



International
Labour
Organization

KNOW

YOUR

RIGHTS



Questions and answers
on decent work for
migrant domestic workers

Worldwide, an estimated 52.6 million people over the age of 15 are domestic workers. Of those, 83 per cent are women. Among the world's domestic workers, many millions have migrated from their homes to another country for work. If you are a migrant and performing domestic work, then this booklet is for you. It will provide answers to many questions about your work, your employer and your rights and about a new international labour standard on domestic workers adopted by the International Labour Organization (ILO) and now being put into practice by the countries that have signed it.

FIRST THINGS FIRST: WHAT IS DOMESTIC WORK?

Domestic work may involve a range of tasks, including cooking, cleaning the house, washing and ironing, general housework, looking after children, the elderly or persons with disabilities, as well as maintaining the garden, guarding the house and driving the family car.

WHAT DEFINES ME AS A MIGRANT DOMESTIC WORKER?

Domestic work is work performed in or for a household or households with an “employment relationship”, usually some form of contract. However, whether you have a contract, the most important this is that you are paid for this work and have clear work rules. If you crossed a national border to work, then you are a migrant domestic worker. And whether you entered the country legally or are “without papers” you are still classified a worker.

WHY IS THIS IMPORTANT?

Because as a worker, you have certain rights. These rights apply, regardless of your sex, race, education level, language skills or official/residence status. You have the right to what the ILO calls “decent work”, which means, decent working conditions with dignity, a fair wage and protection from exploitation and abuse. And even if your immigration status is irregular or if you are experiencing discrimination, unfair treatment or harassment, you have the right to seek advice and help to make this behaviour stop. In short, you have the right to decent work.



WHAT IF I DON'T HAVE LEGAL PAPERS?

The state has the right to determine who can live and work in a given country and what conditions you need to fulfil and what documents you'll need to have the right to live and work in its territory. Even if you don't have papers allowing you to live and work regularly, you have rights as a person and a worker that the state and your employer should respect. These include the right to keep your passport and identity documents and to complain and seek redress if you are abused or exploited.

WHERE ARE THESE RIGHTS DEFINED?

The partners at the ILO—governments, employers and workers—have agreed on a new international labour standard for domestic workers that includes migrant domestic workers. A standard is just that – a standard for laws and practices that governments can have on domestic workers. It's called ILO Convention No. 189. This is a major achievement for domestic workers around the world, and one that has been very actively promoted by trade union organizations and domestic workers' organizations globally.

IS THIS JUST ANOTHER PIECE OF PAPER WHERE PEOPLE SAY ONE THING AND DO ANOTHER?

No. Domestic workers – people with real life experience in this area – had a loud voice in the formulation and adoption of this standard. They and representatives of trade unions worked to make sure this standard got the support and momentum it needed. They continue to play an important role in ensuring that these rights are implemented at home. And it is up to you and the organizations that represent you to continue raising your voices so that this Convention's provisions become a reality.

Questions and answers for migrant domestic workers in Italy

GETTING TO KNOW THE ILO AND ITS WORK

To the ILO, your opinion matters! The ILO promotes respect for workers' rights, no matter who those workers are and where they work. It is the only United Nations agency where workers share a policy-shaping role with employers and governments. ILO international standards cover virtually all issues related to the workplace. They include: the right be free from forced labour; to enjoy safe and healthy working conditions; form and join trade unions; receive equal pay for equal work; equal treatment; social protection, including health care and maternity protection; and the right to legal protection. The ILO also has standards on migrant workers.

For more information, go to the ILO website:
www.ilo.org/labourstandards



WHAT DOES THE STANDARD DO?

First of all, it makes the point that you are a worker and that workers have rights. It defines what domestic work is, and who is considered a domestic worker. It protects the human rights and rights of all domestic workers. It protects against forced labour, abuse, harassment and violence. It says there should be a minimum wage, minimum periods of daily and weekly rest, annual leave, adequate living quarters where applicable, and other fair terms of employment. And it says that your working and living environment should be safe and healthy.

DOES THE CONVENTION GIVE MIGRANT DOMESTIC WORKERS ANY SPECIAL PROTECTION?

Yes. While it is important to know that all the provisions of the Convention apply to all domestic workers, there are some special protections for migrant domestic workers. Governments that adopt the Convention as a guide for their laws must make sure that migrant domestic workers receive a written contract, or at least a written job offer, before travelling to the country of employment; know whether they are entitled or not to repatriation at the end of their employment; freely and together with their employer(s) decide whether or not to reside in the household; enjoy decent living conditions; keep identity and travel documents in their possession; and are protected from abuse and fraud from private recruitment agencies.



WHAT SHOULD I DO IF I FEEL THAT I AM EXPERIENCING SOME FORM OF ABUSE?

Get help immediately. If you escape from the place where abuse is taking place, you will need urgent assistance to meet your basic needs such as food and shelter before you find another job or return home. Again, trade unions can help you. If a trade union does not have the means to help you, you can also contact a non-governmental organization that helps domestic workers.

WHAT ABOUT ACCESS TO HEALTH CARE?

Access to health care should be part of your employment agreement, but if it's not, there are some ways to get it. You can try and get help from trade unions in the country where you are living and working. They can advise you on how to access health care even if you don't have legal papers, or a social security number, or you don't speak the local language very well. Trade unions can also help you talk to doctors and health care workers.



WHAT IS THE SITUATION HERE IN ITALY?

Italy has ratified the ILO Convention on domestic work. Legislation on domestic workers in Italy is covered by Act No. 339/1958 on the protection of domestic work, though many details have been revised and are enshrined in the National Collective Agreement on domestic work which renewal has been very recently agreed upon (April 2013).

IS A CONTRACT MANDATORY, AND WHAT IS INCLUDED IN IT?

The National Collective Agreement makes a written contract mandatory, and must include at the least: the duration of the trial period, your work category and seniority, whether you will be living with your employer or not, the working hours, the compulsory days of rest, all agreed leave, the requirements of the job (including the use of a uniform), an indication of the space allocated to you for personal belongings, your salary, and any additional conditions regarding room and board.

IS THERE A MINIMUM WAGE?

Minimum wage levels are reviewed each year by a national commission. For 2012, they were between €595.36 and €1,136.60 per month for live-in workers, and between €4.33 and €7.68 per hour for live-out workers. Your actual wage should depend on your experience and qualifications and the tasks you perform. Deductions for room and board can be taken directly from your salary, and can add up to €5,19 per day.

DO I GET SICK DAYS AND SOCIAL SECURITY?

If you become ill while on the job, you are entitled to 10 days of sick leave in the first 6 months of your employment, 45 days for up to two years on the job, and 180 days thereafter. Benefits are paid by the national insurance group INAIL.

WHAT ARE OFFICIAL WORKING HOURS IN A DAY OR A WEEK?

If you live with your employer, you can work up to 10 (non-consecutive) hours a day and 54 hours a week. If you do not live with your employer, you can work up to 8 (non-consecutive) hours a day and 40 hours a week. Overtime means any hours beyond those and is paid at 125 per cent if the work is done between 6:00 and 20:00, 150 per cent between 22:00 and 6:00, and 160 per cent on Sundays and holidays. You are entitled to 36 hours of weekly rest, 24 of which should be on Sunday (unless you agree on a different day with your employer, for example for religious reasons).

CAN I TRY THE WORK BEFORE I SIGN A CONTRACT, AND WHAT DOES IT SAY ABOUT TERMINATING MY CONTRACT?

You can work on trial basis for the first 8 days (or 30 days, depending on your qualifications). During this time you or your employer can end the employment relationship without notice. After that, if you work more than 25 hours per week for the same employer you are entitled to 15 calendar days' notice and 30 days after 5 years. If you live with your employer, you have 30 days notice, and 60 days after one year. Your employer can dismiss you without notice for a 'just cause' (for example, serious misconduct or missing work without good reason), however, you will in any case be entitled to compensation pay.

WHO DO I CONTACT IF I NEED ADVICE OR HELP?

If you need legal or physical help in making a complaint against your employer or need help with your migration status, the organizations below can help.

CASSA COLF

Cassa COLF is a service initiated by the collective agreement for the domestic sector which provides information and services to domestic workers and their employers.

Corso Trieste 10
00198 Roma

<http://www.cassacolf.it>

FEDERCOLF: UNION OF HOMECARERS AND DOMESTIC WORKERS

Federcolf is a union dedicated especially to domestic workers, which has been active since 1969. They can provide you with physical and legal help when you have a conflict with your employer or in need of other legal advice, and they can help you with training and education.

Via Urbano II, 41 / A
00167 Roma
+39 06 6629378

segretariogenerale@federcolf.it
<http://www.api-colf.it/federcolf/>

Questions and answers for migrant domestic workers in Italy

CGIL – FILCAMS: FEDERAZIONE ITALIANA COMMERCIO ALBERGHI, MENSE E SERVIZI

CGIL-FILCAMS is the union of hotel, canteen, and service workers.

Segreteria Nazionale
Leopoldo Serra, 31
00153 Roma
+39 06 5885102

Posta@filcams.itx
<http://www.filcams.cgil.it><http://www.cassacolf.it>



Questions and answers for migrant domestic workers in Italy

DOMINA: ASSOCIAZIONE NAZIONALE DATORI DI LAVORO DOMESTICI

DOMINA is a national association of employers of domestic workers, offering legal and administrative support to employers of domestic workers. They also deal with issues relating to migration, including family reunification.

Piazza B. Cairoli, 2
00186 - Roma
+39 06 68806804

domina@donne.it
<http://www.cassacolf.it>

ASSINDATCOLF: ASSOCIAZIONE NAZIONALE DEI DATORI DI LAVORO DOMESTICI

ASSINDATCOLF is a national association of employers of domestic workers, and is a spokesperson for employers during the negotiations of the national collective agreement.

Via della Vite, 32
00187 - Roma
+39 06 6798742

nazionale@assindatcolf.it
<http://www.assindatcolf.it>

Questions and answers for migrant domestic workers in Italy

U.I.L.TU.C.S. - UNIONE ITALIANA LAVORATORI TURISMO,

Commercio e Servizi
Segretario Generale: Bruno BOCO
Via Nizza, 128 - 00198 Roma
+39 06 82442268/76/84/05
Fax: +39 06 84 24 22 92
segreteria nazionale@uiltucs.it



FISASCAT-CISL: FEDERAZIONE ITALIANA SINDACATI ADDETTI SERVIZI COMMERCIALI, AFFINI E DEL TURISMO

FISASCAT-CISL
Via Livorno 7
00198 Rome
+39 06 853597

fisascat@fisascat.it
<http://www.fisascat.it>

WHERE CAN I GET MORE INFORMATION?

Many groups, such as The International Domestic Workers Network, provide information for domestic and migrant domestic workers at their website, <http://www.idwn.info>, where you can also find links to their and others' information on Facebook, YouTube, Twitter, and other social media.

For more information on the global campaign on domestic work and migrant domestic work, go to the ILO website: www.ilo.org/migrant



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CONDITIONS OF WORK AND EQUALITY DEPARTMENT**

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