



Your Guide to

Employing a Migrant Domestic Worker in Kuwait

Developed by **Project Bridges**

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YOUR GUIDE TO EMPLOYING A DOMESTIC WORKER: KUWAIT

Domestic workers have become a necessity in many households around Kuwait. Tasked with cooking, cleaning and caring for the elderly and the ill, domestic workers play a prominent role in the maintenance of homes in Kuwait. Similar to any other employer-employee relationship, the one between you and the domestic worker you hire is one that needs nurturing and sustenance. This guide will allow you to understand the nature of being an employer of a domestic worker in Kuwait and what your rights and obligations are under Kuwait's Domestic Worker Law.

Bridges, a partnership between Hivos and Migrant-Rights.org, 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 Kuwait, and lays down both your rights as an employer and your employee's rights and responsibilities.

ARTICLE 22, KUWAIT CONSTITUTION OF 1962

“While keeping to the rules of social justice the Law shall, regulate the relations between laborers and employers and the relations between landlords and their tenants.”

SECTION 1

PRE-EMPLOYMENT: THINGS TO KEEP IN MIND

1. Do you have a list of tasks that require the help of a domestic worker?
2. Have you kept in mind the types of tasks you will require the domestic worker to fulfill? Have you considered the qualities and skill sets that they need to possess in order to fulfill the task(s) required of them?
 - » *If you expect the domestic worker to care for children you have to consider the skills you may require them to possess. Do they have experience caring for children? Are they able to communicate with your children? Are they acquainted with child-safety issues in and outside the home?*
3. Have you kept in mind the needed budget to recruit and employ a domestic worker?
4. Does your budget allow you to pay the domestic worker on a regular monthly basis?
5. Have you considered whether the employee will be living in your household or in another housing arrangement? If not in your household, what are the living conditions in the off-site housing arrangement?
6. Other than the required salary, are you able to take care of your domestic worker's medical expenses, clothing and needed paperwork during the two-year period?
7. What will the household arrangement be like? Does it meet the basic living conditions criteria?
8. Living in your household, will the domestic worker have their own personal space? Will they be able to respect your privacy and have their own privacy cherished?

9. Are you and your family members able to accept having a newcomer living in your home? Will your children be able to respect another adult in the household?
10. Are you considering recruiting more than one domestic worker? Will they be of the same nationality? Speak the same language?
11. Are you aware of the Kuwaiti laws regarding employing a migrant domestic worker in Kuwait? Are you aware of the optimal practices in regards to employing a domestic worker in Kuwait?

» *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.”

SECTION 2

ARE YOU AWARE THAT...

1. Domestic workers are not expressly included in the Kuwait labor law but have a Domestic Workers Law that protects them. Ultimately, it is you, the employer's responsibility, to ensure that the employees' rights are practiced and protected.
2. It is unlikely that the employee has had a complete and intensive training before departure. Be prepared to teach, supervise and manage them.
3. Under Kuwait law employers cannot employ someone who is not under their sponsorship, unless the worker has express, written permission from the worker's current sponsor.
4. Your employee may come from a country which has a fixed minimum wage for domestic workers. Speak to the embassy of their country to find out if they have a minimum wage requirement.
5. The domestic worker you hire may not know the local language, culture and religion. It is your responsibility to advise them on the mannerisms of Kuwaiti culture.
6. To ensure that the hired employee has come to work in Kuwait as a domestic worker by consent, ensure that you are able to speak to them before they arrive in Kuwait, or at least, before they come home and verbally verify their consent.
7. It is your responsibility to ensure the safety of the domestic worker while living in your household.

ARTICLE 8, KUWAIT DOMESTIC WORKER LAW

"The payment of the monthly wage to the domestic worker is to start from the actual date that the worker began working for the employer. It is not permissible under any circumstances to deduct any portion of the wages."

8. The domestic worker has the right to provide claims of maltreatment and abuse to the The Department of Domestic Labour. The employer cannot assign any work that can conflict harm upon the employee's health or dignity

SECTION 3

WHAT ABOUT THE RECRUITMENT PROCESS?

1. Are you going to hire the domestic worker through a recruitment agency in Kuwait?
2. Are you going to hire them privately, through referrals from friends or family?
3. Are you going to hire them locally by transferring sponsorship from a current employer?

Did you know?

-
- » *Not all recruitment agencies in Kuwait are registered.*
 - » *It is important to consider the reputation and registration of the agency before contracting.*
-
- » *It is always more safe to go through the embassy for recruitment.*

TIPS

1. Make sure the recruitment agency is not obliging the worker to pay any application or “hidden” fees in their country of origin.
2. Talk to local embassies for more information for trusted agencies and the legal process of hiring a domestic worker through them.
3. Visit the Department of Domestic Labour in Kuwait if you have any doubts regarding a certain agency and its practices.
4. Try to meet the worker you are hiring and have a conversation with them prior to signing the contract. Preferably, speak in private with the absence of the recruitment agency official.

SECTION 4

YOUR RIGHTS AND RESPONSIBILITIES

1. You, the employer, have the right to contact the employee prior to their arrival in Kuwait.
2. You are required to express both verbally as well as in writing (the contract) the nature of the work that the domestic worker is expected to carry out as well as a general overview of your household.
3. You are required to give the employee a written contract in a language that they understand. Having a contract keeps both their responsibilities as well as yours clear and protected in front of the law. Give them a written employment contract in a language they understand. This will help them be clear about what is expected of them. Signing the contract yourself and requiring them to sign it will give this document added weight and value. [{See Section 5 for a suggested contract of employment}](#).
4. The domestic worker's accommodation, food and medical expenses are your responsibility. Such expenses cannot be deducted from the worker's salary. As an employer it is your responsibility to pay the necessary cost of stamps at the local clinic and if needed, the cost of the hospital stay at either a public or private hospital.
5. It is also your responsibility that any needed sick leaves are respected and necessary medicinal products are provided to the employee when needed.
6. Every worker has a right to know the maximum number of hours they are expected to work. The maximum hours your employee is to work is twelve hours per day. Specify the beginning and end of their working day in their contract. Please keep in mind that working hours are shorter in Ramadan.
7. Domestic workers are entitled to a weekly rest day. However if they agree to work on their rest day, they are entitled to remuneration. Ensure that you record this agreement in writing to avoid misunderstandings. Alternatively you may replace the rest day foregone with another day in the same month.

{A proper rest day is one that gives your employee a complete emotional and physical break from their work life. Educating them about cultural and legal boundaries in Kuwait is your responsibility}

8. Decide on a salary responsibly, bearing in mind that the employee may be 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 you and them. It would be beneficial to use the salary documentation booklet provided by the recruitment agency.*
 - » *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 their salary. Discuss and agree upon the terms under which you will give them a salary advance.*
9. Agency charges incurred by you in the process of recruitment is not the responsibility of the employee. Employment agency charges should not be deducted from their salary.
10. As the sponsor, you are obligated by law to comply with emigration regulations relating to them. Make sure the employee receives their civil id and residence permit as soon as possible. Remember that the employee must retain these documents in their possession at all times. It is also your responsibility that their civil id is renewed after the end of the first year and all necessary payments are upheld by you, the employer.(Refer to our document renewal schedule to keep track.)
11. 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 their departure.
12. It is important that the conditions under which you or the employee may initiate termination before the end of the contract period is specified in the employment contract. It is reasonable that these conditions include calculation and payment of wages, end of service gratuity and cost of airfare.
13. You are responsible for the employee's supervision and management. It is your responsibility to provide enough instructions, training and supervision to work in a safe and healthy manner.

1. It is the recruitment agency's obligation to meet the requirements requested by you pre-recruitment. These requirements include age, experience, skills, and language.
2. Your employee must respect the terms of the contract you have agreed upon with them.

ARTICLE 12, DOMESTIC WORKER LAW

"The Employee is not allowed to keep in his possession any of the domestic worker's personal identity documents, such as passport or civil status card, unless the domestic worker has agreed thereof."

SECTION 5

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 Kuwait. This will help them understand the work that they are 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 them.
3. The employee has a right to reasonable working hours, with maximum work hours a week specified. The Kuwaiti Domestic Worker law labor stipulates that the worker may not work more than 12 hours a day, with a 1 hour break every 5 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 their contract.
5. The domestic worker has the right to keep possession of all their personal items including their residency, civil id, passport and other paper work, such as a copy of the employment contract in their language.
6. A domestic worker is entitled to have access to communication and communication devices. Bear in mind that they may be homesick and longing to speak to their family back home. Mention in the employment contract if you would be providing them with mobile reload card/s.

» *If you are concerned that they maybe on the phone during their work hours, set clear guidelines for phone use. Ensure they knows when they may and must not use the phone.*

Denying them 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. They are obliged to perform the domestic duties requested by you competently. Bear in mind that they may be in need of your supervision and management before they are able to perform some tasks as well as you expect. Train your domestic worker with the standards you expect them to fulfill.
8. Your employee has a right to know the conditions under which they will be prematurely repatriated should you decide to do so. Similarly you must discuss the conditions under which they may request premature repatriation should they decide to do so.
9. Your employee is entitled to a day off. Decide their day off with their input, taking into account their work exigencies and the cultural, religious and social requirements they may have.
10. Your employee has a right to the wages stipulated in the contract. Their salary must be paid in cash directly at regular intervals of no longer than one month. If a delay is anticipated, the worker must be told in advance. According to Kuwait's Domestic Law, for every month of salary delay, the employee is entitled to Ten Kuwaiti Dinars for every month the wage is not paid on time.
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 they come into regular contact with, in the course of their employment.

THE MDWS LEGAL OBLIGATIONS

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

- » *They must undergo medical examination and undertake fingerprinting*
- » *They must work only for the sponsor mentioned in their visa*
- » *They cannot be involved in a business owned by them or someone else*
- » *They must perform only those duties related to the household they are employed in*

SECTION 6

CALCULATING WORK HOURS

1. Many employers and domestic workers have low consciousness of their 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. Please refer to our task list.
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 Rest 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 them to this timesheet to record and calculate working hours, breaks, daily rest, weekly rest and wages.
5. Are you and your family members able to accept having a newcomer living in your home? Will your children be able to respect another adult in the household?
6. Are you considering recruiting more than one domestic worker? Will they be of the same nationality? Speak the same language?

Appendix a:
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 WORKED
SUNDAY								
MONDAY								
TUESDAY								
WEDNESDAY								
THURSDAY								
FRIDAY								
SATURDAY								

NAME OF EMPLOYER: _____ NAME OF EMPLOYEE: _____

WEEK STARTING: _____ WEEK ENDING: _____

SECTION 7

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:

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

SETTLING DOWN

- » Understand that they come from a different culture. Their values and lifestyle are unlike yours. You will both need time to acquaint yourselves with each other. Encourage communication and set clear guidelines for communication.
- » Educating yourself about their culture, religion and family will help you make informed choices when interacting with them.
- » Educating them about the cultural and legal boundaries in Kuwait will help reduce misunderstandings.
- » Speak to your children about the way they should treat them, and their role in the house. Ensure that your family and especially children are aware of and respect their rest times and day off. Talk to them about boundaries they 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.
- » Provide them with essentials like bed linen, towel/s, a winter blanket, and necessary toiletries and SIM card. Decide and communicate if you will provide other personal items they may need/like for example a TV, ironing board, or refrigerator in their room.

WORK-WISE

- » Create a clear task list in the employee's language, it may be easier to break their tasks down to daily, weekly and monthly tasks. If they are unable to read/write you may communicate their tasks pictorially.
- » Explain the task list and ensure they understand what's expected of them. Provide clear instructions, and give them time to learn tasks they are unfamiliar with.
- » Encourage them to track hours to increase productivity and help them value the work they perform for you.
- » Talk to them about hygiene in food preparation, cleanliness in the home and personal hygiene and ensure that they understand what is expected of them.
- » Encourage them to talk to you if they have questions or problems.

REST & RECREATION

- » Being well rested will help them stay physically fit and value the work they perform for you.
- » Being in contact with family & friends will give them the emotional security they need to stay healthy. Help them to settle into work and life in Kuwait by allowing them to communicate with family and friends.

MONEY-WISE

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

SECTION 8

THOSE LITTLE THINGS...

1. Your employee will work more efficiently and to your satisfaction if they are provided with the right tools, products and protective gear (ex: gloves). Consider what tools, products and protective gear you would like them to use and what they are 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 them during the summer vacation, with their consent. Do you intend for them to stay with a trusted friend? Would they stay with an unknown family in the event you fail to find a known family? Have you notified the immigration department of your intention to allow your employee to work temporarily at another residence? Do you intend to inform them of the tasks they will perform for the temporary family? How will they be compensated? Who will compensate them? These are some questions that you need to answer before you make arrangements for them.
5. Consider stipulating paid annual leave in your employee's contract. Please ensure that such matters fall within the boundaries of the Domestic Worker law. The law states that it shall be one month wage per year.
6. Consider how you will compensate them when they work extra hours [outside the time period stipulated in their contract; written or verbal], night work and weekends. Making salary payments electronically to maintain records and avoid discrepancies.

SECTION 9

CHECKLIST

- Contact details of kin*
- Contract*
- Task list*
- Pay slips*
- Their health records in case of emergency*

SECTION 10

OPTIONS OTHER THAN LIVE-IN

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 responsibility 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 or company's website.
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.



