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Dr. Abdul Latif Bin Rashid Al Zayani
Secretary General
Gulf Cooperation Council for the Arab
States of the Gulf
Gulf Cooperation Council Building
King Khaled Road
Diplomatic Area 7153
Riyad
Saudi Arabia

EQ/MK

1st July 2013

‘Standardised Employment Contract’ for Migrant Domestic Workers

Dear Dr. Al Zayani,

The ITUC welcomes the initiative by the Gulf Cooperation Council (GCC) to draw up a “Standardised Employment Contract” (Contract) for migrant domestic workers, which is scheduled for adoption at the GCC Conference in Bahrain on October 2013. This is an urgent matter, as the exploitation and abuse of migrant domestic workers in the Gulf region remains a very serious problem.

However, we regret that many provisions of the proposed Contract do not comply with ILO Convention 189 (C189), the Domestic Workers Conventions. Further, many key issues are simply not reflected in the Contract. All member states of the GCC supported the adoption of C189 at the ILO Conference in Geneva (16 June 2011). Issuing a Contract in line with C189 is an important opportunity for the GCC to reconfirm its commitment to the rights of migrant domestic workers. The ITUC urges you to amend the Contract consistent with our comments in the attached document, which are based on the relevant provisions of C189 as well as our practical experience in the implementation of employment contracts. Further, we expect that the adoption of the Contract will be accompanied by mechanisms to secure its effective implementation at the national level.

In addition to amendments to the Contract, your government will need to amend domestic labour laws without delay to ensure their consistency with C189. Some GCC member states have drafted new legislation, but they have yet to be enacted. In some States, incomplete standard employment contracts constitute the only form of legal protection for migrant domestic workers.

The ITUC extends our firm commitment to work with you to ensure that migrant domestic workers in your country and in the region have the rights and remedies to which they are entitled under international law.

We do want to highlight positive initiative in the region, which we hope are discussed at the GCC Conference. For example, in 2012, Bahrain extended provisions of its labour law to domestic workers, including those related to labour contracts, wage calculation, annual leave, dispute settlement and the right to freedom of association. We also take positive note of the bilateral agreement between Saudi Arabia and the Philippines on Filipino Household Service Workers. This agreement includes a minimum wage floor of \$400, paid vacation leave, a prohibition on deductions of agency fees from wages, a prohibition on contract substitution on arrival, recruitment via licensed recruitment agencies only, regulation of work time and rest periods and a 24-hour mechanism for domestic workers' assistance.

In closing, we again urge you to take our observations on the Contract into account. By doing so, we believe that migrant domestic workers will have greater protections at work and the GCC will move close into line with the provisions of C189. We look forward to your response.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. B.', with a stylized flourish at the end.

General Secretary

Encl. ITUC Comments on Draft Standardised Employment Contract
Cc: ILO Regional Office