



Migrant domestic workers rights and good employership

Introduction by Leontine Bijleveld

Poll among the audience

Very good

Good

Average

Poor

Panteia research (2015)

Very good	5
Good	9
Average	31
Poor/do not know	55

Domestics – special category of workers in NL

Less social protection for workers:

- Employed by a private household,
- Working on less the 4 days per week in & around the house,
- Cleaning, gardening, babysitting, care work.

No social security and less labour rights than all other workers.

Basic rights for all domestic workers

- Wages
- Paid Leave – paid vacation
- Paid leave - emergency
- Holliday allowance
- Paid sick leave
- Termination of employment (term of notice)
- Safe working conditions

NB: irrespective of residence or working permit

Basics – Panteia research (2015)

- Wages 50%: at least minimum wage
- Paid Leave – paid vacation 27%: yes
- Paid leave – emergency n.a. (no question)
- Holliday allowance 40%: yes
- Paid sick leave 30%: yes
- Termination of employment (term of notice) 33%: yes
- Safe working conditions n.a. (no question)

Basic rights (3)

- Wages [statutory minimum wage](#)
- Paid Leave – paid vacation 4 weeks
- Paid leave – emergency depends on emergency
- Unpaid care leave 2 weeks
- Holliday allowance 8% of wages
- Paid sick leave 100% - 6 weeks
- Termination of employment (term of notice) at least one month
- Safe working conditions

Obligations of (domestic) workers

- Behave as a good employee
- Do the work (no replacement by others)
- Respect the agreed working hours
- Follow the employers instructions (if reasonable)
- Do the work carefully
- Report in time in case of illness or emergencies
- Co-operate with efforts to get back to work
- Protect the privacy of the employer
- One month's notice in case of termination of employment

It is legal for the employer....

- To pay in cash
- Not to pay travel expenses
- To abstain from a written contract
- Not to contribute to medical expenses/ care insurance
- Not to pay for the workers social security
- Not to pay the tax office
- To require sometimes overtime work (but you have to pay for it)

(but maybe not decent)

It is not legal to

- Require payment or compensation in case the worker damages something in the house (or garden)
- Send the worker on unpaid leave during your holidays and/or business trips
- Deny the worker basic rights (see previous slides)
- Not to allow the domestic worker to join a trade union

The employer is responsible for any damage that happens during the work. Example: in case the worker breaks a leg or a wrist, the employer is liable, also for the loss of income of the worker from not being able to work for other households.

Decent work for domestic workers

- 2011 Domestic Workers Convention ILO
- Amongst others: entitlements to social security
- Up to day 35 ratifications, several EU countries

- To compensate for the Netherland's failure to comply with ILO-standards:
 - include a bonus for the lack of social protection

- Or: pay your domestic worker the same additional emoluments your receive (like travel costs, Xmas bonus etc.)

More questions?

- Further reading: [Loonwijzer.nl \(English\)](#)
- [Loonwijzer.nl \(Nederlands\)](#)