



# REALIZING DOMESTIC WORKERS' RIGHTS IN MOROCCO

How to Enforce and Implement  
Domestic Worker Protections in Morocco



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## INTRODUCTION

**In October 2018, Morocco's domestic workers law is set to come into force.<sup>1</sup> Passed by the Moroccan parliament on July 26, 2016, the law will finally provide hundreds of thousands of domestic workers with labor protections from which they have long been excluded.<sup>2</sup> This is a major accomplishment and reflects the government's significant commitment to advancing the rights of domestic workers. Successful implementation, however, is key and will require further efforts by the government to fortify dispute mechanism and labor inspection processes and to ensure the public and workers are aware of the law. This memorandum focuses on key areas for government intervention in relation to the implementation of the law.**

Many domestic workers live and work in their employers' homes hidden from the outside world, almost always in informal working arrangements, leaving them vulnerable to abuse and exploitation. Human Rights Watch investigated conditions for child domestic workers—those under 18—in Morocco in 2005 and 2012, finding that girls as young as eight endured physical abuse and worked long hours for little pay.<sup>3</sup> Some girl domestic workers—known locally as “petites bonnes”—told Human Rights Watch that their employers frequently beat and verbally abused them, would not let them go to school, and sometimes refused them adequate food. Some child domestic workers worked for 12 hours a day, seven days a week, for as little as 100 Moroccan dirhams (US\$11) per month.

The new law now sets 18 as the minimum age for domestic workers, with a phase-in period of five years during which 16 and 17-year-old domestic workers will be allowed to work. The law also requires proper labor contracts for domestic workers, limits domestic workers' daily working hours, guarantees days off and paid vacations, and sets a minimum wage. It provides financial penalties for employers who violate these provisions, and prison sentences for repeat offenders in some cases.

Despite these gains for domestic workers, the new law still offers less protection to them than the Moroccan Labor Code's protections does for all other workers. It limits working hours for adult domestic workers to 48

hours a week, while Morocco's labor code for other workers sets the limit at 44 hours.<sup>4</sup> It also sets a minimum wage 40 percent lower than the minimum wage for jobs set for the manufacturing, commercial, and free trade sectors.<sup>5</sup>

While deficiencies in the law should be addressed, Moroccan authorities in the meantime need to act quickly to ensure measures are in place that allows domestic workers to realize their rights. This includes:

- Improving the quality of and access to dispute-resolution mechanisms;
- Providing resources and training to ensure robust labor inspections;
- Considering incentives for employers to register domestic workers and developing model work schedules, and pay slips;
- Raising awareness about the new law while promoting good employment practices, and;
- Ratifying the International Labour Organization (ILO) Domestic Workers Convention—the global treaty on domestic workers' rights—to become the first state party in the Middle East and North Africa region.

## DISPUTE-RESOLUTION MECHANISMS

Domestic workers must have access to justice to realize their rights under the new and existing laws. While the new law provides workers with a complaint mechanism, authorities need to do more to ensure meaningful access to justice.

Under the new law, workers can file complaints that will be reviewed by a labor inspector who can summon the parties for investigation and make attempts at reconciliation. Should the attempt at conciliation fail, the domestic worker can decide to pursue a legal recourse—although the law does not specify what kind of legal recourse is available. Where a labor inspector has identified a violation of a provision in the law, the inspector should record it and refer it to the office of the public prosecutor.<sup>6</sup>

However, the mechanism provides no timeline on how soon after a complaint is made a conciliation must follow nor how long the process should take. Also, the role of labor inspectors acting as a conciliator in disputes with domestic workers is problematic. The ILO has recommended that “the functions of labour inspectors should not include that of acting as concilia-

tor or arbitrator in proceedings concerning labour disputes.”<sup>7</sup>

In 2014, a committee of ILO experts raised concerns about the capacity of Morocco's labor inspectors to conduct conciliation, noting that inspectors appeared to spend much of their time settling disputes and “using a large proportion of the human resources and means which should be mainly dedicated to the primary functions of labour inspection.”<sup>8</sup> The ILO Committee called on Morocco to remedy this situation, by ensuring that additional duties concerning conciliation and administration that may be entrusted to labor inspectors not interfere with the discharge of their primary duties.<sup>9</sup> The conciliation role assigned to inspectors in the new law may further exacerbate the problem of their capacity to settle disputes and undertake their other functions.

Moreover, labor inspectors should refer violations of the law to the appropriate authorities and not just to prosecutors. Violations of health and safety, and other criminal matters including violence or forced labor should be referred to a prosecutor but other non-criminal labor violations should, for instance, be referred to the courts that hear labor cases.

Even if capacity problems are addressed, the new law fails to address challenges that could render justice out of reach such as:

- When the participation of employers in the conciliation process is voluntary, it can be difficult for a domestic worker to access justice. For example, the law does not address what employers are required to do if they participate in conciliation, such as an obligation to produce documents;
- Live-in domestic workers may be unlikely to make complaints or continue with a dispute mechanism if they have nowhere to stay or alternate means to provide for themselves;
- Abused domestic workers may need medical and psycho-social treatment; and,
- Migrant domestic workers, particularly undocumented workers, may also be unlikely to report complaints if they believe they will either lose their legal residency in the country or the authorities will punish them for their undocumented status.

### *Fast-track Dispute Mechanisms*

Morocco should anticipate that once the law is in force, the number of disputes within the domestic work sector could overwhelm the dispute mechanism. Lengthy processes that take many months or years may result in workers dropping their claims. Authorities should consider fast-track dispute resolution processes that can provide just and fair settlement.

A number of countries have introduced fast-track specialized bodies to deal with “small claims” disputes relating to a certain amount of a money. For example, Australia's Fair Work Ombudsman (FWO)—an independent body that deals with disputes—establishes the background to the complaint and whether enforcement action is necessary before deciding to move to dispute resolution with a trained mediator who will discuss and develop a solution to the problem. If the claim is still unresolved, it may go to the FWO small claims process (if the claim is less than AUD\$20,000 (US\$14,612)). If it is more serious, it can be referred to a fair work inspector for consideration of enforcement options.<sup>10</sup>

Ireland's Workplace Relations Commission deals with complaints from workers about breaches of their employment rights either through an inspection, mediation, or an Adjudication Officer for a decision. If an employer fails to carry out the decision made by an Adjudication Officer, the claimant can apply for a court order to direct the employer to do so. Resolution of complaints through the Adjudicator is a faster process than the Labour Court, but if either party is unsatisfied with the decision of the Adjudicator it can still go to court.<sup>11</sup>

## Recommendations

### The Moroccan authorities should:

- **Set out through policy or regulation:**
  - **That labor inspectors should report labor violations that do not amount to a crime to courts that hear labor cases;**
  - **a timeline for the conciliation process following a complaint, including when a resolution must be reached, and clarify employers' obligations including participation in the process;**
  - **clear avenues of legal recourse available for domestic workers in the event that the conciliation is unsuccessful including access to the courts, as well as free legal advice and assistance for workers.**
- **Recruit trained conciliators or increase the number of labor inspectors to ensure there is adequate availability to deal with the increase in responsibilities.**
- **Consider a fast-track dispute resolution process that can provide just and fair settlement such as for "small claims"—a certain amount of money relating to salary, overtime and other forms of compensation.**
- **Work with local nongovernmental organizations (NGOs) and trade unions to help provide support to abused domestic workers including provisions of temporary accommodation, financial assistance, legal assistance, medical treatment, and psycho-social support.**
- **Ensure that migrant workers residency is not curtailed as a result of their dispute and can continue to remain in the country to work for a different employer if they so wish. Allow undocumented domestic workers a fair opportunity to regularize their status, and ensure that they are not punished with immigration violations if they pursue a dispute case against their employer.**

## LABOR INSPECTIONS

Other than the task of labor inspectors to attempt conciliation in individual disputes, the new law does not extend their other functions under the labor code to domestic work. These functions include:

- ensuring the enforcement of laws and regulations relating to labor;
- providing technical information and advice to employers and employees on the most effective means to abide by legislation; and
- reporting on labor deficiencies or breaches of certain laws and regulations.<sup>12</sup>

The ILO has noted that “a system of household visits to assess the living and working conditions of live-in workers may help to identify potential problems at the source and to advise employers prior to commencement of the employment relationship.”<sup>13</sup> Morocco should develop and implement measures for labor inspection that recognizes the special characteristics of domestic work and privacy concerns, including conditions under which access to household premises may be granted.<sup>14</sup>

The ILO Domestic Workers Convention addresses the two competing rights of the employers' right to privacy of their home and the protection of workers, and provides that the access to the household is limited. The ILO has noted the need for householder consent or judicial authorization, but also called for expedited procedures for the most serious abuses involving forced labor, child labor and sexual harassment.<sup>15</sup> Domestic workers should be interviewed confidentially and away from the employer.

The ILO has recommended that government officials adopt as a standard practice a ‘check in’ with a domestic worker through a confidential interview away from the employer.<sup>16</sup> However, the new law does not set out any such requirements.

Confidential interviews can help to identify and respond to cases of labor violations as well as instances of forced labor and trafficking. The authorities can create opportunities to conduct these interviews by requiring that a domestic worker is present when the employer submits a copy of their employment contract, and requiring migrant workers be present during the application or renewal of their work permit. This would allow for labor officials to conduct interviews with workers in a quiet, private place within the offices. However, if it is not possible to conduct interviews with all workers, the ILO has also suggested that

interviews can be conducted with a randomized selection of cases.

Other countries either have laws that allow for inspections of homes or have conducted such inspections. In the Middle East region, a 2016 ILO report noted that Jordan's Directorate for the Protection of Domestic Workers inspected five homes with the consent of the owners.<sup>17</sup> Kuwait's law on domestic workers provides for inspections of recruitment agency offices.<sup>18</sup> United Arab Emirates' (UAE) 2017 law on domestic workers provides for inspection of recruitment agencies, and also workplaces and workers' residences with the permission of their owners. The inspectors can also conduct inspections with the permission of the Public Prosecution if there is a complaint from the worker or from the employer, or there is reasonable evidence of violations of the provisions of the law and its implementing regulations.<sup>19</sup>

Beyond the region, other countries include domestic workers under the mandate of labor inspectorates. For instance, both Singapore and Ireland's National Employment Rights Authority (NERA) have conducted labor inspections of homes by contacting employers of domestic workers in a randomized selection and requesting access to their houses for an inspection. The employer has the right to refuse an inspection but must then provide an alternative meeting point for interviews and document analysis or face a penalty and further action.<sup>20</sup>

### Occupational Health and Safety

Domestic work is often assumed to be safe and not hazardous work, particularly as it relates to the home. However, this is not the case. Domestic work often involves “significant repetition, bending and reaching, lifting heavy objects, extremes of heat (cooking, ironing), sharp objects (knives), handling potentially toxic cleaning products and prolonged exposure to dust.”<sup>21</sup> Other commonly required activities such as working on balconies, cleaning from a height, and using ladders also carry a risk to the health and safety of the worker. Such risks increase with the fatigue from long working hours which in itself is also a risk to health and safety.<sup>22</sup> As such it is important to educate employers and domestic workers of the risks and hazards and ways to prevent injuries and risks to health.

The new law prohibits employers from requiring domestic workers aged between 16-18 years old to work at night or perform work that maybe dangerous or pose a risk to their health or safety.<sup>23</sup> A further decree from September 2017 details a list of tasks that em-

ployers are prohibited from requiring such child domestic workers to carry out.<sup>24</sup>

However, the authorities have not issued separate regulations relating to dangerous tasks or risks for adult domestic workers. Apart from a provision in the domestic workers law that requires employers in general to “take all necessary measures to protect the health and safety of his domestic workers, as well as their dignity insofar as they undertake activities at the employer's behest” the law does not set out what the risks are and what measures can be taken to respond to them.<sup>25</sup>

In Hong Kong (China), the government recently included a new provision in its Standard Employment Contract to deal with the serious danger that domestic workers face in cleaning windows. It requires that “the window being cleaned is fitted with a grille that is locked or secured in a manner that prevents the grille from being opened; and no part of the helper's body extends beyond the window ledge except the arms.”<sup>26</sup>

The ILO Recommendation 201 provides guidance to states including on inspections and occupational health and safety in relation to domestic workers. It recommends advising employers on occupational safety and health, including on ergonomic aspects and protective equipment; and developing training programs and disseminating guidelines on occupational safety and health requirements specific to domestic work.<sup>27</sup>

It also recommends establishing procedures for collecting and publishing statistics on accidents and diseases related to domestic work, and other statistics considered to contribute to the prevention of occupational and health-related risks and injuries.

### Specialized Training for Labor Inspectors

While the law sets out protections for domestic workers, it is important to provide specialized training to labor inspectors who otherwise will be unfamiliar with investigating labor conditions within domestic work. In particular, inspectors should be trained on the specific characteristics of domestic work, the hazards involved (mentioned above), and their specific vulnerabilities to abuse in order to adequately safeguard domestic workers. Due to the nature of the closed and informal environment of domestic work, it is also important that labor inspectors are trained in communication techniques to gain the trust of domestic workers and their employers and to approach vulnerable groups, such as children and migrants.

Table: Occupational hazards in domestic work

TASKS	HAZARDS CONDITIONS	POTENTIAL INJURIES/ HEALTH PROBLEMS
Cooking, cleaning, ironing, and other chores	Sharp blades, hot surfaces and tools, toxic chemicals (e.g. bleaches), heavy loads (e.g. carpets, furniture) and work at height (e.g. cleaning windows, ceilings, and stairs)	Cuts, burns, respiratory diseases, dermatitis, allergies, ergonomic injuries, broken bones, concussions, and even death
Gardening	Sharp objects, heavy loads, adverse weather, stinging insects, toxic pesticides, fertilizers, and poorly guarded machinery	Cuts, musculoskeletal disorders, heat stroke, sunburn, dehydration, insect and animal bites, and neurological effects
Gathering fuel, water, and groceries	Heavy loads, traffic, and long distances by foot	Back and other muscle pain, injury from traffic accidents or urban violence, and harassment
All tasks when performed out of the public view	Inadequate food and shelter, long hours, lack of privacy, abuse, and humiliating or degrading treatment	Sleep disturbances, exhaustion, hunger, depression, behavioral disorders, bruises, burns, and other injuries incurred from abuse
All tasks when performed alone	Isolation and separation from peers and family	Psychological disorders

Source: ILO, "Labour inspection and other compliance mechanisms in the domestic work sector: Introductory Guide," 2016 © International Labour Organization 2016

Domestic workers are exposed to specific vulnerabilities such as overwork, lack of remuneration and violence and harassment. They often work vastly longer hours than most other workers, particularly live-in domestic workers who are expected to work around the clock with little rest and remain on "standby" or "on call," which can make it difficult to measure their working hours. They are also often not provided rest days or holidays, paid overtime, face salary deductions, delays or non-payment of wages, or are forced to accept in-kind payments as remuneration without prior informed consent. They also face isolation with many confined to their employers' homes or prohibited from leaving; prohibited or limited in contact with their families, or their employers monitor their conversations. As they work behind closed doors they remain invisible to the outside world and as such can face various forms of violence and harassment by members of their employers' family, other workers and visitors to the home.<sup>28</sup>

Domestic work is also one of the sectors with the highest incidence of forced labor.<sup>29</sup> The ILO has set out a checklist of indicators to help labor inspectors identify victims of forced labor.<sup>30</sup> This includes training such inspectors on skills—such as interpersonal and communication skills—that are necessary in order to collect evidence on the indicators of forced labor, especially when contacting the possible victim, the employer or any other person in contact with the victim. For instance, training on how to read verbal and non-verbal codes and to conduct effective interviews can be crucial. Also, ensuring that labor inspectors have the requisite language skills or translation assistance means they can reach non-Arabic speaking workers such as some Amazigh and migrant workers. Labor inspection teams could also consist of both men and women labor inspectors to ensure ease of access to the household.

*Recommendations*

**The Moroccan authorities should:**

- **Explicitly provide for situations in which workplace inspections can take place with either the consent of the owner/employer or with authorization from relevant authorities, including in situations where there may be a complaint about a domestic worker's working conditions.**
- **Consider random inspections and interviews with the consent of the employer. Where employers refuse an inspection of the home, require that they agree to an alternative place for an inter-**

**view, and conduct a confidential interview with the domestic worker.**

- **Issue a list of hazardous conditions and measures to protect adult domestic workers from incurring health problems or injuries as a result, and ensure this information is disseminated to employers and domestic workers.**
- **Train labor inspectors on:**
  - **the specific characteristics of domestic work, and the specific vulnerabilities of workers to overwork, lack of remuneration, forced confinement and isolation, violence and harassment, as well as on the indicators of forced labor and trafficking;**
  - **the risks and hazards involved in domestic work;**
  - **communication techniques used to gain the trust of and effectively interview domestic workers and their employers; and**
  - **how to approach and interview groups in situations of vulnerability such as children and migrants.**
- **Require labor inspectors to:**
  - **inform and advise employers on ways to ensure a safe and healthy working environment;**
  - **identify risks and hazards of domestic work during home inspections and in their interviews with domestic workers;**
  - **have the requisite language skills or translation assistance where necessary when conducting interviews or inspections with domestic workers;**
  - **ensure that labor inspection teams consist of both men and women labor inspectors—to help ease of access to the household.**
- **Require domestic workers to be present when the employer submits a copy of their employment contract to the authorities and require migrant domestic workers be present during the application or renewal of their work permit, and then provide for labor inspectors to conduct confidential interviews with domestic workers during such processes.**

## REGISTERING WORKERS AND MONITORING COMPLIANCE

In order to transition the domestic work sector from informal working arrangements to more formal working arrangements, the Moroccan authorities should consider incentivizing employers to register their workers. The domestic workers law requires the employer to deposit a copy of a new employment contract with the Labor Inspectorate.<sup>31</sup> This procedure can act as a registration process for domestic workers in Morocco. If employers have incentives to report a new or existing domestic working relationship and submit a standard contract with the Labor Inspectorate, the authorities can better register and monitor domestic workers' working conditions.

In Brazil, Law No. 11,324 (2006) established incentives for the regularization of undeclared domestic workers whereby employers become eligible for tax benefits if they prove that their workers are registered in the social security system. They also simplified payment procedures.

Other countries have required employers to report the hiring of domestic workers in order to register their existence and monitor their working conditions. Spain for instance set a deadline of 1 July 2012 for the registration of domestic workers who were already employed, after which date they would sanction employers who failed to register their workers. By April 2012, the social security registration rate had risen to 47 percent of the total estimated number of domestic workers in the country.<sup>32</sup>

Beyond registering domestic workers, the authorities need to have documentation of hours worked and the salary payments made in order to more effectively monitor compliance. The new domestic workers law provides that a labor inspector can request both parties to provide them with documents that could assist them during their duties. However, the law does not require employers to provide or retain pay slips or records of work schedules.<sup>33</sup>

ILO Recommendation No. 201 recommends that hours of work, including overtime and periods of standby, should be accurately recorded and that these records should be accessible to domestic workers.<sup>34</sup> Domestic workers should also receive, at the time of each payment, a written account of the total remuneration due to them and the specific amount and purpose of any deduction.<sup>35</sup>

This is particularly important as domestic workers often suffer from excessively long working hours due

to the nature of their residing in their employers' homes. The ILO has developed some tools and guidance on how workers and employers can set out tasks and time sheets for their working hours.<sup>36</sup>

Countries like Finland require work schedules and records of any emergency work or overtime to be made available to the occupational safety and health authority and a written report of these records to workers or their representatives if they request it.<sup>37</sup>

Other countries require employers to keep copies of all payments to domestic workers. In the Philippines, Portugal, South Africa, and Zimbabwe, employers must provide domestic workers with pay slips showing the wage rate, the total number of hours worked, any bonuses or allowances, the corresponding period, the value of benefits in kind, the net wage, and any discounts to be made. In Jordan, the law requires the employer to keep evidence of all monthly payments.<sup>38</sup>

### Recommendations

#### The Moroccan authorities should:

- **Consider incentives for employers to register new or existing domestic workers.**
- **Develop model work schedules (including working hours, rest breaks, rest days, holidays), records of overtime, and pay slips, and require employers to keep such documentation and provide copies to domestic workers.**

## AWARENESS-RAISING, CHANGING BEHAVIORS AND FREEDOM OF ASSOCIATION

Even with some of its challenges, the new law in Morocco represents an important and significant step forward in protecting the rights of domestic workers. However, lack of awareness of the law and recourse available will limit workers' ability to defend their rights under the law. As such, it is important that information about the new law is disseminated through a variety of means that can reach domestic workers such as through television and radio as well as through larger campaigns by Employment Ministry officials including labor inspectors.

When Uruguay's domestic workers law went into effect, the government initiated an awareness-raising campaign. The national labor inspectorate visited workplaces with the primary goal of providing information on the law and regularizing the status of informal domestic workers.<sup>39</sup> Similarly, the labor ministry in Costa Rica has taken the opportunity of their National Day of Domestic Workers to advise hundreds of domestic workers on their legal entitlements during a fair on the promotion of labor rights of domestic workers.<sup>40</sup>

Moroccan authorities should work together with trade unions and civil society organizations to broaden their outreach to both domestic workers and employers.

There are many instances globally in which trade unions, NGOs, and worker associations raise awareness of domestic workers' rights and work to change behaviors. For instance, civil society groups in the Middle East and Asia have engaged children of employers through essay competitions and art exhibits to explore their attitudes towards domestic workers. Domestic workers and their allies in Lebanon have organized annual parades for International Workers' Day including a celebration of the food and culture of migrant domestic workers. Domestic workers' groups, NGOs, and trade unions have engaged with radio and television programs, organized campaigns on social media platforms like Facebook and Twitter, and worked with filmmakers to produce documentaries.<sup>41</sup>

### Promoting "Behavioral Change" Including Employer Training

Changing behaviors is an important part of ensuring that domestic workers' rights are not just rights on paper but respected in practice. Experience in other countries shows that legislative change should also be combined with behavioral change campaigns that can be undertaken in a manner that promotes professionalization of the occupation and respect of the worker. Ideally, behavioral change campaigns should also be accompanied by clear training and guidance on what the parties' rights and obligations are, to correct any misunderstandings or misinformation.

The joint campaign by the ILO and the International Domestic Worker Federation—My Fair Home—aims to elicit attitudinal and behavioral change among employers of domestic workers to ensure decent work by encouraging employers to sign onto the "My Fair Home pledge," committing to core principles of decent work for domestic workers.<sup>42</sup>

Training employers also helps to instill the point that this is a professional work relationship and can help to prevent abuse and ensure compliance.

The Singapore Ministry of Manpower requires that all first-time employers of domestic workers and those who have changed domestic workers frequently complete a three-hour program called the Employers' Orientation Programme (EOP), which emphasizes the professional work relationship between the domestic worker and the employer. The EOP must be completed at least two working days before submitting a work permit application. Employers are encouraged to do the EOP in the classroom, although they can also complete it online. The case studies and personal experiences shared in the class give the employer a better understanding of rights and responsibilities in employing and managing a domestic worker.<sup>43</sup>

Changing social attitudes towards domestic work by highlighting the ways in which it remains devalued has been another key strategy for realizing domestic workers' rights. Advocates in the Philippines, for example, promoted the term *kasambahay* (companion in the home) to replace more commonly used terms that are derogatory, such as *muchacha* (girl), *katulong* (help), or *inday* (provincial, implying the worker is illiterate).<sup>44</sup>

### Freedom of Association

Morocco's Domestic Workers Law makes no mention of domestic workers' right to association including the right to join trade unions, which the Labor Code provides for other workers. This is a protected right under the Moroccan constitution.<sup>45</sup>

Freedom of association should include cooperatives. A cooperative is "an autonomous association of persons united voluntarily to meeting their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled enterprise."<sup>46</sup> Globally, in the care sector, the majority of cooperatives currently operating are made up of workers, and/or clients.<sup>47</sup> The function of a cooperative can also be an organization of workers who provide support to one another, or build a network with employers.

### Recommendations

#### The Moroccan authorities should:

- **Launch a public awareness campaign including for instance on national television and with materials in Moroccan Arabic, Amazigh, and any other prominent languages spoken by migrant domestic workers, so that employees will know their rights and employers their duties.**
- **Institute employer trainings that can be mandatory as part of registration of domestic workers.**
- **Conduct surveys on attitudes and behaviors and design campaigns to combat myths and promote the professional relationship and rights of workers.**
- **Involve Moroccan NGOs and trade unions in developing campaigns to raise awareness and promote behavioral change.**
- **Ensure domestic workers know that they have the right to freedom of association, including collective bargaining and forming cooperatives as a means to engage collectively on their rights with employers and to provide peer support.**

## RATIFY THE ILO DOMESTIC WORKERS CONVENTION

The ILO Convention Concerning Decent Work for Domestic Workers (Domestic Workers Convention or C189) entered into legal force on September 5, 2013.<sup>48</sup> This groundbreaking treaty and its accompanying Recommendation (No. 201) established the first global standards for more than 67 million domestic workers worldwide—the majority of whom are women and girls, and many of whom are migrants—who clean, cook, and care for children and elderly in private households.<sup>49</sup> Under the convention, domestic workers are entitled to the same basic rights as those available to other workers, including weekly days off, limits to hours of work, minimum wage coverage, overtime compensation, social security, and clear information on the terms and conditions of employment.

Morocco voted in favor of the ILO Domestic Workers Convention supplemented by a Recommendation but has yet to ratify the convention. The Government member of Morocco remarked at the time that the fact that domestic workers had their own specific characteristics did not disqualify them from the entitlement to decent work.<sup>50</sup> As of writing, 25 states had ratified the convention.<sup>51</sup>

### Recommendation

**Morocco should ratify the ILO Domestic Workers Convention. Ratification would make it the first state party in the Middle East and North Africa.**

<sup>1</sup> Law no. 19-12 of 2016 Establishing the Terms of Labor and Employment for Domestic Workers August 10, 2016, (Domestic workers law), [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=105362&p\\_country=MAR&p\\_count=643&p\\_classification=22.15&p\\_classcount=3](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=105362&p_country=MAR&p_count=643&p_classification=22.15&p_classcount=3) (accessed September 13, 2018).

<sup>2</sup> "Morocco: New Law Advances Domestic Workers' Rights," Human Rights Watch news release, August 1, 2016, <https://www.hrw.org/news/2016/08/01/morocco-new-law-advances-domestic-workers-rights>.

<sup>3</sup> See Human Rights Watch reports, *Inside the Home, Outside the Law: Abuse of Child Domestic Workers in Morocco*, November 2005, <https://www.hrw.org/report/2005/12/19/inside-home-outside-law/abuse-child-domestic-workers-morocco>, and *Lonely Servitude: Child Domestic Labor in Morocco*, December 2012, <https://www.hrw.org/report/2012/11/15/lonely-servitude/child-domestic-labor-morocco>.

<sup>4</sup> Domestic workers law, art. 13; Decree No. 1-03-194 of 11 September 2003 promulgating Law No. 65-99 of the Labor Code, art. 184, [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=67319&p\\_country=MAR&p\\_count=643&p\\_classification=01.02&p\\_classcount=3](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=67319&p_country=MAR&p_count=643&p_classification=01.02&p_classcount=3) (accessed September 13, 2018).

<sup>5</sup> Domestic workers law, art. 19.

<sup>6</sup> Domestic workers law, art. 22.

<sup>7</sup> International Labour Organization (ILO), Recommendation concerning Labour Inspection (ILO Labour Inspection Recommendation), 1947 (No. 81), adopted 11 Jul 1947, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:Ro81](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:Ro81), art. 8 (accessed September 13, 2018). The ILO Labour Inspection Recommendation 1947 is a supplement to the ILO Convention concerning Labour Inspection in Industry and Commerce (Labour Inspection Convention, 1947 (No. 81), entry into force on April 7, 1950, which Morocco ratified in March 14, 1958. The International Labour Organization is a tripartite U.N. agency which brings together governments, employers and workers of 187 member States, to set labor standards, develop policies and devise programs promoting decent work for all women and men.

<sup>8</sup> ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), Observation on Morocco relating to the Labour Inspection Convention, 1947 (No. 81), adopted 2014, published 104th ILC session (2015) [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID:3189974](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3189974) (accessed September 13, 2018).

<sup>9</sup> ILO CEACR, Observation on Morocco relating to the Labour Inspection Convention. See also Article 3(2) of the ILO Labour Inspection Convention, 1947 (No. 81).

<sup>10</sup> ILO, "Resolving individual labour disputes: a comparative overview," edited by Minawa Ebisui, Sean Cooney, Colin Fenwick; International Labour Office. Geneva: ILO, 2016, [https://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/-publ/documents/publication/wcms\\_488469.pdf](https://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/-publ/documents/publication/wcms_488469.pdf) (accessed September 13, 2018), p. 47. See also: "Taking legal action in the small claims court," Fair Work Ombudsman, Australian Government, undated, <https://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/taking-legal-action-in-the-small-claims-court> (accessed September 13, 2018).

<sup>11</sup> Workplace Relations Commission (Ireland), "Procedures in the Investigation and Adjudication of Employment and Equality Complaints," October 2015, [https://www.workplacerelations.ie/en/Publications\\_Forms/Procedures\\_Employment\\_and\\_Equality\\_Complaints.pdf](https://www.workplacerelations.ie/en/Publications_Forms/Procedures_Employment_and_Equality_Complaints.pdf) (accessed September 13, 2018).

<sup>12</sup> Law no. 99-65 on the Labor Code, issued on September 11, 2003, art. 532, <http://www.droit-afrique.com/upload/doc/maroc/Maroc-Code-1999-du-travail.pdf> (accessed September 13, 2018).

<sup>13</sup> ILO, "Labour inspection and other compliance mechanisms in the domestic work sector: Introductory Guide," International Labour Office – Geneva: ILO, 2015, Second edition 2016, [https://www.ilo.org/labadmin/info/pubs/WCMS\\_429836/lang--en/index.htm](https://www.ilo.org/labadmin/info/pubs/WCMS_429836/lang--en/index.htm) (accessed September 27, 2018), p. 56.

<sup>14</sup> See for example, ILO Domestic Workers Convention, art. 17.

<sup>15</sup> ILO, "Labour inspection and other compliance mechanisms in the domestic work sector: Introductory Guide."

<sup>16</sup> Sophia Kagan, "Domestic workers and employers in the Arab States: Promising practices and innovative models for a productive working relationship – ILO white paper," ILO, Regional Office for Arab States. - Beirut: ILO, 2017, [https://www.ilo.org/wcmsp5/groups/public/-arab-states/-ro-beirut/documents/publication/wcms\\_619661.pdf](https://www.ilo.org/wcmsp5/groups/public/-arab-states/-ro-beirut/documents/publication/wcms_619661.pdf) (accessed September 13, 2018), p. 12.

<sup>17</sup> Ibid.

<sup>18</sup> Kuwait Law No. 68 of 2015 on Domestic Labor, 26, 2015, art. 44, provides "Employees appointed by the Minister of Interior's resolution shall have the power to inspect the offices and establishments engaged in domestic workers recruitment, access their books and records, detect and report irregularities and violations, and refer them to the competent authorities."

<sup>19</sup> United Arab Emirates (UAE) Federal Law No. 10 of 2017 on Assistant Service Workers, arts. 19 and 20.

<sup>20</sup> Sophia Kagan, "Domestic workers and employers in the Arab States: Promising practices and innovative models for a productive working relationship – ILO white paper," p. 12.

<sup>21</sup> ILO, "Decent work for domestic workers," Report IV (Part 1), International Labour Conference, 99th Session, Geneva, 2010, [http://www.ilo.org/wcmsp5/groups/public/-ed\\_norm/-relconf/documents/meetingdocument/wcms\\_104700.pdf](http://www.ilo.org/wcmsp5/groups/public/-ed_norm/-relconf/documents/meetingdocument/wcms_104700.pdf) (accessed September 13, 2018), p. 62. See also ILO, "Labour inspection and other compliance mechanisms in the domestic work sector: Introductory guide," International Labour Office – Geneva: ILO, 2015, [https://www.ilo.org/labadmin/info/pubs/WCMS\\_429836/lang--en/index.htm](https://www.ilo.org/labadmin/info/pubs/WCMS_429836/lang--en/index.htm) (accessed September 13, 2018), table 1, p. 10.

<sup>22</sup> Sophia Kagan, "Domestic workers and employers in the Arab States: Promising practices and innovative models for a productive working relationship – ILO white paper," p. 15.

<sup>23</sup> Domestic workers law, art. 6.

<sup>24</sup> Decree no. 2-17-356 issued on September 27, 2017, to complement the list of tasks for which female and male domestic workers aged between 16 and 18 cannot be employed, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/105822/129501/F1368699115/MAR-105822.pdf> (accessed September 13, 2018).

<sup>25</sup> Domestic workers law, art. 12.

<sup>26</sup> Sophia Kagan, “Domestic workers and employers in the Arab States: Promising practices and innovative models for a productive working relationship – ILO white paper,” p. 15.

<sup>27</sup> ILO, Recommendation concerning Decent Work for Domestic Workers (ILO Domestic Workers Recommendation), 2011 (No. 201), adopted June 16, 2011, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:R201](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R201) (accessed September 13, 2018), arts. 19(c), 19(d), and 19(e).

<sup>28</sup> Human Rights Watch, *Lonely Servitude: Child Domestic Labor in Morocco*.

<sup>29</sup> ILO, “ILO Global estimate of forced labour: results and methodology,” International Labour Office, Special Action Programme to Combat Forced Labour (SAP-FL), Geneva: ILO, 2012, [https://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_182004/lang-en/index.htm](https://www.ilo.org/global/topics/forced-labour/publications/WCMS_182004/lang-en/index.htm) (accessed September 13, 2018).

<sup>30</sup> ILO, “Labour inspection and other compliance mechanisms in the domestic work sector: Introductory Guide,” International Labour Office – Geneva: ILO, 2015, Second edition 2016, pp. 50-51, Box 25.

<sup>31</sup> Domestic Workers Law, art. 3.

<sup>32</sup> Bureau for Workers’ Activities; International Training Centre (ACTRAV/ITC-ILO), “Decent Work for Domestic Workers The state of labour rights, social protection and trade union initiatives in Europe,” 2013, [http://www.idwfed.org/en/resources/actrav-itc-ilo-report-decent-work-for-domestic-workers-the-state-of-labour-rights-social-protection-and-trade-union-initiatives-in-europe/@@display-file/attachment\\_1](http://www.idwfed.org/en/resources/actrav-itc-ilo-report-decent-work-for-domestic-workers-the-state-of-labour-rights-social-protection-and-trade-union-initiatives-in-europe/@@display-file/attachment_1) (accessed September 13, 2018), p. 15.

<sup>33</sup> Domestic workers law, art. 22.

<sup>34</sup> ILO Domestic Workers Recommendation, 2011 (No. 201), art. 8.

<sup>35</sup> ILO Domestic Workers Recommendation, 2011 (No. 201), art. 15.

<sup>36</sup> ILO, “Working around the clock? A manual for trainers to help live-in domestic workers count their working time,” 2014, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/instructionalmaterial/wcms\\_308825.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/instructionalmaterial/wcms_308825.pdf) (accessed September 13, 2018).

<sup>37</sup> ILO, “Labour inspection and other compliance mechanisms in the domestic work sector: Introductory Guide,” International Labour Office – Geneva: ILO, 2015, Second edition 2016, p. 24, Box 8.

<sup>38</sup> *Ibid.*

<sup>39</sup> ILO, “Labour inspection and other compliance mechanisms in the domestic work sector: Introductory Guide,” International Labour Office – Geneva: ILO, 2015, Second edition 2016, p. 30, Box 12.

<sup>40</sup> *Ibid.*

<sup>41</sup> Human Rights Watch, International Domestic Workers Network, and the International Trade Union Confederation, “Claiming Rights: Domestic Workers’ Movements and Global Advances for Labor Reform,” 2013, [https://www.hrw.org/sites/default/files/related\\_material/2013\\_Global\\_DomesticWorkers.pdf](https://www.hrw.org/sites/default/files/related_material/2013_Global_DomesticWorkers.pdf).

<sup>42</sup> ILO, “My Fair Home in the Arab States,” 1 January 2016 - 30 June 2018, [https://www.ilo.org/beirut/projects/fairway/WCMS\\_550151/lang-en/index.htm](https://www.ilo.org/beirut/projects/fairway/WCMS_550151/lang-en/index.htm) (accessed September 13, 2018).

<sup>43</sup> Sophia Kagan, “Domestic workers and employers in the Arab States: Promising practices and innovative models for a productive working relationship – ILO white paper,” p.8 box 2.

<sup>44</sup> Human Rights Watch, International Domestic Workers Network, and the International Trade Union Confederation, “Claiming Rights: Domestic Workers’ Movements and Global Advances for Labor Reform.”

<sup>45</sup> Moroccan constitution, art. 22.

<sup>46</sup> See International Co-operative Alliance and the ILO Promotion of Cooperatives Recommendation, 2002 (No. 193).

<sup>47</sup> Sophia Kagan, “Domestic workers and employers in the Arab States: Promising practices and innovative models for a productive working relationship – ILO white paper,” p. 23, and ILO, “Providing Care through Cooperatives; Literature Review and Case Studies,” International Labour Office, - Geneva: ILO, 2017.

<sup>48</sup> ILO Convention No. 189 concerning Decent Work for Domestic Workers (ILO Domestic Workers Convention), adopted June 16, 2011, entered into force on September 5, 2013. [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C189](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189) (accessed September 13, 2018).

<sup>49</sup> ILO, “Global estimates of migrant workers and migrant domestic workers: results and methodology,” International Labour Office - Geneva, 2015, [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_436343.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_436343.pdf) (accessed September 13, 2018), p.5.

<sup>50</sup> ILO, “Fourth item on the agenda: Decent work for domestic workers, Report of the Committee on Domestic Workers,” International Labour Conference Provisional Record No. 15, 100th Session, Geneva, June 2011, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---rel-conf/documents/meetingdocument/wcms\\_157696.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---rel-conf/documents/meetingdocument/wcms_157696.pdf) (accessed September 13, 2018), para. 38.

<sup>51</sup> ILO, Ratifications of C189 - Domestic Workers Convention, 2011 (No. 189), [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300\\_INSTRUMENT\\_ID:2551460](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:2551460) (accessed September 13, 2018).

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(cover) A domestic worker in Casablanca,  
Morocco, in 2017.

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