



Your Guide to

# Employing a Migrant Domestic Worker in the UAE

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Developed by **Project Bridges**

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# YOUR GUIDE TO EMPLOYING A DOMESTIC WORKER IN UAE

UAE is home to thousands of migrant domestic workers. From cleaning and cooking to caring for children, the elderly and the ill, domestic workers contribute significantly to the maintenance of homes in the country. Like any other employment relationship, the one between you and the migrant domestic worker you employ, needs nurturing.

As an employer of a domestic worker, you play an important role in helping the domestic worker settle into work and life in the UAE. You must be aware of your's and the worker's legal rights and duties, and you need to invest time and effort into nurturing this employment relationship and enforcing ethical practices in your home. Clearly, this is no easy task.

This Employers Guide contains tips and suggestions to help you develop a healthy and mutually beneficial working relationship with the domestic worker you employ. It is published by Bridges الجسور – a partnership between Hivos and Migrant-Rights.org and is published after consultation with employers of migrant domestic workers, recruitment agencies and legal consultants.

# DOMESTIC LABOR LAW OF UAE

In June 2017, the Federal National Council passed a new Law for the protection of domestic service workers. Under the Federal Law No. 10 of 2017 (Domestic Labor Law), there are 19 professions categorized as domestic work. These categories of work will be under the protection of the Ministry of Human Resources and Emiratisation (MoHRE).

The Domestic Labor Law regulates the numerous issues related to the employment relationship, including the establishment of contracts, rights and privileges of the parties, prohibitions, and the role of recruitment agencies. This Guide simplifies these legal requirements in order to facilitate their adoption and implementation in the household.

*(source: workers' safety and protection)*

## **FUN FACT:**

The UAE has ratified 9 conventions of the International Labor Organization (ILO), including Hours of Work Convention (1919) and the Abolition of Forced Labor Convention (1957).

*(source: workers' safety and protection)*

# PRE-EMPLOYMENT CONSIDERATIONS

# 01

## WHAT SHOULD I CONSIDER BEFORE I DECIDE TO EMPLOY A MIGRANT DOMESTIC WORKER?

*While the national law outlines the essential conditions of work, it is in the best interest of the employer to consider the following before beginning the recruitment process:*

### CONDITIONS OF WORK

- What are the legal working hours for a domestic worker?
- Is a domestic worker entitled to a weekly day off? (Hint: Yes!)
- What is a reasonable wage and how should the worker be paid? Is a domestic worker entitled to other benefits and perks? (Another hint: Yes!)
- What is sufficient food for a domestic worker? What kind of arrangements should the worker and employer maintain with regards to the workers food.
- What is a reasonable job scope or tasks to assign to a domestic worker?

### TOWARDS A BENEFICIAL WORKING RELATIONSHIP AND A HARMONIOUS HOME

- How should the employer address the domestic worker?
- What can the employer do to ensure that the domestic worker's phone does not distract her work?
- How does the employer ensure that the migrant domestic worker maintains boundaries with employer's children? What can be done to help the worker feel at home with the understanding that she is here to do a job?

# RECRUITMENT PROCESS

## **AS OF LATE 2017, ALL RECRUITMENT AGENCIES WILL BE REPLACED BY NEW CENTRES CALLED TADBEER SERVICE CENTERS.**

These centres are regulated by the MoHRE and are responsible for workers' visas, orientation, and training.

Tadbeer Service Centre will conduct pre-arrival interviews with domestic workers to ensure that they understand their contractual rights. A standard contract accredited by MoHRE will govern the terms and conditions of the employment.

## **POST-RECRUITMENT RESPONSIBILITIES OF THE RECRUITMENT AGENCY**

In the event of termination, during the probation period, the agency must repatriate the worker at its expense and either offer the employer another worker or return the recruitment fee to the employer.

## **NO-FAULT TERMINATION OF CONTRACT**

The employer or the domestic worker may terminate the contract if the other party fails to meet his/her obligations.

The employer or worker may terminate the contract even if the other party has met their obligations. This is subject to compensation as set out in the Domestic Labor Law.

# RIGHTS AND OBLIGATION OF DOMESTIC WORKERS IN UAE?

*According to the Domestic Labour Law, the worker has a number of rights that must be fulfilled:*

## RIGHTS

- » The worker is subject to a probation period of no more than 6 months.
- » The worker's wages must be paid in UAE dirhams no later than within ten days of it becoming due.
- » Gross wage becomes due for payment to the worker starting from the date of the worker's arrival to the UAE or when he or she starts work.
- » Workers are entitled to decent accommodation and suitable attire for work.
- » Workers are entitled to one day of paid leave per week.
- » Workers are entitled to 12 hours rest per day, including 8 hours of uninterrupted rest per day.
- » Workers are entitled to 30 days' paid annual leave per year; two days a month, if the worker's period of service is more than six months but less than one year.
- » The worker may carry the untaken annual leave for the following year, or get a payment in lieu of leave equal to the basic wage plus allowance.
- » The worker may be instructed to work during her annual leave; however, this cannot exceed more than once in two successive years.
- » The worker is entitled to a cash allowance equivalent to the number of accrued leave days, in case the worker fails to take her annual leave before the termination of the contract.
- » Workers are entitled to sick leave entitlement of 15 days full pay and 15 days with no pay.
- » Workers have the right to retain their identity documents.

# RIGHTS AND OBLIGATION OF DOMESTIC WORKERS IN UAE?

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- » Workers are entitled to roundtrip tickets to their home country or have the cash equivalent of it.
- » The worker, who completes one year of continuous service, is entitled to end of service gratuity upon termination of their service.
- » Workers can refer a dispute to MoHRE. The ministry will attempt to resolve the dispute amicably within a period of two weeks. If it is not resolved within two weeks, then the matter will be referred to a court.
- » Workers are exempt from paying the court fees.

## OBLIGATIONS

- » The worker shall perform the work herself.
- » The worker shall observe the customs and traditions of society and abide by public morals.
- » The worker must abide by the confidentiality clause, and not disclose any confidential work-related information of the employer – a worker in breach may be subject to a prison sentence of up to 6 months and a fine between AED 100,000 -10,000.
- » The worker shall notify the ministry in case of any change of the place of residence.
- » The worker is obligated to carry out her duties according to the employer's specifications.



# EMPLOYER'S RIGHTS AND OBLIGATIONS

## **ACCORDING TO THE DOMESTIC LABOR LAW, THE EMPLOYER HAS TO PROVIDE THE DOMESTIC WORKER WITH THE FOLLOWING:**

- » Safe working environment
- » Proper meals
- » Decent clothes suitable for work
- » Appropriate accommodation
- » Medical insurance

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The employer shall notify the ministry in case the worker is absent from work without a valid reason.

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## **THE EMPLOYER IS NOT ALLOWED TO:**

- » Employ minors (anyone under the age 18);
- » Discriminate on the basis of race, colour, gender, religion and political opinion;
- » Sexually harass the worker, whether verbally or physically;
- » Allow forced labour or human trafficking Expose the worker to physical harm; Assign tasks that are not covered under the contract.

# CALCULATING WORKING HOURS

06

## CALCULATING WORKING HOURS

- » The maximum working hours for a domestic worker is 12 hours per day.
- » The Employer should keep a record of how many hours a domestic worker is employed. Keeping a record of the working hours is a means of gaining an awareness of their working time, of the tasks they perform in a day, and of their overall contribution to the household.
- » 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 helps to create a relationship of critical importance to ensuring the rights of domestic workers.
- » The right to rest is a basic human right. Rest and relaxation time is not limited to time used for sleeping. The worker has a right to access leisure activities and public spaces.
- » Introduce the worker to the below timesheet to record and calculate working hours, breaks, daily rest, weekly rest and wages.

Appendix a:

WEEKLY TIME SHEET

WORKING HOURS				BREAKS		DAILY REST/SLEEP		
DAY	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: \_\_\_\_\_

## CREATING A HEALTHY EMPLOYMENT RELATIONSHIP AND GOOD WORKING ENVIRONMENT

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*An employer'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. Ultimately, you and the domestic worker can work together to make your home a place of respect and kindness.*

### HELP YOUR WORKER SETTLE DOWN:

- » Understand that the worker comes from a different culture; the 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.
- » Educating yourself about the worker's culture, religion and family will help you make informed choices in your interactions with each other.
- » Inform the worker about the cultural and legal boundaries in UAE and boundaries you maintain in your home.
- » Speak to your children about the way they should treat the worker, and what to expect of the worker in the house. Ensure that your family and especially children are aware of and respect the worker's rest times and day off. Simply make sure that your family is ready to have a domestic worker living in your home.
- » Provide the worker 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 such as a TV, iron board, or refrigerator, create a clear task list in the worker's language,; it may be easier to break down the tasks to daily, weekly and monthly tasks. If the worker is unable to read or write you may communicate the tasks pictorially.
- » Explain the tasks and what's expected of the worker. Provide clear instructions, and give the worker enough time to learn the tasks you expect her to perform

- » Always encourage the worker to track hours to increase productivity and help you to value the work performed.
- » Talk about hygiene in food preparation, cleanliness in the home and personal hygiene you expect her to maintain.
- » Encourage the worker to talk to you if any questions or problems arise.
- » Ensure her rest times are respected. Being well-rested will help the worker to stay physically fit.
- » Communicate your expectations regarding the use of phones. Being in contact with family and friends will give the worker the emotional security she needs to stay healthy.
- » Make sure to keep pay slips.
- » Consider opening a bank account and making salary payments electronically to maintain records and avoid discrepancies.

## OTHER HELPFUL DETAILS MINOR THINGS TO CONSIDER



- » The worker will work more efficiently and to your satisfaction if you provided her with the right tools, products and protective gear (e.g. gloves).
- » Time spent by domestic workers accompanying the household members on holiday should not be counted as part of their paid annual leave.
- » Periods during which domestic workers are not free to dispose of their time as they please, and in which they remain at the disposal of the household (e.g. to respond to possible calls) should be regarded as hours of work.
- » Consider the arrangements you will make for the worker during the summer vacation. Do you intend to leave the worker with a trusted friend or with an unknown family in the event you fail to find a known family? Have you notified the MoHRE of your intention to allow the worker to work temporarily at another residence? Do you intend to inform the worker of the tasks to do for the temporary family? How and who will compensate the worker? These are some questions that you need to answer before you make any arrangements.
- » Consider stipulating paid annual leave in the employment contract. Please ensure that such matters fall within the boundaries of the Domestic Labor law. The law states that it shall be 30 days per year.
- » Consider paying the worker for extra hours, in case the worker is employed on a weekly day off, she is entitled to another day off in lieu or cash equivalent to the gross wage for this day.

# CHECKLIST

Contact details of the worker's kin	<input type="checkbox"/>
Employment Contract	<input type="checkbox"/>
Tasks list	<input type="checkbox"/>
Payslips	<input type="checkbox"/>
Worker's health records in case of emergency	<input type="checkbox"/>

# ALTERNATIVES TO LIVE-IN DOMESTIC WORKERS

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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 SERVICE AGENCY OR CLEANING COMPANY CONSIDER THE FOLLOWING:**

- » Maid service 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.
- » 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).
- » 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.



# THE BENEFITS OF DOMESTIC LABOR LAW



You may be wondering how these changes benefit or protect you.

## THE NEW DOMESTIC LAW PROVIDES FOR:

- » An organized system of checks and balances for both the worker and the employer.
- » A humane system to embrace new workers into the UAE
- » A robust response system through which complaints can be filed
- » A framework that allows for a healthier relationship between the worker and employers
- » The protection of the worker's right.
- » Helping you be compliant with the rights of domestic workers in the UAE and organizing the employment relationship between the two of you.

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