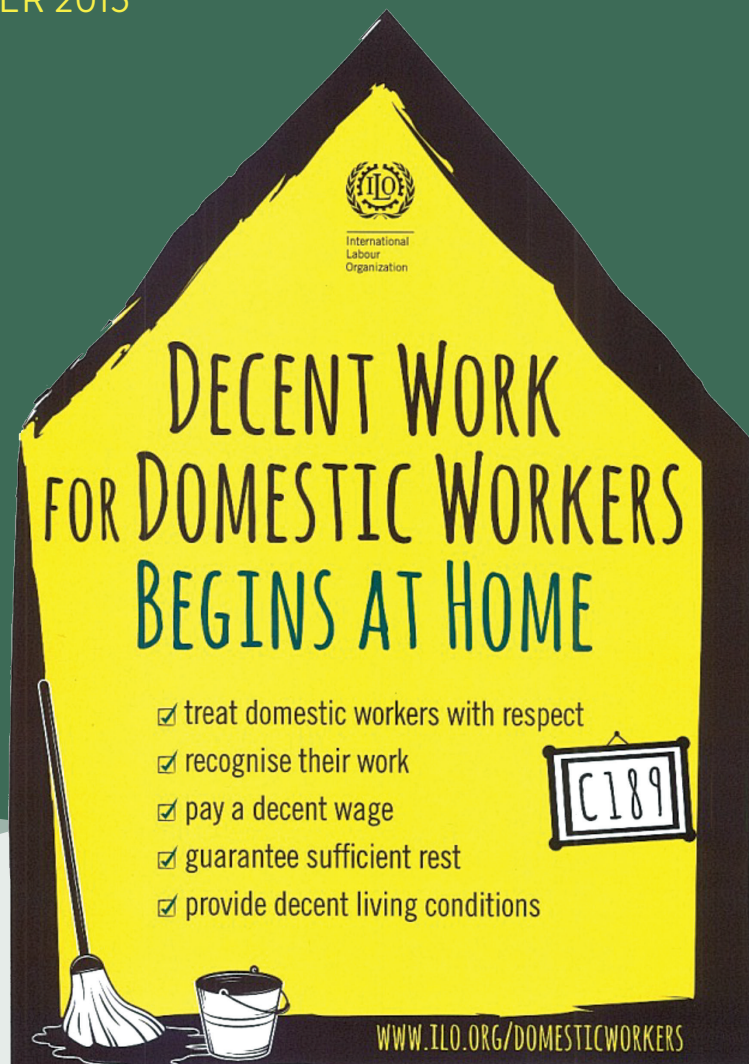


Entry into force in Switzerland  
of **Convention n° 189** of the International  
Labour Organisation (ILO) concerning  
**decent work for domestic workers**

12 NOVEMBER 2015



A contribution from the Saint Clotilde Parish, Geneva,  
to promote the activities of the International Catholic Centre  
of Geneva (ICCG) with regard to domestic work





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## FOREWORD

BY MRS SANDRA GOLAY,  
PRESIDENT OF THE COUNCIL OF  
THE SAINT CLOTILDE PARISH, GENEVA



The Roman Catholic Parish of Saint Clotilde, in the district of Plainpalais-La Jonction, could not remain indifferent to the entry into force on 12 November 2015 of Convention n° 189 of the International Labour Organisation (ILO) concerning decent work for domestic workers.

This is first of all due to the respect that is owed to those who work behind the scenes and whom we meet every day in our district which was initially a working-class neighbourhood but which has become, over the years, both multiethnic and multicultural; and secondly because our country's decision to ratify Convention n° 189 of the ILO constitutes an international recognition of this category of persons who are in a precarious situation.

It is for this reason that the Saint Clotilde Parish has decided to join forces with the International Catholic Centre of Geneva (ICCG) to promote cantonal and Swiss legislation on the matter, as embodied in Convention n° 189 of the OIT, with both employers and employees at our Parish and with other interested groups in Geneva. The goal of this project is to strengthen the links between International Geneva and local Geneva by dealing with problems that concern both the international and local communities.

To this end and in cooperation with the ICCG, the parish is committed to informing and increasing the awareness both of domestic workers and potential employers and any or all individual or company who or which might call upon the services of domestic workers on the relevance of Convention n° 189 of the ILO which was negotiated in Geneva. The aim is to show that international work carried out in Geneva has a local impact and that our parish in particular intends to play a part in this through its pastoral practice.

In addition to this publication which is geared to institutional players, the parish and the ICCG have prepared a multilingual brochure that is designed more as a reference tool giving a list of the main legal provisions governing domestic work in Geneva. To begin with, it will be widely distributed in the parish.

It should not be forgotten that in September 2015, under the patronage of Mgr Charles Morerod O.P., Bishop of Lausanne, Genève and Fribourg & the Most Revd and Rt Hon Justin Welby, Archbishop of Canterbury, Church of England, an international conference was held in Fribourg which was attended by members of our parish. The purpose of this conference was to draw attention to and update a notion "that holds a key position in Christian social teaching – the idea of the common good. The common good refers to the goal of any human community to live a life where all its members, as well as the community itself, realise their full potential. The common good cannot simply be equated to an organisation chart or a set of instructions: it results from the continuing implementation of principles such as solidarity, subsidiarity or even the universal

destination of goods. The common good is thus the keystone of Christian social teaching which supports and sustains these principles”\*.

Indeed, the Compendium of the social doctrine of the Church stipulates in article 164 § 2 that “the common good does not consist in the simple sum of the particular goods of each subject of a social entity. Belonging to everyone and to each person, it is and remains “common”, because it is indivisible and because only together is it possible to attain it, increase it and safeguard its effectiveness, in particular with regard to the future”.

It is with this in mind that our parish intends to work around this universal notion and I felt it was our duty to commit ourselves wholeheartedly in favour of this idea by this modest action.

Although a parish alone cannot move mountains, it must nevertheless play its role, with an open mind on our world even if it appears incongruous, without being conceited, to seek to contribute to the promotion of an international convention.

I would like to extend my heartfelt thanks to the Republic and Canton of Geneva, to the City of Geneva, to the International Labour Organisation, to the International Organisation for Migration, to the Swiss Confederation, to the Contact Centre for Swiss Immigrants, to the Portuguese-speaking Catholic Community of Geneva and, naturally, to our Auxiliary Bishop, His Lordship Pierre Farine, as well to all the teams of the Roman Catholic Church of Geneva and in particular to *Pastorale du Monde du Travail* which was willing to take part in our project by making available their expertise and experience.

My special words of appreciation are also addressed to our partner, the International Catholic Centre of Geneva, which had no qualms about sharing its ideals with our small parish in Geneva, and with which, I hope, we will pursue our successful collaboration on a local scale.

**Sandra Golay,  
President**



\* *International Conference: "The Common Good: between past and future", Fribourg 3-5 September 2015*

## FOREWORD

BY MR FÉLIX WERTLI,  
PRESIDENT OF THE INTERNATIONAL  
CATHOLIC CENTRE OF GENEVA (ICCG)



The work of international organisations may sometimes seem quite abstract when we fight daily for persons' rights, and in particular for the rights of men and women who work in domestic service jobs. It is not rare to learn that employees are paid less than nothing and are in a situation of virtual slavery, including in the region of Geneva. Changing this situation is difficult as can be seen from the campaign "No domestic worker is illegal" ([www.aemni.ch/](http://www.aemni.ch/)) which seeks to obtain residence permits for the some 40,000 household employees who have regular jobs in Switzerland. The fact that they do not have a residence permit puts them in a precarious position. It is very difficult for them to assert their right to a decent salary, holiday leave, reasonable working hours and social security benefits to name but a few.

It is however vital that on an international level the weaker members of society are protected. A convention like that of the ILO concerning decent work for domestic workers is one of the instruments that protects the rights of persons in all the countries that have ratified the convention. Luckily Switzerland has followed suit even though this does not change the legislation in force. Swiss law is thus strengthened and the trade unions, social movements, relief organisations or the Churches can rely on this convention to have Swiss law complied with.

Non-government organisations (NGOs) played a key role in the preparation of such a convention. They put forward the voice of the civil society from around the world by organising debates and by publishing reports. Catholic organisations took part in this advocacy by giving, amongst others, those concerned the right to express their views in Geneva where the convention was being prepared. While its content was being negotiated at the ILO, several catholic organisations organised consultations in 2010 and 2011 on decent work for domestic workers. These included the ICCG of course but also the Kolping International / German Commission for Justice and Peace, Caritas Internationalis, the International Catholic Commission for Migration or the International Coordination of Young Christian Workers. They collected testimonies and gave workers from various countries the chance to express their views. Acting together, they contributed alongside numerous other players which included the delegate of the Holy See who attended these consultations. Examples of this work can be found on the website of the ICCG ([www.ccig-iccg.or](http://www.ccig-iccg.or) in English under activities/exchange).

However, the adoption of such a convention is only one step in this process. It still has to be ratified, in other words approved by the parliaments in question for it to be implemented, which was the case for Switzerland on 12 November 2015. The link between the international NGOs and the national civil society is decisive at this point as it is necessary to convince the members of parliament ! The ICCG was able to meet with the Geneva players of the Swiss Campaign "No domestic worker is illegal" on several occasions to explain the content of the convention and explain what had happened from an international point of view. It thus facilitated the advocacy work of the local politicians.

Now that the convention has come into force, work still needs to be carried out to ensure that the rights of these workers are indeed complied with in Switzerland and in the Canton of Geneva. This brochure seeks to do just that. Not only does it inform about the convention, but it also provides information on the regulatory cantonal framework which provides the basis for its implementation. The ICCG welcomes this initiative and hopes that the trade unions, the *Pastorale du Monde du Travail*, the parishes and the language missions which are confronted with violations of household employees' rights will find the relevant tools in these documents to continue helping the less well off.

**Félix Wertli,**  
**President**

**CCIG**  
CENTRE  
CATHOLIQUE  
INTERNATIONAL  
DE GENEVE

## MESSAGE

FROM HIS LORDSHIP PIERRE FARINE,  
AUXILIARY BISHOP OF THE ROMAN  
CATHOLIC CHURCH (RCC), GENEVA



I am pleased to welcome Switzerland's ratification of Convention n° 189 of the International Labour Organisation concerning decent work for domestic workers.

I commend the initiative of the Saint Clotilde Parish in Geneva which has decided to join forces with the International Catholic Centre of Geneva to promote this convention which will come into force on 12 November of this year.

I would like to thank the Saint Clotilde Parish for having informed me about this important fact for us in our small canton which covers less than 300 km<sup>2</sup>. It is here and today that the situation is changing. When the respect and dignity of individuals are at stake – and dangerously at stake – the Church cannot remain indifferent to their plight and walk on by without saying anything.

Our Church is aware of the specific working conditions of domestic workers (no future; no possibility of gaining additional skills; excessive working hours; instability; lack of control over the conditions at the workplace ...). It is necessary for all Christians to question the Government on its duties with regard to its citizens and remind them of the rights of domestic workers.

According to a study by the ILO, domestic workers often work for private households without a genuine contract of employment, without being declared and are thus excluded from the scope of the employment legislation. Deplorable working conditions, exploitation of the workers and abuses of human rights are some of the main problems that domestic workers encounter.

We hope that this new legal instrument, Convention n° 189, will enable domestic workers to enjoy rights such as social security protection, holiday leave and rest days.

Indeed, more than 7,000 domestic workers work in Geneva without any residence permit (also called "*undocumented workers*"). Domestic work is a feminised phenomenon. They wash, clean, iron, cook, take care of children and look after the elderly, ill and/or dependent persons. Thanks to their work, numerous persons can go on living at home and numerous parents are able to strike a balance between their career and family life.

We are well aware of the fact that this situation is unfair and unacceptable. We have always striven to regularise the position of these domestic workers with the means at our disposal.

"The Church is the place where illegal immigrants are recognised and accepted as brothers ... The first service that Christians are asked to give these persons is to help them regularise their situation ... For a Christian, welcoming and showing a stranger solidarity does not only constitute a human duty of hospitality, but a precise requirement that stems from fidelity to the Lord's teaching". Jean Paul II.



Christian tradition – the Bible, the Fathers of the Church and social teaching – is very precise about strangers and workers' rights. The Church has, on several occasions, underlined the inconsistency of international law which recognises a right to emigrate but says nothing about the right to immigrate.

The Convention and the Recommendation contain provisions to protect and defend the rights of domestic workers who, as migrants, are often faced with a high risk of exploitation and lack of respect of their rights.

In 2013, a circle of silence opened the Swiss campaign “No domestic worker is illegal” in Plainpailais, Geneva. This campaign basically demanded that the immorality of the situation end. Indeed, the sector of domestic work mainly operates thanks to female household employees who have no residence permits and who might be convicted for unlawful residence. Furthermore, private households who treat their household employees properly (compliance with employment law and declaration of the employees to the social security schemes) are also convicted because they employ persons with no residence permit.

Our Church in Geneva would thus like to pay tribute to all these women who contribute behind the scenes to the prosperity of our canton by sending a clear message about their rights as workers and also enable them to develop as free women who are worthy as daughters of God.

I hope that this Convention does not go unheeded but finds men and women of good will to implement it.

**+Pierre Farine,**  
**Administrator of the Vicariate of Geneva**

**ECR** EGLISE CATHOLIQUE  
ROMAINE - GENEVE  
**EN MARCHÉ À VOS CÔTÉS!**

## MESSAGE

FROM MR MAURO POGGIA,  
STATE COUNCILLOR OF THE REPUBLIC  
AND CANTON OF GENEVA



As of 12 November 2015, Switzerland will apply Convention n° 189 of the International Labour Organisation (ILO) concerning domestic service jobs which has been enacted to promote decent working conditions in this area and give domestic workers the same rights as those granted to all other employees. By supporting the ratification of Convention n° 189, the Canton of Geneva, like all Swiss cantons, has shown its solidarity to more than 50 million domestic workers throughout the world who do not benefit from the same working conditions as those afforded in our canton.

Swiss law already provides a high level of protection for these workers whose sector of activity is recognised as a fully fledged occupational branch. By international standards, Geneva has an elaborate system which guarantees equivalent working conditions to those given to employees from other sectors. Our social protection system is mainly based on social security schemes that are regulated at federal level and on social services that fall within the remit of the canton. This comprehensive system allows for any person to be covered against life's mishaps and thus provides protection against insecurity and exclusion.

Although companies in Geneva are regularly controlled, we know that domestic workers are mainly employed by individuals. It is consequently very difficult to verify that these individuals indeed comply with Swiss legal provisions. We are not burying our heads in the sand but despite the safeguards we have implemented both at national and cantonal level abuses exist. We are sometimes even informed about exceptional cases of domestic servitude and exploitation which are even more intolerable here in Switzerland than elsewhere in the world in view of the exemplary role we would like to play. In Geneva, migrants are the victims of these extreme abuses. Vulnerable, fearful when they have no legal status in the country, with little knowledge of their rights and in particular – depending on the region in the world they come from – moulded by social structures and age-old traditions, they have great difficulty realising that the work provided in a house is a job which deserves to be paid and that they as a person and their rights under employment law should be respected.

Domestic workers are the most vulnerable due to their profiles (mainly women from disadvantaged social positions and migrants) but also because their rights are still too often flouted when they work in a private household. Excluded from social security benefits as they are not declared, they cannot claim family allowances, a pension, unemployment benefit if they lose their job or maternity benefits if they become pregnant.

In 2004 in Geneva we decided to develop a fair and transparent local economy by launching a Service Employment Voucher system with the goal of encouraging private employers to comply with regulations and offer their domestic workers social security protection. Private employers who use the Service Employment Voucher system have increased each year and we are delighted

by this responsible and civic decision with regard to domestic workers. However, undeclared work is still too frequent in this sector. This is why the ratification of Convention n° 189 of the ILO is of particular importance in our canton which already offers good social security protection. Recognising the economic and social value of work provided to persons is also fundamental for us not only to ensure that employees receive social security benefits and fight against discriminations and exclusion but also to provide our fellow citizens with a reliable and committed workforce we greatly need.

With the ageing of the population, requests for services for persons have increased significantly in particular to care for the sick and elderly, or to help with the running of a household. Domestic workers, which we believe represent 30,000 people in Geneva, are thus essential and invaluable. Respect them as such: essential and invaluable. Offer them rewarding working conditions and ensure that they do not descend into poverty.

My hope is that the entry into force of Convention n° 189 of the ILO encourages all employers in Geneva to comply with the employment law and all domestic workers to assert their fundamental rights to receive social security benefits! May it finally help us to achieve the society we all want – that of a society of free and responsible men and women.

**Mauro Poggia,**  
**State Councillor**



## MESSAGE

FROM MRS ESTHER ALDER,  
MAYOR OF THE CITY  
OF GENEVA



In its last report “World Employment and Social Outlook”, the International Labour Organisation (ILO) affirmed that insecurity was spreading on the global labour market. Three-quarters of workers are employed temporarily or have fixed-term contracts, have informal jobs often without any contract whatsoever, are self-employed or work as domestic workers without being paid. The other findings of this report highlight an increase in part-time jobs, in particular among women, and the fact that despite its expansion at global level, paid employment still only represents half of jobs in the world, with substantial disparities depending on the regions.

Today, we are witnessing a turning point in the world of work, which manifests itself by an increasing lack of job security and is often accompanied by a rise in the inequalities and rate of poverty in numerous countries. In Europe, the protection of workers has declined since the beginning of the global financial crisis in 2008. In such a context, it is necessary to strengthen employment regulations in order to protect employees throughout the world.

In this respect, the ratification of Convention n° 189 of the ILO on decent work for domestic workers represents a major step in the fight against the vulnerability of this population. At least 52 million persons in the world earn a living as domestic workers. More than 80 % of them are women. Although they have skills that are in high demand, these persons do not benefit from the same level of protection as other employees. Excluded from national legal protection in the majority of the world, they often work very long hours for a low wage and do not benefit from social security protection. In addition, they suffer from a lack of respect and consideration and a number of them are victims of sexual violence, as is sometimes told in the media.

Convention n° 189 should be credited with having laid down framework conditions to foster the employment of domestic workers that comply with the fundamental rights at the workplace and provide minimum social security protection. It constitutes a significant step towards gender equality and the reduction in income inequalities.

Ratified in November 2014 by Switzerland, it will come into force on 12 November 2015. Its implementation does not require for new legal provisions to be adopted or for domestic law to be adapted.

Indeed, Swiss law already provides for a high level of protection. It should not be forgotten that in 2010, the Federal Council adopted an ordinance on a standard contract of employment for domestic workers which fixed minimum wages. The cantons are free to lay down the other working conditions. Concerned about protecting domestic workers, the Canton of Geneva had already enacted such a standard contract of employment in 1999 which became mandatory in 2005. Unfortunately, many of these employees continue to work in undeclared jobs because their em-

employers do not want to pay the minimum wage provided for by the standard contract. There are many violations of the law and this situation has become unacceptable in particular in a city which aspires to become the capital of human rights.

Additional efforts must be made to apply existing legal standards and ensure they are disseminated not only to employees but also to employers. The City of Geneva welcomes all the initiatives that seek to achieve this goal and I hope that the brochure you are reading will increase the awareness of a large audience to the working conditions of domestic workers.

**Esther Alder,**  
**Mayor of Geneva**



## STATEMENT

BY MR. GUY RYDER,  
DIRECTOR GENERAL, INTERNATIONAL  
LABOUR ORGANIZATION (ILO)



Convention No. 189 intends to offer long overdue protection to domestic workers, a vulnerable, shadow female-dominated workforce often excluded from national labour laws, and therefore deprived from basic rights that the vast majority of workers enjoy, such as limits on hours of work, weekly rest days, paid holidays, minimum wages and social security coverage. The decision of Switzerland to ratify Convention No. 189 not only shows its willingness to support the growing international effort to ensure that domestic workers enjoy the same basic labour rights as other workers, but strengthens measures already taken at the national level, such as the recent adoption of an Order on the model employment contract for domestic workers, and of an Order regulating conditions of entry, residence and work of domestic workers employed by persons benefiting from privileges and immunities. I hope that this ratification will encourage other countries to join the growing coalition of countries to protect domestic workers rights and to move forward to ratify the Domestic Workers Convention in the near future.

**Guy Ryder,**  
**Director General**



## MESSAGE

FROM MR WILLIAM LACY SWING,  
DIRECTOR GENERAL OF THE INTERNATIONAL  
ORGANISATION FOR MIGRATION (IOM)



The migration of workers is a key feature of globalisation. Domestic workers represent a significant share of the workforce and play a leading role in global economy. However, domestic workers are among the most vulnerable categories of workers and are particularly exposed to harsh treatment, discrimination and exploitation.

As a major international organisation in the field of migration, the International Organisation for Migration (IOM) places guaranteed fundamental rights for migrants and their families at the heart of its policy and programmes throughout the world. It is indeed essential to protect these migrant workers, provide them with decent working conditions and facilitate their social and economic integration to ensure that they and their host society develop to their full potential.

My Organisation works to prevent the abusive exploitation of workers. The IOM encourages good practices in terms of ethical recruitment, heightening awareness and career guidance and training for migrants. The goal of these practices is to strengthen the protection of migrants including domestic workers. It is vital to implement transparent and fair recruitment plans which ensure that migrant workers work in suitable conditions.

The IOM recognises that mutual adaptation and dialogue between the host society and the migrants must be based on a set of joint values. Cooperation – on national, regional and global levels – is indispensable for labour migration to be profitable to all the parties concerned.

It is imperative to involve the local community to facilitate the integration of the migrants in their new environment. The IOM considers it is of utmost importance to work in close collaboration with all the stakeholders, including public bodies at national and local level such as the employers, the trade unions, the host communities, the local associations, the civil society and the media.

Emphasis must be placed on innovative integration policies of migrants at local level. The interests of the well-being of the migrant and society as a whole must remain at the centre of our concerns, in the same way as the social, economic, political and cultural inclusion of the local communities.

**William Lacy Swing,**  
**Director General**



## MESSAGE

FROM MR LEO KARRER,  
PERMANENT MISSION OF SWITZERLAND  
TO THE UNITED NATIONS OFFICE  
AND TO OTHER INTERNATIONAL  
ORGANISATIONS IN GENEVA



Geneva is characterised by the various perceptions we have of it: for some, it is quite simply a city, a canton or the region where they live; for others, it is an ephemeral workplace, a stage, which is more than often pleasant, through which people pass during their international career; finally, Geneva is also a virtual place, an abstraction, an idea, a sort of pinnacle of global governance where documents, declarations, decisions, resolutions, agreements, conventions on a variety of political, technical and normative subjects are prepared. Of the three definitions of Geneva, the last one appears on first sight to be so abstract, so unreal, and so purely intellectual that it no longer seems to be in tune with the practical reality of people's lives. However, appearances can be deceiving!

The conventions of the International Labour Organisation (ILO), which are binding on the States that have ratified them, are a perfect example that the standard-setting work that is accomplished in this international Geneva does indeed have a real impact on our lives. The ILO, which will celebrate its centenary in 2019, is without a doubt one of the historical pillars of international Geneva: created by the Treaty of Versailles, inspired both by the Bolshevik revolution and the social doctrine of the Catholic Church, this institution is not only governed by the governments of Member States but also by the social partners. These unusual features make it quite a complex international organisation but one that is nonetheless relevant.

Convention n° 189 of the ILO, which will come into force in Switzerland in November 2015, clearly changes the life of domestic workers, including their work, as the preamble of the convention states, which “continues to be undervalued and invisible”. It guarantees that their human rights and fundamental rights at the workplace are protected: protection against all forms of abuse, harassment and violence; decent working conditions; wages without discrimination; effective access to courts etc.

As chance would have it, during the same month Convention n° 189 was adopted by the ILO in June 2011, the Federal Council issued an order on private household employees (ODPr). The said ordinance governs the conditions for entry, residence and employment of private household employees of individuals who benefit from privileges, immunities and facilities. The said instrument, which is unique in the world, lays down rules for the employment of domestic workers by diplomats including, amongst others, minimum wages, a mandatory written contract, mandatory social security benefits, restrictions on the number of hours worked per week and a minimum number of weeks of holiday leave. The Ordinance on private household employees was very much modelled on the standards laid down by Convention n° 189 of the ILO. In the same way as this Convention, it changes living conditions.



International Geneva is relevant not only for politicians and diplomats but for all the citizens of the earth. Its functioning is slow; its mechanisms are complex; its bureaucracy is byzantine. But these characteristics are the price to pay to have a community of nearly 200 States, which each has its own complex and contradictory administration, move forward by consensus. Seen from this perspective, the very fact that this system works and delivers tangible results in a wide variety of areas such as employment, human rights, humanitarian affairs, health, telecommunication, intellectual property and many others, is nothing short of a miracle.

Switzerland is right to make this International Geneva a priority. Indeed, the world in which we live is becoming more and more complex and the challenges we have to meet cannot be allocated to a single defined area quite as easily. Few places in the world bring together as much different knowledge in as many distinct fields thus providing a significant potential for comprehensive solutions and exchanges. Whether we are part of International Geneva or local Geneva, we should be pleased and proud.

**Leo Karrer,**  
**Second Secretary**

## MESSAGE

FROM FATHER MIGUEL DALLA VECCHIA,  
PORTUGUESE-SPEAKING CATHOLIC  
COMMUNITY OF GENEVA



God created Earth for the men and women of the world but not to exploit them and make money.

Yes, God said, “Let us make man so that he can have dominion over the earth” \*. Let it be populated by happy people who live in peace and joyfully and not for there to be privileged persons. God did everything for man to be happy and master of nature. But he also created men and women so that they could live in peace, like brothers and sisters, and not for one to dominate the other. He also told them to look after the animals and all living beings and not to appropriate them.

Why is the world not as God wanted it to be, like He created it? Perhaps because God created man to be free. Yes, he loves freedom!

Why not continue the creation for the good of all with the freedom of God’s children?

Selfishness, indifference and the individualism of man yesterday and today have meant that the common interest is overwhelmed by personal interests or small groups. In the world of work today, the rest that God had planned and granted for Himself, is often no longer applied. The desire to always earn more hinders daily and weekly rest periods, and even the right to annual holiday leave.

Why not pay fair wages?

Why not respect the workers and employees who are human beings and not machines?

“Therefore, whatever you want men to do to you, do also to them, for this is the Law and the Prophets” \*\*.

What a joy it is to see people working in a harmonious environment where each one has their place, employers and workers alike, irrespective of their duties and responsibilities.

The dream of many people is that one day our society will become a peaceful place where humans will live together without inequalities or injustice where each man and woman will be able to live as the true child of God.

**Father Miguel Dalla Vecchia,  
Portuguese-speaking Catholic Community of Geneva**

\* Genesis 1.26    \*\* Matthew 7,12. Sermon on the Mountain

## TESTIMONIES

FROM THE PASTORALE DU MONDE  
DU TRAVAIL, ROMAN CATHOLIC  
CHURCH, GENEVA



Un service de l'Eglise catholique

“What is the good of a contract to do the cleaning and pick up the children from school? While we're at it, why not have a contract to go to mass?!!”

### Gospel, Convention n° 189 and Marian prayer ...

One of the goals of the pastoral service<sup>1</sup> at the Roman Catholic Church (RCC) is to open new avenues for discussion regarding our Christian faith and its relations with the World of Work. So if we remember that Jesus did not say, “I am a small flower and you, butterflies, come and gather pollen and nectar whenever you want to ...”<sup>2</sup>, we could ask ourselves for example to what extent the Gospel could foster the employer-household employee relationship even more so if one and/or the other are Christians?

Would you agree to say that this issue and the contribution of measures such as the ratification of Convention n° 189 are linked? As far as I am concerned, after having collected these past few weeks testimonies that are so distressing and intense, I will say yes they are. And also because I can still hear this nice, smiling woman on the steps of the church say, “Oh well I, I always call them Maria. It's easier that way!” A somewhat unusual **“Hail Mary”**?<sup>3</sup>

### Employers and/or employee working conditions, the same criteria?

Can we talk about overwork for a “cleaning lady” in the same way as that of her employers (if one of them suffers a form of ill-treatment at work)? Or talk about the “underground burnout” of the “Marias” who are paid (as little as possible), sometimes fed (when there are leftovers), with lodgings (more practical to have them on hand), who manage the cleaning, washing, ironing, cooking, gardening, children and her employer's moral and who more often than not have no legal status? Offer “mindfulness meditation” sessions to the household employee while her employer goes to her yoga class?!! Or even think about the situations where the employee becomes the pillar of a single-parent family on a low income. Or ... The possibilities are numerous and the issues are manifold.

<sup>1</sup> PMT: Pastoral Monde du Travail, [www.eglisetravail.ch](http://www.eglisetravail.ch)

<sup>2</sup> Homily of Father Timothée Longhi, Vendée Beatitude Community

<sup>3</sup> Post-it on my fridge: Remember to talk to her about the sister of Martha and Lazarus ...! Luke 10 38-41, John 11

An employee in a household, who is by definition invisible, often pays the price of a lack of discussion on authority relationships and the essential values which stimulate everyday life despite the fact that the Gospels ask us to consider these issues to grow in our faith.

Contracts and the recognition of the work in the sector of domestic service jobs like in any other sector are guarantees against exploitation which feeds on denial, fears and ignorance.

### **We have selected two testimonies to illustrate what we are saying :**

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Mrs Rosa M.<sup>4</sup> worked for 11 years as a domestic worker. She is from Latin America and has no legal status. She played an active role in the campaign “No domestic worker is illegal”, is in contact with the CCSI (Contact Centre Swiss Immigrants), the UNIA and SIT trade unions, and the Support Collective for “undocumented workers” ... She organises information sessions for domestic employees and sharing groups. This woman has been immediately fired on two occasions for no explained reason in a violent and contemptuous manner. On another occasion she was the one who decided to leave as the employer was looking for a domestic worker who would be a cleaning lady, childminder and confidante – all at the same time. The use of a familiar form of address was imposed and an emotional bond was demanded in addition to the household chores and the education of the children.

Because often, if she is good at her job, the employee is also required to become the “good fairy” of the house who in the end would not even need to be paid! A sort of “hyperactive comfort object” that is disposed of when it is found to be useless or worn-out.

When Rosa M. arrived in Geneva she found a job thanks to the GHI newspaper. She had lodgings and board and was paid CHF 700 per month to look after a house with a small girl and her parents (who were so tired after a day’s work). Was there a contract? No need! No legal status of course. Long working hours and an employee that was always available. She could not even stop working when she had a temperature ... She worked there for a few years and then suddenly she was told “We no longer need you” and she was out on the streets.

“Then, I had to find somewhere to sleep and I ended up working many hours in a lot of different places. They were happy to have somebody but the fatigue, the complicated journeys to go to their neighbourhoods, the fear of the police – none of that was their problem. They paid as little as possible naturally. I also worked for employers who had divorced. I did not sleep at their home but from Monday to Wednesday I was at the wife’s home and then on Thursday and Friday I was at the husband’s home, with the three children (...) You have to understand: we are asked to be loving, we know these people’s personal lives, we are never to be tired or sick, we must not show our emotions, we have to be invisible while at the same time being visible. So, a standard contract of employment, the Service Employment Vouchers, the ratified convention, the Campaign – it is a way to recognise us and recognise our work. But, the standard contract of employment, which has been suggested by the politicians, requires wages that may be too high for certain employers. We are told that the employers who are unable to pay should hire us for less hours but when they need us to work for a lot of hours because of their situation, their job, school timetables – it is complicated. In any case, at that time, I knew nothing about the standard contract of employment. Even today I know of very few persons who are willing to suggest it to their employers. We need time to build a relationship of trust and anyhow, people who need an



employee do not always have a lot of money. With the divorces the working hours of nurses and salespersons are very long. The Service Employment Vouchers are a good idea but often the employer asks the employee to pay for the social security benefits herself ...

*What would I like to say to employers who would like to do the right thing but do not know how ?*

**Remember that the person who is going to work for you does not necessarily have a legal status and lives in fear.**

***If you declare her work, you will be protected against the Act on Undeclared Work. Based on the standard contract of employment, a contract will be prepared between you and your employee. She will pay the basic social security contributions and will thus have the same rights as any person who works (and in particular protection in the event of an accident, she will receive family benefits and childbirth allowances, and pay into the state pension fund which she can recover (if she leaves the country).***

***Explain the situation to her if necessary.***

***You can help her during her regularisation procedure. It is not very complicated :***

- There is a form to be filled in which is available from the specialised organisations.
- You can give her a letter of recommendation if you are happy with her work.

***And you will not have to worry about being fined for undeclared work ...”***

## Another testimony

Mrs Elvira S.<sup>5</sup> is a Portuguese woman. She will be 60 soon. She arrived in Geneva six years ago as she had received a job proposal from a family who was also from Portugal.

The couple had a very good financial situation, with a large house and four children.

As the weeks and months passed, the “employers” put off declaring their “Jill – of – all – Trades” (cleaning – cooking – washing – ironing – gardening – looking after the children including an infant). She received lodgings and board (when there were leftovers and except Saturday evenings and Sundays) and was required to work from 7.00 a.m. to 10.00 p.m. and sometimes more! During the family’s holidays, the travelling expenses were mandatory and deducted from her wages. If she was ill or had to

<sup>5</sup> Alias

be operated, Mrs Elvira S. had to pay the bills, declare that she was on “holiday in Switzerland” and use a Portuguese insurance policy. As far as convalescence was concerned – she was entitled to two days.

For five years, her love of the children and pride in her work vied with the injustice and insecurity of her situation. Her job was never declared despite her repeated demands. She never received the slightest show of recognition.

The family like Mrs Elvira S. were devout Catholics.

One Sunday the couple requested to see “their maid” and informed her that she was dismissed at the end of the week due to financial reasons – they could no longer pay her despite the new luxury car that had been bought. The real reason was probably that Mrs Elvira S. was getting older, was making more demands and thus had to be replaced ... Mrs Elvira S. found herself on the streets. She didn’t speak a word of French and was not entitled to any social security benefits. Via the SIT (Interprofessional Trade Union of Workers), she learnt that she could file a claim and started the proceedings. Having learnt, albeit too late, that a standard contract of employment existed gave her hope. Testifying and sharing her experience to have the work of domestic employees recognised give her motivation and keep her standing.

*For her, being a Christian means that Work is sacred and deserves her employers’ consideration.*

***“I would like employers, irrespective of their nationality, if they have employees, to respect the just rights, as laid down by law. That they respect their employees as human beings who are not slaves. And I recommend any person who would like to leave their country to get as much information as possible beforehand because everything that these people tell you and everything you hear in the media is not true or even worse is deceptive ...”***

## **To conclude ...**

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Below are some of our questions following on from these testimonies.

What about **Foot washing**<sup>6</sup> in view of these situations?

When and for how long are we Christians? Is there a specific time period during our day?

It is up to each one of us thus to think and give support to campaigns. International conventions and provisions of law must be enforced which guarantee the recognition of the value of any human being and the sacred nature of any work. It is up to us to open our eyes and ears from where we are ...

And last but not least, should any person who works not have access to a regularisation procedure like in other European countries?

A small question but a giant leap for the rights of human beings.

**Brigitte Mesot,  
Assistant**

<sup>6</sup> John 13, 1-17

## NATIONAL CAMPAIGN

### “NO DOMESTIC WORKER IS ILLEGAL” CONTEXT AND DEMANDS



#### Contact Centre Swiss Immigrants (CCSI), Geneva

From the outset of the movements of non-status workers at the beginning of 2000, as well as the various support groups in Switzerland, the matter of domestic work has been of primordial importance. Indeed, in the urban cantons, the majority of these persons are women who work in the sector of domestic service jobs. As these migrants are of non-European nationality, Swiss legislation does not enable them to obtain a residence permit.

The association “Promote domestic work – regularise undocumented workers” - whose members include about thirty associations, trade unions and relief organisations – launched the national campaign “No domestic worker is illegal” in the month of March 2013. In Geneva, the Undocumented Workers Support Group (CSSP), the Interprofessional Trade Union of Workers (SIT), the Collective of Non-Status Workers (CTSSL), as well as the Contact Centre Swiss Immigrants (the CCSI) have been members of the national committee since the very beginning. The pre-campaign phase was long as is often the case in this little country with its cantonal peculiarities ... How does one go about finding common denominators? For example, if access to the Industrial Tribunal and social security benefits, without any risk of being reported, for non-status workers is possible in French-speaking Switzerland, on the other side of the Sarine this is difficult and even impossible depending on the cantons. In the end, the petition – which was a central awareness instrument during that campaign year – demanded proper access to basic social security benefits and industrial tribunals throughout Switzerland, as well as the regularisation of non-status workers, with particular attention being paid to those who worked in domestic service jobs.

If we have decided to speak about this sector, our goal is not to prioritise the various categories of non-status persons, but to fight against the invisibilisation which is inherent to this activity – an activity that has been neglected for too long, which is carried out in private households and which is “naturally” assured by women. In Geneva, between 20,000 and 25,000 families employ a non-status worker, often for a few hours, sometimes more, or even on a full-time basis. In Zurich, one household out of seventeen employs a domestic worker without a residence permit. As you can see, many employers are affected by this situation ...

At the current time, numerous families and persons find it very difficult to organise their professional, family and personal timetables. In addition, the development of flexible working hours and non-secure, unusual forms of work affect in particular female employees. The significant number of single-parent families, isolated individuals, elderly and/or dependent person creates new needs that are not met by the public services or by the support and homecare services. This is compounded by a number of places available in infant care institutions or with childminders that is significantly insufficient. Indeed, numerous preschool aged children are on a waiting list for more than a year. Despite the extent of this sector, it remains in the shadows. It is essential to provide a true re-

cognition of the value and usefulness of this work which is indispensable for society to operate properly. It is the conditions in which this activity is performed that need to be improved.

As the absence of status strengthens difficult working conditions by favouring exploitation and discrimination: indecent wages, lack of social security benefits and access to healthcare, threats made by employers that they will report the workers to the authorities, violence, increased risks of sexual harassment and rape, living in close confinement, difficulties in asserting their rights before the courts and permanent insecurity due to the fear of being expelled.

The local Geneva network, which is comprised of numerous associations, has implemented several awareness campaigns. The participation of migrants – as speakers or in the audience – at these events has generated greater interest.

This having been said, as in all campaigns, one of the main difficulties is coordinating timeframes. What can we demand in the short, medium and long term? How do we coordinate the various demands, without neglecting prospects, while still moving forward one step at a time? This matter is even more pressing in the current political context.

Nevertheless, significant progress has been made over the past few years. Indeed, since 2011 – 2004 on a cantonal level – a standard contract of employment guarantees minimum wages at national level for first time. The commitment of the association “Promote domestic work – regularise undocumented workers”, alongside the Unia, Sit and SSP/VPOD trade unions, during the renewal of the standard contract of employment in November 2013, resulted in improvements to the hourly wage, even if it is still low.

Moreover, concerning the daily care of children or elderly/dependent persons, should we not also set up a form of allocation or allowance depending on the family’s / person’s income? Because, for a number of employers, their income, in this case, does not enable them to pay wages that comply with the standards in force in the sector. For these situations and while we wait for collective infrastructures to be built, the State should, in our opinion, participate in the financing of outsourced domestic work in private households.

Finally, 21,875 persons signed the petition “More rights for household employees” which was given to the Federal Chancellery on 5 March 2014 in a festive but resolute ambiance. In Geneva on 13 March 2014 a silent action took place before the Great Council to remind people of the demands listed in the petition and the need for regularisation.

Furthermore, the International Labour Organisation (ILO) adopted Convention n° 189 *for decent work* in 2011. Our work to heighten awareness favoured its ratification by Switzerland in November 2014. It will come into force this autumn. Although in practice, this international tool will not immediately change the working conditions of household employees with no residence permit, it is major step in the right direction.

How do you go about changing representations on immigration? How, in the backdrop of the current tougher climate, do you improve the living and working conditions of non-status persons? Following the votes of 9 February 2014, the criteria to obtain a residence permit will once again be toughened thereby increasing the number of non-status persons and “mixed-status” families.



Before these announced restrictions, should we not once again get down to work on the sector and, like in 2005 but on a national level this time, fight for a wider regularisation as the only way of reducing the vulnerability that is intrinsic to the lack of status ...

[www.sans-papiers.ch](http://www.sans-papiers.ch) / campaigns and projects / domestic employees

**Laetitia Carreras,**  
**Representative**



## RATIFICATION OF CONVENTION

12 NOVEMBER 2014



*Mr Boris Zürcher, Head of the Labour Directorate of the State Secretariat for Economic Affairs (SECO), Switzerland, and Mr Guy Ryder, Director General of the International Labour Organisation (ILO).*

*On 12 November 2014, the Swiss government filed the instrument of ratification of Convention n° 189 on decent work for domestic workers with the International Labour Organisation. Switzerland was the 16<sup>th</sup> Member State of the ILO and the fourth European country to have ratified this instrument which is designed to improving the working and living conditions of more than 53 million domestic workers throughout the world.*

*This Convention came into force in Switzerland on 12 November 2015.*

**ILO**

## MESSAGE

FROM THE FEDERAL COUNCIL RELATING TO CONVENTION N° 189 OF THE INTERNATIONAL LABOUR ORGANISATION **concerning decent work for domestic workers, 2011 and Reports on the Recommendation (n° 201) of the International Labour Organisation concerning decent work for domestic workers, 2011 and the Recommendation (n° 202) concerning national floors of social protection, 2012, of 28 August 2013. Abstract.**

Madam President,

Mr President,

Ladies and Gentlemen,

By this message, we hereby submit the draft of a federal decree approving Convention n° 189 of the International Labour Organisation concerning decent work for domestic workers and suggest you adopt it.

We also hereby submit, for your information, the reports on Recommendation n° 201 which completes the aforementioned convention, and the report on Recommendation n° 202 concerning national floors of social protection.

Please accept, Madam President, Mr President, Ladies and Gentlemen, the assurance of our highest consideration.

28 August 2013.

In the name of the Swiss Federal Council:

The President of the Confederation, Ueli Maurer

The Chancellor of the Confederation, Corina Casanova

### Abstract

Promoting decent jobs for all categories of workers forms an integral part of the constitutional mission of the International Labour Organisation (ILO) and it constitutes one of the key means of achieving the Millennium Goal to fight against poverty. During its 100<sup>th</sup> session in 2011, the International Labour Conference adopted Convention n° 189 on decent work for domestic workers and the Recommendation which completes it. The Convention and the Recommendation stipulate that domestic workers are entitled, like other workers, to have their fundamental rights at work respected and to be given minimum social security protection and benefits. Domestic workers must benefit from a treatment that is not less favourable than that which is granted to other workers. Both these standards contain provisions relating to living and working conditions (working hours, wages and safety and health at the workplace) which are areas in which the exclusion of domestic workers is the most blatant and accounts to a large extent for the vulnerability of these workers from a social and financial point of view. The Convention and the Recommendation recognise that private employment agencies may favour the creation of decent jobs in the sector of domestic service jobs in particular to protect workers against abusive practices. As the majority of domestic workers are women from underprivileged areas who are overrepresented among the workers on the lowest wages, the new standards mark a major step towards gender equality in the world of work and the reduction of income inequalities. The new standards recognise that certain categories of domestic workers, such as migrants, young people and those who live at their

employer's home, have particular needs and are exposed to risks that demand specific measures. In view of the wide variety of situations and the social and economic possibilities of the Member States, the Convention authorises some flexibility with regard to its implementation. The Recommendation contains concrete guidelines for the design and implementation of effective measures to promote decent work for domestic workers. Both instruments insist on the fact that social dialogue is the key to their implementation process.

The consistent ratification policy of standards of the ILO enables Switzerland to ratify a convention of the ILO if there are no fundamental differences between the convention and our legal system. This practice of the Federal Council applies in principle to all international conventions: minor differences must not prevent its ratification. In addition, a convention which does not fully comply with domestic law may be ratified if its review highlights the fact that the existing shortcomings may be addressed either by the provisions of the treaty that are directly applicable or by the adoption of legislative measures.

Switzerland is able to ratify Convention n° 189. First of all, Swiss substantive law offers a high and effective level of protection of domestic workers compared with international standards. In addition, the ratification of Convention n° 189 does not require the adoption or modification of any act or ordinance whatsoever. The Convention provides for a certain amount of flexibility for its implementation. Finally, the Federal Council has declared that it is favourable to this standard which recognises that certain categories of workers are exposed to risks which demand specific measures. This is why the ratification of the Convention also meets a prerequisite of international solidarity.

In view of the foregoing, we suggest you ratify Convention n° 189. Recommendation n° 201 and Recommendation n° 202 are submitted for your information.

A technical consultation of the cantonal authorities was organised on drafts of the message and report on Convention n° 189 and Recommendation n° 201. The 21 cantons expressed their opinions within the framework of this consultation and declared that they were in favour of the ratification of the Convention. This message and these reports were submitted to the Tripartite Federal Commission for ILO affairs which is a consultative extra-parliamentary commission that brings together representatives from federal administration and Swiss social partners. The Commission took due note of it. The worker/members of the Commission supported the ratification of Convention n° 189. The employer/members objected to it.

**Source : [www.admin.ch](http://www.admin.ch)**

*Only the official version shall be binding.*

## THE ILO AND DOMESTIC WORKERS

DEPLORABLE WORKING CONDITIONS, LABOUR EXPLOITATION, AND ABUSES OF HUMAN RIGHTS ARE MAJOR PROBLEMS FACING DOMESTIC WORKERS.

The ILO undertakes to protect the rights of domestic workers, promote equality of opportunity and treatment, and improve working and living conditions. Its global strategy consists of strengthening national capacities and institutions including policy and legislative reforms; promoting the ratification and implementation of the Domestic Workers Convention, 2011 (No. 189) and Recommendation (No. 201); facilitating the organization of domestic workers and their employers; awareness-raising and advocacy; and development of knowledge base and policy tools.

The Domestic Workers Convention, 2011 (No. 189), a landmark treaty setting standards for the treatment of domestic workers, affirms that domestic workers are, like other workers, entitled to the respect and protection of their fundamental principles and rights at work, and to minimum protection. The convention lays down a framework of minimum standards regarding:



- Promotion and protection of human rights
- Fundamental principles and rights at work
- Terms and conditions of employment
- Working time
- Remuneration
- Occupational safety and health
- Social security
- Groups with special risks: child domestic workers, live-in workers, migrant domestic workers
- Private employment agencies
- Dispute settlement, complaints and enforcement

## BACKGROUND TO CONVENTION N° 189

### AND RECOMMENDATION N° 201

Although the first ILO resolution concerning the conditions of employment of domestic workers was adopted as early as 1948, the road towards the adoption of Domestic Workers Convention, 2011 (No. 189) and Recommendation (No. 201) concretely dates back to 2008, when the ILO Governing Body decided to include the setting of standards on decent work for domestic workers in the agenda of the 2010 ILO Conference.

The first step was to map the state of law and practice concerning domestic workers across the world: this information was compiled in Report IV(1), which was sent to Member States in 2009.

The comments submitted in reply were published in Report IV(2). Together, these two documents informed the discussions at the 2010 Conference. Following the 2010 Conference, the Domestic Workers Committee produced Report IV(1), containing the proposed conclusions of the discussions. It provided the first draft for a convention and a recommendation. Once again, constituents were invited to comment, and their feedback were synthesized in Report IV(2A). A revised version of the proposed convention and recommendation (Report IV(2B)) was published in March 2011, a few months before the Conference.

In June 2011, ILO delegates adopted by an overwhelming majority the Domestic Workers Convention, 2011 (No. 189) and Recommendation (No. 201), a historical set of international standards aimed at improving the working conditions of tens of millions of domestic workers worldwide. The highly active participation and engagement of governments, employers and workers, including domestic workers themselves, during the standard setting process has resulted in instruments that have a true potential for creating change in the lives of domestic workers.

#### ILO





## C189 - DOMESTIC WORKERS CONVENTION, 2011 (N° 189)

CONVENTION CONCERNING DECENT WORK  
FOR DOMESTIC WORKERS  
ENTRY INTO FORCE : 05 SEP 2013

**Adoption : Geneva, 100th ILC session (16 June 2011) -  
Status : Up-to-date instrument (Technical Convention).**

### PREAMBLE

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 100th Session on 1 June 2011, and

Mindful of the commitment of the International Labour Organization to promote decent work for all through the achievement of the goals of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization, and Recognizing the significant contribution of domestic workers to the global economy, which includes increasing paid job opportunities for women and men workers with family responsibilities, greater scope for caring for ageing populations, children and persons with a disability, and substantial income transfers within and between countries, and

Considering that domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights, and

Considering also that in developing countries with historically scarce opportunities for formal employment, domestic workers constitute a significant proportion of the national workforce and remain among the most marginalized, and

Recalling that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided, and

Noting the particular relevance for domestic workers of the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Private

Employment Agencies Convention, 1997 (No. 181), and the Employment Relationship Recommendation, 2006 (No. 198), as well as of the ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration (2006), and

Recognizing the special conditions under which domestic work is carried out that make it desirable to supplement the general standards with standards specific to domestic workers so as to enable them to enjoy their rights fully, and

Recalling other relevant international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention against Transnational Organized Crime, and in particular its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and

Having decided upon the adoption of certain proposals concerning decent work for domestic workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this sixteenth day of June of the year two thousand and eleven the following Convention, which may be cited as the Domestic Workers Convention, 2011.

## Article 1

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For the purpose of this Convention :

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

## Article 2

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1. The Convention applies to all domestic workers.
2. A Member which ratifies this Convention may, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, exclude wholly or partly from its scope :
  - (a) categories of workers who are otherwise provided with at least equivalent protection ;



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(b) limited categories of workers in respect of which special problems of a substantial nature arise.

3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, indicate any particular category of workers thus excluded and the reasons for such exclusion and, in subsequent reports, specify any measures that may have been taken with a view to extending the application of the Convention to the workers concerned.

### Article 3

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1. Each Member shall take measures to ensure the effective promotion and protection of the human rights of all domestic workers, as set out in this Convention.

2. Each Member shall, in relation to domestic workers, take the measures set out in this Convention to respect, promote and realize 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.

3. In taking measures to ensure that domestic workers and employers of domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members shall protect the right of domestic workers and employers of domestic workers to establish and, subject to the rules of the organization concerned, to join organizations, federations and confederations of their own choosing.

### Article 4

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1. Each Member shall set a minimum age for domestic workers consistent with the provisions of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and not lower than that established by national laws and regulations for workers generally.

2. Each Member shall take measures to ensure that work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training.

### Article 5

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

## Article 6

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Each Member shall take measures to ensure that domestic workers, like workers generally, enjoy fair terms of employment as well as decent working conditions and, if they reside in the household, decent living conditions that respect their privacy.

## Article 7

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Each Member shall take measures to ensure that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written contracts in accordance with national laws, regulations or collective agreements, in particular:

- (a) the name and address of the employer and of the worker;
- (b) the address of the usual workplace or workplaces;
- (c) the starting date and, where the contract is for a specified period of time, its duration;
- (d) the type of work to be performed;
- (e) the remuneration, method of calculation and periodicity of payments;
- (f) the normal hours of work;
- (g) paid annual leave, and daily and weekly rest periods;
- (h) the provision of food and accommodation, if applicable;
- (i) the period of probation or trial period, if applicable;
- (j) the terms of repatriation, if applicable; and
- (k) terms and conditions relating to the termination of employment, including any period of notice by either the domestic worker or the employer.

## Article 8

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1. National laws and regulations shall require that migrant domestic workers who are recruited in one country for domestic work in another receive a written job offer, or contract of employment that is enforceable in the country in which the work is to be performed, addressing the terms and conditions of employment referred to in Article 7, prior to crossing national borders for the purpose of taking up the domestic work to which the offer or contract applies.

2. The preceding paragraph shall not apply to workers who enjoy freedom of movement for the purpose of employment under bilateral, regional or multilateral agreements, or within the framework of regional economic integration areas.

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3. Members shall take measures to cooperate with each other to ensure the effective application of the provisions of this Convention to migrant domestic workers.

4. Each Member shall specify, by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation on the expiry or termination of the employment contract for which they were recruited.

## Article 9

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Each Member shall take measures to ensure that domestic workers :

(a) are free to reach agreement with their employer or potential employer on whether to reside in the household ;

(b) who reside in the household are not obliged to remain in the household or with household members during periods of daily and weekly rest or annual leave ; and

(c) are entitled to keep in their possession their travel and identity documents.

## Article 10

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1. Each Member shall 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.

2. Weekly rest shall be at least 24 consecutive hours.

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

## Article 11

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

## Article 12

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1. Domestic workers shall be paid directly in cash at regular intervals at least once a month. Unless provided for by national laws, regulations or collective agreements, payment may be made by bank transfer, bank cheque, postal cheque, money order or other lawful means of monetary payment, with the consent of the worker concerned.

2. National laws, regulations, collective agreements or arbitration awards may provide for the payment of a limited proportion of the remuneration of domestic workers in the form of payments in kind that are not less favourable than those generally applicable to other categories of workers,

provided that measures are taken to ensure that such payments in kind are agreed to by the worker, are for the personal use and benefit of the worker, and that the monetary value attributed to them is fair and reasonable.

### **Article 13**

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1. Every domestic worker has the right to a safe and healthy working environment. Each Member shall take, in accordance with national laws, regulations and practice, effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers.

2. The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

### **Article 14**

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1. Each Member shall take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity.

2. The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

### **Article 15**

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1. To effectively protect domestic workers, including migrant domestic workers, recruited or placed by private employment agencies, against abusive practices, each Member shall:

(a) determine the conditions governing the operation of private employment agencies recruiting or placing domestic workers, in accordance with national laws, regulations and practice;

(b) ensure that adequate machinery and procedures exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies in relation to domestic workers;

(c) adopt all necessary and appropriate measures, within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of domestic workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations that specify the respective obligations of the private employment agency and the household towards the domestic worker and provide for penalties, including prohibition of those private employment agencies that engage in fraudulent practices and abuses;

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(d) consider, where domestic workers are recruited in one country for work in another, concluding bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment ; and

(e) take measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers.

2. In giving effect to each of the provisions of this Article, each Member shall consult with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

## Article 16

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Each Member shall take measures to ensure, in accordance with national laws, regulations and practice, that all domestic workers, either by themselves or through a representative, have effective access to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally.

## Article 17

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1. Each Member shall establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers.

2. Each Member shall develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations.

3. In so far as compatible with national laws and regulations, such measures shall specify the conditions under which access to household premises may be granted, having due respect for privacy.

## Article 18

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

## Article 19

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This Convention does not affect more favourable provisions applicable to domestic workers under other international labour Conventions.

## Article 20

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The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

## Article 21

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1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification is registered.

## Article 22

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1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention within the first year of each new period of ten years under the terms provided for in this Article.

## Article 23

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1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations that have been communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification that has been communicated, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

## Article 24

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The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and denunciations that have been registered.

## Article 25

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

## Article 26

1. Should the Conference adopt a new Convention revising this Convention, then, unless the new Convention otherwise provides :

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 22, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

## Article 27

The English and French versions of the text of this Convention are equally authoritative.



## ILO

*Only the official version shall be binding.*

## RATIFICATIONS OF C189 - DOMESTIC WORKERS CONVENTION, 2011 (N° 189)

DATE OF ENTRY INTO FORCE : 05 SEPTEMBER 2013

**22 ratifications (as of 15 September 2015) | Denounced : 0**

Country	Date	Status	Note
<b>Argentina</b>	24 Mar 2014	In Force	
<b>Belgium</b>	10 Jun 2015	Not in force	The Convention will enter into force for Belgium on 10 Jun 2016.
<b>Bolivia, Plurinational State of</b>	15 Apr 2013	In Force	
<b>Chile</b>	10 Jun 2015	Not in force	The Convention will enter into force for Chile on 10 Jun 2016.
<b>Colombia</b>	09 May 2014	In Force	
<b>Costa Rica</b>	20 Jan 2014	In Force	
<b>Dominican Republic</b>	15 May 2015	Not in force	The Convention will enter into force for Dominican Republic on 15 May 2016.
<b>Ecuador</b>	18 Dec 2013	In Force	
<b>Finland</b>	08 Jan 2015	Not in force	The Convention will enter into force for Finland on 08 Jan 2016.
<b>Germany</b>	20 Sep 2013	In Force	
<b>Guyana</b>	09 Aug 2013	In Force	
<b>Ireland</b>	28 Aug 2014	In Force	
<b>Italy</b>	22 Jan 2013	In Force	
<b>Mauritius</b>	13 Sep 2012	In Force	
<b>Nicaragua</b>	10 Jan 2013	In Force	
<b>Panama</b>	11 Jun 2015	Not in force	The Convention will enter into force for Panama on 11 Jun 2016.
<b>Paraguay</b>	07 May 2013	In Force	
<b>Philippines</b>	05 Sep 2012	In Force	
<b>Portugal</b>	17 Jul 2015	Not in force	The Convention will enter into force for Portugal on 17 Jul 2016.
<b>South Africa</b>	20 Jun 2013	In Force	
<b>Switzerland</b>	12 Nov 2014	Not in force	The Convention will enter into force for Switzerland on 12 Nov 2015.
<b>Uruguay</b>	14 Jun 2012	In Force	





# STANDARD CONTRACT OF EMPLOYMENT IN THE SECTOR OF DOMESTIC SERVICE JOBS J 1 50.03 (CTT-EDOM)

OF 13 DECEMBER 2011  
(ENTRY INTO FORCE : 1 JANUARY 2012)

## Status at 1 January 2014

THE COLLECTIVE LABOUR RELATIONS CHAMBER,  
having regard to articles 359 to 360f of the Swiss Code of Obligations, 1, paragraph 1,  
letter c of the Act concerning the Collective Labour Relations Chamber, of 29 April 1999,  
hereby enacts this standard contract of employment :

## CHAPTER I GENERAL PROVISIONS

### Art. 1 Scope of application

<sup>1</sup> The following are considered to be domestic workers (hereinafter to be referred to as “workers”) pursuant to this standard contract of employment if they work in :

a) a private household ;

b) a guesthouse or other institution which is not subject to the Federal Act on Work in Industry, Commerce and Trade of 13 March 1964 (LTr) and which is not governed by a collective labour agreement.

<sup>2</sup> This standard contract of employment applies to the staff who are to carry out traditional domestic work and in particular maîtres d’hôtel, housekeepers, cooks, valets, chamber maids, chauffeurs, gardeners, as well as other household employees who in particular, clean, wash, shop, look after children, elderly people, disabled and sick persons, and help elderly people, disabled and sick persons in their daily life.

<sup>3</sup> It does not apply to the spouses and to the registered partners, direct line ascendants and descendants, to their spouses and to their registered partners and to cohabitants.

<sup>4</sup> This standard contract of employment does not apply either :

a) to workers who are governed by the standard contract of employment of au pair workers ;

b) to workers who are governed by the standard contract of employment of minor au pair workers ;

- c) to workers who are governed by the standard agricultural contract of employment ;
- d) to workers who are subject to a collective labour convention which applies to the sector of activity ;
- e) to persons who are completing a household apprenticeship that is officially recognised ;
- f) to domestic workers who are subject to the public law of the Confederation or the cantons or to public international law ;
- g) to workers who are governed by the Federal Ordinance on the conditions for entry, residence and employment of private household employees of individuals who benefit from privileges, immunities and facilities of 6 June 2011 ;
- h) to caregivers (nurses and nursing assistants) ;
- i) to persons who look after children outside the family (childminders or during lunchtimes) ;
- j) to trainees who do this work on a casual basis (for example babysitting).

## **Art. 2 Dispensations**

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<sup>1</sup> The provisions which may only be dispensed with in writing to the worker's disadvantage are printed in italics.

<sup>2</sup> The mandatory provisions of Federal and Cantonal law nevertheless apply.

## **CHAPTER II ENTRY INTO EMPLOYMENT**

### **Art. 3 Visit prior to employment**

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*If the employer asks the worker to come to his house before the contract is signed, the worker is entitled to ask for a refund of his travelling expenses if he is domiciled outside of the canton.*

### **Art. 4 Foreign workers**

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<sup>1</sup> The contract of employment is valid as soon as it is signed unless the parties have specifically stipulated in writing that it is contingent upon the obtaining of a work permit.

<sup>2</sup> A contract of employment that is signed with a foreigner who does not have the requisite permit may only be terminated if the legal or contractual notice is complied with ; the employer's obligations shall remain valid even if the worker is unable to perform his job.

<sup>3</sup> Administrative and criminal sanctions nevertheless apply.

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## CHAPTER III OBLIGATIONS OF THE WORKER

### Art. 5 Working hours

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<sup>1</sup> The number of hours to be worked by a full-time worker per week is 45.

<sup>2</sup> Part-time workers should not effectively work more than 8 hours per day.

<sup>3</sup> Workers shall be entitled to a break of at least half an hour at lunchtime and in the evening and a break of a quarter of an hour per half-day. These breaks shall not be included in the working hours.

### Art. 6 Flexibility of working hours

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The employer, while taking into consideration his own interests, must allow the worker to attend courses and conferences and facilitate this training by permitting the employee to work flexible working hours.

### Art. 7 Overtime ; Work on Sunday or work at night

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<sup>1</sup> Overtime shall be deemed to mean hours worked in addition to the maximum daily or weekly working hours.

<sup>2</sup> The worker shall be entitled to either a 50 % increase of his wages or a 50 % increase of his paid holiday leave for any hours worked on Sundays and on public holidays.

<sup>3</sup> The worker shall be entitled to a cash payment of his wages plus 100 % or a 100 % increase of his paid holiday leave for any hours worked between 11.00 p.m. and 6.00 a.m.

### Art. 8 Organisation of the household (art. 321d of the Swiss Code of Obligations)

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The worker shall comply with the organisation of the household which fairly takes into account the interests of each individual.

### Art. 9 Damage (art. 321e of the Swiss Code of Obligations)

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<sup>1</sup> The worker shall immediately inform the employer of any or all damage caused during his work.

<sup>2</sup> If the employer does not inform the worker of his intention to claim compensation for the damage caused within 30 days from the date he was informed of the scope of the damage, he shall be deemed to have waived his right to make such a claim.

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## CHAPTER IV OBLIGATIONS OF THE EMPLOYER

### Art. 10 Wages (art. 322, 322c and 360a of the Swiss Code of Obligations)

<sup>1</sup> The minimum wages are as follows:

	CHF/month
a) Gardener and qualified gardeners with the Federal VET Diploma (CFC) or equivalent qualifications or experience	<b>CHF 4,760</b>
b) Qualified employee with the Federal VET Diploma (CFC) or, in the following professions, equivalent qualifications or 5 years' experience : <ul style="list-style-type: none"> <li>• cooks and chauffeurs</li> <li>• maîtres d'hôtel and housekeepers</li> </ul>	<b>CHF 4,368</b>
c) Qualified employee with the Federal VET Certificate (AFP)	<b>CHF 3,969</b>
d) Qualified employee with another qualification	<b>CHF 3,969</b>
e) Non-qualified employee with at least 4 years' professional experience in domestic work	<b>CHF 3,969</b>
f) Non-qualified employee	<b>CHF 3,700</b>

<sup>2</sup> A worker shall only be entitled to be placed in one of the first two categories (a and b) when he has provided his employer with all the requisite diplomas.

<sup>3</sup> The aforementioned amounts shall include the wages in kind for board and lodgings. If the worker is given board or lodgings by his employer, he shall be entitled to receive in cash the difference between these amounts and the value of the lodgings or board pursuant to the AVS standards in force and which are provided in the appendix to the standard contract of employment.

<sup>4</sup> The wages in cash are paid during working hours and at the latest on the last day of the month or, if the last day of the month falls on a Sunday or a public holiday, on the prior working day.

<sup>5</sup> If the employer demands special work clothes he shall provide them or, failing this, shall provide the worker with fair compensation for the said clothes.

<sup>6</sup> A detailed pay slip indicating the components of the wages (and in particular the gross wages and overtime) as well as the deductions (in particular AVS, insurances and withholding tax) shall be given to the worker each month.

<sup>7</sup> The minimum wages given in paragraph 1 are mandatory pursuant to article 360a of the Swiss Code of Obligations for a 45-hour working week. If the employee works part time, the minimum wages are calculated on a prorata basis.

<sup>8</sup> The mandatory nature of the minimum wages is extended until 31 December 2015.

## Art. 11 Lodgings

<sup>1</sup> Workers who are lodged by the employer are entitled to a private room which may be locked, which benefits from natural lighting (and artificial lighting), which is heated properly and which has the requisite furniture (bed, table, chair and wardrobe that may be locked).

<sup>2</sup> The worker shall have suitable toilet and bathroom facilities.

<sup>3</sup> Unless stipulated to the contrary, the worker shall be required to keep the room and bed tidy and to clean the premises.

<sup>4</sup> The room shall be considered to be employee accommodation. The worker shall leave the room at the latest on the day following the termination of the contract of employment.

## Art. 12 Absence of the employer

In the event of the employer's absence, the worker shall be entitled to receive his wages and benefits in kind ; at his request, the employer shall pay him a food allowance which is calculated at the least on the AVS standards in force.

## Art. 13 Illness (art. 324a of the Swiss Code of Obligations)

<sup>1</sup> The worker is insured against loss of earnings in the event of illness. The cover represents 80 % of his salary for 720 days over a period of 900 days. The premiums shall be paid jointly each month unless a written agreement is signed making the employer responsible for the payment of all the premiums.

<sup>2</sup> If there is no insurance and where the employment relationships have lasted for more than 3 months or have been entered into for more than 3 months, the employer shall pay the worker's wages for a limited period if he is unable to work for a reason that is stipulated in article 324a, paragraphs 1 and 3 of the Swiss Code of Obligations, in accordance with the scale below :

- a) 3 weeks during the first year of employment with the same employer ;
- b) 1 month, after 1 year of employment with the same employer ;
- c) 2 months, after 2 years of employment with the same employer ;
- d) 3 months after 5 years of employment with the same employer ;
- e) 4 months, after 10 years of employment with the same employer.

<sup>3</sup> The employer shall ensure that his staff is insured for medical and pharmaceutical costs ; he shall not be liable for a lack of insurance.

## **Art. 14 Accidents (art. 324b of the Swiss Code of Obligations)**

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<sup>1</sup> The employer shall insure his staff against occupational accidents and, if the worker works for him for at least 8 hours per week, he shall also insure him against non-occupational accidents.

<sup>2</sup> The premiums for the occupational accident insurance policy shall be paid by the employer and the premiums for the non-occupational accident insurance policy shall be paid by the employee.

## **Art. 15 Military service, civilian service and civil protection (art. 324b of the Swiss Code of Obligations)**

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In the event of military or civilian service or civil protection in Switzerland, the employer shall only be required to pay the difference between the insurance benefits and 4/5<sup>ths</sup> of the wages as wages for 3 weeks during the first year of employment, for 1 month after 1 year of employment, for 2 months after 2 years of employment, 3 months after 5 years of employment and 4 months after 10 years of employment.

## **Art. 16 Travelling allowance**

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*The employer shall refund the travelling expenses of a part-time work (return trip) at the public transport rate if the journey from the worker's domicile and the place of work exceeds 1.5 km as the crow flies.*

## **Art. 17 Protection of the employee's personality rights (art. 328 of the Swiss Code of Obligations)**

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<sup>1</sup> The employer shall ask his employee to carry out duties that comply with his training and skills.

<sup>2</sup> He shall refrain from any act of discrimination.

## **Art. 18 Days off work during the week (art. 329, paragraphs 1 and 2 of the Swiss Code of Obligations)**

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<sup>1</sup> *In principle, the weekly day off is granted on a Sunday. In all events, it must coincide with a Sunday at least twice a month.*

<sup>2</sup> *In addition to a complete day off, the worker shall be granted half a working day off per week. If the half-day off is granted in the morning, the worker shall return to work at 1.00 p.m. If the half-day off starts after 1.00 p.m., the worker shall not be required to return to work in the evening. Once a month, two half-days off shall form a complete Saturday.*

<sup>3</sup> *Provided the worker consents thereto, several days off may be grouped together at the most 3 times a year. The days off that are grouped together may not exceed 4 days.*

<sup>4</sup> The employer may replace board by an allowance which is calculated at least in line with the AVS standards in force.

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## Art. 19 Public holidays

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<sup>1</sup> The employer shall only be entitled to ask the worker to carry out the work that is strictly necessary on Sundays and public holidays.

<sup>2</sup> Workers are entitled to the following public holidays:

- a) 1<sup>st</sup> January;
- b) Good Friday;
- c) Easter Monday;
- d) Ascension Day;
- e) Whit Monday;
- f) 1 August;
- g) Jeûne genevois;
- h) Christmas;
- i) 31 December.

<sup>3</sup> Public holidays do not give rise to any reduction in the wages of workers who are paid on a monthly basis. The 1 August does not give rise to any reduction in the wages of workers who are paid by the hour.

<sup>4</sup> Employers may replace board by an allowance which is at least calculated in line with the AVS standards in force.

<sup>5</sup> Workers who are paid on a monthly basis and who are obliged to work on public holidays are entitled to a paid day off in lieu during the week prior or following the public holiday. This rule applies to workers who are paid by the hour and who work on 1 August.

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## Art. 20 Justified absences (art. 329, paragraph 3 of the Swiss Code of Obligations)

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<sup>1</sup> In addition to public holidays, employers shall grant the following leaves of absence without any reductions in wages:

- a) 3 days of leave for the worker's wedding or registration of a partnership;
- b) 3 days of leave for the birth of a child;
- c) 3 days of leave in the event of the death of a spouse, registered partner, father, mother or child;

d) 2 days of leave in the event of the death of a brother, sister or their spouse, grandparents as well as parents-in-law;

e) 1 day of leave in the event of the death of an uncle or aunt.

<sup>2</sup> In the case where the wedding, registration of a partnership, birth or funeral is to take place abroad and that the journey by train for a single journey last for more than 8 hours, the employer shall grant an additional paid day off.

<sup>3</sup> Employers may replace board by an allowance which is at least calculated in line with the AVS standards in force.

<sup>4</sup> The equivalent number of days off is granted if justified leaves of absence fall on a non-worked day or during holiday leave.

## **Art. 21 Holiday leave (art. 329a and 329d of the Swiss Code of Obligations)**

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<sup>1</sup> Workers are entitled to the following mandatory paid holiday leave :

a) 5 weeks until the age of 20 ;

b) 4 weeks from the age of 20 ;

c) 5 weeks after 20 years of employment ;

d) 5 weeks after the age of 50 and 5 years of employment with the same employer.

<sup>2</sup> During their holiday leave, workers are entitled to receive their wages in cash and, if they benefit from board and lodgings, to receive an allowance for the wages in kind that are at least calculated according to the AVS standards in force.

<sup>3</sup> During their holiday leave, workers who work part time are entitled to an allowance which is calculated as follows :

a) 8.33 % of the gross wages in kind paid during the last 12 months if they are entitled to 4 week's holiday leave ;

b) 10.64 % of the gross wages in kind paid during the last 12 months if they are entitled to 5 week's holiday leave ;

c) if the worker benefits from board or lodgings, he is entitled to an allowance for the wages in kind that are at least calculated in line with the AVS standards in force.



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## CHAPTER V TERMINATION OF EMPLOYMENT RELATIONSHIPS

### **Art. 22 During the probation period (art. 335b of the Swiss Code of Obligations)**

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*The first two months of employment are considered to be the probation period during which each party may terminate the contract of employment with 5 net calendar days' notice.*

### **Art. 23 After the probation period (art. 335c of the Swiss Code of Obligations)**

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<sup>1</sup> *At the end of the probation period and irrespective of its duration, the contract of employment may be terminated by either party provided one month's notice is given for the end of the month.*

<sup>2</sup> *The notice must be given in writing. It is nevertheless valid if the author is able to prove that the recipient indeed had knowledge thereof.*

<sup>3</sup> *The worker shall be freed of his obligations at the latest on the last day of the notice period at 4.00 p.m. If the said notice period falls on a Sunday or public holiday, the worker shall be freed of his obligations on the prior working day.*

## CHAPTER VI AUTHORITIES

### **Art. 24 Supervision**

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<sup>1</sup> The supervisory body is the Cantonal Office for the Inspection of Employment Relationships.

<sup>2</sup> It is in particular in charge of ensuring that the minimum wages, the working conditions of young people and trainees as well as the safety conditions of the facilities are complied with.

### **Art. 25 Jurisdiction**

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The Industrial Tribunal shall have jurisdiction to hear any or all individual disputes relating to this standard contract of employment.

## CHAPTER VII FINAL PROVISIONS

### **Art. 26 Repealing clause**

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The standard contract of employment for domestic workers who work both full and part time of 30 March 2004 is repealed.

### **Art. 27 Entry into force**

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This standard contract of employment shall come into force on 1 January 2012.

**The President of the Chamber: Gabriel AUBERT**

## APPENDIX

This standard contract of employment can be downloaded from the website of the legislation service of the Canton of Geneva, at the following address :

[http://www.ge.ch/legislation/rsg/f/rsg\\_jl\\_50p0.html](http://www.ge.ch/legislation/rsg/f/rsg_jl_50p0.html)

The Federal Ordinance of 6 June 2011 on Private Household Employees can be downloaded at the following website: <http://www.admin.ch/ch/f/rs/1/192.126.fr.pdf>

The AVS standards are taken from article 11 of the Regulations on the Old-Age and Survivors' Pension Scheme ([http://www.admin.ch/ch/f/rs/831\\_101/a11.html](http://www.admin.ch/ch/f/rs/831_101/a11.html))

### On 1 January 2014, the relevant amounts were as follows :

	Per day
- breakfast	CHF 3.50
- lunch	CHF 10.00
- evening meal	CHF 8.00
- lodgings	CHF 11.50
<b>Daily grand total</b>	<b>CHF 33.00</b>

The gross minimum wage, without additional payments for paid holiday and public holiday leave, is obtained by dividing the gross minimum monthly wage by the 195 hours worked per month corresponding to 45 working hours per week (for example, a non-qualified employee : CHF 3,700/ month : 195 hours = CHF 19/hour).

Additional information is available on the website of the Cantonal Office for the Inspection of Employment Relationships (OCIRT) at the following address: <http://www.ge.ch/ocirt/> (follow the link "Standard contracts of employment").

**Source : [www.ge.ch](http://www.ge.ch)**

*Only the official version shall be binding.*

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## NOTES

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### Design

Pascal Gondrand, Saint Clotilde Parish and International Catholic Centre of Geneva, 2015

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### Pictures

paroisse catholique romaine de Sainte-Clotilde, Genève, CCIG, OIT, ECR Genève, République et Canton de Genève, Ville de Genève, OIM, Confédération Suisse, Communauté catholique de langue portugaise, Genève, Centre de Contact Suisse-Immigrés, « Aucune employée de maison n'est illégale »

