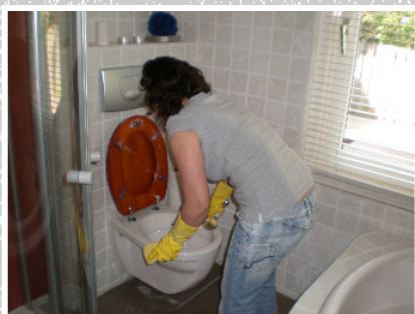
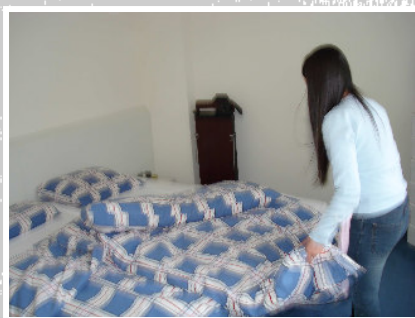


Your rights as a domestic worker in a private household



This brochure is a publication of **ABVAKABO FNV**.

With more than 350.000 members, ABVAKABO FNV is by far the largest labor union in the public sector. It is a union for everyone working in care, sector education & research, welfare work, Telecom, government, public utilities and social job creation. We conclude more than 200 collective labor agreements in these sectors.

Second version, October 2008

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You can also download this brochure from

www.abvakabofnv.nl/over/downloads

This brochure is also available in Dutch.

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About this brochure

This is a brochure for people who work as domestic worker in the home of a private person. For example, as a cleaning lady, a babysitter or a gardener. This type of work is frequently done without a written contract. There is often only a verbal agreement between you and your employer. But that doesn't mean that you have no rights! In this brochure, we will explain what your rights (and obligations) are if you are working as a domestic worker. This information can help you to make good and clear agreements with your employer.

Domestic work is often done by migrants. Some of these migrant domestic workers have no permit to stay in the country and no work permit. We call these people 'undocumented' workers. This brochure is also meant for them.

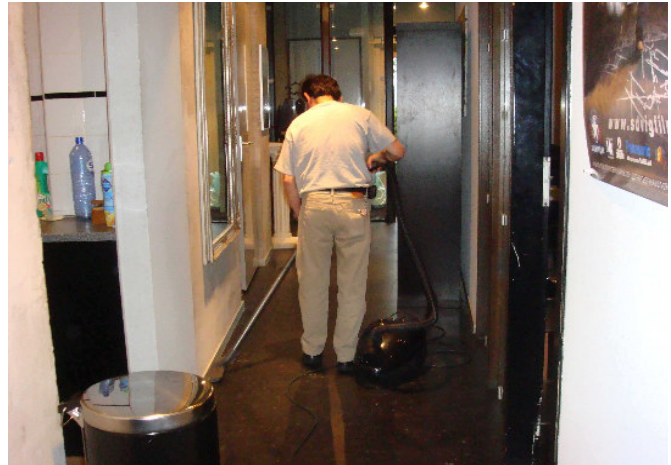
Working and living in the Netherlands is not easy for this group of domestic workers. They risk being arrested and sent back to their country. Even if they would want to, they are not allowed to pay any taxes or any premiums for social services. As a result, they are unable to get a normal health insurance, unemployment compensation or a pension. But that doesn't mean that you have no rights at all as an undocumented domestic worker! Just like a Dutch domestic worker, you still have many rights with respect to your employer. You can read about what those rights are in this brochure.

Just like any other worker, you – as a domestic worker – can join a union. Even if you are an undocumented worker! ABVAKABO FNV is such a union where domestic workers with or without documents are members. Together we try to improve the situation of (undocumented) domestic workers. Further on in this brochure, you will read about what the union does.

First, more about your rights in your work! We discuss the following points:

1. working as a domestic worker: the basic rules
2. frequently asked questions about wages, vacation, sickness, safe working conditions, overtime and termination of the employment
3. the situation of undocumented workers
4. the regulations for au pairs
5. how can you improve your work situation?

Attachment: an example of a labor contract with explanation.



1. Working as domestic worker: the basic rules

If you perform domestic work in someone's home in exchange for money, then legally you have a *labor contract* with this person. Most of the time, when people hear the words 'labor contract' they think of a written contract, but a verbal agreement, as far as the law is concerned, is also a labor contract! Because there is a labor contract between you and your employer, many of the rules from Dutch labor law apply also to you. Your employer is obliged to follow these rules. These rules apply to all domestic workers: with or without documents.

What rights do you have when you do domestic work in the home of a private person?

Dutch law distinguishes between domestic workers who work one, two or three days for the same employer and domestic workers who work more than three days for the same employer. In the last case, these workers have more rights.

If you work three days or less for the same employer, then you have the following rights:

- payment of at least the minimum wage (*minimumloon*);
- payment of vacation allowance (*vakantiegeld* or vacation bonus). This is a bonus of 8% of your normal wage;
- four weeks of paid vacation per year;
- payment of your wage during the first 6 weeks that you cannot go to work because of sickness;
- good and safe working conditions;
- written information about the terms of the labor agreement if you request this;
- at least one month notice in case of termination of the employment;
- pregnancy leave of 16 weeks;
- paid disaster leave (*calamiteitenverlof*) and paid short care leave (*kortdurend zorgverlof*)

Your employer must also conduct himself as a 'good employer'. This means that he or she must treat you respectfully and reasonably. And finally, as a worker you have the right to join a union.

Tip!

The law grants these rights to all domestic workers, even if they are illegally staying in the country! These rights are also valid even if you only have a verbal agreement. It is better, though, to get a written contract. A written contract makes things clearer for the employer and for you. You can use the example in this brochure.

To what type of work do these rules apply?

These rules apply to workers who work:

- in the home of a private person;
- in the service of that person;
- for one, two or three days a week

Mostly it concerns:

- cleaning work
- gardening work
- babysitting
- taking care of a family's pets
- small, odd jobs around the house
- caring for elderly or handicapped people

Do other workers have more rights?

Yes, other workers have more rights than domestic workers who work a maximum of 3 days a week for one private person. The law makes an exception for domestic workers and as a result they miss a number of important rights.

Anyone who works more than 3 days a week for a private person, or works for a company (*schoonmaakbedrijf*) or a home care institution (*thuiszorginstelling*), has more rights. This is also true of people who do other types of work. Their employer must continue to pay their wages during the first two years of sickness. In order to terminate someone's employment, the employer must first obtain a termination permit from the CWI (Center for Work and Income). These workers have a right to social security. Their employers contribute to the health insurance system. Moreover, these employers must deduct taxes and premiums from the salaries of these workers.

"Knowing my rights as a worker in the Netherlands helps me to negotiate with my employer."

Lorie

Domestic work, special work

Domestic work is special for several reasons. First of all, it is mostly **informal work**. You work for a private person and you work in that person's home. You work, therefore, in a home and family atmosphere. This is the reason why many things are not well defined. Domestic work is frequently black work which means that neither the worker nor the employer make a declaration to the tax authorities. Quite often, employers and workers are not aware of the rules. That's why the rights of domestic workers are often not respected.

Secondly, whenever you work as a domestic worker for 3 days or less for the same person, **you have fewer rights than other workers**. We discussed those differences above.

Finally, for domestic work there is **no CAO**. CAO means *collectieve arbeidsovereenkomst* or in English: collective labor agreement. A CAO contains agreements about the conditions under which workers work for a specific employer or branch of industry. These agreements are made between the employers and the workers organizations. When you work as a domestic worker for a private person, you do not fall under a CAO. That is why you have to make the agreement with your employer yourself.

Many other workers in the Netherlands do fall under a CAO. These CAO's guarantee better labor conditions than the minimum rules stated in the law. Workers who fall under a CAO almost always have a higher wage, more vacation and many other advantages.

Domestic work is sometimes done by **people who work for a home care institution** (*thuiszorginstelling*), **or by people who work for a cleaning company** (*schoonmaakbedrijf*). These workers do not have a labor contract with the person they work for, but with the *thuiszorginstelling* or the *schoonmaakbedrijf*. These workers do fall under a CAO.

Attention! If you clean in a company or an office, you fall under a CAO. You have more rights than domestic workers employed by a private person.

Obligations of the worker

Legally spoken, your employer and you have a labor contract (*arbeidsovereenkomst*). That is why you, as an employee, also have a number of obligations:

- you must behave yourself as a good employee;
- you must do the work yourself;
- you must respect the agreed working hours;
- you must follow instructions from the employer (as long as these are reasonable);
- you must do the work carefully;
- if you are sick and unable to work, you must report this in time;
- when you are sick, you must co-operate with efforts to get well and back to work;
- you must protect the privacy of the employer;
- if you decide to stop working for the employer, you must give your employer one month's notice before you do so

Normally speaking, you also have obligations with respect to the tax authorities. You must report your income if you earn more than € 40 per year. This does not mean that you automatically have to pay taxes. In 2008, the rule is that if you earn less than € 6000, you do not have to pay taxes.

An undocumented worker has no *burgerservicenummer* (previously known as a *sofi* number) and therefore cannot report his income to the tax authorities. That is why an undocumented worker does not pay taxes. For more information, you can call the tax authorities at 0800-0543.

2. Frequently asked questions about wages, vacation, sickness, safe working conditions, overtime and termination



Wages

To which wage do you have a right?

According to Dutch law you have to get at least the minimum wage + vacation allowance (*vakantiegeld*).

The minimum wage is:	€ 8,70 per hour*
In addition 8% vacation allowance at:	€ 0,70 per hour
Including vacation allowance, you have a right to at least:	€ 9,40 per hour

The vacation allowance may be paid in two different ways:

- either once a year in one sum, paid out in June;
- or as a bonus on top of your wage per hour

Example:

If you receive the minimum wage, your employer has to pay you € 0,70 per hour additionally as a vacation allowance (*vakantiegeld*). In total, you are then earning € 9,40 per hour. Or: you receive the normal minimum wage of € 8,70 per hour and in June you receive your vacation allowance for the entire year. For example, if you work 10 hours per week, you have a right to $52 \times 10 \times € 0,70 = € 364$ vacation allowance.

If the agreed wage is € 10 per hour, then you have a right to a vacation allowance of € 0,80 per hour. In that case, your employer should pay you € 10,80 per hour. Your employer can also pay only € 10 per hour and give you the full vacation allowance in June. If you work 4 hours a week, that would mean that your employer has to pay you $52 \times 4 \times € 0,80 = € 116,40$ vacation allowance in June.

Wages and vacation allowance may be paid to you in cash. The amounts may also be transferred to your bank account or your giro account.

* The hourly wage is calculated by dividing the minimum wage per week of € 313,05 by 36. In the sector in which you work, a normal work week consists of 36 hours. This is stipulated in the CAO Thuiszorg. If you are younger than 23 years old, then the wages are also lower.

"I charge 10 euros per hour, no less than that."

Vivian

Tip!

The amount of minimum wage in the example is valid for 2008. Check every 6 months to see if the minimum wage has increased:

www.loonwijzer.nl/main/minimumlooncheck/minimumwagesdutch

"From time to time I ask my employer a salary raise. I argue that I am doing a lot of valuable work in their household. Looking after three children plus ironing, cleaning, cooking, and cleaning windows is a lot! So far, my employer always agreed to my request.

You should not be afraid to ask a raise if you know in your heart that you are doing your work faithfully. Employers who are satisfied with your work will easily agree when you ask salary increase."

Lorie

"Every month my employer gives me a new strippenkaart. I asked them, they know I need it."

Vivian

How can you get a higher wage?

You can negotiate with your employer about the amount of your wage. It is reasonable to get a wage that is higher than the minimum wage. Other workers, who do fall under a CAO, also receive higher wages as well as extras. These may include a pension, travel compensation, employer's contribution to health insurance. If you are an undocumented domestic worker, you have no rights to the social services. This is also a good reason to discuss increasing your wage with your employer.

There is a high demand for domestic workers. Make use of this.

You can negotiate higher wages with your employer, but you can also request extras. For example:

- for a pension, 3% of your wage;
- travel cost compensation;
- contribution from your employer for health insurance;
- bonus at the end of the year or Christmas bonus

Room and board

If you live with your employer, he may request you to pay for this. The employer can deduct this from your wages. The cost of room and board may not be higher than the actual value! The employer may not abuse your position by deducting a higher amount from your wages.

Vacation and leave

Do you have a right to a paid vacation (*betaalde vakantie*)?

Yes, your employer is obliged to give you time off for vacation. During the vacation time, he has to continue to pay your wage. This wage is not the same as your vacation allowance, which is an extra amount in addition to your normal wage! The law states that you have a right to a vacation that is at least four times the number of hours that you work per week. That means four weeks of paid vacation.

Example:

If you work 5 hours a week, you build up through the year 4 x 5 hours of vacation. In total, this is 20 vacation hours for 4 weeks of vacation. The employer is required to continue to pay your wages during the weeks that you take your vacation. Vacation days cannot be bought off. You have the right to a vacation to rest. This is necessary for your own safety and health.

Do you have a right to a vacation allowance (vakantiegeld)?

Yes, in addition to your paid vacation, you also have a right to a vacation allowance of 8% of the wage that you and your employer agreed. This is your vacation allowance. The employer may pay you this amount in June as a percentage of your wage. It is also possible that you and your employer agree that he pays this amount weekly as an extra allowance on top of your wages.

Example:

If the agreed wage is € 10, then you have a right to a vacation allowance of € 0,80 per hour. If you work 10 hours a week, you have a right to $52 \times 10 \times € 0,80 = € 416$ vacation allowance in June.

Planning your vacation

You and your employer must agree on the planning of your vacation and this must be in a written format. The law demands this. Agreeing upon the time of your vacation should be done in a reasonable manner. Your employer must take your wishes into consideration. You and your employer can agree to take your vacations at the same time, if you desire so.

If nothing is written down, then you may decide when you want to take vacation. That is also stated in the law. For the rest, you must agree on the planning of your vacation in time.

You can try to agree to at least 2 or 3 weeks of vacation in a row. You could put this in your written labor contract. The additional vacation days can be taken later as days off or in hours off. The choice is up to you.

As stated before: during your vacation your employer has to continue to pay your normal wage!

“When I became a member of the union, I got to know my rights as a worker. So I started to write letters to my employers about the payment of my vacation. I demanded two weeks paid holidays. When I demanded it, all my employers started agreed! One employer did not want to pay me in the beginning, because she said that she already treated me very well. She argued that when they are away they pay my regular salary and that should be enough. However, I said: “What I am asking you is part of my rights as a worker, and what I am asking you is only two weeks, not a whole month.” Another employer asked me if I was doing this because now I am a union member, and I said: “Yes, because now I know that these are my rights as a worker.”

I can't explain the feeling when I got my vacations payment. It was different, I have been working for ten years, and this was the first time I got paid vacations! Then I said to myself, I hope that one day I will get this benefit for one month, not only for two weeks.”

Coring

Tip!

Discuss your vacation in time with employer. Also talk about what has to happen when your vacation does not correspond with your employer's vacation. If that is the case, it is reasonable that you still get your normal wage when your employer is on vacation.

"I ask my employers to pay me when they go on holidays. I explained to them that I need a regular salary. I can come and clean if you want and I can stay home if you want, but I need a regular salary. They agree, I guess it is just fair."

Emma

What about leave of absence?

In an emergency, your employer must give you *paid leave of absence*. This is stated in the law. Sometimes only a few hours are required to arrange things; sometimes you will need one or two days. For example, in the event of a death, you need to arrange the funeral quickly. Or you suddenly need to move house because your sub-contract rental has stopped. In such an emergency, a telephone call to your employer is sufficient. You then have 'emergency leave' (*calamiteitenverlof*).

There is also something called 'short care leave' (*kortdurend zorgverlof*). If your child or partner with whom you live becomes sick, and you must stay home to take care of him or her, you still have a right to 70% of your wage. This amount cannot be less than the minimum wage in any case. Per year, you have a right to two weeks of short care leave.

Sickness, pregnancy and birth

What are your rights and obligations in case of sickness?

If you become sick and cannot work, you must inform your employer as quickly as possible. Normally this is done in the morning before 9 or 10 o'clock.

The employer is obliged to continue to pay your wage for the first 6 weeks. You have a right to at least the minimum wage. If you and your employer agreed on a higher wage, then the employer must pay at least 70% of this, but it may not be less than the minimum wage!

During the time that you are sick, your employer is not allowed to terminate your employment.

If you are sick for more than a couple of weeks, it is important to make an agreement as to when and how you can start to work again. For example, you can agree to work fewer hours or only do light work. You are required to co-operate in efforts to go back to work if this is possible, taking into consideration the type of sickness you have.

Right to pregnancy leave

You have a right to 16 weeks pregnancy leave. Your employer must give you (unpaid) leave.

During this leave, you have a right to a pregnancy allowance. You must request this allowance by the UWV (*Uitvoeringsinstituut Werknemersverzekeringen*). To make your request, you must have a *burgerservicenummer* (previously known as a sofi number). For more information about pregnancy allowance: www.uwv.nl, 0900-9294.

If you are undocumented, you cannot get this allowance. But you do have a right to pregnancy leave. Try to get your employer to agree to pay you (a part of) your wage during this time.

Safe working conditions and accidents

Right to safe working conditions

The employer must provide a safe working environment. Therefore, you have a right, for example, to safe cleaning materials, rubber gloves, a safe household ladder, etc.

What should you do in case of an accident?

The employer is responsible for any damage that happens during your work. That means that if you fall off a ladder during your work, for example, and you break your leg, the employer must compensate you for the damage. Damages for domestic workers fall under the liability insurance that most people have. Your employer will probably have liability insurance for such things.

If you have an accident during your work, you can claim compensation from your employer. If necessary, you can even go to court for it. In such cases, always seek help. In some cases, the amounts can be very large! Think about income that you will miss if you can't work and about the medical costs. The employer will go to his insurance company if you claim that he is liable. All the more reason to look for help.

Anyone who is a member of a union can request help from the union. If you are not a member of a union, you can request free legal help from *het Juridisch Loket*. Even if you are an undocumented worker.

→ Het Juridisch Loket

www.hetjl.nl – telephone 0900-8020 (Dutch)

Office in Amsterdam: Vijzelgracht 21-25, 1017 HN, Amsterdam

Tip!

Ask your employer to continue paying your wage if you get sick. Even though you cannot go to work, you still have to pay your bills.

“To negotiate paid sick leave, you should use your own employer as your example. They are also employees in their workplace, and get paid sick leave when they are ill. Being paid when you are too sick to work is a workers right. You know your rights and they know it is true; so, how can we not agree.”

Emma

Attention!

Even if you are undocumented, you have a right to medical care if you are sick. Read more about this on page 17.

What happens if you break something while you are working?

It may happen that while you are working you break something. Your employer cannot ask you to pay for it! Even if it was an antique vase.

If your employer wants to receive compensation from you, do not allow yourself to be blackmailed. Find new employment as quickly as possible. Make use of the high demand for domestic workers!

Overtime

What about overtime?

If you are working more hours than what was agreed, then this is considered *overtime*. In principle, your employer cannot ask you to work more than 12 hours per day. Legally, you are not required to work overtime unless you and your employer have agreed that you will do so now and then.

If you work overtime, your employer must still pay the normal wage for those hours! The law does not provide for any extra wage for overtime. Of course you can still try to ask a higher wage for overtime. Overtime is harder on you and your employer benefits from it. If you want, you can ask time off instead of the payment of wage for overtime. You will then have extra paid time off at a later date to compensate for the overtime hours worked.

“If we agree to do the job in four hours, but at the end I still need some extra time I do it, I will charge them for the extra time it took me to finish the work.”

Vivian

Termination of the labor contract

What rights do you have in case of termination?

If you or your employer wants to end your agreement, we call this *termination of the labor contract*. In case of termination, a legal term of notice applies. This is also the case if you only have a verbal agreement!

Terminating the labor contract can be done orally. It is not needed to send a letter.

The *term of notice* is the time that you or your employer must take before the labor contract actually stops. Termination usually takes place at the end of a month. The term of notice begins from the moment you or the employer says you want to end the agreement.

The term of notice is necessary for you to give you time to find a new job. The employer needs the time to find someone new to take your place.

The term of notice for your employer depends on how long you have worked for him. The longer you have worked for him, the longer the term of notice will be. The term of notice is one month if the employment was less than 5 years. For every 5 years of employment, one month is added to the term of notice. There is a maximum term of 4 months.

If you as a worker want to terminate, you have to respect a term of notice of one month.

If the employer wishes to terminate you, he does not need a termination permit. This applies to domestic workers who work 1, 2 or 3 days a week. If you work more than 3 days per week, your employer must get a termination permit from the CWI (*Centrum voor Werk en Inkomen*).

Can your employer always terminate the contract?

No, in some cases, your employer is not allowed to terminate. Termination by the employer is not allowed during the first two years in which you are unable to work because of sickness, during pregnancy leave and during the 6 weeks after the pregnancy leave.

3. The situation of undocumented workers



Even without a residence permit, you still have rights!

There are people who work in the Netherlands, but don't have a permit to stay or a permit to work. If the authorities conduct a control, these people risk being arrested. Sometimes they are put in detention centers and then sent back to their original countries.

But these 'illegal' or undocumented workers still have rights, just like everyone else.

That's why work rights for domestic workers apply to them as well!

Only the rights mentioned in a special law (*Koppelingswet*), do not apply to undocumented workers. These concern, for example, social benefits and rent subsidies.

There are also people who have a permit to stay but no permit to work. For example, people who are here on a tourist visa or asylum seekers. They can stay (temporarily) in the Netherlands, but they are not allowed to work. If they do work, then they are in the same position as undocumented workers in a work situation, but they do not risk being returned to their countries if they are caught.

Attention! People who are in the Netherlands on a tourist visa who work here illegally *do* run the risk of being returned to their countries.

Is working without a work permit punishable?

A worker working without a permit cannot be punished for that. However, a worker does risk being returned to his country if he is caught. However, the police and the labor inspection do not pay much attention to finding undocumented workers in private homes. They focus more on workers in the construction branch and agricultural sectors.

Employers who employ illegal workers do risk being punished. Private persons can be imposed a fine of € 4.000. In addition, the law assumes that the worker has been working there for six months. After a control has been conducted in the work place, an illegal worker can be deported, but he can also demand half a year's wages! Even from outside the Netherlands. This only applies, however, if your employer cannot prove that he or she has already paid you half a year's wages.

So anyone who employs an undocumented domestic worker in his or her home risks having to pay a penalty of € 4.000 plus half a year's wages.

Don't be intimidated if your employer threatens to call the police about you, because your employer then also runs a serious risk.

Do undocumented workers have a right to social security?

No. Without a *burgerservicenummer* (previously known as a sofi number) and without work permit you cannot contribute to social security. Undocumented workers therefore cannot pay social premiums or taxes. This is why they have no rights to social security such as unemployment benefits, a pension or a normal health insurance.

Do you have a right to medical care?

Yes, undocumented workers have a right to medical care just like everyone else! Doctors and hospitals are obliged to help anyone who needs medical help, even if this person is undocumented and does not have an insurance. You have a right to all the care that a doctor finds necessary. This is much more than only medical care in a life-threatening situation.

Without a residence permit, you cannot get a normal health insurance. Without health insurance you must, in principle, pay for medical care yourself.

If you are undocumented and you cannot pay for the care you received, then the doctor, the pharmacist or the hospital can be paid from a special fund. In 2008 a new regulation for this was made. This should make it easier for undocumented workers to obtain health care in a hospital, because in actual practice this has been difficult.

For any questions or problems about medical care, you can contact:

➔ **MEDOC**

020-465 28 66

medoc@doktersvandewereld.org

Can undocumented domestic workers get a work permit?

At present, the Netherlands has a strict immigration policy. It is very difficult for foreigners to obtain work permits. In order to get one, you must prove that there are no Dutch or other European workers that want to do the work you want a permit for. The Dutch government feels that there are sufficient Dutch candidates for domestic work. That's why migrants domestic workers will not be given a work permit for this kind of work.

There are very few options to get a permit for undocumented non-European migrants. This situation can only change if and when the Dutch government decides to change its policy.

What if you are a victim of serious abuse?

Unfortunately, serious exploitation and human trafficking also happen in the domestic work sector. If you are victim of this, you can sometimes get special protection. This protection begins with a 3 month time of reflection. During this time, you will usually get a place in a relief center, financial help and a lawyer. At the end of this time of reflection, you have to decide if you will report the abuse to the Dutch police. If you do so, you may be given a temporary permit to stay.

The best thing to do is to request help from an organization that is specialized in this type of help:

→ BLinN (Bonded Labour in Netherlands)

<http://www.blinn.nl>, info@blinn.nl, 020-523-1100

→ Helpdesk CoMensha (Coördinatiecentrum Mensenhandel)

<http://www.mensenhandel.nl>, info@comensha.nl, 033-448-1186

“There are some employers that are not really willing to negotiate, but when you have that kind of employers it is better not to start working with them.”

Emma

4. The rules for au pairs



What about au pairs?

An au pair is someone between 18 and 26 years old who wants to get to know family life in a different culture. Au pairs fall under the regulations regarding cultural exchange and they must live in the same house as the host family. They do light domestic work during a maximum of 8 hours per day and a maximum of 30 hours a week. In exchange for this, they receive room and board from the host family, health insurance, liability insurance and a financial allowance.

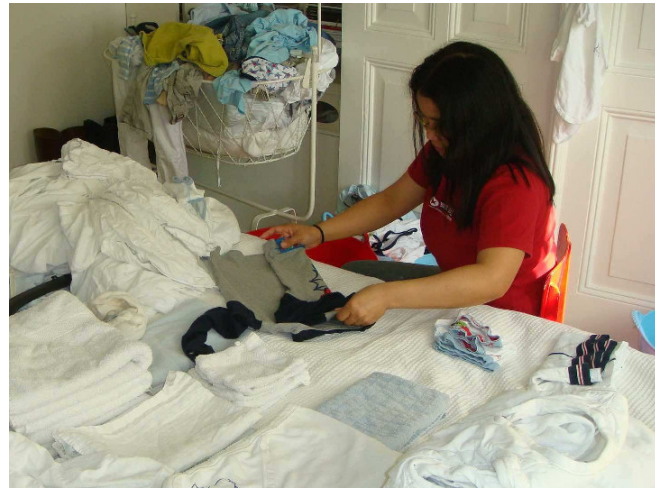
Au pairs can obtain a permit to stay for a maximum of one year. The permit cannot be extended. Within 4 weeks after the end of that year, the au pair must leave the Netherlands.

Au pairs have no labor contract. Therefore, they do not have the same rights as domestic workers. The rules and regulations discussed in this brochure do not apply to them.

Complaint office au pairs (*Meldpunt au pairs*)

Sometimes a host family abuses the situation of their au pair. For example, they require her to do more housework than she should. Or they require her to take care of the children for more than 30 hours a week. Sometimes au pairs are treated badly or even physically abused. The IND (*Immigratie en Naturalisatiedienst*) has therefore set up a complaint office where au pairs can report complaints (070-779-4888). Depending on the type of complaint, the IND can determine if it should be submitted to the labor inspection or to the police. In cases of physical or psychological abuse, you should go directly to the local police and not to the IND.

5. How can you improve your work situation?



“You should never start working without first having a clear agreement with your employer.”

Vivian

“If you don’t have fair working conditions, you have to sit down with your employer and negotiate. It is my experience that you will not longer be ignored if you negotiate openly with your employers and you speak the truth. Open your mouth and you will see change.”

Coring

“Some new employers who want to hurry me, argue that their previous domestic worker used to clean in less time than me. I always reply: “Yes, and where is she now?” I know that if she was satisfied with them, she would never have left them. You must always have self pride.”

Emma

Make clear agreements and discuss any problems

Before you begin to work, make clear agreements with your employer. You can write these agreements down on paper. You and your employer then have a written contract. Make sure that you as well as your employer have a copy of these agreements! You can use the model contract in this brochure as an example for your own contract.

Your employer is not obliged to give you a written contract. But he has to give you written information about the contents of your agreement if you request this. You can make use of this possibility if you want to see your agreements confirmed in writing.

Even if you have already begun to work, you can still put your agreements in writing.

Apart from that, it is best to talk with your employer whenever there is a problem. Discussion can never hurt and mostly it produces a positive result!

Become a member of a labor union

The labor union is an organization of workers. The goal is to stand up for the rights of the workers. Every worker has the right to become a member of a union. Even if you are an undocumented worker, you can still become a member of a union!

A member of a union has a stronger position at work. As a member of a union, you can always ask the union questions about your rights at work. In addition, you can also get professional help in case of a serious problem in your work. For example, if your employer doesn’t pay your wage for a long time. Or if you have an accident during your work and the employer refuses to compensate the damages.

Finally, the union organizes the workers to stand up for better rights. This is very important for the domestic workers, in particular, because quite often nothing is regulated for them. The more people become active in the union, the more success we can achieve!

The work of ABVAKABO FNV with migrant domestic workers

ABVAKABO FNV is the largest union in the Netherlands for people who work in the public sector and care giving sector. Domestic workers can also join this union.

Since 2006 *undocumented* domestic workers have been able to become members of ABVAKABO FNV. The union hereby recognizes their role as workers in Dutch society, whether they are documented or not. Together with these workers, ABVAKABO FNV wants to stand up for their rights for good working conditions, just as it does with 'regular' workers.

The union now has a special project for this vulnerable group of workers. Katrien Depuydt works for ABVAKABO FNV and explains what the union does:

“We support these so-called ‘migrant domestic workers’ in their efforts to organize themselves. In addition, we provide training and workshops on various subjects, such as lessons in the Dutch language, information about the union and about medical care, and workshops about their rights on the job.”

These domestic workers can also make use of all the legal services of the union if they encounter problems at work, just like any other member of the union.

“We do more than just give them information and help for individual problems on the job,” Katrien says. “As a union, we want to stand up for these workers to obtain better working and living conditions for them. Recently we started negotiating with health insurance companies about providing health insurance for these workers.

The union is working in close consultation with several other organizations on this. By building up a broad network, we hope to improve the position of these workers in society.”

Migrant domestic workers can become a member of the union for a special, reduced contribution of € 6,95 per month. Members receive a membership card with their name and date of birth.

For more information:

ABVAKABO FNV

Postbus 3010

2700 KT Zoetermeer

0900-22 825 22 (€ 0,10 p/m)

kdepuysdt@abvakabo.nl

6. Model contract

Here below you find a text which can serve as a model for a written contract with your employer. This same model contract with explanation is added as an attachment to this brochure. In this way you can copy the model contract separately to discuss it with your employer.

Labor Contract for Domestic Services

The undersigned,

_____ living

_____ telephone _____, hereinafter to be called employer,

and

_____ born at _____ on _____

_____ living

_____ telephone _____, hereinafter to be called employee,

declare to have reached the following agreement:

Employment

1. Employee is employed by employer per

Kind of Services

2. Employee undertakes housekeeping and/or personal services at the house of employer. The following work is to be undertaken:

Scope of Employment and Working Hours

3. Employee works _____ hours a week.

The working hours are

_____ on _____ day, from _____ till _____

_____ on _____ day, from _____ till _____

_____ on _____ day, from _____ till _____

Wages

4. The wages of employee amount to € _____ gross per week at the start of employment. The wages are paid each week in cash.

OR: The wages are paid every four weeks into the bank- or giro-account number: _____ *

Vacation Allowance

- 5. Employee is entitled to a vacation allowance of 8 percent of the gross wages. The vacation allowance is paid out in the month of _____
OR: The vacation allowance is paid out weekly as allowance on top of the wages*.

Vacation

- 6. Employee is entitled to _____ paid vacation hours per vacation year, which runs from 1st of June up to and including the 31st of May. The vacation is taken after and in consultation with the employer.
Employee is entitled to an uninterrupted period of vacation of ___ vacation weeks.

Sickness

- 7. In case of sickness employee gives notice thereof to employer before 9.00 AM. Employee is entitled to continued payment of wages during the first 6 weeks of sickness.

Pregnancy Leave

- 8. Employee is – with respect to giving birth- entitled to pregnancy leave.

Additional Provisions

- 9. Employee is entitled to:*
 - _____ percent of the wages as a reservation for pension provision
 - . _____ percent of the wages as an employer’s contribution for health insurance
 - _____ weeks of the wages as a end of the year bonus or a Christmas bonus
 - _____ as travel cost compensation
 - Other provisions, that is to say, _____

Duration and Termination of the Labor Contract

- 10. The labor contract has been entered into for an indefinite period of time.

Employee and employer may terminate the labor contract in accordance with the legal term of notice.

The term of notice for the employee is one month.
The term of notice for the employer depends on the duration of the labor contract.
The term of notice is one month with a labor contract with a duration of five year or less.
For every next five years a month term of notice is added. The maximum term of notice is four months.

Thus agreed upon, made out in twofold and signed at

at _____ , _____ on the _____

Signature employer

Signature employee

* Delete what does not apply

Attention!

This model contract applies only to domestic workers who *do not work more than 3 days per week for one employer*. As we previously explained: the situation of domestic workers is completely different if they work more than 3 days a week for one employer. Contact your union if you need or want tips for such a situation.

“During the first meeting with an employer we discuss matters related to my duties, salary, working days and hours, sick leave, vacations, the Christmas bonus.”

Emma

