

INTERNATIONAL LABOUR OFFICE

REPORTS ON  
UNRATIFIED CONVENTIONS  
AND RECOMMENDATIONS

*(Article 19 of the Constitution of the  
International Labour Organisation)*

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REPORT FORM FOR THE FOLLOWING INSTRUMENTS:

**NURSING PERSONNEL CONVENTION, 1977 (No. 149)**

**DOMESTIC WORKERS CONVENTION, 2011 (No. 189)**

**NURSING PERSONNEL RECOMMENDATION, 1977 (No. 157)**

**DOMESTIC WORKERS RECOMMENDATION, 2011 (No. 201).**

*Article 19 of the Constitution of the International Labour Organization relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5, 6 and 7 of this article read as follows:*

5. In the case of a Convention:

- .....
- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation:

- .....
- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces or cantons rather than for federal action, the federal Government shall:

- .....
- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;
  - (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

*In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present report form. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.*

## REPORT

to be made no later than 28 February 2020, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of Finland, on the position of national law and practice in regard to matters dealt with in the instruments referred to in the following questionnaire.

Workers' and employers' organizations may send comments no later than 30 June 2020.

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### Context and scope of the questions

The questionnaire has been prepared in the light of the ILO Declaration on Social Justice for a Fair Globalization and its follow-up. Account has been taken of the fact that “[t]his follow-up seeks to make the fullest possible use of all the means of action provided under the Constitution of the ILO to fulfil its mandate. Some of the measures to assist the Members may entail some adaptation of existing modalities of application of article 19, paragraphs 5(e) and 6(d), of the ILO Constitution, without increasing the reporting obligations of member States”. For instance, by grouping and focusing on instruments related to a specific strategic objective, General Surveys may provide an overview on the law and practice in ILO member States concerning certain instruments and feed into the recurrent discussions with relevant information on the trends and practices in relation to a given strategic objective.

At its 334th Session in October–November 2018, the Governing Body requested the Office to undertake a General Survey on the instruments related to decent work for care economy workers in a changing economy: the Nursing Personnel Convention, 1977 (No. 149), and its Recommendation (No. 157), and the Domestic Workers Convention, 2011 (No. 189), and its Recommendation (No. 201).<sup>1</sup> The General Survey will provide a comprehensive overview of the current situation in ILO member States with respect to care workers, as relevant to Conventions Nos 149 and 189, which may be useful for the next recurrent discussion on labour protection in a transforming world of work, which will take place at the 111th Session of the International Labour Conference in 2022.

The General Survey will examine the different categories of care workers covered by the four instruments in both the formal and informal economies, which may take the form of direct care (nursing services, child care or personal care for ill persons or those with disabilities, as well as the elderly) or indirect care (which may include cooking, cleaning and other services). Both direct and indirect care services may be provided in a range of settings, including hospitals, clinics, or in or for private households. Direct or indirect care work provided in or for a private household or households can fall within the scope of the definition of domestic work as per Convention No. 189. In addition, special attention will be paid to the gender dimension of these forms of work.

The inclusion of the nursing personnel and domestic worker instruments in a General Survey is particularly timely. The Working for Health five-year action plan for health employment and inclusive economic growth (2017–21) launched by the ILO, the Organisation for Economic Co-operation and Development and the World Health Organization in 2017 focuses on implementation of the recommendations of the United Nations (UN) High-level Commission on Health Employment and Economic Growth and seeks to stimulate investment in health employment and the care workforce in support of the achievement of the UN Sustainable Development Goals (SDGs). Conventions Nos 149 and 189 are relevant to the achievement of the SDGs, particularly Goals 3 (good health and well-being), 5 (gender equality), 8 (decent work and economic growth) and 10 (reduce inequalities). This General Survey will also coincide with the tenth anniversary of the adoption of Convention No. 189.

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The following questions relate to issues covered by Conventions Nos 149 and 189 and Recommendations Nos 157 and 201.

**As appropriate, please give a specific reference (weblink) or include information relating to the provisions of the relevant legislation, regulations and policies, as well as electronic copies thereof.**

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<sup>1</sup> [GB.334/LILS/PV](#), para. 69.

## ARTICLE 19 REPORT FORM CONCERNING DECENT WORK FOR CARE ECONOMY WORKERS IN A CHANGING ECONOMY

### Notes:

1. Governments of countries which have ratified one or several of the Conventions and from which a report is due under article 22 of the Constitution will use the present form only with regard to the Conventions not ratified, if any, and the Recommendations. It will not be necessary to repeat information already provided in reports under article 22 in connection with the Conventions ratified. *The questions contained under the title “Possible need for standards-related action and for technical assistance” are addressed to all member States.*
2. When reference is made to “national laws and regulations” or “provisions”, this should be understood as including laws, regulations, policies, collective agreements, court decisions or arbitration awards.
3. Where the national legislation or other provisions do not cover issues raised in this questionnaire, please provide information on current and emerging practices.

<b>NATIONAL POLICY ON NURSING PERSONNEL AND THE PROMOTION OF ADEQUATE QUALITY HEALTH SERVICES</b>		
1.	Please indicate whether, and if so, how the term “nursing personnel” has been defined in law or practice. Please indicate whether there are special rules concerning nursing personnel who provide care and services on a voluntary basis. If so, please provide information regarding such rules.	Art. 1 of C.149. Paras 1–3 of R.157.
We refer to the previous report submitted in February 2020.		
2.	Please indicate whether there is a national policy concerning nursing services and nursing personnel aimed at providing the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population. If so, please provide information regarding the content of the policy and the extent to which it has been or is being implemented, as well as in relation to any consultations held with the social partners in this respect. Please also indicate whether such policy, if it exists, applies to nationals and non-nationals.	Arts 1(1) and (2) and 2(1) and (3) of C.149. Paras 4(1) and (2)(d) and 19(1) of R.157.
Currently, the targets for developing nursing services and nursing personnel are defined as part of a national development programme the <i>Future Social and Health Center</i> . This programme is based on the Programme of Prime Minister Sanna Marin’s Government and will be implemented by means of 18 regional projects covering the entire country. The Ministry of Social Affairs and Health has allocated state subsidies for these regional projects. For more information, see also the previous report submitted in February 2020.		
3.	Does the policy or the national law and practice on nursing services and personnel cover professional nurses, including midwives (birth attendants), and/or other categories of nursing personnel, such as auxiliary nurses and nursing aides? Are other categories of care workers covered by Conventions Nos 149 and 189 covered under national law, practice or policy, such as personal care workers, healthcare assistants, nursing aides, community health workers, or home-based personal care providers? Please explain.	Para. 5(2)(a)–(c) of R.157.
We refer to the previous report submitted in February 2020.		
4.	Have measures been taken in consultation with the social partners to establish a rational nursing personnel structure which classifies nursing personnel in a limited number of categories determined by reference to education and training, level of functions and authorization to practice? If so, please explain.	Para. 5 of R.157.
We refer to the previous report submitted in February 2020.		

5.	Please indicate whether and in what manner it is ensured that the national policy on nursing services and personnel is coordinated with policies and programmes relating to other aspects of healthcare and to other categories of workers in the field of health.	Art. 2(1) and (4) of C.149. Para. 4(2)(a) of R.157.
We refer to the previous report submitted in February 2020.		
<b>NURSING EDUCATION AND TRAINING</b>		
6.	If a national policy on nursing services and nursing personnel has been declared and pursued, please specify whether, and if so, what measures have been taken to provide nursing personnel with education and training appropriate to the exercise of their functions.	Art. 2(2)(a) of C.149. Para. 4(1) and (2)(b) of R.157.
We refer to the previous report submitted in February 2020.		
7.	Please provide detailed information regarding any laws, regulations and other measures in place which establish the basic educational and training requirements for the practice of nursing and limit the practice of nursing to persons who meet the requirements established. Please also provide information on the manner in which compliance with such requirements, if these exist, is supervised and enforced and the authorities, if any, mandated to regulate education, training and practice.	Arts 3 and 4 of C.149. Paras 7(3) and (4) and 13(a) and (b) of R.157.
We refer to the previous report submitted in February 2020.		
8.	Please indicate whether any measures have been taken to promote education and employment of nursing personnel in rural areas and remote communities, with a view to ensuring adequate healthcare coverage in such areas. If so, please describe the nature and impact of such measures and the scope and outcome of any consultations held with the social partners in this respect.	Art. 2(1) and (3) of C.149. Para. 4(2)(c) and (d) of R.157.
<p>Nurse consultations have been increased at health care centers and <i>outpatient hospital care</i> to improve the availability of services. In addition, measures have been taken to develop remote consultation (digital and mobile services), such as taking on-call services to the patient's home in cooperation with the Rescue Department. Nurses have also been trained in limited prescribing. Nurses may prescribe, for example, pain killers and extend prescriptions in accordance with a treatment plan.</p> <p>Finland has supported the increase in nursing education through separate funding. The number of available student places will be increased in 2019–2021 across Finland. The aim has been to spread the increased number of available student places across a geographically wide area, rather than just focus on remote locations.</p> <p>See also the previous report submitted in February 2020.</p>		
9.	Please indicate the measures taken, if any, to offer nursing personnel reasonable career prospects through a varied range of possibilities for career development. These could include measures to promote the advancement of women and men in leadership positions in the field of nursing on the basis of equitable criteria, taking into account experience and demonstrated ability, bearing in mind the gender dimension.	Preamble of C.149. Preamble and Para. 21 of R.157. Para. 2(3) of the Annex to R.157.
We refer to the previous report submitted in February 2020.		
<b>WORKING CONDITIONS</b>		
10.	Please indicate whether measures have been put in place to ensure employment and working conditions – including career prospects and remuneration – that are likely to attract women and men to the nursing profession and retain them, bearing in mind the gender dimension. If so, please provide detailed information on the nature and extent of such measures, and their impact, if known.	Art. 2(2)(b) of C.149. Paras 21(1) and (2) and 25(1) of R.157.

In respect of the tripartite Equal Pay Programme, we refer to the latest report on ILO Convention No. 100 submitted in 2018. The current Government wants to advance pay equality with an ambitious combination of measures which include advancing pay transparency in the legislation (Gender Equality Act), research and development projects and tripartite actions with the central labor market organisations.

We would like to inform also that a research project was carried out between 2017 and 2019 to investigate the impact of the regional government / social and health care reform on persons working in the social and health care sector from the gender equality perspective. The final report of the research project was published at the beginning of 2020.

The aim of the survey was to investigate the equality impacts of the change in social and health care services as well as to highlight problems related to equality. The survey monitored the drafting of the regional government reform and the health and social services reform and assessed, through case examples, the impacts of the change on gender equality among the social and health care services personnel. Major problems in social and health care services are related to strong differentiation according to gender as well as the amount of pay in the female-dominated sector. The gender equality issue easily becomes a blind spot in the female-dominated sector. Attention in the reform should be paid to the management of change and equality plans as a tool in the management of change. Organisations should assign resources to equality plans and the participation of personnel in preparing and implementing plans.

In addition to the aforementioned, please see also the report submitted in February 2020.

11.	Please provide detailed information regarding whether, and if so, how levels of remuneration are fixed for the different categories of nursing personnel, as well as the periodicity of adjustments to their salary scales. Please also indicate whether and to what extent the remuneration is fixed by collective agreement and, if so, provide copies of such agreements. In addition, please provide detailed information regarding whether, and if so, what measures have been taken to ensure that the remuneration of nursing personnel is fixed at levels commensurate with their socio-economic needs, qualifications, duties and experience, taking account of the constraints and hazards inherent to the profession, and without discrimination on the basis of sex.	Preamble of C.149. Preamble and Paras 25(1)–(5), 26 and 27 of R.157. Para. 12(1) of the Annex to R.157.
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We refer to the previous report submitted in February 2020. Examples on collective agreements on public and private health care sector regarding nursing personnel can be found here (updated links, unfortunately only in Finnish):

Municipal general collective agreement:

<https://www.kt.fi/sopimukset/kvtes/2020-2021>

Collective agreement for the health care sector covering the private sector:

<https://www.finlex.fi/fi/viranomaiset/tyoehto/paatokset/2017/1603>

Collective agreement for the private social service sector:

<https://www.finlex.fi/fi/viranomaiset/tyoehto/paatokset/2017/3742>

Collective agreement for social sector organizations:

<https://www.finlex.fi/fi/viranomaiset/tyoehto/paatokset/2017/2542>

Collective agreement for the emergency medical service sector:

<https://www.finlex.fi/fi/viranomaiset/tyoehto/paatokset/2017/1582>

12.	Please indicate whether and in what manner it is ensured that nursing personnel enjoy conditions that are at least equivalent to those of other workers in relation to: hours of work, weekly rest, paid annual holidays, educational leave, maternity leave and sick leave.	Art. 6(a)–(g) of C.149. Paras 32(1), 39(1) and 42(1) of R.157.
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We refer to the previous report submitted in February 2020.

13.	Please provide detailed information on any measures taken in relation to the protection of nursing personnel with respect to current and emerging working time arrangements, meal breaks, rest periods and sick leave. In addition, please provide information on any measures taken to limit recourse to overtime work, work at inconvenient hours (including shift work) and on-call duty, as well as the conditions under which on-call duty hours of nursing personnel may be counted as working time.	Paras 30–43 of R.157.
We refer to the previous report submitted in February 2020.		
14.	Please describe whether, and if so, how it is ensured that the normal weekly hours of nursing personnel do not exceed those set in the country for workers in general and any provisions made to ensure that nursing personnel are informed of their working hours in advance to enable them to better balance their work and family responsibilities. In addition, please provide detailed information on the rest periods and meal breaks afforded to nursing personnel and the manner in which shift work and work at inconvenient hours is minimised and how overtime hours are compensated.	Paras 32, 33, 34, 35, 37 and 38 of R.157.
We refer to the previous report submitted in February 2020.		
15.	Please indicate whether and the manner in which it is ensured that nursing personnel, without distinction based on civil status, are assured the benefits and protection provided for in the ILO instruments on maternity protection.	Para. 42 of R.157.
We refer to the previous report submitted in February 2020.		
16.	Please provide information on any measures taken or envisaged to improve existing laws and regulations on occupational health and safety by adapting them to the special nature of nursing work and the working environment in which it is carried out. <sup>2</sup> In particular, please provide detailed information on any measures taken to ensure the access of nursing personnel to occupational care services. In addition, have any measures been taken to avoid or minimize special risks to nursing personnel – including emergency service personnel? <sup>3</sup> Have any measures been taken to seek the collaboration of nursing personnel and organizations representing them in ensuring effective occupational safety and health protections for nursing personnel? If so, please describe.	Art. 7 of C.149. Paras 44–52 of R.157.

<sup>2</sup> Care work occupations such as nursing, personal care work and domestic work carry with them special occupational risks, including the risk of violence and harassment at work, or exposure to occupational accidents and illnesses. For example, workers in the health sector face a range of occupational risks associated with biological, chemical, physical, ergonomic and psychosocial hazards (ILO: [Improving employment and working conditions in health services](#), Report for discussion at the Tripartite Meeting on Improving Employment and Working Conditions in Health Services (Geneva, 24–28 April 2017), para. 102).

<sup>3</sup> For example, such risks could include the risk of occupational HIV transmission and transmission of other infectious diseases, such as Hepatitis B and C and tuberculosis, or special risks of violence and harassment at the workplace. Similarly, special risks could include burnout or depression, or risks due to climate change, such as exposure to heat stress.



We refer to the previous report submitted in February 2020. Since the submission of the previous report, Government Decree on protecting workers from risks arising from biological agents (933/2017) was revised and the amendments came into force on 15 November 2020. With this amendment was in part implemented the Directive 2019/1833 that is about changing the Annexes I, III, V and VI of the Directive 2000/54/EC. In addition the implementation of certain articles of the Directive 2000/54/EC was clarified.

The Decree of the Ministry of Social Affairs and Health on the Classification of Biological Agents (921/2010) was revoked and a new Decree of the same name (748/2020) was issued on 15 November 2020. This was also done in part to implement the technical changes to the annexes I, III, V and VI of the Directive 2000/54/EC. In addition the Directive 2020/739 was implemented, it is about adding Sars-CoV-2 in the Annex III of the Directive 2000/54/EC. The new Decree brings up to date and strengthens the protection of workers against the risks arising from biological agents at work.

However, the above-mentioned changes have no significant effect on the protection of nursing personnel, because the scope of application of both decrees is more general.

17.	Please indicate whether and to what extent nursing personnel enjoy social security protection that is at least equivalent to that enjoyed by other public- and private-sector workers or self-employed persons.	Art. 6(g) of C.149. Para. 53 of R.157.
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We refer to the previous report submitted in February 2020.

### MIGRANT WORKERS

18.	Are any bilateral or multilateral arrangements in place to facilitate the recognition of the qualifications and skills of all categories of foreign nursing personnel, as well as those of national nursing personnel who acquired such qualifications and skills abroad? If so, please describe. In addition, please indicate whether any bilateral or multilateral measures have been taken to harmonize education and training programmes for nurses, including lower-skilled groups such as nursing aides or personal carers, as well as to harmonize the requirements for authorization to practise in order to promote exchanges of personnel, ideas and knowledge.	Para. 62(a)–(d) and 66(1) of R.157.
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We refer to the previous report submitted in February 2020.

19.	Have measures been taken to safeguard the labour rights of nursing personnel working abroad, as well as to ensure that foreign nursing personnel with equivalent qualifications enjoy conditions of employment as favourable as those of national personnel in positions involving equivalent duties and responsibilities? <sup>4</sup> If so, please explain.	Para. 66(1)–(3) of R.157.
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Foreign nursing personnel who have the right to practice as licenced or authorised professional in Finland shall have the same working conditions as those of national personnel. Discrimination e.g. on the grounds of ethnic or national origin or nationality is forbidden.

In the case of the posting situations where a posted worker is seconded (posted) to Finland by the foreign employer from another state under a contract on cross-border service provision under subcontract, internal transfer within a group of companies or temporary agency work for a limited period, the provisions of the Act on Posting Workers (447/2016) shall apply. The Act lays down provisions on, for example, the minimum terms applied to employment relationships (Chapter 2). Since the submission of the previous report, Directive (2018/957) has been implemented and the amendments to Act on Posting Workers came into force on 1 December 2020.

Please also consult the following links for additional information:  
<https://tem.fi/en/posted-workers>  
<https://www.tyosuojelu.fi/web/en/-/changes-to-the-posted-workers-act>

<sup>4</sup> A significant proportion of nursing personnel, domestic workers and other care workers are also migrants.



<b>SOCIAL DIALOGUE</b>		
20.	Please indicate whether measures have been taken to promote the participation of nursing personnel in the planning and classification of nursing services as well as in consultations with nursing personnel in relation to decisions that concern them.	Art. 5(1) of C.149 Para. 19(1) and (2) of R.157.
We refer to the previous report submitted in February 2020.		
21.	Please indicate whether and to what extent conditions of employment of nursing personnel are determined through negotiations between employers' and workers' organizations. Please also indicate the manner in which any disputes that may arise are settled.	Art. 5(2) and (3) of C.149. Paras 19(2)(b) and (c), and 43 of R.157.
We refer to the previous report submitted in February 2020.		
<b>DOMESTIC WORKERS<sup>5</sup></b>		
22.	Does your national legislation contain a definition of the terms "domestic worker" and "domestic work"? If so, please explain.	Art. 1(a)–(c) of C.189.
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23.	Are domestic workers excluded from the scope of general labour legislation? If so, please provide information regarding the legislation, regulations, policies or other measures, if any, applicable to domestic workers. Please also indicate the scope and nature of any exclusions from the definition of "domestic worker" and the extent to which these excluded categories of workers enjoy labour protections equivalent to those enjoyed by other domestic workers.	Art. 2 of C.189.
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24.	Are there any categories of domestic workers, within the meaning of Convention No. 189, that fall outside of the scope of the national definition of domestic worker, if such a definition exists? If so, please explain, in particular indicating the extent to which these excluded categories of workers enjoy labour protections equivalent to those enjoyed by other domestic workers. Please also provide information on any consultations held in this regard with organizations of employers and workers and organizations representative of domestic workers and those representative of employers of domestic workers, where these exist, in relation to any such exclusions.	Art. 2(2)(a) and (b) of C.189.
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<sup>5</sup> For the purposes of this questionnaire, the terms "domestic work" and "domestic workers" are used in accordance with the definitions set out in Article 1 of Convention No. 189, which provides that: (a) the term "domestic work" means work performed in or for a household or households; (b) the term "domestic worker" means any person engaged in domestic work within an employment relationship; (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

The definition of the term "domestic worker" set out in the Convention excludes only those who perform domestic work sporadically and not on an occupational basis. According to the preparatory work in relation to the Convention, this clarification was included to guarantee that day labourers and other precarious workers in similar situations would be included in the definition of "domestic worker" (see ILO: *Decent work for domestic workers*, [Report IV\(1\)](#), International Labour Conference, 100th Session, Geneva, 2011, p. 5). The definition within the meaning of the Convention would therefore include a person engaged in domestic work on an occupational basis for more than one employer, and would also include persons engaged in domestic work employed by a household, public or private organization or through an intermediary.

## FUNDAMENTAL LABOUR RIGHTS

25.	Have specific measures been taken to promote and effectively protect the right of national and migrant domestic workers and their employers to establish and join organizations, federations and confederations of their own choosing? If so, please describe, and provide information regarding any organizations representative of domestic workers and of employers of domestic workers, where these exist. In addition, please provide information on any measures taken to ensure the effective recognition of the right of domestic workers to collective bargaining. Please also indicate whether there are any collective bargaining agreements in place, and if so, please provide details in this respect.	Art. 3(1), (2)(a) and (3) of C.189. Para. 2(a) and (b) of R.201.
We refer to the previous report submitted in February 2020.		
26.	Please indicate whether measures have been taken to prevent and prohibit all forms of forced or compulsory labour for national and migrant domestic workers, taking account of the particular characteristics of domestic work, especially in the case of live-in domestic workers, who may be working alone and in isolated conditions. If so, please explain.	Art. 3(1) and (2)(b) of C.189.
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27.	Is there a minimum age established for domestic workers under national legislation or regulations? If so, please provide information in this respect. Please also provide information on whether any measures have been adopted to ensure the effective abolition of child labour in relation to domestic work.	Arts 3(1) and (2)(c) and 4(1) of C.189. Para. 5 of R.201.
We refer to the previous report submitted in February 2020.		
28.	Please provide information on any measures adopted to ensure effective protection against discrimination in employment and occupation in relation to domestic workers, including migrant domestic workers.	Arts 3(1) and (2)(d) of C.189. Para. 3 of R.201.
We refer to the previous report submitted in February 2020.		
29.	What measures, if any, have been adopted to ensure that work performed by young domestic workers under the age of 18 and above the minimum age of employment, as defined by national legislation, does not deprive them of access to compulsory education or interfere with their ability to participate in further education or vocational training? Please describe.	Art. 4(2) of C.189. Para. 5(2)(a) of R.201.
We refer to the previous report submitted in February 2020.		
30.	Have any measures been taken to protect domestic workers under the age of 18 and above the minimum age of employment, as defined by national laws and regulations, including by: (a) strictly limiting their hours of work to ensure adequate time for rest, education and training, leisure activities and family contacts; (b) prohibiting night work; (c) placing restrictions on work that is excessively demanding, whether physically or psychologically; and (d) establishing or strengthening mechanisms to monitor their working and living conditions.	Art. 4(2) of C.189. Para. 5(2)(a) of R.201.
We refer to the previous report submitted in February 2020.		
31.	Have any measures been taken to ensure effective protection of domestic workers from abuse, harassment and violence in the workplace? If so, please describe such measures and the manner in which they are given effect.	Art. 5 of C.189. Para. 7(a)–(c) of R.201.

We refer to the previous report submitted in February 2020.

### CONDITIONS OF EMPLOYMENT

32.	Are there any measures in place to ensure that domestic workers enjoy fair terms of employment and decent working conditions, like workers generally and, if they reside in the household, decent living conditions that respect their privacy?	Art. 6 of C.189. Para. 17(a)–(d) of R.201.
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Recently the domestic work has undergone structural changes. A model, where several households employ an employee to carry out ordinary household and maintenance tasks has become more common. Often the employee is foreign worker, which means that ensuring fair working conditions is a part of the process of considering the residence permit. To ensure fair working conditions in this new model and in the industry as a whole, there are plans to strengthen supervision in 2021. To determine the legal status OSH authorities have investigated appliance of existing collective agreements to this kind of domestic work. According to prevailing view the collective agreement for facilities services sector should be applied also in domestic cleaning and maintenance work. This ensures decent level of income and fair working conditions. To increase awareness and ensure observance of the collective agreement, there is ongoing co-operation between different authorities responsible for supervision of working conditions and those responsible for permits of foreign domestic workers. Another new form of work in domestic work is self-employment or working through an invoicing service company. There are plans to aim supervision and communication also to this phenomena in coming years.

See also the report submitted in February 2020 and updated statistics from years 2019-2020 below. The table below shows the total number of occupational safety and health inspections in sectors where the work is mainly domestic work. In respect of other sectors, domestic work cannot be separated from work carried out elsewhere on the basis of the sector and neither is it possible to estimate the extent of monitoring targeted at domestic work; furthermore, some work performed in the context of domestic services is included in broader job descriptions as the same companies also provide other services. For example, cleaning work carried out in households cannot be separated from other cleaning work on the basis of the sector.

Sector	2017	2018	2019	2020
01620 Support activities for animal production	14	15	20	15
88101 Domestic services for the elderly and persons with disabilities	195	213	165	83
88991 Domestic services for other persons than the elderly and persons with disabilities	15	7	7	1
T Activities of households as employers; undifferentiated goods- and servicesproducing activities of households for own use	1	0	0	3

Inspectors have found inadequacies particularly in the registration of working hours, in concluding employment contracts and in the availability of pay statements and terms and conditions of employment. For example, in some cases, the tasks of farmworkers included around-the-clock monitoring of equipment, which was not adequately compensated. Furthermore, there is an increased probability of using undeclared workers in the domestic work.

Targeting supervision in private households and impossibility of encountering an employee at the workplace pose challenges for supervision. Furthermore, it is challenging to find households that employ domestic workers and to allocate a limited supervisory resource to individual households.

33.	Please indicate whether and in what manner it is ensured that domestic workers are informed of their terms and conditions of work in an appropriate, verifiable and easily understandable manner.	Art. 7 of C.189. Para. 21(1)(f) and (2) of R.201.
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We refer to the previous report submitted in February 2020.		
34.	Please indicate whether employers are required to inform domestic workers of their conditions of work, particularly by specifying one or all of the following elements: the name and address of the employer and worker; the address of the usual workplace(s); the starting date and duration of the contract; the type of work to be performed; the remuneration, method of calculation and periodicity of payments; the normal hours of work; paid annual leave and daily and weekly rest periods; the provision of food and accommodation, where applicable; the period of probation, where applicable; the terms of repatriation, where applicable; and the terms and conditions relating to termination of the employment relationship, including any period of notice to be given by either the employer or the worker. If so, please indicate the manner in which this is ensured, and whether the law or practice contemplates that the employer should provide the domestic worker with a written contract.	Art. 7(a)–(k) of C.189. Paras 6(1) and (2)(a)–(g) and 18 of R.201.
We refer to the previous report submitted in February 2020.		
35.	Is there guidance available for employers and workers in the domestic work sector, such as model contracts, guides, manuals, public outreach services, legal assistance, social services, specialized consular services and other information regarding the domestic employment contract? Please describe.	Art. 7 of C.189. Paras 6(3) and (4) and 21(1)(a) and (f) and (2) of R.201.
We refer to the previous report submitted in February 2020.		
36.	Please indicate whether, and if so, what measures are in place to ensure that domestic workers who reside in the household are: free to reach agreement with their employer or potential employer on whether or not to reside in the household; not obliged to remain in the household or with household members during periods of daily and weekly rest or annual leave; entitled to keep their travel and identity documents in their possession.	Art. 9 of C.189.
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37.	Please describe in detail any measures adopted to ensure equal treatment between domestic workers – including live-in domestic workers – and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave.	Arts 3(2)(d) and 10(1) of C.189.
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38.	Please indicate whether there are any measures in place to ensure that domestic workers enjoy a period of weekly rest of at least 24 consecutive hours.	Art. 10(2) of C.189. Para. 11(1)–(3) of R.201.
We refer to the previous report submitted in February 2020.		
39.	Please indicate whether, and if so, to what extent measures have been taken through laws, regulations, collective agreements, or any other means consistent with national practice to provide that periods during which domestic workers are not free to dispose of their time as they please and are required to remain at the disposal of the household in order to respond to possible calls are considered as hours of work. If any such measures are in place, please provide detailed information on their scope and content and the manner in which they are enforced.	Art. 10(3) of C.189. Para. 9(1) and (2) of R.201.
We refer to the previous report submitted in February 2020.		
40.	Have minimum wage rates been established for the domestic work sector? If so, please indicate the manner in which minimum wage rates have been established (for all categories of domestic work). In addition, please	Art. 11 of C.189.

	indicate whether any measures have been taken with a view to ensuring that the remuneration of domestic workers is established without discrimination based on sex. If so, please provide information on the scope and content of such measures and the manner in which minimum wage protections for domestic workers are enforced.	
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41.	Do national laws and regulations provide that domestic workers should be paid in cash and at regular intervals of at least once a month? If so, please explain. In addition, are there measures in place to ensure the protection of wages of domestic workers, including in respect of wage deductions? If payments in kind are permitted, please specify whether there are limits on the proportion of the remuneration that can be paid in kind (including deductions for food and lodging) that are not less favourable than those applicable to other categories of workers. If so, please provide information in this regard.	Art. 12(1) and (2) of C.189. Para. 14(a)–(e) of R.201.
We refer to the previous report submitted in February 2020.		
42.	Have any measures been taken to ensure the occupational safety and health of domestic workers, taking into account the particular characteristics of domestic work? If so, please describe. Please also indicate the scope and content of any consultations held in respect of any such measure, with organizations of employers and workers as well as with organizations representative of domestic workers and those representative of employers of domestic workers, where these exist.	Art. 13 of C.189. Para. 19 of R.201.
<p>Information on occupational safety and health has been collected to the website of the Occupational Safety and Health Administration in Finland (<a href="https://www.tyosuojelu.fi/web/en/">https://www.tyosuojelu.fi/web/en/</a>), where information is available in Finnish, Swedish and English. The website includes information on working in another person's home: <a href="https://www.tyosuojelu.fi/web/en/working-conditions/work-environment/working-in-another-person-s-home">https://www.tyosuojelu.fi/web/en/working-conditions/work-environment/working-in-another-person-s-home</a>. If necessary, the occupational safety and health authority uses interpretation services.</p> <p>We refer also to the previous report submitted in February 2020.</p>		
43.	Have any measures been taken to ensure social security protection for domestic workers? Have any special measures been adopted to facilitate the payment and recognition of social security contributions made, including in respect of domestic workers working for multiple employers, as well as in respect of migrant domestic workers? If so, please provide information in this regard.	Art. 14 of C.189. Para. 20(1)–(3) of R.201.
We refer to the previous report submitted in February 2020.		
44.	Have the conditions for the operation of private employment agencies in the domestic work sector been determined under national law and practice? If so, please provide information on measures that may have been adopted to prevent and address abuses of domestic workers, including migrant domestic workers, recruited by or through such agencies. In addition, please indicate if provisions are in place which ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers. Please also indicate the scope and content of any consultations held in respect of the abovementioned issues with organizations of employers and workers as well as with organizations representative of domestic workers and those representative of employers of domestic workers, where these exist.	Art. 15 of C.189. Para. 23 of R.201.
We refer to the previous report submitted in February 2020.		

<b>MIGRANT DOMESTIC WORKERS</b>		
45.	Please indicate if there are any laws or regulations requiring that migrant domestic workers who are recruited in one country for domestic work in another receive a written job offer or contract of employment that is in a language they understand, that is enforceable in the country in which the work is to be performed, and that establishes their terms and conditions of employment, prior to crossing national borders for the purpose of taking up the domestic work to which the offer or contract applies.	Art. 8(1) of C.189. Para. 21(2) of R.201.
We refer to the previous report submitted in February 2020.		
46.	Please indicate whether there are any laws, regulations or other measures that specify the conditions under which migrant domestic workers are entitled to repatriation on the expiry or termination of their employment contract.	Art. 8(4) of C.189. Para. 22 of R.201.
We refer to the previous report submitted in February 2020.		
<b>EQUALITY OF OPPORTUNITY AND TREATMENT</b>		
47.	Are there any measures in place that provide for effective protections for all categories of domestic workers, which take into account the high proportion of girls and women in the care economy, and which may include:  (a) young women and men; (b) older workers; (c) migrant workers; and (d) workers employed in the informal economy.  If so, please provide detailed information in this regard.	Arts 1(b), 2(1) and 3(1) and (2)(d) of C.189.
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48.	Does the national policy address the elimination of discrimination in respect of employment and occupation, taking into account the high proportion of girls and women, particularly female migrant workers, engaged in all nursing and domestic work? If so, please provide detailed information in this regard.	Art. 2 of C.149. Art. 3(2)(d) of C.189.
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<b>STATISTICS</b>		
49.	Please provide any statistical data that may be available, including data disaggregated by age and sex, on the nature, size and characteristics of the care workforce in your country. In this regard, please also provide any information that may be available on changes in the patterns and structure of care work at the national and sectoral levels, including all categories of nursing personnel and domestic workers, <sup>6</sup> taking into account age, the distribution of men and women and other relevant factors.	Arts 1(2) and 2(1) of C.149. Paras 2 and 4(1) of R.157. Para. 25(2) of R.201.
We refer to the previous report submitted in February 2020.		

<sup>6</sup> Paragraphs 103 and 104 of the [resolution concerning statistics on work relationships](#) adopted at the 20th International Conference of Labour Statisticians (Geneva, 10–19 October 2018) provide a general statistical definition of domestic work and domestic workers for use in statistics on employment that is intended to allow the provision of comprehensive statistics on the various circumstances in which domestic work is performed, including when such work is mediated through agencies or internet applications, or through independent domestic service providers. See also ILO: [Statistics on work relationships](#), Report II, 20th International Conference of Labour Statisticians (Geneva, 10–19 October 2018), ICLS/20/2018/2, para. 171.



## ENSURING COMPLIANCE

50.	What measures, if any, are in place to promote compliance with labour protections for all categories of nursing personnel and domestic workers, for example, through preventive measures and employer incentives, awareness-raising campaigns and dissemination of guidelines and educational materials for both employers and workers in these sectors? In addition, please provide detailed information, including statistical data, on whether, and if so, in what manner enforcement of labour protections is ensured through labour inspection or other compliance mechanisms, such as judicial proceedings. Please also indicate the conditions under which access to inspect household premises where domestic workers or other care workers are employed may be granted, having due respect for privacy.	Art. 8 of C.149. Arts 16, 17(2) and (3) and 18 of C.189.
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51.	Please provide information on whether national laws and regulations, collective agreements, or court judgments have addressed the working conditions of all categories of nursing personnel and domestic workers. If so, please provide copies.	Art. 8 of C.149. Arts 17 and 18 of C.189. Para. 70 of R.157.
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We refer to the previous report submitted in February 2020.

## IMPACT OF ILO INSTRUMENTS/PROSPECTS OF RATIFICATION

52.	Please indicate whether any modifications have been made or are envisaged to national laws, regulations or practice, with a view to giving effect to all or some of the provisions of the Conventions or Recommendations that are the subject of this questionnaire.	
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## *Declaration of a state of emergency over COVID-19*

After preparatory consideration of the situation and grounds for declaring a state of emergency by the President of the Republic and the Government, the Government plenary session announced on 16 March that the COVID-19 epidemic in Finland constituted a state of emergency.

The use of powers laid down in the Emergency Powers Act during the COVID-19 pandemic was based on the assessment that these powers were necessary to protect the population from the consequences of a highly widespread infectious disease and to safeguard fundamental rights and human rights under exceptional circumstances. In particular, the aim was to ensure the adequacy of healthcare and social welfare services and to safeguard the carrying capacity of intensive care during the crisis.

On 17 March, the Government submitted Decree on the use of powers laid down inter alia in sections 93-95 of the Emergency Powers Act. Section 93 of the Emergency Powers Act lays down provisions on derogations from the terms and conditions of employment relationships, section 94 on restricting the right concerning dismissal and section 95 on the obligation to work in the healthcare section. During Spring 2020 Government submitted decrees which extended the period of validity of the implementation decrees issued under the Emergency Power Act. Sections 93-94 were applied from 18 March 2020 to 16 June 2020 and sections 95-103 from 26 March 2020 to 13 May 2020.

Please also consult the following links for additional information:

[https://valtioneuvosto.fi/-/10616/valmiuslain-kayttoonottoasetus-eduskunnalle?languageId=en\\_US](https://valtioneuvosto.fi/-/10616/valmiuslain-kayttoonottoasetus-eduskunnalle?languageId=en_US)

[https://valtioneuvosto.fi/-/10616/valmiuslain-mukaisten-toimivaltuuksien-kaytosta-luovutaan-poikkeusolot-paattivat-tiistaina-16-kesakuuta?languageId=en\\_US](https://valtioneuvosto.fi/-/10616/valmiuslain-mukaisten-toimivaltuuksien-kaytosta-luovutaan-poikkeusolot-paattivat-tiistaina-16-kesakuuta?languageId=en_US)

### *Derogation from the terms and conditions of employment relationships (section 93) and restricting the right concerning dismissal (section 94)*

The Decree was applied to personnel working in critical functions of society, inter alia in the public and private health care sector. By allowing temporary derogations from Annual Holidays Act, Working Time Act and Employment Contracts Act, employers were able to respond to personnel shortage caused by the epidemic. The arrangements concerned working hours and annual holidays as well as notice periods in case of employee resignation. It was essential to ensure the adequacy of healthcare and social welfare services and to safeguard the carrying capacity of intensive care during the crisis.

The spread of the virus epidemic means a growing number of people will get sick and need health care services, which may result in a labour shortage. If employees working in health care services get sick, this will further aggravate labour shortage. Labour shortage could significantly interfere with the functioning of critical services in society.

If necessary, the employer was allowed to suspend or postpone the employee's annual holiday and to derogate from regulation that concerns giving notification of the timing of holiday. However, it was not possible to abbreviate the annual holiday, but the employer was required to grant the suspended or postponed annual holiday as soon as possible. In addition, the employer could deviate from the obligation to obtain the employee's consent to work overtime, and from the provisions on maximum working time and rest periods. The employer could also extend the notice period that employees are required to comply with to four months if a shortage of labour due to the virus outbreak is imminent.

If the employer resorted to these derogations, they were required to pay special attention to employees' health and safety. It was also required that aforementioned exceptional arrangements were necessary and proportionate to secure employer's operation when the shortage of personnel was caused by the coronavirus epidemic. On the contrary, the employer was not allowed to use these derogations due to the regular sickness absences. Situation had to be so severe that employer could not ensure a sufficient number of employees in compliance with regulation based on Annual Holidays Act, Working Time Act and Employment Contracts Act.

In applying the Emergency Powers Act, the international obligations binding on Finland and the generally recognised rules of international law shall be complied with. In the preparation of the decrees under the Emergency Powers Act, their relationship with the international obligations binding on Finland were examined. International commitments allow, under certain conditions, the derogation from the obligations arising from them

in exceptional circumstances. The possibility of derogating from international commitments binding on Finland was considered necessary in a situation where an increase in the number of patients or in the number of healthcare personnel infected or quarantined due to the coronavirus would lead to a sudden shortage in skilled personnel. Finland is bound by several international commitments to safeguard the right to life and health protection. It was therefore considered that the introduction of derogations under sections 93 and 94 of the Decree did not conflict with the human rights obligations and other international commitments binding on Finland.

The derogations were intended to be in force temporarily and their necessity was considered regularly during the Spring 2020. Separate decrees were in force from 18 March 2020 to 13 April, from 14 April 2020 to 13 May 2020 and from 14 May 2020 to 16 June 2020.

Please also consult the following links for additional information:

<https://tem.fi/en/-/tyonantajalle-mahdollisuus-poiketa-valiaikaisesti-tyoaikaa-ja-vuosilomaa-koskevista-jarjestelyista-yhteiskunnan-kriittisissa-toiminnoissa>

[https://tem.fi/-/tyonantajan-mahdollisuutta-poiketa-valiaikaisesti-tyoaikaa-vuosilomaa-ja-irtisanomisaikojakoskevista-saannoksista-jatketaan-terveydenhuollossa-ja-sos?languageId=en\\_US](https://tem.fi/-/tyonantajan-mahdollisuutta-poiketa-valiaikaisesti-tyoaikaa-vuosilomaa-ja-irtisanomisaikojakoskevista-saannoksista-jatketaan-terveydenhuollossa-ja-sos?languageId=en_US)

<https://tem.fi/paatos?decisionId=0900908f806903bc>

<https://valtioneuvosto.fi/paatokset/paatos?decisionId=0900908f806aa78d>

[https://stm.fi/-/ohje-vuosilomalain-tyoikalain-ja-tyosopimuslain-saannosten-poikkeuksista-sote-alalla?languageId=en\\_US](https://stm.fi/-/ohje-vuosilomalain-tyoikalain-ja-tyosopimuslain-saannosten-poikkeuksista-sote-alalla?languageId=en_US)

Government Decrees 128/2020, 190/2020 and 362/2020 on temporary derogations from the application of certain provisions of the Annual Holidays Act, the Working Hours Act and the Employment Contracts Act (unfortunately only in Finnish):

<https://finlex.fi/fi/laki/alkup/2020/20200128>

<https://www.finlex.fi/fi/laki/alkup/2020/20200190>

<https://www.finlex.fi/fi/laki/alkup/2020/20200362>

#### *Obligation to work in the health care section (sections 95 and 96 - 103)*

On 25 March, the Government issued a decree under which the obligation of healthcare professionals to carry out work laid down in the Emergency Powers Act can be applied throughout the country. The aim was to ensure the sufficiency of labour force in the healthcare sector so that labour shortage caused by the coronavirus epidemic would not endanger human lives.

In line with the decree, people working in both public and private healthcare who have received training in the field and who have reached the age of 18 but not 68 may be required to work. To safeguard the status and rights of people obliged to work, the provisions of section 14 of the Emergency Powers Act were also applied. These provisions concern the reporting duties of people obliged to work, the content of an order to work, restrictions on issuing an order to work and matters to be taken into account when issuing an order to work. In addition, provisions on the employment relationship of a person obliged to work, the terms and conditions of the employment relationship, the employer's obligation to disclose information and the work obligation register were applied.

The Employment and Economic Development Offices acted as the competent authorities in implementing the obligation to work. An order to work could be issued based on the needs of the healthcare system and on individual discretion regarding the person obliged to work. The Emergency Powers Act contains separate provisions on limitations on issuing orders to work and on other matters to be taken into account when issuing orders. A person who is covered by the obligation to work in the healthcare sector and has been issued with a work order must carry out necessary work in the healthcare sector.

The obligation to work could be introduced to safeguard resources for the performance of any necessary tasks in the healthcare sector during the state of emergency caused by the coronavirus epidemic, not just the treatment of coronavirus patients.

The decrees were in force from 26 March 2020 to 13 April and from 14 April 2020 to 13 May 2020. However, there was no need to issue any orders to work in the health care section as the epidemic situation turned out to be milder than expected.

Please also consult the following link for additional information:

[https://tem.fi/-/tyontekijan-tyovelvollisuus-turvaa-tyovoiman-riittavyytta-terveydenhuollossa?languageId=en\\_US](https://tem.fi/-/tyontekijan-tyovelvollisuus-turvaa-tyovoiman-riittavyytta-terveydenhuollossa?languageId=en_US)

[https://valtioneuvosto.fi/-/10616/tyontekijan-tyovelvollisuutta-koskeva-valmiuslain-kayttoonottoasetus-eduskunnalle?\\_101\\_INSTANCE\\_LZ3RQQ4vvWXR\\_languageId=en\\_US](https://valtioneuvosto.fi/-/10616/tyontekijan-tyovelvollisuutta-koskeva-valmiuslain-kayttoonottoasetus-eduskunnalle?_101_INSTANCE_LZ3RQQ4vvWXR_languageId=en_US)

<https://tem.fi/en/questions-and-answers-coronavirus-and-obligation-to-work-in-the-healthcare-sector>

<https://www.finlex.fi/fi/laki/alkup/2020/20200139>

### *Temporary amendments to employment and unemployment security legislation*

On 20 March, the Government decided on first-hand measures to be taken to secure people's livelihood and liquidity of companies in the difficult situation caused by the coronavirus. On 26 March, the Government submitted its proposal to Parliament on amendments to the Employment Contracts Act, the Seafarers' Employment Contracts Act and the Act on Cooperation within Undertakings. At first, the amendments were intended to be in force until 30 June 2020 but were then extended until 31 December 2020. The amendments were based on proposals from the central organisations of the Finnish social partners.

The amendments aimed to help businesses adjust to changes in demand for labour caused by the coronavirus epidemic.

As per the temporary amendments, the period of notice before layoff and the duration of cooperation negotiations regarding layoffs were shortened to five days. In addition, it became possible for employers to lay off a fixed-term employee and to terminate an employee's contract during the trial period on financial or production-related grounds. On the other hand, the period during which the employer is obligated to re-employ an employee dismissed for financial or production-related reasons was temporarily extended to nine months.

The temporary amendments did not apply to the public sector.

Some collective agreements contain provisions on matters such as the duration of negotiations. If a collective agreement binding on the employer contained such a provision, it was applied instead of the provisions of law. Due to the coronavirus epidemic, exceptional solutions had been adopted in many sectors.

Unemployment Security Act and other unemployment security legislation was also temporarily amended in many ways to strengthen the livelihoods of people who had been laid off or had become unemployed. For example:

From April 2020<sup>7</sup> to the end of December 2020:

- a five day waiting period before a person is eligible for unemployment security was abolished
- maximum time limit of unemployment allowance was temporarily suspended
- required period of employment for receiving unemployment allowance was temporarily suspended (from 26 calendar weeks to 13 calendar weeks)

From April 2020:

- entitlement to unemployment benefit during lay-off even though employee is engaged in business activities or studies (to 31 December 2020/2021)
- entrepreneurs' temporary entitlement to labour market subsidy (to 31 March 2021)
- exempt amount of the unemployment benefit has been temporarily raised (to 31 March 2021)

However, amendment that entitles laid off employees who are studying to unemployment allowance will remain in force until 31 December 2021. Furthermore, entrepreneurs have been temporarily entitled to labour market subsidy to deal with the sudden and unforeseen decline in demand due to the coronavirus epidemic. This amendment will be in force until 31 March 2021 and the Government has aligned that its period of validity should be continued until end of the June 2021.

The temporary amendments to unemployment security legislation have been integrally linked to the temporary amendments to employment and maritime labour legislation.

Please also consult the following links for additional information:

Employment legislation

[https://tem.fi/-/lomautusten-ilmoitusaika-ja-yhteistoimintaneuvotteluiden-kestoaike-lyhenevat-valiaikaises-1?languageId=en\\_US](https://tem.fi/-/lomautusten-ilmoitusaika-ja-yhteistoimintaneuvotteluiden-kestoaike-lyhenevat-valiaikaises-1?languageId=en_US)

[https://tem.fi/-/koronaviruksen-vuoksi-lomautusten-ilmoitusaikaa-ja-yhteistoimintaneuvotteluiden-kestoaike-lyhennetaan?languageId=en\\_US](https://tem.fi/-/koronaviruksen-vuoksi-lomautusten-ilmoitusaikaa-ja-yhteistoimintaneuvotteluiden-kestoaike-lyhennetaan?languageId=en_US)

<https://tem.fi/en/-/measures-that-have-brought-security-and-flexibility-to-labour-markets-during-coronavirus-epidemic-will-be-extended>

Unemployment security legislation

<https://stm.fi/en/-/hallitus-esittaa-tyottomyysturvalain-tyottomyysetuksien-rahoituksesta-annetun-lain-ja-tyottomyyskassalain-valiaikaista-muuttamista>

[https://stm.fi/-/tyottomyysturvalain-valiaikaisia-muutoksia-tyontekijoiden-toimeentulon-vahvistamiseksi-esitetaan-jatkettavaksi?languageId=en\\_US](https://stm.fi/-/tyottomyysturvalain-valiaikaisia-muutoksia-tyontekijoiden-toimeentulon-vahvistamiseksi-esitetaan-jatkettavaksi?languageId=en_US)

<https://stm.fi/-/hallitus-esittaa-tyottomyysturvalain-valiaikaisia-poikkeuksia-jatkettavaksi-31.3.2021-asti>

<https://www.kela.fi/web/en/unemployment-benefit-corona>

53.	Please provide information regarding any prospects of ratification and identify any challenges or obstacles with regard to the possible ratification of Conventions Nos 149 and 189, where these exist.
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54.	Please indicate the representative employers' or workers' organizations to which copies of the present questionnaire have been communicated in accordance with article 23(2) of the ILO Constitution and indicate whether you have received observations from such organizations concerning the effect given, or to be given, to any of the instruments to which this questionnaire relates. If so, please communicate a copy of the observations received together with any comments that you may consider useful.
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Before finalising the report following labour market organizations have been consulted:

- Confederation of Finnish Industries (EK)
- Central Organisation of Finnish Trade Unions (SAK)
- Finnish Confederation of Professionals (STTK)
- Confederation of Unions for Professional and Managerial Staff in Finland (Akava)
- Office for the Government as Employer (VTML)
- Local Government Employers (KT)
- Federation of Finnish Enterprises (SY)

Statements of labour market organizations are attached to this report (annex 1).

A copy of this report has also been sent to the above mentioned labour market organizations.

### **POSSIBLE NEED FOR STANDARDS-RELATED ACTION AND FOR TECHNICAL ASSISTANCE**

55.	Are there any existing gaps or inconsistencies that should be addressed by future standard-setting discussions in regard to the instruments to which this questionnaire relates, in particular with regard to the protection of care economy workers not covered by the four instruments?
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<sup>7</sup> The amendments were applied retroactively, starting on 16 March 2020.

56.	Has your country formulated any requests for technical assistance by the ILO to assist it in giving effect to all or some of the provisions of the instruments covered by this questionnaire? If so, please explain. If not, please indicate the manner in which the ILO could best provide appropriate assistance within its mandate to support country efforts to ensure the effective promotion of decent work and protection for care economy workers covered by the instruments that are the subject of this questionnaire.
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## Nursing Personnel Convention, 1977 (No. 149)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-third Session on 1 June 1977, and

Recognising the vital role played by nursing personnel, together with other workers in the field of health, in the protection and improvement of the health and welfare of the population, and

Recognising that the public sector as an employer of nursing personnel should play an active role in the improvement of conditions of employment and work of nursing personnel, and

Noting that the present situation of nursing personnel in many countries, in which there is a shortage of qualified persons and existing staff are not always utilised to best effect, is an obstacle to the development of effective health services, and

Recalling that nursing personnel are covered by many international labour Conventions and Recommendations laying down general standards concerning employment and conditions of work, such as instruments on discrimination, on freedom of association and the right to bargain collectively, on voluntary conciliation and arbitration, on hours of work, holidays with pay and paid educational leave, on social security and welfare facilities, and on maternity protection and the protection of workers' health, and

Considering that the special conditions in which nursing is carried out make it desirable to supplement the above-mentioned general standards by standards specific to nursing personnel, designed to enable them to enjoy a status corresponding to their role in the field of health and acceptable to them, and

Noting that the following standards have been framed in co-operation with the World Health Organisation and that there will be continuing co-operation with that Organisation in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to employment and conditions of work and life of nursing personnel, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and seventy-seven the following Convention, which may be cited as the Nursing Personnel Convention, 1977.

### *Article 1*

1. For the purpose of this Convention, the term **nursing personnel** includes all categories of persons providing nursing care and nursing services.
2. This Convention applies to all nursing personnel, wherever they work.
3. The competent authority may, after consultation with the employers' and workers' organisations concerned, where such organisations exist, establish special rules concerning nursing personnel who give nursing care and services on a voluntary basis; these rules shall not derogate from the provisions of Article 2, paragraph 2 (a), Article 3, Article 4 and Article 7 of this Convention.

### *Article 2*

1. Each Member which ratifies this Convention shall adopt and apply, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed, within the framework of a general health programme, where such a programme exists, and within the resources available for health care as a whole, to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.

2. In particular, it shall take the necessary measures to provide nursing personnel with:
- (a) education and training appropriate to the exercise of their functions; and
  - (b) employment and working conditions, including career prospects and remuneration,
- which are likely to attract persons to the profession and retain them in it.

3. The policy mentioned in paragraph 1 of this Article shall be formulated in consultation with the employers' and workers' organisations concerned, where such organisations exist.

4. This policy shall be co-ordinated with policies relating to other aspects of health care and to other workers in the field of health, in consultation with the employers' and workers' organisations concerned.

### *Article 3*

1. The basic requirements regarding nursing education and training and the supervision of such education and training shall be laid down by national laws or regulations or by the competent authority or competent professional bodies, empowered by such laws or regulations to do so.

2. Nursing education and training shall be co-ordinated with the education and training of other workers in the field of health.

### *Article 4*

National laws or regulations shall specify the requirements for the practice of nursing and limit that practice to persons who meet these requirements.

### *Article 5*

1. Measures shall be taken to promote the participation of nursing personnel in the planning of nursing services and consultation with such personnel on decisions concerning them, in a manner appropriate to national conditions.

2. The determination of conditions of employment and work shall preferably be made by negotiation between employers' and workers' organisations concerned.

3. The settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought through negotiations between the parties or, in such a manner as to ensure the confidence of the parties involved, through independent and impartial machinery such as mediation, conciliation and voluntary arbitration.

### *Article 6*

Nursing personnel shall enjoy conditions at least equivalent to those of other workers in the country concerned in the following fields:

- (a) hours of work, including regulation and compensation of overtime, inconvenient hours and shift work;
- (b) weekly rest;
- (c) paid annual holidays;
- (d) educational leave;
- (e) maternity leave;
- (f) sick leave;
- (g) social security.

### *Article 7*

Each Member shall, if necessary, endeavour to improve existing laws and regulations on occupational health and safety by adapting them to the special nature of nursing work and of the environment in which it is carried out.



### *Article 8*

The provisions of this Convention, in so far as they are not otherwise made effective by means of collective agreements, works rules, arbitration awards, court decisions, or in such other manner consistent with national practice as may be appropriate under national conditions, shall be given effect by national laws or regulations.

### *Article 9*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

### *Article 10*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

### *Article 11*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

### *Article 12*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

### *Article 13*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

### *Article 14*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

*Article 15*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

*Article 16*

The English and French versions of the text of this Convention are equally authoritative.

## **Domestic Workers Convention, 2011 (No. 189)**

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 100th Session on 1 June 2011, and

Mindful of the commitment of the International Labour Organization to promote decent work for all through the achievement of the goals of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization, and

Recognizing the significant contribution of domestic workers to the global economy, which includes increasing paid job opportunities for women and men workers with family responsibilities, greater scope for caring for ageing populations, children and persons with a disability, and substantial income transfers within and between countries, and

Considering that domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights, and

Considering also that in developing countries with historically scarce opportunities for formal employment, domestic workers constitute a significant proportion of the national workforce and remain among the most marginalized, and

Recalling that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided, and

Noting the particular relevance for domestic workers of the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Private Employment Agencies Convention, 1997 (No. 181), and the Employment Relationship Recommendation, 2006 (No. 198), as well as of the ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration (2006), and

Recognizing the special conditions under which domestic work is carried out that make it desirable to supplement the general standards with standards specific to domestic workers so as to enable them to enjoy their rights fully, and

Recalling other relevant international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention against Transnational Organized Crime, and in particular its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and

Having decided upon the adoption of certain proposals concerning decent work for domestic workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this sixteenth day of June of the year two thousand and eleven the following Convention, which may be cited as the Domestic Workers Convention, 2011.

## *Article 1*

For the purpose of this Convention:

- (a) the term *domestic work* means work performed in or for a household or households;
- (b) the term *domestic worker* means any person engaged in domestic work within an employment relationship;
- (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

## *Article 2*

1. The Convention applies to all domestic workers.

2. A Member which ratifies this Convention may, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, exclude wholly or partly from its scope:

- (a) categories of workers who are otherwise provided with at least equivalent protection;
- (b) limited categories of workers in respect of which special problems of a substantial nature arise.

3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, indicate any particular category of workers thus excluded and the reasons for such exclusion and, in subsequent reports, specify any measures that may have been taken with a view to extending the application of the Convention to the workers concerned.

## *Article 3*

1. Each Member shall take measures to ensure the effective promotion and protection of the human rights of all domestic workers, as set out in this Convention.

2. Each Member shall, in relation to domestic workers, take the measures set out in this Convention to respect, promote and realize the fundamental principles and rights at work, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

3. In taking measures to ensure that domestic workers and employers of domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members shall protect the right of domestic workers and employers of domestic workers to establish and, subject to the rules of the organization concerned, to join organizations, federations and confederations of their own choosing.

## *Article 4*

1. Each Member shall set a minimum age for domestic workers consistent with the provisions of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and not lower than that established by national laws and regulations for workers generally.

2. Each Member shall take measures to ensure that work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training.

## *Article 5*

Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence.

## *Article 6*

Each Member shall take measures to ensure that domestic workers, like workers generally, enjoy fair terms of employment as well as decent working conditions and, if they reside in the household, decent living conditions that respect their privacy.

## *Article 7*

Each Member shall take measures to ensure that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written contracts in accordance with national laws, regulations or collective agreements, in particular:

- (a) the name and address of the employer and of the worker;
- (b) the address of the usual workplace or workplaces;
- (c) the starting date and, where the contract is for a specified period of time, its duration;
- (d) the type of work to be performed;
- (e) the remuneration, method of calculation and periodicity of payments;
- (f) the normal hours of work;
- (g) paid annual leave, and daily and weekly rest periods;
- (h) the provision of food and accommodation, if applicable;
- (i) the period of probation or trial period, if applicable;
- (j) the terms of repatriation, if applicable; and
- (k) terms and conditions relating to the termination of employment, including any period of notice by either the domestic worker or the employer.

## *Article 8*

1. National laws and regulations shall require that migrant domestic workers who are recruited in one country for domestic work in another receive a written job offer, or contract of employment that is enforceable in the country in which the work is to be performed, addressing the terms and conditions of employment referred to in Article 7, prior to crossing national borders for the purpose of taking up the domestic work to which the offer or contract applies.

2. The preceding paragraph shall not apply to workers who enjoy freedom of movement for the purpose of employment under bilateral, regional or multilateral agreements, or within the framework of regional economic integration areas.

3. Members shall take measures to cooperate with each other to ensure the effective application of the provisions of this Convention to migrant domestic workers.

4. Each Member shall specify, by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation on the expiry or termination of the employment contract for which they were recruited.

## *Article 9*

Each Member shall take measures to ensure that domestic workers:

- (a) are free to reach agreement with their employer or potential employer on whether to reside in the household;
- (b) who reside in the household are not obliged to remain in the household or with household members during periods of daily and weekly rest or annual leave; and
- (c) are entitled to keep in their possession their travel and identity documents.

#### *Article 10*

1. Each Member shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work.

2. Weekly rest shall be at least 24 consecutive hours.

3. Periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls shall be regarded as hours of work to the extent determined by national laws, regulations or collective agreements, or any other means consistent with national practice.

#### *Article 11*

Each Member shall take measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex.

#### *Article 12*

1. Domestic workers shall be paid directly in cash at regular intervals at least once a month. Unless provided for by national laws, regulations or collective agreements, payment may be made by bank transfer, bank cheque, postal cheque, money order or other lawful means of monetary payment, with the consent of the worker concerned.

2. National laws, regulations, collective agreements or arbitration awards may provide for the payment of a limited proportion of the remuneration of domestic workers in the form of payments in kind that are not less favourable than those generally applicable to other categories of workers, provided that measures are taken to ensure that such payments in kind are agreed to by the worker, are for the personal use and benefit of the worker, and that the monetary value attributed to them is fair and reasonable.

#### *Article 13*

1. Every domestic worker has the right to a safe and healthy working environment. Each Member shall take, in accordance with national laws, regulations and practice, effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers.

2. The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

#### *Article 14*

1. Each Member shall take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity.

2. The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

#### *Article 15*

1. To effectively protect domestic workers, including migrant domestic workers, recruited or placed by private employment agencies, against abusive practices, each Member shall:

(a) determine the conditions governing the operation of private employment agencies recruiting or placing domestic workers, in accordance with national laws, regulations and practice;

- (b) ensure that adequate machinery and procedures exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies in relation to domestic workers;
- (c) adopt all necessary and appropriate measures, within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of domestic workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations that specify the respective obligations of the private employment agency and the household towards the domestic worker and provide for penalties, including prohibition of those private employment agencies that engage in fraudulent practices and abuses;
- (d) consider, where domestic workers are recruited in one country for work in another, concluding bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment; and
- (e) take measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers.

2. In giving effect to each of the provisions of this Article, each Member shall consult with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

#### *Article 16*

Each Member shall take measures to ensure, in accordance with national laws, regulations and practice, that all domestic workers, either by themselves or through a representative, have effective access to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally.

#### *Article 17*

1. Each Member shall establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers.
2. Each Member shall develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations.
3. In so far as compatible with national laws and regulations, such measures shall specify the conditions under which access to household premises may be granted, having due respect for privacy.

#### *Article 18*

Each Member shall implement the provisions of this Convention, in consultation with the most representative employers and workers organizations, through laws and regulations, as well as through collective agreements or additional measures consistent with national practice, by extending or adapting existing measures to cover domestic workers or by developing specific measures for them, as appropriate.

#### *Article 19*

This Convention does not affect more favourable provisions applicable to domestic workers under other international labour Conventions.

#### *Article 20*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 21*

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.



2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director- General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification is registered.

#### *Article 22*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention within the first year of each new period of ten years under the terms provided for in this Article.

#### *Article 23*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations that have been communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification that has been communicated, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

#### *Article 24*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and denunciations that have been registered.

#### *Article 25*

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### *Article 26*

1. Should the Conference adopt a new Convention revising this Convention, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 22, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### *Article 27*

The English and French versions of the text of this Convention are equally authoritative.

## Nursing Personnel Recommendation, 1977 (No. 157)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-third Session on 1 June 1977, and

Recognising the vital role played by nursing personnel, together with other workers in the field of health, in the protection and improvement of the health and welfare of the population, and

Emphasising the need to expand health services through co-operation between governments and employers' and workers' organisations concerned in order to ensure the provision of nursing services appropriate to the needs of the community, and

Recognising that the public sector as an employer of nursing personnel should play a particularly active role in the improvement of conditions of employment and work of nursing personnel, and

Noting that the present situation of nursing personnel in many countries, in which there is a shortage of qualified persons and existing staff are not always utilised to best effect, is an obstacle to the development of effective health services, and

Recalling that nursing personnel are covered by many international labour Conventions and Recommendations laying down general standards concerning employment and conditions of work, such as instruments on discrimination, on freedom of association and the right to bargain collectively, on voluntary conciliation and arbitration, on hours of work, holidays with pay and paid educational leave, on social security and welfare facilities, and on maternity protection and the protection of workers' health, and

Considering that the special conditions in which nursing is carried out make it desirable to supplement the above-mentioned general standards by standards specific to nursing personnel, designed to enable them to enjoy a status corresponding to their role in the field of health and acceptable to them, and

Noting that the following standards have been framed in co-operation with the World Health Organisation and that there will be continuing co-operation with that Organisation in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to employment and conditions of work and life of nursing personnel, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-first day of June of the year one thousand nine hundred and seventy-seven, the following Recommendation, which may be cited as the Nursing Personnel Recommendation, 1977:

### I. SCOPE

1. For the purpose of this Recommendation, the term *nursing personnel* includes all categories of persons providing nursing care and nursing services.

2. This Recommendation applies to all nursing personnel, wherever they work.

3. The competent authority may, after consultation with the employers' and workers' organisations concerned, where such organisations exist, establish special rules concerning nursing personnel who give services on a voluntary basis; these rules should not derogate from the provisions of Parts II, III, IV and IX of this Recommendation.

## II. POLICY CONCERNING NURSING SERVICES AND NURSING PERSONNEL

4. (1) Each Member should adopt and apply, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed, within the framework of a general health programme and within the resources available for health care as a whole, to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.

(2) The said policy should:

- (a) be co-ordinated with policies relating to other aspects of health care and to other workers in the field of health, in consultation with representatives of the latter;
- (b) include the adoption of laws or regulations concerning education and training for and the practice of the nursing profession and the adaptation of such laws or regulations to developments in the qualifications and responsibilities required of nursing personnel to meet all calls for nursing services;
- (c) include measures:
  - (i) to facilitate the effective utilisation of nursing personnel in the country as a whole; and
  - (ii) to promote the fullest use of the qualifications of nursing personnel in the various establishments, areas and sectors employing them; and
- (d) be formulated in consultation with the employers' and workers' organisations concerned.

5. (1) Measures should be taken, in consultation with the employers' and workers' organisations concerned, to establish a rational nursing personnel structure by classifying nursing personnel in a limited number of categories determined by reference to education and training, level of functions and authorisation to practise.

(2) Such a structure may include the following categories, in accordance with national practice:

- (a) professional nurses, having the education and training recognised as necessary for assuming highly complex and responsible functions, and authorised to perform them;
- (b) auxiliary nurses, having at least the education and training recognised as necessary for assuming less complex functions, under the supervision of a professional nurse as appropriate, and authorised to perform them;
- (c) nursing aides, having prior education and/or on-the-job training enabling them to perform specified tasks under the supervision of a professional or auxiliary nurse.

6. (1) The functions of nursing personnel should be classified according to the level of judgement required, the authority to take decisions, the complexity of the relationship with other functions, the level of technical skill required, and the level of responsibility for the nursing services provided.

(2) The resulting classification should be used to ensure greater uniformity of employment structure in the various establishments, areas and sectors employing nursing personnel.

(3) Nursing personnel of a given category should not be used as substitutes for nursing personnel of a higher category except in case of special emergency, on a provisional basis, and on condition that they have adequate training or experience and are given appropriate compensation.

## III. EDUCATION AND TRAINING

7. (1) Measures should be taken to provide the necessary information and guidance on the nursing profession to persons wishing to take up nursing as a career.

(2) Where appropriate, basic nursing education should be conducted in educational institutions within the framework of the general education system of the country at a level similar to that of comparable professional groups.

(3) Laws or regulations should prescribe the basic requirements regarding nursing education and training and provide for the supervision of such education and training, or should empower the competent authority or competent professional bodies to do so.

(4) Nursing education and training should be organised by reference to recognised community needs, taking account of resources available in the country, and should be co-ordinated with the education and training of other workers in the field of health.

8. (1) Nursing education and training should include both theory and practice in conformity with a programme officially recognised by the competent authorities.

(2) Practical training should be given in approved preventive, curative and rehabilitation services, under the supervision of qualified nurses.

9. (1) The duration of basic nursing education and training should be related to the minimum educational requirements for entry to training and to the purposes of training.

(2) There should be two levels of approved basic education and training:

- (a) an advanced level, designed to train professional nurses having sufficiently wide and thorough skills to enable them to provide the most complex nursing care and to organise and evaluate nursing care, in hospitals and other health-related community services; as far as possible, students accepted for education and training at this level should have the background of general education required for entry to university;
- (b) a less advanced level, designed to train auxiliary nurses able to provide general nursing care which is less complex but which requires technical skills and aptitude for personal relations; students accepted for education and training at this level should have attained as advanced a level as possible of secondary education.

10. There should be programmes of higher nursing education to prepare nursing personnel for the highest responsibilities in direct and supportive nursing care, in the administration of nursing services, in nursing education and in research and development in the field of nursing.

11. Nursing aides should be given theoretical and practical training appropriate to their functions.

12. (1) Continuing education and training both at the workplace and outside should be an integral part of the programme referred to in Paragraph 8, subparagraph 1, of this Recommendation and be available to all so as to ensure the updating and upgrading of knowledge and skills and to enable nursing personnel to acquire and apply new ideas and techniques in the field of nursing and related sciences.

(2) Continuing nursing education and training should include provision for programmes which would promote and facilitate the advancement of nursing aides and auxiliary nurses.

(3) Such education and training should also include provision for programmes which would facilitate re-entry into nursing after a period of interruption.

#### IV. PRACTICE OF THE NURSING PROFESSION

13. The laws or regulations concerning the practice of the nursing profession should:

- (a) specify the requirements for the practice of the nursing profession as professional nurse or as auxiliary nurse and, where the possession of certificates attesting the attainment of the required level of education and training does not automatically imply the right to practise the profession, empower a body including representatives of nursing personnel to grant licenses;
- (b) limit the practice of the profession to duly authorised persons;
- (c) be reviewed and updated, as necessary, in accordance with current advances and practices in the profession.

14. The standards concerning nursing practice should be co-ordinated with those concerning the practice of other health professions.

15. (1) Nursing personnel should not be assigned to work which goes beyond their qualifications and competence.

(2) Where individuals are not qualified for work on which they are already employed, they should be trained as quickly as possible to obtain the necessary qualifications, and their preparation for these qualifications should be facilitated.

16. Consideration should be given to the measures which may be called for by the problem of civil liability of nursing personnel arising from the exercise of their functions.

17. Any disciplinary rules applicable to nursing personnel should be determined with the participation of representatives of nursing personnel and should guarantee such personnel a fair judgement and adequate appeal procedures, including the right to be represented by persons of their choice at all levels of the proceedings, in a manner appropriate to national conditions.

18. Nursing personnel should be able to claim exemption from performing specific duties, without being penalised, where performance would conflict with their religious, moral or ethical convictions and where they inform their supervisor in good time of their objection so as to allow the necessary alternative arrangements to be made to ensure that essential nursing care of patients is not affected.

## V. PARTICIPATION

19. (1) Measures should be taken to promote the participation of nursing personnel in the planning and in decisions concerning national health policy in general and concerning their profession in particular at all levels, in a manner appropriate to national conditions.

(2) In particular:

- (a) qualified representatives of nursing personnel, or of organisations representing them, should be associated with the elaboration and application of policies and general principles regarding the nursing profession, including those regarding education and training and the practice of the profession;
- (b) conditions of employment and work should be determined by negotiation between the employers' and workers' organisations concerned;
- (c) the settlement of disputes arising in connection with the determination of terms and conditions of employment should be sought through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and voluntary arbitration, with a view to making it unnecessary for the organisations representing nursing personnel to have recourse to such other steps as are normally open to organisations of other workers in defence of their legitimate interests;
- (d) in the employing establishment, nursing personnel or their representatives in the meaning of Article 3 of the Workers' Representatives Convention, 1971, should be associated with decisions relating to their professional life, in a manner appropriate to the questions at issue.

20. Representatives of nursing personnel should be assured the protection provided for in the Workers' Representatives Convention and Recommendation, 1971.

## VI. CAREER DEVELOPMENT

21. (1) Measures should be taken to offer nursing personnel reasonable career prospects by providing for a sufficiently varied and open range of possibilities of professional advancement, leadership positions in direct and supportive nursing care, the administration of nursing services, nursing education, and research and development in the field of nursing, and a grading and a remuneration structure recognising the acceptance of functions involving increased responsibility, and requiring greater technical skill and professional judgement.

(2) These measures should also give recognition to the importance of functions involving direct relations with patients and the public.

22. Measures should be taken to give nursing personnel advice and guidance on career prospects and, as appropriate, on re-entry into nursing after a period of interruption.

23. In determining the level at which nursing personnel re-entering the profession after an interruption of its practice should be employed, account should be taken of previous nursing experience and the duration of the interruption.

24. (1) Nursing personnel wishing to participate in programmes of continuing education and training and capable of doing so should be given the necessary facilities.

(2) These facilities might consist in the grant of paid or unpaid educational leave, adaptation of hours of work, and payment of study or training costs; wherever possible, nursing personnel should be granted paid educational leave in accordance with the Paid Educational Leave Convention, 1974.

(3) Employers should provide staff and facilities for in-service training of nursing personnel, preferably at the workplace.

## VII. REMUNERATION

25. (1) The remuneration of nursing personnel should be fixed at levels which are commensurate with their socio-economic needs, qualifications, responsibilities, duties and experience, which take account of the constraints and hazards inherent in the profession, and which are likely to attract persons to the profession and retain them in it.

(2) Levels of remuneration should bear comparison with those of other professions requiring similar or equivalent qualifications and carrying similar or equivalent responsibilities.

(3) Levels of remuneration for nursing personnel having similar or equivalent duties and working in similar or equivalent conditions should be comparable, whatever the establishments, areas or sectors in which they work.

(4) Remuneration should be adjusted from time to time to take into account variations in the cost of living and rises in the national standard of living. (5) The remuneration of nursing personnel should preferably be fixed by collective agreement.

26. Scales of remuneration should take account of the classification of functions and responsibilities recommended in Paragraphs 5 and 6 and of the principles of career policy set out in Paragraph 21 of this Recommendation.

27. Nursing personnel who work in particularly arduous or unpleasant conditions should receive financial compensation for this.

28. (1) Remuneration should be payable entirely in money.

(2) Deductions from wages should be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

(3) Nursing personnel should be free to decide whether or not to use the services provided by the employer.

29. Work clothing, medical kits, transport facilities and other supplies required by the employer or necessary for the performance of the work should be provided by the employer to nursing personnel and maintained free of charge.

## VIII. WORKING TIME AND REST PERIODS

30. For the purpose of this Recommendation:

- (a) the term ***normal hours of work*** means the number of hours fixed in each country by or in pursuance of laws or regulations, collective agreements or arbitration awards;
- (b) the term ***overtime*** means hours worked in excess of normal hours of work;
- (c) the term ***on-call duty*** means periods of time during which nursing personnel are, at the workplace or elsewhere, at the disposal of the employer in order to respond to possible calls;
- (d) the term ***inconvenient hours*** means hours worked on other than the normal working days and at other than the normal working time of the country.

31. The time during which personnel are at the disposal of the employer – such as the time needed to organise their work and the time needed to receive and to transmit instructions – should be counted as working time for nursing personnel, subject to possible special provisions concerning on-call duty.

32. (1) The normal weekly hours of nursing personnel should not be higher than those set in the country concerned for workers in general.

(2) Where the normal working week of workers in general exceeds 40 hours, steps should be taken to bring it down, progressively, but as rapidly as possible, to that level for nursing personnel, without any reduction in salary, in accordance with Paragraph 9 of the Reduction of Hours of Work Recommendation, 1962.

33. (1) Normal daily hours of work should be continuous and not exceed eight hours, except where arrangements are made by laws or regulations, collective agreements, works rules or arbitration awards for flexible hours or a compressed week; in any case, the normal working week should remain within the limits referred to in Paragraph 32, subparagraph (1), of this Recommendation.

(2) The working day, including overtime, should not exceed 12 hours.

(3) Temporary exceptions to the provisions of this Paragraph should be authorised only in case of special emergency.

34. (1) There should be meal breaks of reasonable duration.

(2) There should be rest breaks of reasonable duration included in the normal hours of work.

35. Nursing personnel should have sufficient notice of working schedules to enable them to organise their personal and family life accordingly. Exceptions to these schedules should be authorised only in case of special emergency.

36. (1) Where nursing personnel are entitled to less than 48 hours of continuous weekly rest, steps should be taken to bring their weekly rest to that level.

(2) The weekly rest of nursing personnel should in no case be less than 36 uninterrupted hours.

37. (1) There should be as little recourse to overtime work, work at inconvenient hours and on-call duty as possible.

(2) Overtime and work on public holidays should be compensated in time off and/or remuneration at a higher rate than the normal salary rate.

(3) Work at inconvenient hours other than public holidays should be compensated by an addition to salary.

38. (1) Shift work should be compensated by an increase in remuneration which should not be less than that applicable to shift work in other employment in the country.

(2) Nursing personnel assigned to shift work should have a period of continuous rest of at least 12 hours between shifts.

(3) A single shift of duty divided by a period of unremunerated time (split shift) should be avoided.

39. (1) Nursing personnel should be entitled to, and required to take, a paid annual holiday of at least the same length as other workers in the country.

(2) Where the length of the paid annual holiday is less than four weeks for one year of service, steps should be taken to bring it progressively, but as rapidly as possible, to that level for nursing personnel.

40. Nursing personnel who work in particularly arduous or unpleasant conditions should benefit from a reduction of working hours and/or an increase in rest periods, without any decrease in total remuneration.

41. (1) Nursing personnel absent from work by reason of illness or injury should be entitled, for a period and in a manner determined by laws or regulations or by collective agreements, to:

- (a) maintenance of the employment relationship and of rights deriving therefrom;
- (b) income security.

(2) The laws or regulations, or collective agreements, establishing sick leave entitlement should distinguish between:

- (a) cases in which the illness or injury is service-incurred;

- (b) cases in which the person concerned is not incapacitated for work but absence from work is necessary to protect the health of others;
- (c) cases of illness or injury unrelated to work.

42. (1) Nursing personnel, without distinction between married and unmarried persons, should be assured the benefits and protection provided for in the Maternity Protection Convention (Revised), 1952, and the Maternity Protection Recommendation, 1952.

(2) Maternity leave should not be considered to be sick leave.

(3) The measures provided for in the Employment (Women with Family Responsibilities) Recommendation, 1965, should be applied in respect of nursing personnel.

43. In accordance with Paragraph 19 of this Recommendation, decisions concerning the organisation of work, working time and rest periods should be taken in agreement or in consultation with freely chosen representatives of the nursing personnel or with organisations representing them. They should bear, in particular, on:

- (a) the hours to be regarded as inconvenient hours;
- (b) the conditions in which on-call duty will be counted as working time;
- (c) the conditions in which the exceptions provided for in Paragraph 33, subparagraph (3), and in Paragraph 35 of this Recommendation will be authorised;
- (d) the length of the breaks provided for in Paragraph 34 of this Recommendation and the manner in which they are to be taken;
- (e) the form and amount of the compensation provided for in Paragraphs 37 and 38 of this Recommendation;
- (f) working schedules;
- (g) the conditions to be considered as particularly arduous or unpleasant for the purpose of Paragraphs 27 and 40 of this Recommendation.

## IX. OCCUPATIONAL HEALTH PROTECTION

44. Each Member should endeavour to adapt laws and regulations on occupational health and safety to the special nature of nursing work and of the environment in which it is carried out, and to increase the protection afforded by them.

45. (1) Nursing personnel should have access to occupational health services operating in accordance with the provisions of the Occupational Health Services Recommendation, 1959.

(2) Where occupational health services have not yet been set up for all undertakings, medical care establishments employing nursing personnel should be among the undertakings for which, in accordance with Paragraph 4 of that Recommendation, such services should be set up in the first instance.

46. (1) Each Member and the employers' and workers' organisations concerned should pay particular attention to the provisions of the Protection of Workers' Health Recommendation, 1953, and endeavour to ensure its application to nursing personnel.

(2) All appropriate measures should be taken in accordance with Paragraphs 1 to 7 of that Recommendation to prevent, reduce or eliminate risks to the health or safety of nursing personnel.

47. (1) Nursing personnel should undergo medical examinations on taking up and terminating an appointment, and at regular intervals during their service.

(2) Nursing personnel regularly assigned to work in circumstances such that a definite risk to their health or to that of others around them exists or may be suspected should undergo regular medical examinations at intervals appropriate to the risk involved.

(3) Objectivity and confidentiality should be assured in examinations provided for in this Paragraph; the examinations referred to should not be carried out by doctors with whom the persons examined have a close working relationship.



48. (1) Studies should be undertaken – and kept up to date – to determine special risks to which nursing personnel may be exposed in the exercise of their profession so that these risks may be prevented and, as appropriate, compensated.

(2) For that purpose, cases of occupational accidents and cases of diseases recognised as occupational under laws or regulations concerning employment injury benefits, or liable to be occupational in origin, should be notified to the competent authority, in a manner to be prescribed by national laws or regulations, in accordance with Paragraphs 14 to 17 of the Protection of Workers' health Recommendation, 1953.

49. (1) All possible steps should be taken to ensure that nursing personnel are not exposed to special risks. Where exposure to special risks is unavoidable, measures should be taken to minimise it.

(2) Measures such as the provision and use of protective clothing, immunisation, shorter hours, more frequent rest breaks, temporary removal from the risk or longer annual holidays should be provided for in respect to nursing personnel regularly assigned to duties involving special risks so as to reduce their exposure to these risks.

(3) In addition, nursing personnel who are exposed to special risks should receive financial compensation.

50. Pregnant women and parents of young children whose normal assignment could be prejudicial to their health or that of their child should be transferred, without loss of entitlements, to work appropriate to their situation.

51. The collaboration of nursing personnel and of organisations representing them should be sought in ensuring the effective application of provisions concerning the protection of the health and safety of nursing personnel.

52. Appropriate measures should be taken for the supervision of the application of the laws and regulations and other provisions concerning the protection of the health and safety of nursing personnel.

## X. SOCIAL SECURITY

53. (1) Nursing personnel should enjoy social security protection at least equivalent, as the case may be, to that of other persons employed in the public service or sector, employed in the private sector, or self-employed, in the country concerned; this protection should cover periods of probation and periods of training of persons regularly employed as nursing personnel.

(2) The social security protection of nursing personnel should take account of the particular nature of their activity.

54. As far as possible, appropriate arrangements should be made to ensure continuity in the acquisition of rights and the provision of benefits in case of change of employment and temporary cessation of employment.

55. (1) Where the social security scheme gives protected persons the free choice of doctor and medical institution, nursing personnel should enjoy the same freedom of choice.

(2) The medical records of nursing personnel should be confidential.

56. National laws or regulations should make possible the compensation, as an occupational disease, of any illness contracted by nursing personnel as a result of their work.

## XI. SPECIAL EMPLOYMENT ARRANGEMENTS

57. With a view to making the most effective use of available nursing personnel and to preventing the withdrawal of qualified persons from the profession, measures should be taken to make possible temporary and part-time employment.

58. The conditions of employment of temporary and part-time nursing personnel should be equivalent to those of permanent and full-time staff respectively, their entitlements being, as appropriate, calculated on a pro rata basis.

## XII. NURSING STUDENTS

59. Nursing students should enjoy the rights and freedoms of students in other disciplines, subject only to limitations which are essential for their education and training.

60. (1) Practical work of nursing students should be organised and carried out by reference to their training needs; it should in no case be used as a means of meeting normal staffing requirements.

(2) During their practical work, nursing students should only be assigned tasks which correspond to their level of preparation.

(3) Throughout their education and training, nursing students should have the same health protection as nursing personnel.

(4) Nursing students should have appropriate legal protection.

61. During their education and training, nursing students should receive precise and detailed information on the employment, working conditions and career prospects of nursing personnel, and on the means available to them to further their economic, social and professional interests.

## XIII. INTERNATIONAL CO-OPERATION

62. In order to promote exchanges of personnel, ideas and knowledge, and thereby improve nursing care, Members should endeavour, in particular by multilateral or bilateral arrangements, to:

- (a) harmonise education and training for the nursing profession without lowering standards;
- (b) lay down the conditions of mutual recognition of qualifications acquired abroad;
- (c) harmonise the requirements for authorisation to practice;
- (d) organise nursing personnel exchange programmes.

63. (1) Nursing personnel should be encouraged to use the possibilities of education and training available in their own country.

(2) Where necessary or desirable, they should have the possibility of education and training abroad, as far as possible by way of organised exchange programmes.

64. (1) Nursing personnel undergoing education or training abroad should be able to obtain appropriate financial aid, on conditions to be determined by multilateral or bilateral agreements or national laws or regulations.

(2) Such aid may be made dependent on an undertaking to return to their country within a reasonable time and to work there for a specified minimum period in a job corresponding to the newly acquired qualifications, on terms at least equal to those applicable to other nationals.

65. Consideration should be given to the possibility of detaching personnel wishing to work or train abroad for a specified period, without break in the employment relationship.

66. (1) Foreign nursing personnel should have qualifications recognised by the competent authority as appropriate for the posts to be filled and satisfy all other conditions for the practice of the profession in the country of employment; foreign personnel participating in organised exchange programmes may be exempted from the latter requirement.

(2) The employer should satisfy himself that foreign nursing personnel have adequate language ability for the posts to be filled.

(3) Foreign nursing personnel with equivalent qualifications should have conditions of employment which are as favourable as those of national personnel in posts involving the same duties and responsibilities.

67. (1) Recruitment of foreign nursing personnel for employment should be authorised only:

- (a) if there is a lack of qualified personnel for the posts to be filled in the country of employment;
- (b) if there is no shortage of nursing personnel with the qualifications sought in the country of origin.

(2) Recruitment of foreign nursing personnel should be undertaken in conformity with the relevant provisions of the Migration for Employment Convention and Recommendation (Revised), 1949.

68. Nursing personnel employed or in training abroad should be given all necessary facilities when they wish to be repatriated.

69. As regards social security, Members should, in accordance with national practice:

- (a) assume to foreign nursing personnel training or working in the country equality of treatment with national personnel;
- (b) participate in bilateral or multilateral arrangements designed to ensure the maintenance of the acquired rights or rights in course of acquisition of migrant nursing personnel, as well as the provision of benefits abroad.

#### XIV. METHODS OF APPLICATION

70. This Recommendation may be applied by national laws or regulations, collective agreements, works rules, arbitration awards or judicial decisions, or in any other manner consistent with national practice which may be appropriate, account being taken of conditions in each country.

71. In applying the provisions of this Recommendation, Members and the employers' and workers' organisations concerned should be guided to the extent possible and desirable by the suggestions concerning its practical application set forth in the Annex.

#### **ANNEX**

##### **Suggestions concerning Practical Application**

###### *Policy concerning nursing services and nursing personnel*

1. Sufficient budgetary provision should be made to permit the attainment of the objectives of the national policy concerning nursing services and nursing personnel.

2. (1) The programming of nursing services should be a continuing process at all levels of general health programming.

(2) Nursing services should be programmed on the basis of:

- (a) information obtained from studies and research which are of a continuing nature and permit adequate evaluation of the problems arising and of the needs and available resources;
- (b) technical standards appropriate to changing needs and national and local conditions.

(3) In particular, measures should be taken to:

- (a) establish adequate nursing standards;
- (b) specify the nursing functions called for by the recognised needs;
- (c) determine the staffing standards for the adequate composition of nursing teams as regards the number of persons and qualifications required at the various levels and in the various categories;
- (d) determine on that basis the categories, number and level of personnel required for the development of nursing services as a whole and for the effective utilisation of personnel;
- (e) determine, in consultation with the representatives of those concerned, the relationship between nursing personnel and other categories of health personnel.

3. The policy concerning nursing services and nursing personnel should aim at developing four types of functions of nursing personnel: direct and supportive nursing care; the administration of nursing services; nursing education; and research and development in the field of nursing.

4. Appropriate technical and material resources should be provided for the proper exercise of the tasks of nursing personnel.

5. The classification of functions recommended in Paragraph 5 of the Recommendation should be based on an analysis of jobs and an evaluation of functions made in consultation with the employers' and workers' organisations concerned.

#### *Education and training*

6. Where the educational possibilities of large sections of the population are limited, measures should be taken within the programmes of nursing education and training to supplement the general education of students who have not attained the level required in accordance with Paragraph 9 of the Recommendation.

7. Programmes of nursing education and training should provide a basis for access to education and training for higher responsibilities, create a desire for self-improvement, and prepare students to apply their knowledge and skills as members of the health team.

#### *Practice of the nursing profession*

8. (1) In conditions to be determined, the renewal of an authorisation to practice the nursing profession may be required.

(2) Such renewal might be made subject to requirements of continuing education and training, where this is considered necessary to ensure that authorised nursing personnel remain fully qualified.

9. Re-entry into the profession after an interruption of its practice may be made subject, in specified circumstances, to verification of qualifications; in such case, consideration should be given to facilitating re-entry by such methods as employment alongside another person for a specified period before verification takes place.

10. (1) Any disciplinary rules applicable to nursing personnel should include:

- (a) a definition of breach of professional conduct taking account of the nature of the profession and of such standards of professional ethics as may be applicable thereto;
- (b) an indication of the sanctions applicable, which should be proportional to the gravity of the fault.

(2) Any disciplinary rules applicable to nursing personnel should be laid down in the framework of rules applicable to health personnel as a whole or, where there are no such rules, should take due account of rules applicable to other categories of health personnel.

#### *Career development*

11. Where the possibilities of professional advancement are limited as a result of the manner in which nursing services in general are conceived, measures might be taken to facilitate access to studies leading to qualifications for other health professions.

12. (1) Measures should be taken to establish systems of classification and of scales of remuneration which provide possibilities of professional advancement on the basis of the classification of the level of functions envisaged in Paragraph 6 of the Recommendation.

(2) These systems should be sufficiently open to provide an incentive for nursing personnel to pass from one level to another.

(3) The promotion of nursing personnel should be based on equitable criteria and take account of experience and demonstrated ability.

13. Increases in remuneration should be provided for, at every level, by reference to the development of experience and ability.

14. (1) Measures should be taken to encourage nursing personnel to make the greatest possible use of their knowledge and their qualifications in their work.

(2) The responsibilities effectively assumed by nursing personnel and the competence shown by them should be continuously reviewed so as to ensure remuneration and possibilities of advancement or promotion corresponding thereto.

15. (1) Periods of paid educational leave should be considered to be periods of work for the purpose of entitlement to social benefits and other rights deriving from the employment relationship.

(2) As far as possible, periods of unpaid educational leave for the purpose of additional education and training should be taken into consideration in the calculation of seniority, particularly as regards remuneration and pension rights.

#### *Remuneration*

16. Pending the attainment of levels of remuneration comparable with those of other professions requiring similar or equivalent qualifications and carrying similar or equivalent responsibilities, measures should be taken, where necessary, to bring remuneration as rapidly as possible to a level which is likely to attract nursing personnel to the profession and retain them in it.

17. (1) Additions to salary and compensatory payments which are granted on a regular basis should, to an extent commensurate with general practice in the professions referred to in Paragraph 16 of this Annex, be regarded as an integral part of remuneration for the calculation of holiday pay, pensions and other social benefits.

(2) Their amount should be periodically reviewed in the light of changes in the cost of living.

#### *Working time and rest periods*

18. (1) In the organisation of hours of work, every effort should be made, subject to the requirements of the service, to allocate shift work, overtime work and work at inconvenient hours equitably between nursing personnel, and in particular between permanent and temporary and between full-time and part-time personnel, and to take account as far as possible of individual preferences and of special considerations regarding such matters as climate, transportation and family responsibilities.

(2) The organisation of hours of work for nursing personnel should be based on the need for nursing services rather than subordinated to the work pattern of other health service personnel.

19. (1) Appropriate measures to limit the need for overtime, for work at inconvenient hours and for on-call duty should be taken in the organisation of work, in determining the number and use of staff and in scheduling hours of work; in particular, account should be taken of the need for replacing nursing personnel during absences or leave authorised by laws or regulations or collective agreements, so that the personnel who are present will not be overburdened.

(2) Overtime should be worked on a voluntary basis, except where it is essential for patient care and sufficient volunteers are not available.

20. The notice of working schedules provided for in Paragraph 35 of the Recommendation should be given at least two weeks in advance.

21. Any period of on-call duty during which nursing personnel are required to remain at the workplace or the services of nursing personnel are actually used should be fully regarded as working time and remunerated as such.

22. (1) Nursing personnel should be free to take their meals in places of their choice.

(2) They should be able to take their rest breaks at a place other than their workplace.

23. The time at which the annual holiday is to be taken should be determined on an equitable basis, due account being taken of family obligations, individual preferences and the requirements of the service.

### *Occupational health protection*

24. Nursing personnel in respect of whom special measures such as those envisaged in Paragraphs 47, subparagraph (2), 49 and 50 of the Recommendation should be taken should include, in particular, personnel regularly exposed to ionising radiations or to anaesthetic substances and personnel in contact with infectious diseases or mental illness.

25. Nursing personnel regularly exposed to ionising radiations should, in addition, enjoy the protection of the measures provided for in the Radiation Protection Convention and Recommendation, 1960.

26. Work to which pregnant women or mothers of young children should not be assigned should include:

- (a) as regards women covered by Paragraph 5 of the Maternity Protection Recommendation, 1952, the types of work enumerated therein;
- (b) generally, work involving exposure to ionising radiations or anaesthetic substances or involving contact with infectious diseases.

### *Social security*

27. In order to ensure continuity in the acquisition of rights and the provision of benefits, as provided in Paragraph 54 of the Recommendation, steps should be taken to co-ordinate such private supplementary schemes as exist with each other and with statutory schemes.

28. In order to ensure that nursing personnel receive the compensation for illnesses contracted as a result of their work, as provided for in Paragraph 56 of the Recommendation, Members should, by laws or regulations:

- (a) prescribe a list establishing a presumption of occupational origin in respect of certain diseases when they are contracted by nursing personnel, and revise the list periodically in the light of scientific and technical developments affecting nursing personnel;
- (b) complement that list by a general definition of occupational diseases or by other provision enabling nursing personnel to establish the occupational origin of diseases not presumed to be occupational by virtue of the list.

### *International co-operation*

29. The financial aid given to nursing personnel undergoing education or training abroad might include, as appropriate:

- (a) payment of travel expenses;
- (b) payment of study costs;
- (c) scholarships;
- (d) continuation of full or partial remuneration, in the case of nursing personnel already employed.

30. As far as possible, periods of leave or detachment for training or work abroad should be taken into consideration in the calculation of seniority, particularly as regards remuneration and pension rights.

## **Domestic Workers Recommendation, 2011 (No. 201)**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 100th Session on 1 June 2011, and

Having adopted the Domestic Workers Convention, 2011, and

Having decided upon the adoption of certain proposals with regard to decent work for domestic workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Domestic Workers Convention, 2011;

adopts this sixteenth day of June of the year two thousand and eleven the following Recommendation, which may be cited as the Domestic Workers Recommendation, 2011.

1. The provisions of this Recommendation supplement those of the Domestic Workers Convention, 2011 ("the Convention"), and should be considered in conjunction with them.

2. In taking measures to ensure that domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members should:

- (a) identify and eliminate any legislative or administrative restrictions or other obstacles to the right of domestic workers to establish their own organizations or to join the workers' organizations of their own choosing and to the right of organizations of domestic workers to join workers' organizations, federations and confederations;
- (b) give consideration to taking or supporting measures to strengthen the capacity of workers' and employers' organizations, organizations representing domestic workers and those of employers of domestic workers, to promote effectively the interests of their members, provided that at all times the independence and autonomy, within the law, of such organizations are protected.

3. In taking measures for the elimination of discrimination in respect of employment and occupation, Members should, consistent with international labour standards, among other things:

- (a) make sure that arrangements for work-related medical testing respect the principle of the confidentiality of personal data and the privacy of domestic workers, and are consistent with the ILO code of practice "Protection of workers' personal data" (1997), and other relevant international data protection standards;
- (b) prevent any discrimination related to such testing; and
- (c) ensure that no domestic worker is required to undertake HIV or pregnancy testing, or to disclose HIV or pregnancy status.

4. Members giving consideration to medical testing for domestic workers should consider:

- (a) making public health information available to members of the households and domestic workers on the primary health and disease concerns that give rise to any needs for medical testing in each national context;
- (b) making information available to members of the households and domestic workers on voluntary medical testing, medical treatment, and good health and hygiene practices, consistent with public health initiatives for the community generally; and
- (c) distributing information on best practices for work-related medical testing, appropriately adapted to reflect the special nature of domestic work.

5. (1) Taking into account the provisions of the Worst Forms of Child Labour Convention, 1999 (No. 182), and Recommendation (No. 190), Members should identify types of domestic work that, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children, and should also prohibit and eliminate such child labour.

(2) When regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers who are under the age of 18 and above the minimum age of employment as defined by national laws and regulations, and take measures to protect them, including by:

- (a) strictly limiting their hours of work to ensure adequate time for rest, education and training, leisure activities and family contacts;
- (b) prohibiting night work;
- (c) placing restrictions on work that is excessively demanding, whether physically or psychologically; and
- (d) establishing or strengthening mechanisms to monitor their working and living conditions.

6. (1) Members should provide appropriate assistance, when necessary, to ensure that domestic workers understand their terms and conditions of employment.

(2) Further to the particulars listed in Article 7 of the Convention, the terms and conditions of employment should also include:

- (a) a job description;
- (b) sick leave and, if applicable, any other personal leave;
- (c) the rate of pay or compensation for overtime and standby consistent with Article 10(3) of the Convention;
- (d) any other payments to which the domestic worker is entitled;
- (e) any payments in kind and their monetary value;
- (f) details of any accommodation provided; and
- (g) any authorized deductions from the worker's remuneration.

(3) Members should consider establishing a model contract of employment for domestic work, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

(4) The model contract should at all times be made available free of charge to domestic workers, employers, representative organizations and the general public.

7. Members should consider establishing mechanisms to protect domestic workers from abuse, harassment and violence, such as:

- (a) establishing accessible complaint mechanisms for domestic workers to report cases of abuse, harassment and violence;
- (b) ensuring that all complaints of abuse, harassment and violence are investigated, and prosecuted, as appropriate; and
- (c) establishing programmes for the relocation from the household and rehabilitation of domestic workers subjected to abuse, harassment and violence, including the provision of temporary accommodation and health care.

8. (1) Hours of work, including overtime and periods of standby consistent with Article 10(3) of the Convention, should be accurately recorded, and this information should be freely accessible to the domestic worker.

(2) Members should consider developing practical guidance in this respect, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

9. (1) With respect to periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls (standby or on-call periods), Members, to the extent determined by national laws, regulations or collective agreements, should regulate:

- (a) the maximum number of hours per week, month or year that a domestic worker may be required to be on standby, and the ways they might be measured;
- (b) the compensatory rest period to which a domestic worker is entitled if the normal period of rest is interrupted by standby; and
- (c) the rate at which standby hours should be remunerated.

(2) With regard to domestic workers whose normal duties are performed at night, and taking into account the constraints of night work, Members should consider measures comparable to those specified in subparagraph 9(1).



10. Members should take measures to ensure that domestic workers are entitled to suitable periods of rest during the working day, which allow for meals and breaks to be taken.

11. (1) Weekly rest should be at least 24 consecutive hours.

(2) The fixed day of weekly rest should be determined by agreement of the parties, in accordance with national laws, regulations or collective agreements, taking into account work exigencies and the cultural, religious and social requirements of the domestic worker.

(3) Where national laws, regulations or collective agreements provide for weekly rest to be accumulated over a period longer than seven days for workers generally, such a period should not exceed 14 days for domestic workers.

12. National laws, regulations or collective agreements should define the grounds on which domestic workers may be required to work during the period of daily or weekly rest and provide for adequate compensatory rest, irrespective of any financial compensation.

13. Time spent by domestic workers accompanying the household members on holiday should not be counted as part of their paid annual leave.

14. When provision is made for the payment in kind of a limited proportion of remuneration, Members should consider:

- (a) establishing an overall limit on the proportion of the remuneration that may be paid in kind so as not to diminish unduly the remuneration necessary for the maintenance of domestic workers and their families;
- (b) calculating the monetary value of payments in kind by reference to objective criteria such as market value, cost price or prices fixed by public authorities, as appropriate;
- (c) limiting payments in kind to those clearly appropriate for the personal use and benefit of the domestic worker, such as food and accommodation;
- (d) ensuring that, when a domestic worker is required to live in accommodation provided by the household, no deduction may be made from the remuneration with respect to that accommodation, unless otherwise agreed to by the worker; and
- (e) ensuring that items directly related to the performance of domestic work, such as uniforms, tools or protective equipment, and their cleaning and maintenance, are not considered as payment in kind and their cost is not deducted from the remuneration of the domestic worker.

15. (1) Domestic workers should be given at the time of each payment an easily understandable written account of the total remuneration due to them and the specific amount and purpose of any deductions which may have been made.

(2) Upon termination of employment, any outstanding payments should be made promptly.

16. Members should take measures to ensure that domestic workers enjoy conditions not less favourable than those of workers generally in respect of the protection of workers' claims in the event of the employer's insolvency or death.

17. When provided, accommodation and food should include, taking into account national conditions, the following:

- (a) a separate, private room that is suitably furnished, adequately ventilated and equipped with a lock, the key to which should be provided to the domestic worker;
- (b) access to suitable sanitary facilities, shared or private;
- (c) adequate lighting and, as appropriate, heating and air conditioning in keeping with prevailing conditions within the household; and
- (d) meals of good quality and sufficient quantity, adapted to the extent reasonable to the cultural and religious requirements, if any, of the domestic worker concerned.

18. In the event of termination of employment at the initiative of the employer, for reasons other than serious misconduct, live-in domestic workers should be given a reasonable period of notice and time off during that period to enable them to seek new employment and accommodation.

19. Members, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, should take measures, such as to:

- (a) protect domestic workers by eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks, in order to prevent injuries, diseases and deaths and promote occupational safety and health in the household workplace;
- (b) provide an adequate and appropriate system of inspection, consistent with Article 17 of the Convention, and adequate penalties for violation of occupational safety and health laws and regulations;
- (c) establish 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 safety and health related risks and injuries;
- (d) advise on occupational safety and health, including on ergonomic aspects and protective equipment; and
- (e) develop training programmes and disseminate guidelines on occupational safety and health requirements specific to domestic work.

20. (1) Members should consider, in accordance with national laws and regulations, means to facilitate the payment of social security contributions, including in respect of domestic workers working for multiple employers, for instance through a system of simplified payment.

(2) Members should consider concluding bilateral, regional or multilateral agreements to provide, for migrant domestic workers covered by such agreements, equality of treatment in respect of social security, as well as access to and preservation or portability of social security entitlements.

(3) The monetary value of payments in kind should be duly considered for social security purposes, including in respect of the contribution by the employers and the entitlements of the domestic workers.

21. (1) Members should consider additional measures to ensure the effective protection of domestic workers and, in particular, migrant domestic workers, such as:

- (a) establishing a national hotline with interpretation services for domestic workers who need assistance;
- (b) consistent with Article 17 of the Convention, providing for a system of pre-placement visits to households in which migrant domestic workers are to be employed;
- (c) developing a network of emergency housing;
- (d) raising employers' awareness of their obligations by providing information on good practices in the employment of domestic workers, employment and immigration law obligations regarding migrant domestic workers, enforcement arrangements and sanctions in cases of violation, and assistance services available to domestic workers and their employers;
- (e) securing access of domestic workers to complaint mechanisms and their ability to pursue legal civil and criminal remedies, both during and after employment, irrespective of departure from the country concerned; and
- (f) providing for a public outreach service to inform domestic workers, in languages understood by them, of their rights, relevant laws and regulations, available complaint mechanisms and legal remedies, concerning both employment and immigration law, and legal protection against crimes such as violence, trafficking in persons and deprivation of liberty, and to provide any other pertinent information they may require.

(2) Members that are countries of origin of migrant domestic workers should assist in the effective protection of the rights of these workers, by informing them of their rights before departure, establishing legal assistance funds, social services and specialized consular services and through any other appropriate measures.

22. Members should, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, consider specifying by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation at no cost to themselves on the expiry or termination of the employment contract for which they were recruited.

23. Members should promote good practices by private employment agencies in relation to domestic workers, including migrant domestic workers, taking into account the principles and approaches in the Private Employment Agencies Convention, 1997 (No. 181), and the Private Employment Agencies Recommendation, 1997 (No. 188).

24. In so far as compatible with national law and practice concerning respect for privacy, Members may consider conditions under which labour inspectors or other officials entrusted with enforcing provisions applicable to domestic work should be allowed to enter the premises in which the work is carried out.

25. (1) Members should, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, establish policies and programmes, so as to:

- (a) encourage the continuing development of the competencies and qualifications of domestic workers, including literacy training as appropriate, in order to enhance their professional development and employment opportunities;
- (b) address the work–life balance needs of domestic workers; and
- (c) ensure that the concerns and rights of domestic workers are taken into account in the context of more general efforts to reconcile work and family responsibilities.

(2) Members should, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, develop appropriate indicators and measurement systems in order to strengthen the capacity of national statistical offices to effectively collect data necessary to support effective policymaking regarding domestic work.

26. (1) Members should consider cooperating with each other to ensure the effective application of the Domestic Workers Convention, 2011, and this Recommendation, to migrant domestic workers.

(2) Members should cooperate at bilateral, regional and global levels for the purpose of enhancing the protection of domestic workers, especially in matters concerning the prevention of forced labour and trafficking in persons, the access to social security, the monitoring of the activities of private employment agencies recruiting persons to work as domestic workers in another country, the dissemination of good practices and the collection of statistics on domestic work.

(3) Members should take appropriate steps to assist one another in giving effect to the provisions of the Convention through enhanced international cooperation or assistance, or both, including support for social and economic development, poverty eradication programmes and universal education.

(4) In the context of diplomatic immunity, Members should consider:

- (a) adopting policies and codes of conduct for diplomatic personnel aimed at preventing violations of domestic workers' rights; and
- (b) cooperating with each other at bilateral, regional and multilateral levels to address and prevent abusive practices towards domestic workers.