

GUIDE FOR
EMPLOYERS

Your Guide to Employing a Migrant Domestic Worker

A Shelter Me initiative

FOR MORE INFORMATION, contact shelterme@migrant-rights.org

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Your Guide to Employing a Migrant Domestic Worker

Qatar is home to thousands of migrant domestic workers (MDW). From cleaning and cooking to caring for children, the elderly and the ill, domestic workers contribute significantly to the maintenance of homes in Qatar. Like any other employer-employee relationship, the one between you and the domestic worker needs nurturing.

Shelter Me, a partnership between Migrant-Rights.org, Hivos and Migrant Care, has published this Guide to help you develop a healthy and mutually beneficial working relationship with your employee. This Guide recognizes that you play an important role in helping the MDW settle into work and life in Qatar, and lays down your's and your employee's rights and responsibilities.

The employee-employer relationship shall be based on the ideals of social justice and shall be regulated by law.



SECTION 01

Before you decide to employ a domestic worker

- 1 Have you thought about the tasks you will need help with?

- 2 Have you thought about the primary tasks you want her to fulfill and the qualities and skills she will need to fulfill these tasks?

If you expect the domestic worker to care for children you have to consider the skills you may require her to possess. Does she have experience caring for children? Is she able to communicate with your children? Is she acquainted with child-safety issues in and outside the home?

- 3 Have you allocated a budget to recruit and employ a domestic worker?

- 4 Have you thought about her living arrangement with a comfortable space in your house which respects her privacy and yours?

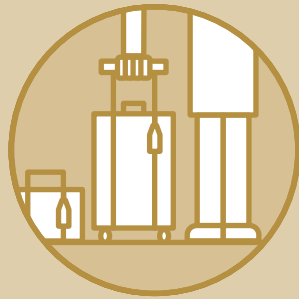
SECTION 01 continued

Before you decide to employ a domestic worker

- 5 Are you and your family members ready to have a newcomer living in your home?

At an employers group discussion one employer explained, how it was sometimes difficult to find the right balance. “For example at dinner time: you want this to be a family time but at the same time you don’t want to be rude and tell her to leave the room. You want her to be part of the family but at the same time she isn’t family”.

- 6 Are you aware of laws and best practices relating to the employment of foreign labor in Qatar?



SECTION 02

Do you know?

- 1 Domestic workers are not expressly included in the Qatar labor law, and are consequently governed only by the Sponsorship (Kafala) law. This means the responsibility of ethically determining most of the terms and conditions of her work rests with you, and the Qatar Labor Law serves as a guideline in deciding contractual terms and conditions such as decent conditions of work, reasonable hours of work, wages, leave entitlement and payment for overtime. (www.qatarlaborlaw.com).
- 2 It is unlikely that the employee has had a complete and intensive training before departure. Be prepared to teach, supervise and manage her.
- 3 Under Qatari law employers cannot employ someone who is not under their sponsorship, unless the worker has express, written permission from the worker's current sponsor. (<http://portal.www.gov.qa/wps/portal>)
- 4 Your employee may come from a country which has a fixed minimum wage for domestic workers. Speak to the embassy of her country to find out if they have a minimum wage requirement.



SECTION 03

How to recruit?

- 1 Will you hire her through a recruitment agency?
- 2 Will you hire her privately, through referrals from friends/family?
- 3 Will you hire her locally by transferring sponsorship from her current employer?

DID YOU KNOW?

- Not all recruitment agencies in Qatar are registered.
- Over a 100 agencies based in Qatar are registered with the Philippines Embassy.
- Consider the reputation and registration of the agency before contracting.



SECTION 04

Your rights and responsibilities

- 1 You have a right to speak to your employee before her arrival in Qatar.
- 2 You need to explain the nature of the work she is expected to perform and general information relating to your household.
- 3 Give her a written employment contract in a language she understands. This will help her to be clear about what is expected of her. Signing the contract yourself and requiring her to sign it will give this document added weight and value. You may speak to the National Human Rights Committee (<http://www.nhrc-qa.org/>) for drafting a contract in the domestic worker's language. *See Section 5 for a suggested contract of employment.*
- 4 Her maintenance including food, accommodation and medical expenses are your responsibility. These expenses should not be deducted from her salary. You must enforce your employee's right to access medical care and bear the full cost of it including hospitalization. Ensuring that she has a Health Card from HMC will subsidise medical expenses.
- 5 Every worker has a right to know the maximum number of hours he/she is expected to work. So does your employee. Specify the beginning and end of her working day in her contract. Working hours are shorter in Ramadan.

SECTION 04 continued

Your rights and responsibilities

- 6 Domestic workers are entitled to a weekly rest day. However if she agrees to work on her rest day, she is entitled to remuneration. Ensure that you record this agreement in writing to avoid misunderstandings. Alternatively you may replace the rest day forgone with another day in the same month.

- A proper rest day is one that gives your employee a complete emotional and physical break from her work life.
- Educating her about cultural and legal boundaries in Qatar is your responsibility.

- 7 Decide her salary responsibly, bearing in mind that she maybe from a country that has a fixed minimum wage. Remember that a well-remunerated employee will work better. You must keep a record of all salary payments signed by her and you. You should not delay or withhold payment of salary under any circumstances, nor should you deduct any maintenance cost such as food or lodging from her salary. Discuss and agree upon the terms under which you will give her a salary advance should she request.
- 8 Agency charges incurred by you in the process of recruitment is not her responsibility. Employment agency charges should not be deducted from her salary.
- 9 As her sponsor, you are obligated by law to comply with emigration regulations relating to her. Make sure she receives her residence permit and health card as early as possible. She must retain these documents in her possession at all times.
- 10 Your employee should be repatriated when the contract comes to an end. You must bear cost of repatriation and settle all outstanding monies and salary prior to her departure.

SECTION 04 continued

Your rights and responsibilities

- 11 It is important that the conditions under which you or the employee may initiate termination before the end of the contract period are specified in the employment contract. It's reasonable that these conditions include calculation and payment of wages, end of service gratuity and cost of airfare.
- 12 You are responsible for her supervision and management. Give her enough instructions, training and supervision to work in a safe and healthy manner.
- 13 It is the recruitment agency's obligation to meet the requirements requested by you pre-recruitment. These requirements include age, experience, skills, and language.
- 14 Your employee must respect the terms of the contract you have agreed upon with her.

THE MDW'S LEGAL OBLIGATIONS

Migrant Domestic Workers are under obligation to respect general laws and those relating to her specific visa.

- She must undergo medical examination and undertake fingerprinting.
- She must work only for the sponsor mentioned in her visa.
- She cannot be involved in a business owned by her or someone else.
- She must perform only those duties related to the household she is employed in.

SECTION 05

CONTRACT OF EMPLOYMENT

EMPLOYER /SPONSOR.

Name: _____
 Nationality: _____
 Passport number: _____ Contact number: _____
 Address: _____

EMPLOYEE /DOMESTIC WORKER:

Name: _____
 Nationality: _____
 Passport number: _____ Contact number: _____
 Address: _____
 Name and contact number of father/husband/kin: _____

1. The employer, _____ (name of employer) agrees to employ _____ (name of employee) as a domestic worker at the employer's residence located in the address mentioned above.
2. Both parties agree to abide by all the obligations and regulations stipulated in this contract.
3. Employment will begin on --/--/---- and continue until --/--/---- or this contract is renewed by both parties or terminated according to clause number 11.
4. The employer undertakes the responsibility of providing adequate food and drink to the employee.
5. The employer shall provide safe and suitable accommodation to the employee.
6. The employer shall bear the cost of the employee's medical care and treatment.

7. WORK AND REST

7.1 The employer agrees to task the employee only with tasks/duties related to the maintenance of her home and it's permanent inhabitants in a reasonable manner.

7.2 The employee is obligated to abide by this contract, and perform the tasks agreed between the two parties competently.

SECTION 05

7.3 The employee will work no more than ----- hours a week. Reasonable working hours will be agreed between the two parties taking into account rest/break periods.

7.4 Meal times and time used for sleeping will not be considered rest/break times.

7.5 The employee shall have two or more rest periods during her working day.

7.6 _____ shall be the employee's weekly rest day.

8. WAGES

8.1 The employer agrees to pay the employee a monthly salary of Qatari Riyals _____ (in words and numbers).

8.2 The salary shall be paid on the last day of every month in cash or bank transfer upon the request of the employee and with the help of the employer.

8.3 Cost of food, drink or accommodation will not be deducted from the employee's monthly wage.

8.4 Agency fees, travel and other related costs incurred by the employer, in the course of recruitment will not be deducted from the employee's monthly wages.

8.5 Salary advances paid to the employee upon request shall be deducted from the monthly salary.

9. GOOD TREATMENT

9.1 The employer undertakes to treat the employee with dignity, and ensure her wellbeing and safety.

9.2 The employee undertakes to treat the young, elderly and disabled members of the employer's residence with necessary care and competence.

9.3 The employee promises to maintain the privacy of the household and not share photographs or details of the family, especially minor children.

10. COMMUNICATION

10.1 The employer undertakes to help the employee communicate with family, and the embassy of her country of origin on request.

10.2 The employer agrees to purchase a SIM card, and _____ number of reload cards at the value of QR. _____ each, every _____ week/month period.

SECTION 05

11. CONTRACT LENGTH

11.1 The length of this contract shall be for two years from the date of the employee's arrival in Qatar.

11.2 At the expiration of the contract period (without renewal) the employer shall bear the cost of the employee's airfare back to her place of origin.

11.3 This contract may be renewed by mutual agreement between, and free-will of both parties.

11.4 In case of renewal, the employee is entitled to a thirty-day vacation before the commencement of the second term. The employer shall bear the cost of the return air ticket and provide one month-salary to the employee.

11.5 The employer or the employee may initiate the termination of the contract before the end of the contract period. The party initiating the termination shall provide 30-days notice. Should the employer initiate termination, she shall provide the repatriation ticket and one month's salary.

12. DEATH AND BURIAL

In the event of the employee's death during this contract period and during the course of employment, the employer shall undertake the repatriation of the remains and personal belongings to the employee's home country. The employer shall pay any compensation due to the employee's heirs within one month of the latter's death.

Disclaimer: This is only a suggested contract with minimum standards and does not stand in the place of any official document that might be required by the governments of sending and receiving countries. If you would like a soft copy of this contract, please contact shelterme@migrant-rights.org



SECTION 06

Your employee's rights and responsibilities

- 1 Your employee must be informed of the terms and conditions of employment in an easily understandable manner, preferably through a written contract prior to travelling to your country. This will help her understand the work that she is expected to do and will remove many miscommunications that may otherwise arise between you and your new employee.
- 2 You must respect the terms and conditions that you have agreed with her.
- 3 She has a right to reasonable working hours, with maximum work hours a week specified. The Qatar labor law serves as a guideline in stipulating reasonable working hours.
- 4 Your employee is entitled to have suitable periods of rest during the working day, which allow for meals and breaks to be taken. This too must be stated in her contract.
- 5 Her residence permit, passport and health card are to be kept in her possession.
- 6 A domestic worker is entitled to access communication and communication devices. Bear in mind that she may be homesick and longing to speak to her folks back home. Mention in the employment contract if you would be providing her with mobile reload card/s.

SECTION 06 continued

Your employee's rights and responsibilities

If you are concerned that she maybe on the phone during her work hours, set clear guidelines for phone use. Ensure she knows when she may and must not use the phone. Denying her access to a personal phone amounts to the violation of a basic human right: i.e. to be in communication with one's family.

- 7 She is obliged to perform the domestic duties requested by you competently. Bear in mind that she maybe in need of your supervision and management before she is able to perform some tasks as well as you expect.
- 8 Your employee has a right to know the conditions under which she will be prematurely repatriated should you decide to do so. Similarly you must discuss the conditions under which she may request premature repatriation should she decide to do so.
- 9 Your employee is entitled to a day off. Decide her day off with her input, taking into account her work exigencies and the cultural, religious and social requirements she may have.
- 10 Your employee has a right to the wages stipulated in the contract. Her salary must be paid in cash directly at regular intervals of no longer than one month.
- 11 You must ensure that your employee is not subject to neglect, exploitation, ill treatment, verbal or physical abuse by you, your family members or people she comes into regular contact with, in the course of her employment.



SECTION 07

Calculating working hours

- 1 Many employers and domestic workers have low consciousness of work being real work. Keeping a record of the hours they work therefore is a means of gaining consciousness of their working time, of the tasks they perform in a day, and of their overall contribution to the household.
- 2 While many domestic workers do keep a record of the salary they receive, it is quite rare that they record the number of hours they work and connect it to the salary they receive. However, recording pay along with working hours helps to create an association between the hours worked, and the wages paid, a relationship of critical importance to ensuring the rights of domestic workers.
- 3 The Right to Play i.e. the right to rest from work and relax is a basic human right. Rest and relaxation time is not limited to time used for sleeping. Your employee has a right to access leisure activities and public spaces.
- 4 Introduce her the timesheet in page 19 to record and calculate working hours, breaks, daily rest, weekly rest and wages.

Weekly Time Sheet

DAY	WORKING HOURS			BREAKS		DAILY REST/SLEEP		
	Start Time	End Time	Total Hours Worked	Start Time	End Time	Start Time	End Time	Total Hours of Rest
SUNDAY								
MONDAY								
TUESDAY								
WEDNESDAY								
THURSDAY								
FRIDAY								
SATURDAY								

Name of Employer

Name of Employee

Week Starting

Week Ending



SECTION 08

Making the relationship work

A family's contract with a live-in domestic worker is unlike any other employment relationship. It stands to benefit both parties to begin this relationship with an open and honest discussion, setting boundaries and expectations.

To this end, here are some suggestions:

- 1 Recognize that you and your employee can work together to make your home a place of respect and kindness.

SETTLING DOWN

- 2 Understand that she comes from a different culture. Her values and lifestyle are unlike yours. You will both need time to acquaint yourself with each other. Encourage communication and set clear guidelines for communication.
- 3 Educating yourself about her culture, religion and family will help you make informed choices when interacting with her.
- 4 Educating her about the cultural and legal boundaries in Qatar will help reduce misunderstandings.

SECTION 08 continued

Making the relationship work

- 5 Speak to your children about the way they should treat her, and her role in the house. Ensure that your family and especially children are aware of and respect her rest times and day off. Talk to her about boundaries she may need to maintain with your husband. Simply put, make sure that your family is ready to have a domestic worker living in your home.
- 6 Provide her with essentials like bed linen, towel/s, a winter blanket, toiletries and SIM card. Decide and communicate if you will provide other personal items she may need/like for example a TV, iron board, or refrigerator in her room.

WORK WISE

- 7 Create a clear task list in the employee's language, it maybe easier to break her tasks down to daily, weekly and monthly tasks. If she is unable to read/write you may communicate her tasks pictorially.
- 8 Explain the task list and ensure she understands what's expected of her. Provide clear instructions, and give her time to learn tasks she is unfamiliar with.
- 9 Encourage her to track hours to increase productivity and help her to value the work she performs for you.
- 10 Talk to her about hygiene in food preparation, cleanliness in the home and personal hygiene and ensure that she understands what is expected of her.
- 11 Encourage her to talk to you if she has questions or problems.

SECTION 08 continued

Making the relationship work

REST & RECREATION

- 12 Being well rested will help her to stay physically fit and value the work she performs for you.
- 13 Being in contact with family & friends will give her the emotional security she needs to stay healthy. Help her to settle into work and life in Qatar by allowing her to communicate with family and friends.

MONEY WISE

- 14 Many domestic workers come from extreme poverty. Consider educating her on her fiscal status.
- 15 Consider opening a bank account and making salary payments electronically to maintain records and avoid discrepancies.



SECTION 09

Those little things...

- 1 Your employee will work more efficiently and to your satisfaction if she is provided with the right tools, products and protective gear (ex: gloves). Consider what tools, products and protective gear you would like her to use and what she is comfortable using.
- 2 Time spent by domestic workers accompanying the household members on holiday should not be counted as part of their paid annual leave.
- 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 should be regarded as hours of work.
- 4 Consider the arrangements you will make for her during the summer vacation. Do you intend to leave her with a trusted friend? Have you notified the immigration department of your intention to allow your employee to work temporarily at another residence? Do you intend to inform her of the tasks she will perform for the temporary family? How will she be compensated? Who will compensate her? These are some questions that you need to answer before you make arrangements for her.

SECTION 09 continued

Those little things...

- 5 Consider stipulating paid annual leave in your employee's contract. In Saudi Arabia domestic workers are entitled to 15 days of paid leave annually.
- 6 Consider how you will compensate her when she works extra hours [outside the time period stipulated in her contract; written or verbal], night work and weekends.



SECTION 10

Checklist

- Contact details of kin
- Contract
- Task List
- Pay Slips



SECTION 11

Employing a part-time worker

If you feel that the financial or legal obligations of employing a live-in domestic worker are onerous, the next best alternative is to employ a part-time live-out worker.

While you will not shoulder the responsibilities of a sponsor, employing a live-out domestic worker is not without responsibility on your part.

Before you contract a maid agency or cleaning company consider the following:

- 1 Maid agencies/cleaning companies, are required by law to be registered. Verify if your chosen agency is registered. Visit the agency's or company's website for information.
- 2 Verify if the agency is paying their employees a fair living wage and providing suitable accommodation and health care. It is not uncommon to find part-time workers who have been subject to contract substitution (being paid less than the wage agreed by the company/agency, being forced to undertake food and accommodation expenses themselves although agreed otherwise).
- 3 Some cleaning companies/maid agencies require their employees to work as live-in domestic workers, effectively subjecting a part-time worker to a live-in domestic worker's contract. This practice is illegal.

SECTION 11 continued

Employing a part-time worker

- 4 Once you employ a live-out domestic worker look out for signs of physical abuse, maltreatment and forced labor.

ACCORDING TO THE QATAR PENAL CODE

“Whoever forcibly, takes somebody to work with or without salary shall be liable to imprisonment of a term up to six months and a fine not exceeding three thousand Qatari Riyals (QR 3.000), or one of these two penalties.”

Abuse, forced labor and maltreatment should be reported to the worker's embassy or the National Human Rights Committee.



SECTION 12

Useful Contact Information

National Human Rights Committee	Telephone: 44048844 E-mail: info@nhrc.org.qa Website: http://www.nhrc-qa.org/
Human Rights Department/ Ministry of Interior	Telephone: 44890111 Email: hrd@moi.gov.qa
Embassy of India	Labour & Community Welfare Helpline: Telephone: 44255704/ 55572871 E-mail: dcm.doha@mea.gov.in General inquiries: 4425 5777
Embassy of Indonesia	Hotline: 33322875 www.kbridoha.com General inquiries: 44657945, 44664981, 44657436, 44662759

SECTION 12 continued

Useful Contact Information

Embassy of Kenya	Telephone: 44931870 Fax: 44831735 Email: information@kenyaembassydoha.com
Embassy of Nepal	Telephone: 44675681, 44675683 Email: nembdoha@gmail.com , Website: www.nembdoha.com
Embassy of Sri Lanka	Telephone: 4467 7627, 4467 7647 Email: lankaemb@qatar.net.qa
Embassy of Philippines	Assistance to Nationals - 4483 2560 Ext 33 Philippine Overseas Labor Office (POLO) - 44884485; 44861220; 44868001

Notes

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