mechanism through which migrant domestic workers may initiate a labour complaint or inquire about their contractual rights. ²

- 1 Government of Qatar, "Report Labor Violation via Unified Platform for Complaints and Whistleblowers".
- 2 ILO and IOM. 2021. To date, no data on the number and nature of complaints, or the remedies provided, have been provided on either practice.

Additionally, countries could consider ensuring that domestic workers are covered by a wage protection system (WPS) or a similar monitoring mechanism, perhaps through the design of a parallel WPS structure that ensures that domestic workers are paid regularly and as per the signed contract (which is already lodged with the relevant government authority).

Activate the role of employers' and workers' organizations

A future in which decent work becomes a reality for domestic workers in the Arab States needs to be driven by social dialogue as a crucial instrument for addressing the remaining decent work deficits experienced by domestic workers. Freedom of association and the right to collective bargaining are fundamental principles and rights at work to which all workers, including domestic workers, are entitled. Yet, domestic workers and their employers face important barriers to joining and forming organizations. This is especially so because domestic workers are commonly excluded from the labour law.

There are many examples globally where organizations that represent domestic workers and their employers have participated in social dialogue, leading to important advances in decent work in the sector. To promote the voice and representation of domestic workers, leadership training has helped domestic workers to establish their own representative organizations and build membership levels. Workers' organizations, including the International Domestic Workers' Federation, have also played an important role in supporting the organization of domestic workers by providing leaders with training, advice and political support to represent the sector in social dialogue.

Employers' organizations, particularly those specific organizations that represent the employers of domestic workers, have also helped to improve conditions for domestic workers through contributing to successful tripartite social dialogue, leading to the adoption of laws and policies in the sector in accordance with Convention No. 189 and Recommendation No. 201. Where representative organizations of domestic workers and employers of domestic workers meet in good faith, negotiation of bipartite agreements or other agreements can take place. The collective agreements that result from such negotiations often result in fairer wages, better working conditions and benefits for domestic workers, while also facilitating movement towards formalization of the sector, including through skills development and recognition. These organizations have also facilitated joint advocacy for increased public investment in domestic work and promoted formal employment through the provision of services to private households (ILO 2021a).

Ensure that workers are free to change their employers, and have the unilateral right to terminate their contracts

The *kafala* (sponsorship) system in the Arab States has received significant attention in recent decades. The ILO's Committee of Experts on the Application of Conventions and Recommendations has noted that the system "denies workers the opportunity of obtaining alternative employment, exposes migrant workers to abuse and undermines their ability to have recourse to means of redress". ³⁶ This often leaves domestic workers with no choice but to "abscond", with the result that they fall into irregular status.

Going forward, it is paramount that domestic workers are included in *kafala* reforms, including elimination of the "no objection certificate" (namely, removal of the obligation to obtain the employer's permission to terminate the contract or change employer), without having to prove the employer's abuse or noncompliance with the contract, which is very challenging to do in practice. For example, Qatar's new laws, which were extended to domestic workers in January 2020, ³⁷ enable all workers, including domestic workers, to change employers: (a) at the end of their six-month probation period, after giving written notice (one or two months depending on their length of service); or (b) during the probation period (one month of notice), in which case the future employer is required to compensate the current employer a portion of the recruitment fees and a one-way air ticket, not exceeding two months of the worker's basic wage. Furthermore, if the employer has failed to fulfil their legal obligations, the worker will not be bound to observe a notice period in order to change jobs. Workers have up to 90 days after the expiry of their residence permit to find another job and change employers. ³⁸

Other countries, such as Bahrain and Saudi Arabia, have also introduced kafala reforms that eliminate the need for a "no objective certificate" from the employer after 12 months of continuous service; however, in case of the latter, the reforms do not currently extend to domestic workers.

Despite these promising legal changes, there is a credible risk that domestic workers will not take advantage of their legal right to terminate the contract or change employers, where it exists, because of the fear that their employer will file absconding charges against them in retaliation. Thus, reforms to internal labour market mobility must go hand in hand with concerted efforts to eliminate, or at least, overhaul the absconding regime (ILO, IOM, OHCHR and UN Women, forthcoming).

The demand for domestic work is expected to grow in the region in light of demographic changes, population ageing and increasing long-term care needs. The requirements for domestic work are also changing. While in the past, only a live-in, full-time model of employment was considered relevant, increasingly households and domestic workers are looking for more flexible forms of employment, particularly live-out and part-time employment. The role of service providers may also be changing, with new types of service providers and new models of employment emerging through private–public partnerships such as Tadbeer (United Arab Emirates) and Wiza (Qatar). This requires a further rethinking of how to ensure the protection of domestic workers, whether they are employed directly by households or by service providers.

³⁶ CEACR, Observation – Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Kuwait, adopted 2018, published 108th ILC session (2019).

³⁷ Qatar, Law No. 18 of 2020 amending Law No. 14 of 2004 introduced new provisions on termination of employment; and Law No. 19 of 2020 amending Law No. 21 of 2015 removed the requirement for workers to obtain a "No Objection Certificate" from employers in order to change jobs.

³⁸ Qatar, Ministerial Decision No. 51 of 2020.

5 Conclusion

The legal recognition of domestic workers as workers is a prerequisite for affording them rights and protection and the first step towards formalizing domestic work.

Since 2011, thanks to the extension of laws and policies to cover domestic workers in the Arab States region, there has been important progress in closing the legal gaps, particularly with respect to weekly rest days. Unfinished business, however, includes the introduction or extension of minimum wages (taking into account the specificities of the domestic work sector), and harmonizing regulations on working time with those applicable to other workers. Social security laws should be extended in scope to cover domestic workers. Efforts should also be placed on ensuring domestic workers are covered by OSH laws. Beyond this, societies in the region need to progress towards the elimination of violence and harassment in domestic work by ensuring it is both legally and socially unacceptable, and sanctioned appropriately. When equality in legal protection has been put in place, effective implementation of labour and social security laws remains a requirement to achieve decent work for domestic workers.

Implementation gaps related to working time, wages, social security, OSH and violence and harassment can be addressed through several policy recommendations. These include – but are not limited to – the development of adequate regulatory mechanisms, awareness-raising and capacity-building of domestic workers and employers, improving domestic workers' access to justice, and strengthening the capacity of labour inspectors. Workers' and employers' organizations also have a vital role to play in the advancement of decent work for domestic workers. Moving forward, barriers to freedom of association must be removed to allow for the full potential of organizations of domestic workers and employers within the domestic work sector.

This regional brief confirms that domestic work remains a critical economic sector across the Arab States. Evident progress has been made in the last decade in relation to the identification and protection of the legal rights of domestic workers in a number of areas. However, with the demand for domestic work likely to continue to grow, there is an urgent need for governments, employers' organizations and workers' organizations in the region to address the current legal and compliance gaps prevalent within the domestic work sector.

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