



## **REPORT ON THE STATUS OF FOREIGN DOMESTIC WORKERS IN CYPRUS**

**Nasia Hadjigeorgiou, Assistant Professor in Transitional Justice and Human Rights, UCLan Cyprus**

**Commissioner for the Administration and the Protection of Human Rights, Cyprus Ombudsman,(Research conducted by Despina Mertakka, Officer A', Office of the Commissioner for Administration and the Protection of Human Rights)**

18, December,2020

Report funded by the London School of Economics  
Hellenic Observatory



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## I. Introduction

1. Foreign domestic workers (FDW) living and working in the Republic of Cyprus (RoC or Republic) are in most cases, women who come from third countries and extremely difficult economic conditions and who migrate autonomously, with the aim of improving their and their families' living standards. The international literature on FDW has identified and illuminated a range of factors that come together and compound the vulnerability of this group of women. Among these factors are their migrant status, their gender, the fact that they do essential yet lowly paid and underappreciated work, that they are employed in private households that are difficult to regulate, and that they work alone, which makes their socialisation and organisation into effective pressure groups more difficult.<sup>1</sup> In the absence of a protective legal framework that is robustly enforced, these factors can result in exploitation, sub-standard living and working conditions, and a range of human rights violations, including of Article 4 of the European Convention on Human Rights that safeguards freedom from slavery and forced servitude.
2. In addition to the international literature, concerns about the well-being of FDW have also been expressed in the Cypriot context by academics,<sup>2</sup> NGOs<sup>3</sup>

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<sup>1</sup> European Union Agency for Fundamental Rights, *Out of Sight: Migrant Women Exploited in Domestic Work* (Vienna, Publications Office of the European Union, 2017); European Union Agency for Fundamental Rights, *Migrants in an Irregular Situation Employed in Domestic Work: Fundamental Rights Challenges for the European Union and Its Member States* (Luxembourg, Publications Office of the European Union, 2011); Cliodhna Murphy, 'The Enduring Vulnerability of Migrant Domestic Workers in Europe' (2013) 62 *International and Comparative Law Quarterly* 599; Bridget Anderson, 'A Very Private Business: Exploring the Demand for Migrant Domestic Workers' (2007) 14 *European Journal of Women's Studies* 247.

<sup>2</sup> Vera Pavlou, 'Migrant Domestic Workers, Vulnerability and the Law: Immigration and Employment Laws in Cyprus and Spain' (2016) 7 *Investigaciones Feministas* 149.

<sup>3</sup> AEQUITAS, 'Strategy for the Protection and Promotion of the Rights of Migrant Domestic Workers in Cyprus' (2014).

and several reports from the Ombudsman of the RoC.<sup>4</sup> While however, some of these publications refer to the real-life experiences of FDW,<sup>5</sup> to date, almost no studies have been implemented with the express objective of systematically identifying the specific challenges FDW face in the Republic. The present report fills this gap by drawing conclusions from the experiences of 150 FDW, who are currently employed in private households in Cyprus.

3. This report was prepared within the framework of cooperation between the Cyprus Commissioner for Administration and the Protection of Human Rights (Ombudsman) Mrs Maria Stylianou-Lottides, acting under her competence as a National Human Rights Institution (NHRI) and UCLan Cyprus. Its objectives are to highlight the specificity and complexity of the different challenges faced by FDW and operate as a basis for consultation of all major stakeholders in an attempt to strengthen the existing institutional framework that regulates their rights, or to create an altogether new one.
4. The empirical research and analysis were completed as part of a research project led by Dr Nasia Hadjigeorgiou (Assistant Professor of Transitional Justice and Human Rights at UCLan Cyprus), while the conclusions and recommendations were prepared by Ms Despina Mertakka (Officer A' at the Cyprus Commissioner for Administration and the Protection of Human Rights Office). The research project, entitled 'Exploring the socio-legal challenges faced by foreign domestic workers in Cyprus', was funded by the London School of Economics Hellenic Observatory through its 2019-2020 A.G. Leventis Research Innovation Programme on Cyprus.

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<sup>4</sup> RoC Ombudsman, *Report on the Institutional Framework Regulating Domestic Work in Cyprus* [Αυτεπάγγελτη Τοποθέτηση Της Επιτρόπου Διοικήσεως Και Προστασίας Ανθρωπίνων Δικαιωμάτων, Ως Εθνικής Ανεξάρτητης Αρχής Ανθρωπίνων Δικαιωμάτων, Αναφορικά Με Το Θεσμικό Πλαίσιο Που Ρυθμίζει Την Οικιακή Εργασία Στην Κύπρο] (21 Oct 2019); RoC Ombudsman, *Report on the Status of Domestic Workers in Cyprus* [Τοποθέτηση Επιτρόπου Διοικήσεως Ως Εθνική Ανεξάρτητη Αρχή Ανθρωπίνων Δικαιωμάτων Αναφορικά Με Το Καθεστώς Των Οικιακών Εργαζομένων Στην Κύπρο] (2 July 2013); RoC Ombudsman, *Report on the Procedure for the Investigation of Labour Disputes between Migrant Workers and Their Employers* [Έκθεση Της Επιτρόπου Διοικήσεως Αναφορικά Με Τη Διαδικασία Εξέτασης Των Εργατικών Διαφορών Ανάμεσα Σε Αλλοδαπούς Εργαζόμενους Και Τους Εργοδότες Τους'] (12 Mar 2010).

<sup>5</sup> See, for example, AEQUITAS, 'Strategy for the Protection and Promotion of the Rights of Migrant Domestic Workers in Cyprus'.

5. The main body of this report is divided into three sections: Section 2 provides a brief overview of the legal framework that regulates the entry and stay of FDW in Cyprus; Section 3 explains the methodology that was adopted in gathering the data; and Section 4 discusses the results of the empirical research. The results section is further divided into the following parts: (a) Personal and family situation of the FDW; (b) Living conditions and privacy; (c) Working conditions; (d) Remuneration; (e) Employment contract; (f) Safety, vulnerability and mistrust of the authorities; and (g) Health. Section 5 concludes, and Section 6 offers recommendations stemming from the empirical analysis.

## **II. The legal framework**

6. There is no law that deals specifically with the entry and stay of FDW in the RoC. Instead, their rights and responsibilities, like those of all other immigrants, are listed in the Aliens and Immigration Law 1972 to 2019 [Cap. 105]. This general legal framework is shaped in relation to FDW through decisions of the Council of Ministers of the Republic, that relies on recommendations from the Ministerial Committee on the Employment of Migrants.<sup>6</sup> Conditions regulating the entry of FDW in the country are characterised by openness, in the sense that they allow private individuals who meet relatively lax requirements,<sup>7</sup> to bring FDW to the RoC for the purpose of providing domestic services in their households.

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<sup>6</sup> In Greek, this is the 'Υπουργική Επιτροπή για την Απασχόληση Αλλοδαπών'.

<sup>7</sup> Eligible employers are a) families with a child under 12 years old when both parents work, b) families with no children when both partners work and have an annual taxable income of at least €52,000, c) single parent families when the parent works, d) families with one working partner provided that their annual taxable income is at least €86,000, e) elderly people above the age of 75, f) people with special needs, g) infirm persons, i) handicapped persons and j) and couples with more than three children of whom one at least is under 12 years old and provided that both partners work. The criteria are available on the Civil Registry and Migration Department website, at <http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/5314ED0D3F68CA9EC2257D2C003A4DC2?OpenDocument>

7. While the conditions for entry of FDW in the RoC are quite generous, the conditions for their stay are not. The recruitment of all immigrant workers involves the Ministry of Labour and Social Insurance, yet FDW are, exceptionally, the concern of the Civil Registry and Migration Department, under the Ministry of the Interior. This decision was taken three decades ago and was based on the argument that the occupation of FDW does not really affect the employment sphere.<sup>8</sup> Yet, maintaining the distinction between FDW on the one hand, and all other immigrant workers on the other, reinforces the perception that the former fall within a category that we care more about controlling, rather than protecting. Even though the Council of Ministers decided in 2010 to shift the responsibility for FDW to the Ministry of Labour, a decade later, implementation of this decision is still pending.<sup>9</sup>
8. Every FDW must sign an employment contract, in the absence of which, she is not legally employed, and therefore not legally residing, in the Republic.<sup>10</sup> A standard employment contract for all immigrant workers had been prepared by the Ministry of Labour in 1991. This was amended by the Migration Department to fit the specific context of domestic work, but was never sent back to the Ministry of Labour for final approval.<sup>11</sup> The employment contract

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<sup>8</sup> RoC Ombudsman, *2013 Ombudsman Report*, [27].

<sup>9</sup> *Ibid*, [30].

<sup>10</sup> This used to be expressly stated in the previous draft of the Employment Contract, which was revised in 2019. For instance, Article 5(b) of the Old Employment Contract stated: 'If the Employee at any time disobeys or neglects or refuses to carry out or comply with all lawful instructions given to him by the Employer or his representatives on the basis of his contract, or if he is found guilty of consumption of alcoholic drinks, or gambling, or unjustified absence from his work, or if he violates the Laws of the Cyprus Republic, the Employer may immediately dismiss him from his work by giving him written notice, and he shall be repatriated.' Similarly, Article 5(c) of the Old Employment Contract provided that 'Breach of any of the clause [sic] of this contract will automatically cause the termination of this contract as well as the validity of the Employment and Residence Permit.' Although these provisions are not included in the New Employment Contract, in practice, things have not changed: without an employer sponsoring them, FDW are residing illegally in Cyprus and, if caught, are deported. The Old Employment Contract can be found here: [http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/5314ED0D3F68CA9EC2257D2C003A4DC2/\\$file/DOMESTIC%20WORKER%20ContractOfEmploymentEN.pdf](http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/5314ED0D3F68CA9EC2257D2C003A4DC2/$file/DOMESTIC%20WORKER%20ContractOfEmploymentEN.pdf). The New Employment Contract can be found here: [http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/F16DFEEA3AF1715FC2257D6D0042D6B6/\\$file/DW\\_CONTRACT\\_07.05.2019.pdf](http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/F16DFEEA3AF1715FC2257D6D0042D6B6/$file/DW_CONTRACT_07.05.2019.pdf).

<sup>11</sup> RoC Ombudsman, *2013 Ombudsman Report*, [60]. As a result, the contract emphasises in the most explicit way the status of the employee as a migrant. (e.g. Article 1.C.a of the New Employment Contract: 'The Employee's entry residence and employment shall be subject to the provisions of the Aliens and Immigration Laws and its relevant regulations.')

drafted by the Migration Department was used, essentially unamended, from the time of its creation in 1991 until 2019. The current version of the contract was circulated in May 2019, but FDW who had signed the old version before this date and are still legally employed in the Republic, have not been asked to sign the new document.

9. The new employment contract is an improvement in terms of clarity and protection of workers' rights, compared to the one it has replaced, but in many respects, it still remains problematic. The contract is clear that 'The Employee shall work for 6 days per week for 7 hours per day'.<sup>12</sup> Despite this unambiguous provision, it does not include, even in the form of guidance, set working hours and it does not refer to any breaks during the working day.<sup>13</sup> Also conspicuous through its absence is a provision about possible overtime to be paid by the employer. A mere omission to make reference to this is arguably an improvement to the pre-2019 version of the contract, which expressly prohibited the employee from negotiating a better salary for the work she was doing.<sup>14</sup> Yet, the failure to provide even basic guidelines about such an important feature of the employment relationship is regrettable: it sends the message that the possibility of paying for overtime should not be the subject of discussion between the two parties, while it also leaves those employees who dare raise it, totally in the dark about what it is they should be asking of their employer.

10. Finally, absent from the contract are any references to complaint procedures that the FDW should follow in case she is dissatisfied with her working conditions or remuneration. The contract includes a general clause that in case of a 'labour dispute between the Employee and the Employer', 'one of the two parties or both parties separately, may submit in writing a relevant

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<sup>12</sup> New Employment Contract, Article 2.1.A.

<sup>13</sup> For a discussion of the phenomenon where special vulnerability is created by the explicit exclusion or lower degree of protection of certain categories of workers from protective (labour) laws, see Virginia Mantouvalou, 'Human Rights for Precarious Workers: The Legislative Precariousness of Domestic Labor' (2012) 34 *Comparative Labor Law and Policy Journal* 133.

<sup>14</sup> Old Employment Contract, Article 2(f).

complaint to the District Aliens and Immigration Unit of the Police, as well as the Department of Labour Relations for examination by the Labour Disputes Committee.<sup>15</sup> Yet, there is no explanation in the contract as to why the police (not least, its Immigration Unit) are getting involved in an employment dispute, what the Labour Disputes Committee may decide, how its decision links to any possible action to be taken by the Immigration Unit, what is the procedure that the Labour Disputes Committee will follow, how long the procedure is expected to last and what are the rights of each party during this process (for example, whether the employee will continue getting paid by the employer, and if not, whether she is allowed to seek work elsewhere – the answer to both questions appears to be a ‘no’).

### **III. Methodology**

11. Information about the living and working conditions of FDW in the RoC was collected through 150 questionnaires, 21 in-depth interviews and two focus groups with 10 participants each. All participants to the qualitative and quantitative parts of the research were FDW who had been living and working in Nicosia or Limassol between November 2019 and February 2020.
  
12. The questionnaire consisted of 48 questions and was completed by a representative sample of the five main nationalities of FDW in the Republic: Filipino, Sri Lankan, Nepalese, Indian and Vietnamese.<sup>16</sup> Specific percentages with regards to the nationality of FDW in the RoC as of July 2019, and the nationality of the participants to the questionnaire, are included in Figure 1 below. Prior to asking respondents to complete the questionnaire, the researcher gave a short individual introduction on the scope and objective of the project, her background and previous experience in working with FDW. The questions of the questionnaire itself were written in English and drafted in simple language. On site, there were translators of the five main native

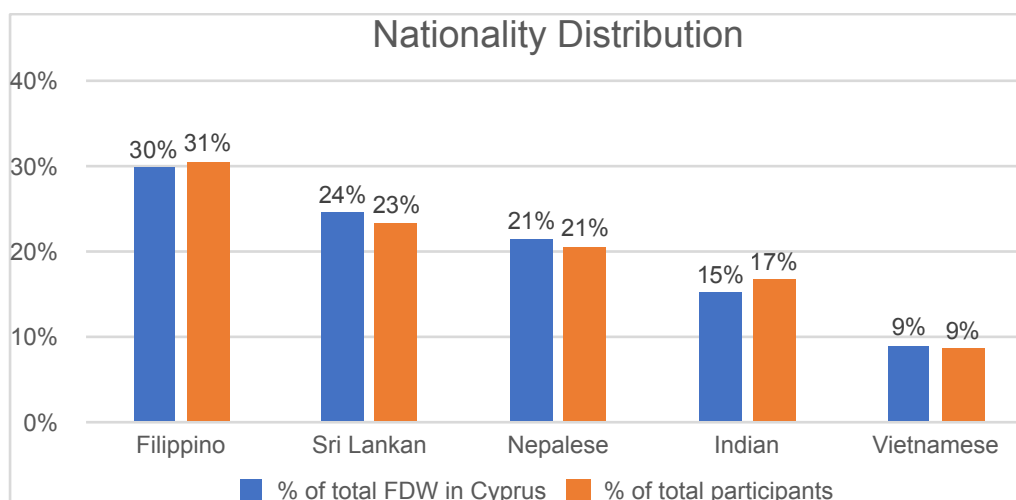
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<sup>15</sup> New Employment Contract, Article 4(e).

<sup>16</sup> The five nationalities constituted 98% of all FDW in Cyprus in July 2019. (Data provided upon request by the Civil Registry and Migration Department.)



languages (Filipino, Sinhala, Nepali, Hindi and Vietnamese), who helped those who did not understand a question. All answers were then recorded in English.



*Figure 1 – Nationality distribution*

13. Questionnaires were completed in a community centre in Nicosia and another in Limassol on eight different Sundays. Groundwork took place for about six weeks preceding this in order to establish connections through community leaders and set up frameworks in which FDW would feel safe and comfortable to participate in the research. Although many FDW work on Sundays, this was the only possible day to conduct any element of the research. To this end, the six-week groundwork was used, in part, to facilitate, through the community leaders, the identification of FDW who were either unavailable on a Sunday or who could be available, if extensive warning was given to the employer and/or the FDW provided alternative arrangements for the day. In the event that the latter was not possible, the community leader gave a copy of the questionnaire to the FDW, which was completed and subsequently returned to the researcher. Further, the six-week groundwork period was used to develop necessary amounts of trust between the participants and the researcher, so that reliable results could be produced at the end of the project.

14. The study supplemented the results of the quantitative research with 21 in-depth interviews, each lasting for about an hour. The nationalities of the

interviewees are as follows: six Filipino, five Sri Lankan, four Nepalese, three Indian and three Vietnamese. These are women who had already completed the questionnaire and, through the interview, were given the opportunity to elaborate on their answers. All interviewees spoke good English, but a translator was also in the room. The questions were asked in English and the interviewee responded in a mix of English and her native language. The answer was translated on the spot and this was written down. Therefore, any quotations included in the report are either direct statements made by the interviewee or translated ones.

15. Two focus groups, of approximately 2,5 hours each, further supplemented the questionnaire and interview results. Each focus group had 10 participants, with their nationalities appearing in Table 1 below. The focus group took the form of a half-day event, in order to give participants time to acclimate to the rest of the group and feel comfortable to share their views. The event started with a trust-building session and icebreakers that lasted for about 40 minutes. All participants had been prompted to bring along ethnic food to share with each other, which further contributed to trust-building. During the focus group itself, the facilitator set out a theme, such as ‘work conditions’ or ‘family life’, which she gave orally and also wrote on a flipchart. The five translations of each word were written next to the English word on the flipchart. Participants were then free to talk about anything that came to mind in relation to each theme. In both focus groups, the facilitator found that little prompting was needed as the participants were complementing each other’s positions and easily discussing between themselves. There was however, at times, some difficulty in the pace of the focus group due to the variation of the languages ‘present’.

Nationality	Participants in focus group 1	Participants in focus group 2
<b>Filipino</b>	3	4
<b>Sri Lankan</b>	3	2
<b>Nepalese</b>	1	2

<b>Indian</b>	1	0
<b>Vietnamese</b>	2	2
<b>Total</b>	<b>10</b>	<b>10</b>

*Table 1 – Number of participants in focus groups*

16. The focus groups were approached with some trepidation with regards the reliability and representativeness of the data they would produce. In terms of reliability, it is unclear to what extent the participants hesitated to share accurate information because of the sensitivity of a given subject matter (for example, in relation to how much money they earn, or whether they have ever been victims of an assault). Because of this concern, the facilitator kept such questions general and did not push for more information, unless this was provided freely and in an unprompted manner. Additionally, not all focus group participants spoke for equal amounts of time, despite attempts by the facilitator to avoid individuals monopolising the conversation. These concerns shaped the decision that data gathered from the focus groups was to be used merely to support conclusions that had already been drawn from the questionnaires and interviews, rather than in their own right.

17. For all three parts of the research, attention was paid to ethical considerations in both the design and implementation stages, due to the increased vulnerability of the participants. Ethical approval had been granted prior to the start of the research project by the Cyprus Bioethics Committee and the UCLan Ethics Committee in the UK. The two processes involved the assessment by independent researchers of both the questionnaire and themes discussed during the interviews and focus groups. The empirical part of the research was designed by taking into account the ethical guidelines provided by the (UK) Socio-Legal Studies Association,<sup>17</sup> the (UK) Association of Social Anthropologists,<sup>18</sup> the (UK) Economic and Social Research

<sup>17</sup> Socio-Legal Studies Association, 'Statement of Principles of Ethical Research Practice' (2001, revised 2009), available at [https://www.slsa.ac.uk/images/2019summer/SLSA\\_Ethics\\_Statement\\_Final\\_2.pdf](https://www.slsa.ac.uk/images/2019summer/SLSA_Ethics_Statement_Final_2.pdf).

<sup>18</sup> Association of Social Anthropologists of the UK & Commonwealth, 'Ethical Guidelines for Good Research Practice', available at <https://www.theasa.org/ethics/guidelines.html>.

Council,<sup>19</sup> the (UK) Social Research Association<sup>20</sup> and secondary literature.<sup>21</sup> All interviews were granted on condition of anonymity. The only persons present during the interviews, focus groups and the completion of questionnaires were the interviewer, the translator and the FDW themselves. The interviews and focus groups were not recorded in order to put the participants at ease, but the researcher was taking notes. No payment was offered for participation to the research, but refreshments were made available to all participants on the day. Due to the emphasis on ethics, the interviewer relied on 'process consent' and asked participants at different points during the interview or focus group whether they wanted to continue participating, rather than rely on a formalistic consent form. Finally, FDW were told from the outset that participation to the research would not directly change their living or working conditions in any way.

#### **IV. Research Results**

##### **(a) Personal and family situation of the FDW**

18. Although men are no longer prohibited from getting a FDW visa,<sup>22</sup> the vast majority of FDW in the Republic and 100% of participants to this research study were women. The average age of participants was 34 years old, with the youngest being 22 and the oldest 49 years old. The average period of time they have been working in the Republic is 3,5 years with half of the participants not having visited their country of origin since arriving in the RoC. 99% of the respondents do not have the right to permanently reside in Cyprus and are relying on a FDW visa that does not allow them to be employed in any other sector of the economy. Finally, 27% of the participants have finished

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<sup>19</sup> Economic and Social Research Council, 'Our Core Principles', available at <https://esrc.ukri.org/funding/guidance-for-applicants/research-ethics/our-core-principles/>.

<sup>20</sup> Social Research Association, 'Ethical Guidelines', available at <https://the-sra.org.uk/common/Uploaded%20files/ethical%20guidelines%202003.pdf>.

<sup>21</sup> Fontes Aronson L., 'Ethics in Violence against Women Research: The Sensitive, the Dangerous and the Overlooked' (2004) 14 *Ethics and Behaviour* 141; David Silverman, *Doing Qualitative Research* (3 edn, London, Sage, 2010).

<sup>22</sup> Decision of the Ministerial Committee on the Employment of Migrants, 3 April 2015, cited in RoC Ombudsman, *2019 Ombudsman Report*, [21].

primary school and an additional 64% have graduated from secondary school. 85% of FDW have had another job before coming to Cyprus (mainly as domestic workers, in factories or farms, and some in the tourism sector).

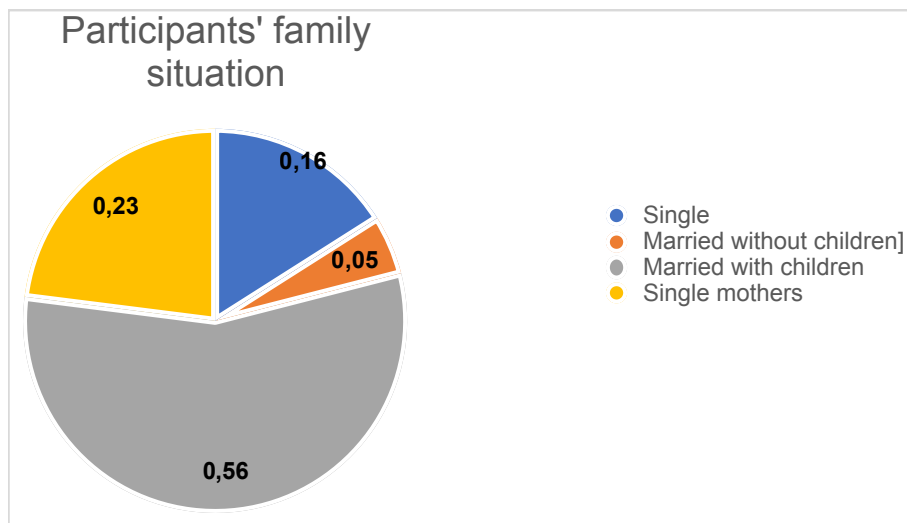


Figure 2 – Participants' family situation

19. The family situation of the participants to the study varies: 16% are single, 5% are married without children, 56% are married with children and 23% are single mothers (see Figure 2 above). Arguably contrary to EU Law,<sup>23</sup> individuals who arrive in the RoC using the FDW visa are prevented from acquiring permanent residency, even if they had been legally working in the country for more than five years prior to their application.<sup>24</sup> In turn, this prevents them from being eligible for family reunification because one of the requirements for this to be granted, is that the applicant has reasonable prospects of acquiring permanent residency in the Republic.<sup>25</sup> As a result, none of the participants has been visited by her children or spouse, even on a temporary basis, during her stay in Cyprus.

<sup>23</sup> *Staatssecretaris van Justitie v Mangat Singh* (Court of Justice of the European Union, Case C502/10, 18 Oct 2012).

<sup>24</sup> *Cresencia Cabotaje Motilla v. The Republic of Cyprus through the Minister of the Interior and the Chief Immigration Officer* (RoC Supreme Court, Case no. 673/2006, 21 Jan 2008).

<sup>25</sup> Aliens and Immigration Law 1972 to 2019 [Cap. 105], Articles 18KI and 18AA.

(b) Living conditions and privacy

20. 99% of all respondents to the questionnaire live with their employer and the vast majority of them (95%) have their own room that no one can enter. All of the respondents have internet at home, an important consideration for them, as this is their main source of entertainment in the house, and the medium through which they contact their families. In the interviews and focus groups, most participants considered living with their employer as either necessary or beneficial. Those that fell in the first category explained that even though they would like to be living away from their working place, this would be impossible, even if they were sharing a flat, because of the prohibitive accommodation costs.<sup>26</sup> A much smaller number (three out of the 20 focus group participants) explained that they were missing their families and that living with their employers helped with this; all three were residing with, and taking care of, elderly couples. Further, although respondents did not cite this as a reason for wanting to continue staying with their employers, many did comment that they felt safe at home.

21. At the same time, even those who were generally happy with their living arrangements, lamented their lack of privacy. Almost one in five participants (19%) reported not having a key to their house, which suggests that they have to inform their employer that they are leaving and what time they are planning to return, even on their day off. In fact, this is the case with the majority of FDW, including those who have been given a key: 66% of all respondents stated that their employer checks what time they get home at night (in case they leave the house on a weekday) or on a Sunday. Thus, one Sri Lankan interviewee complained that 'On Sundays, they want me back by 18:00 and will check if I am back in time. This makes me quite stressed.' Another explained that 'My employer wants me home by 19:00 [on Sunday]. I leave early in the morning, so I have many hours with my friends.' Echoing sentiments voiced in the interviews, four participants to the focus groups

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<sup>26</sup> Article 3.A of the New Employment Contract provides that an employer can provide accommodation and sustenance and reduce his/her employee's salary by 15% and 10% respectively. It is unclear to what extent FDW are aware of this provision.

expressed their distress at the fact that their employer starts calling quite early on a Sunday afternoon to see when they will be getting home. Coupled with the fact that 68% of respondents never receive friends at their place of stay, this significantly limits not only their privacy, but also opportunities to socialise.

22. Perhaps the most important consequence of living with their employer, however, is the impact this has on the number of hours FDW are working each day, which is discussed in the next section.

(c) Working conditions

23. The respondents described a range of different responsibilities they have, including cleaning the house, shopping, cooking, taking care of children, one or more elderly persons, or one or more disabled persons. Other responsibilities included cleaning several cars, gardening and looking after the family's pets.

24. FDW worked, on average, 58 hours per week, which is significantly longer than the 42 hours they are contractually expected to work. Although the sample of respondents from different nationalities was too small to reach conclusive results, there were notable differences among the groups in terms of how many hours they work. Indian domestic workers worked the least number of hours, for an average of 55,5 hours, which is still more than one full day's work per week than their employment contract provides. The longest hours among the five groups were worked by Vietnamese domestic workers, who worked for an average of 61,5 hours per week, almost 20 hours per week more than they should. As illustrated in Figure 3 below, of the 150 respondents, two work 42 hours or less, 33 work between 43 and 50 hours, 31 between 51 and 60 hours and 48 work between 61 and 70 hours per week. Finally, 36 respondents – more than 1 in 5 – work more than 70 hours, which is close to, or even more, than twice what they are contractually obligated to work.

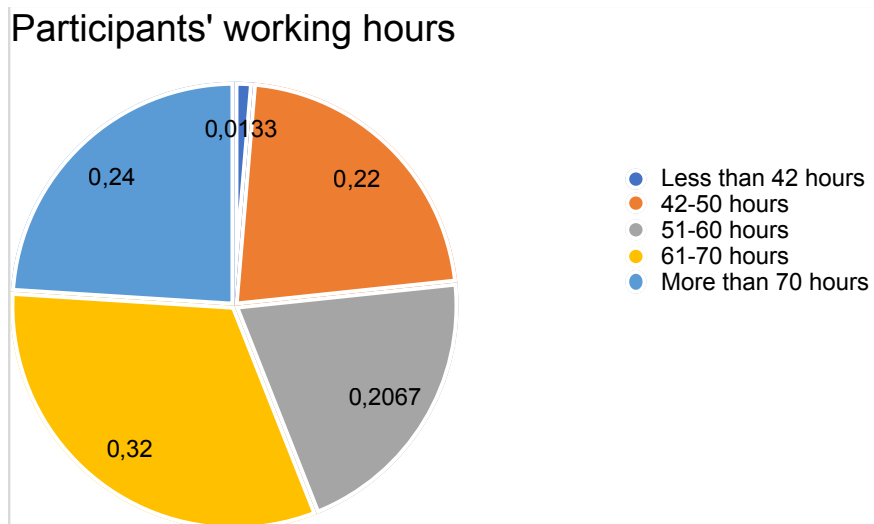


Figure 3 – Participants' working hours

25. About two thirds of the respondents work on six days per week, while the rest (contrary to what their contract provides) work every day. Most participants to the interviews and focus groups seemed aware, even vaguely, of the fact that they were working more hours than they should, but expressed an inability to change the situation. The long working hours and the perceived helplessness of FDW to improve this state of affairs were common among respondents who were working for very different types of employers. For instance, one Filipino worker, employed by a family, stated: 'I work many hours, also on Sundays. My employers have many parties, so on Saturday I am preparing and collecting everything at night and then spending most of Sunday cleaning it.' A Nepalese domestic worker, taking care of an older man, had similar complaints in this respect: 'I work many hours a day. Most days I would say about 12 hours. I am cleaning and cooking from early in the morning. Then I take care of "pappou". He is in a wheelchair and needs care all the time. Even at night time. I also clean his daughter's house. I think it is unfair that I am not paid for that.' Despite her different duties from the other two interviewees, another Filipino worker also experienced extreme working hours: 'It depends on the day. So, if Madam and Sir have guests, I work longer hours. If it is the summer and the children are at home, then I am working even more. But usually, I start at 6:30 and finish everything at about 21:30. But, the youngest child wakes up in the night and I need to change his sheets and sit with him.'



Thus, it appears that long working hours are not due to the exceptional needs of a few individual employers, but a perception among most, that the FDW is available if and when she is needed – if she is needed all of the time, then that is part and parcel of the job.

26. Another common feature of the respondents' days, and one that was emphasised during the focus groups, is the absence of set working hours. Since FDW are living in their employers' houses, they are 'on call' and expected to be available around the clock. This expectation stops them from being able to plan their day and make sure that they have at least some time for a break. Many interviewees commented on the fact that their employers knock on their bedroom door, or call them on their mobile phone if they need something, even if it is late at night and they had been working from early in the morning. For example, one Sri Lankan interviewee described her working day in the following terms: 'I start work at 6:00 and finish completely when my employers do not need anything more, which is at about 22:00. I am not working constantly, I do take breaks, but I am always alert to see what my employers need.' In all the interviews and focus groups, only one woman described experiencing a situation that resembles what is provided in the contract: 'I prepare the dinner and then I am free. [...] I have privacy and my employers do not disturb me in my room.' The consensus among interviewees and focus group participants, even those who were overall happy with their living arrangements, was that this 'always on call' expectation is the greatest drawback to residing in their employers' houses.

(d) Remuneration

27. Participants to the questionnaire stated that their net earnings, on average, amount to €337 per month. If this is divided by the average number of hours that FDW reported working, their hourly rate is €1,29. To this should be added the fact that a third of respondents (32%) state that they are not always paid, or are not always paid the full amount they are owed. Only three participants out of both focus groups considered their wages to be satisfactory. The rest

believed that, given the lack of set working hours, that they are always 'on call' and the multitude of tasks they are responsible for, their wages were insufficient.

28. To the question 'If you work beyond the hours of your contract, do you receive extra payment?', only 7% replied positively. 35% stated that they do not get paid overtime, while the majority (58%) answered that they do not know how many hours they are contractually obligated to work (see Figure 4 below). A separate question was asked about whether the respondents work on a Sunday, with a third of them replying that they work every day. Among these respondents, answers as to why they work and whether they get paid for this additional work, varied. Some indicated that they do this because they need to send as much money as they can to their families; others because their employers ask them to. Those in the second category were divided among FDW who felt a duty towards the family who needed help on Sunday and/or got paid for this additional work, and those who were simply given no choice by their employer. Thus, one Filipino worker commented: 'I am not exactly sure how many hours I should work. I will check it because I think I am probably working too many. Even if this is the truth, Madam will not accept something different.' Another, a Vietnamese worker, described her situation in the following terms: 'I get tired during work because I have no day to rest. I am working on Sunday as well because sometimes my employers are working on Sunday. When they are home on Sunday they send me to Madam's mother's and sister's houses to clean. This makes me very tired. [...] I remember that my contract said I should have a day off, but I do not. I mentioned this to Madam, but she said that this is not possible because of their work. I said, "okay, at least I should not have to go to other houses", but she did not accept.'

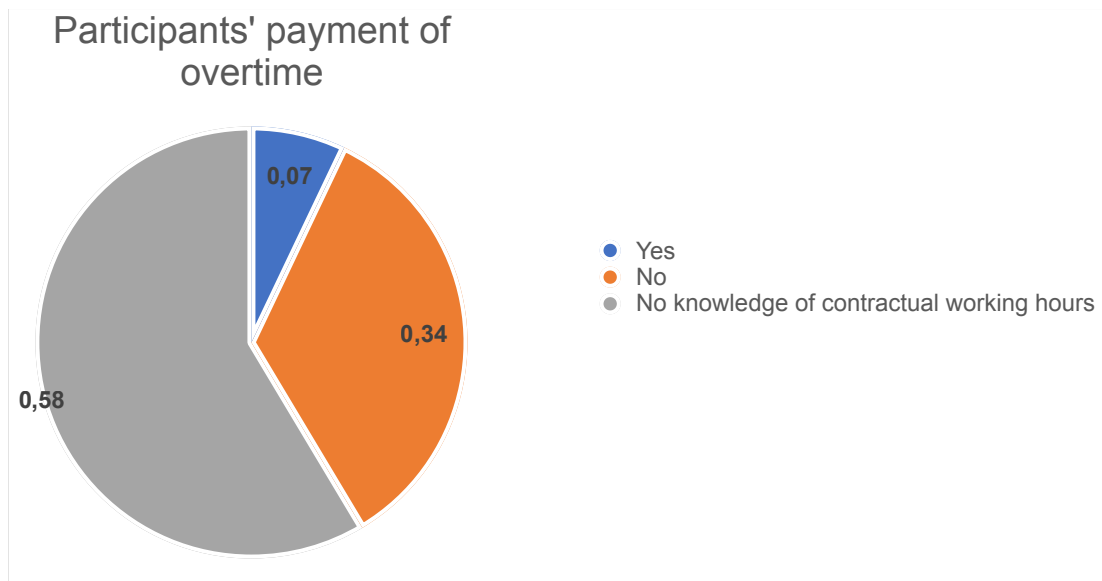


Figure 4 – Participants' payment of overtime

29. According to the contract, a FDW is responsible for 'housework performed at the Employer's primary residence and/or any secondary residence'.<sup>27</sup> Although this is not explicitly stated in the contract, the expectation is that each FDW is responsible for cleaning one house (or at most two, as long as they are owned by the same person). Yet, even many of those who work on six days per week, are expected to do more than that. Of the 150 respondents, 106 do not work on a Sunday, yet only 50 are responsible for cleaning just one house. As illustrated in Figure 5 below, 75 are responsible for cleaning two houses, 24 are responsible for three houses and one works at four different houses. 79% of those who clean more than one residence, work in houses that their employer has found, which almost always belong to relatives (and are therefore not the employer's primary or secondary residence). Yet half of them (49%), do not get paid for this additional work.

<sup>27</sup> The New Employment Contract, Article 1.C.2 also provides that 'The employee shall not, while this Agreement and his/her Residence and Work Permit are in force, be entitled to perform any other duties, nor shall he/she be entitled to work at the same time with another employer other than the specific household.'

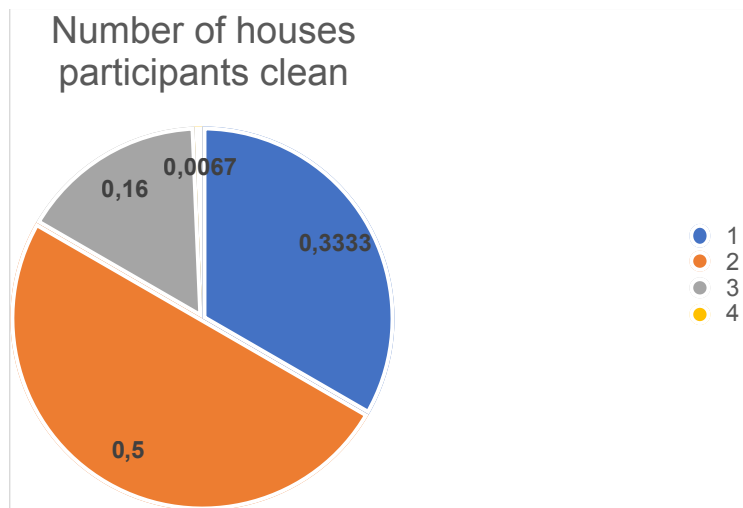


Figure 5 – Number of houses participants clean

(e) Employment contract

30. The empirical research highlighted two main problems with regards to the contract of employment – the first is that FDW often sign the contract without being informed or having an understanding of their rights. The second is that even when they are aware of their rights, they generally remain unable to enforce them. This is either because they are too afraid to complain to their employer about blatant violations of the contract, or because when they do, they are faced with anger or indifference and dismissal.

31. With regards to the first problem – a lack of rights awareness among FDW – 70% of respondents remember signing a contract of employment, 5% answered that no document was signed and 25% have no recollection of whether they signed or not. To the follow-up question ‘Did you understand what the contract say?’ 22 respondents (i.e. 15%) replied that they did not and an additional 62 persons (i.e. 43%) replied that they did not remember whether they understood (see Figures 6 and 7 below). Taken together, 30% of respondents did not sign or do not remember signing a contract of employment and from those that did, almost six in 10, either did not understand or do not remember whether they understood what the contract provided.

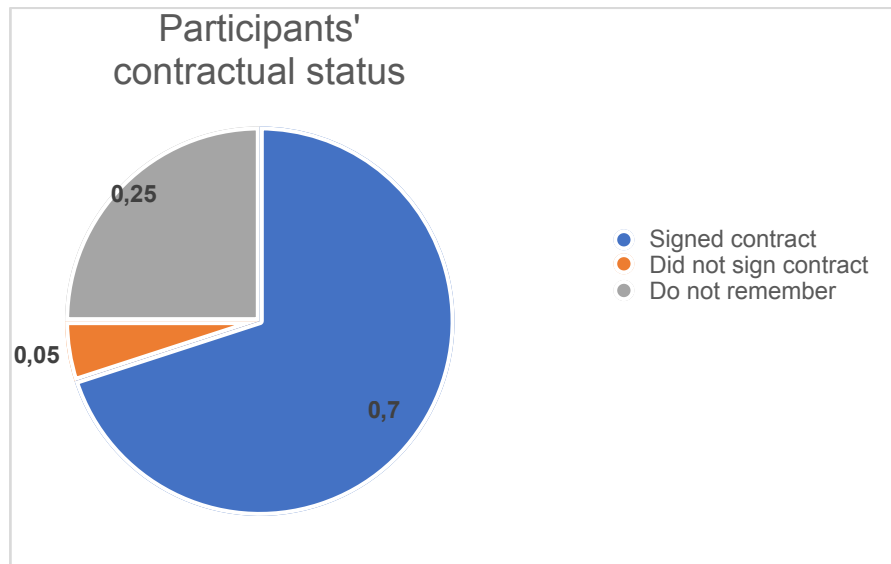


Figure 6 – Participants' contractual status

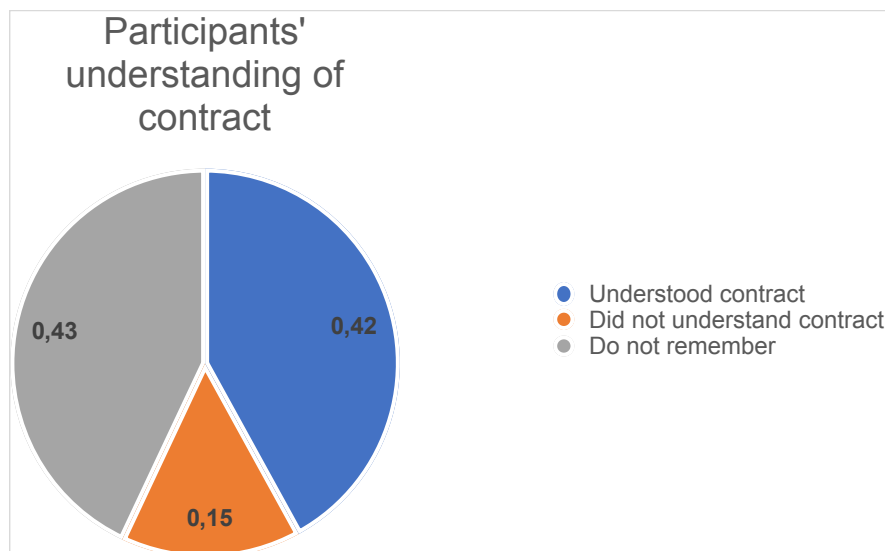


Figure 7 – Participants' understanding of contract

32. This unawareness among FDW of what they had signed and the rights that the contract conferred to them was particularly striking during the interviews. Typical responses when interviewees were prompted to discuss the contract included the following: 'I signed many papers when I came.', 'I am not sure exactly what I signed.', 'I signed some papers but do not remember exactly what they were for.', 'I remember signing papers. I know they were for my visa, but I am not sure what they said.', 'I do not remember anything about the contract. I am not sure exactly what I am allowed to do. I do not know if it is allowed that I work on Sunday as well.' The lack of rights awareness was also

prevalent during the focus groups: more than half of the participants were unaware of their exact status and employment rights in the RoC. Some of them could describe their contract in very general terms and none of them knew about their rights under any relevant laws.

33. The second problem concerning the employment contract is that it is notoriously difficult to enforce, something that both the FDW and their employers seem to be well aware of. This conclusion is supported by the numerous and serious violations of the contract that have been described so far – the fact that practically all FDW work for more hours than they should, over more days, are expected to clean more houses (and are often not paid extra for this work) and that there are delays or reductions in salary payments. The contract's lack of enforceability is also reflected in the fact that 40% of respondents would not tell their employer that they are unhappy with something s/he has done or said, such as regularly asking them to work for an extra day without getting paid.

34. The reasons for their reluctance to speak out were made clear during the interviews and focus groups. One Nepalese interviewee, for instance, explained that 'When I clean "pappou's" daughter's house I feel that I should be paid. I am afraid to ask though, because I do not want to lose my job.' Similarly, a Filipino worker stated that 'I know my contract said I should have one day off, but often this is not the case. I do not want to make trouble about this though, since I need my job.' A third alluded to the same fear when she said 'I do not think it is allowed for me to be working all day and also during the night when the boy wakes up. I do not want to make trouble on this.' This unwillingness among FDW to complain to their employers was confirmed in the focus groups. At least nine out of the 20 participants stated that they would never complain, as they know that this would not change things and it was therefore, not worth risking any negative effects the complaints could have on them. Only two of the women were very supportive of the choice to make complaints to their employers as, otherwise, nothing would improve.

35. Even those who confronted their employers about blatant violations of the contract, were met with indifference or even anger. Many employers made it clear that this is how things are and will continue to be. For instance, one Filipino interviewee explained that 'I signed a contract and I know it said six days per week and seven hours, but I know I work many more than this. I do not know what to do about this. I spoke to Madam, but she does not listen.' Others were shouted at for daring to suggest a change in their working conditions. Illustrative of this was the experience of another Filipino domestic worker, who recalled the following during her interview: 'I go to Sir's sister's house once a week but they never pay me anything for this and when I asked for money, Sir shouted very much so I stopped asking. Many nights I am crying and thinking of how to change this situation, but I do not know how.' Another recalled: 'I go to friends and the park on Sunday, unless I am asked to clean another house. Sometimes I tried to say "no", but Madam got very angry.' And a third interviewee stated: 'I know my contract says less hours than those I am working. When I asked her about this she got very angry. I told her it was no problem to work some hours more and get paid. She was shouting.'

(f) Safety, vulnerability and mistrust of the authorities

36. As the previous section suggests, FDW are generally unwilling to complain about situations they consider unfair or illegal, a phenomenon that is both a result and a cause of their intense vulnerability. This reluctance to share their problems or concerns with third parties extends beyond their employers, to others in positions of authority, such as the police or health professionals. Most striking in this respect, is the finding that 75% of respondents to the questionnaire would not go to the police, if someone had harmed them physically. This figure is even higher among specific nationalities, with 80% of Filipino and 85% of Vietnamese respondents saying that they would not report the crime (see Figure 8 below). In a follow-up question, of the 75% that would not contact the police, only 28% would tell their employer that they had been physically harmed. Combined, the results suggest that less than half of the

respondents (46%) would tell anyone in any position of relative authority in the Republic that they had been the victims of physical or sexual violence.

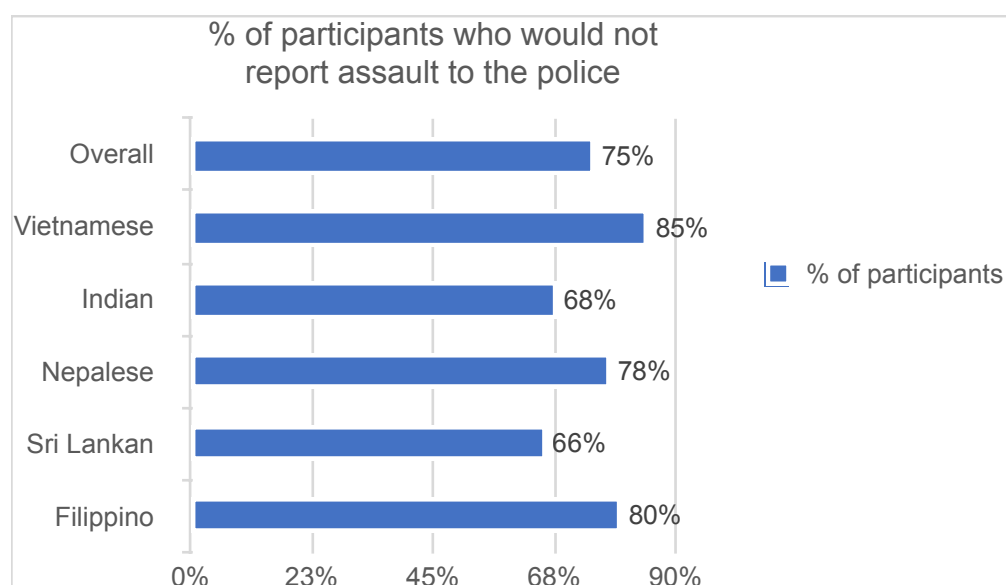


Figure 8 – % of participants who would not report assault to police

37. The tendency to not trust the police is at least partly because FDW mistrust all authorities in the RoC and are worried that any interaction with them will damage their legal or employment status in the country. For instance, several focus group participants stated that going to the police would annoy their employer, a fear that is potentially heightened by the limited rights awareness that exists among the FDW community. Others were more explicitly afraid of the police itself, saying that they would hesitate to go to a police station because they did not know what would happen to them there.

38. Perhaps another explanation as to why FDW are hesitant to report crimes to the police could be the language barrier that many of them face.<sup>28</sup> Yet even those who participated in the interviews and spoke good English, and for whom this was presumably less of a concern, expressed mistrust of the police: when asked, not one of the 21 interviewees and 20 participants to the focus groups would report a crime that she was a victim to. While the Cypriot police force's near total disengagement from this community is undoubtedly a

<sup>28</sup> Platform for International Cooperation on Undocumented Migrants (PICUM), *Migrants and the Right to Equal Treatment in Cyprus* (2013) Workshop Report.



factor that contributes to FDW's mistrust, other reasons, not within the Cypriot authorities' control, are also at play. For instance, one interviewee explained that 'I do not think that I would go to the police. In the Philippines, many times, we cannot trust the police. I do not know how different it is here.' Attitudes towards their own countries' police forces could potentially also explain the relatively large differences among the five nationalities of FDW towards the police in the Republic (see Figure 8 above). However, this is clearly not the determinative factor as to why most FDW would not report violence committed against them, as even among the Sri Lankans, who are by far the most likely group to go to the police, two out of three potential victims would not disclose the crime.

39. The mistrust towards the police is even more worrying when one considers that in practice, few FDW contact and have an appointment with a doctor independently of their employers. When asked in the questionnaire, only 15% answered that they arrange their own appointments to the doctor. A sizable group (37%) stated that they had never been to the doctor while in the RoC and almost half (48%) declared that when they have to go to the doctor, their employer arranges it. Especially if the FDW had been the victim of physical or sexual violence in her workplace, or she does not feel comfortable talking to her employer about this, the tendency among FDW to not contact health professionals directly, could result in an additional barrier to their effective protection.

40. Many FDW identified the house as their 'safe place' in Cyprus and some considered their employers as their protectors. For instance, one Filipino interviewee stated that "Giagia" and "pappou" are very kind and I feel safe at home. They will not let someone harm me.' Another was confident that 'Madam would never let anyone do something bad to me'. At the same time, although no one explicitly reported physical or sexual violence against them (some hinted at it), many did mention that their source of fear was coming from within the houses they were working at. This ranged from verbal violence

(‘When Sir shouts many times, I get afraid but he has never hit me or done anything else bad.’) to potentially sexual assault that has gone unreported to the police and undisclosed to the employers (‘There is one relative who visits “pappou” and one time he touched me. I did not say anything and I did not know who to tell. When he comes, I go to the supermarket or to get something else from outside. He makes me feel very nervous.’)

41. Perhaps the most problematic is the story of one Indian woman, who works at another house that her employer sends her to (incidentally, without getting paid extra for this). During the interview, she said: ‘I do not like the Sir of one of the houses my employer asks me to clean. I told her but she keeps telling me to go again to clean. He did not harm me, but I worry that there will be one time that he will.’ She has already confronted her employer, which did not change the situation, and is unlikely to contact the police, especially if she understands that cleaning a house that does not belong to her employer is in breach of her contract. Even if following a potential assault, she is seen by the doctor – which is in itself a rarity – it will have been too late to stop a preventable tragedy.

42. One way of reducing the vulnerability of FDW would be to encourage them to participate in organised groups, such as trade unions. Historically, this was not possible for FDW in the RoC, as the employment contract that was in place until May 2019 explicitly prohibited them from forming or joining a trade union.<sup>29</sup> This state of affairs was almost certainly unconstitutional<sup>30</sup> and considered problematic by the Ombudsman,<sup>31</sup> NGOs<sup>32</sup> and academics.<sup>33</sup> Even though joining a trade union is not prohibited any more, none of the

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<sup>29</sup> Old Employment Contract, Article 2(h)

<sup>30</sup> Article 21(2) of the RoC Constitution provides: ‘Every person has the right to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.’

<sup>31</sup> RoC Ombudsman, *2013 Ombudsman Report*, [69].

<sup>32</sup> AEQUITAS, ‘Strategy for the Protection and Promotion of the Rights of Migrant Domestic Workers in Cyprus’.

<sup>33</sup> Vera Pavlou, ‘Migrant Domestic Workers, Vulnerability and the Law’.

respondents declared being a member of one. Further, 100% of Indian, Nepalese, Sri Lankan and Vietnamese respondents are not members of any organised group in the Republic. Conversely, a third of the Filipino respondents are members of 'Obreras Empowered', a group that describes itself as fostering solidarity among domestic workers, raising and addressing important issues and concerns of its members and sharing experiences among them.

43. The positive effect of being a member of such an organisation was clear from the participants' responses to a range of questions. In the focus groups, it was predominantly the members of the Filipino community who were better aware of their rights under the contract, including the number of hours they were contractually obligated to work. This is also reflected in the fact that although 32% of all respondents have, at least once, not gotten paid or got paid less than what they were entitled to, this figure was significantly lower (13%) for Filipino domestic workers. Additionally, while 56% of all participants to the questionnaire do not get sick leave when they are ill (with the figure jumping to 69% among Vietnamese domestic workers and 74% among the Nepalese), the percentage of those who continue working when they are sick is less than half among Filipino respondents (32%) (see Figure 9 below). Finally, the empowering potential of organised groups is confirmed through a comparison of the working conditions of domestic workers in the RoC and Spain.<sup>34</sup> Concluding that the conditions are better in the latter compared to the former, Pavlou suggests that this is the result of mobilisation among organisations that represent the interests of FDW in Spain that are, at the moment, almost wholly absent in the Republic.

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<sup>34</sup> Ibid.

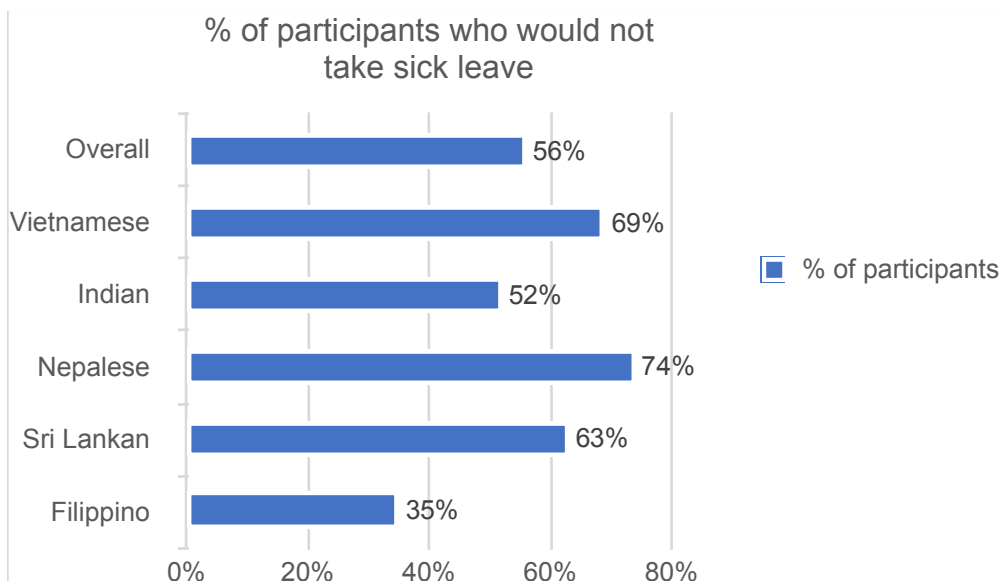


Figure 9 – % of participants who do not take sick leave

44. In principle, most FDW (64%) reported they would be interested in joining an organisation that represents their interests in Cyprus. Yet, this might be practically difficult to achieve, especially for those who are working on seven days per week. This category of workers are often the most vulnerable in terms of the level of exploitation they experience, yet they are also the ones least likely to be aware of and push for the protection of their rights, as their long working hours and the fact that they are living with their employers, prevent them from socialising with others in similar situations. Further, despite an initially positive response in the anonymous questionnaires, more than half of the focus group participants said that they would prefer not to join any form of association or group. When asked to explain this decision, some participants reported that this may anger their employers or, if the organised group they joined did something ‘wrong’, this could have a negative effect on them.

(g) Health

45. As it has already been alluded to, FDW do not tend to have regular medical exams. Despite the fact that on average, participants to the questionnaire have been in Cyprus for 3,5 years, 37% of them have never been to the doctor during this period. Responses in the interviews suggest that this is, at least partly, because they do not want to visit the doctor, rather than because

their employer does not give them the opportunity to, thus offering another example of mistrust from many FDW towards a person in a position of authority.

46. Also notable, is the fact that 56% of FDW do not stop working when they get sick. During the interviews, some explained this by referring to the fact that the families they are working for are wholly dependent on them – one mentioned for example, that if she stopped caring for her elderly employer when she was sick, no one would be available to take her place, even for a few days. In the focus groups, the participants seemed to agree that for illnesses like a cold or a stomach-ache, they got on with work and, in some cases, simply performed less tiring tasks, such as not cleaning floors and windows. One interviewee mentioned that when she gets sick, she continues with all her responsibilities, except taking care of the children; whether this is for her own benefit, or that of the children, remained unclear.

47. During the interviews and focus groups, no participant was knowledgeable about what happens in case of sickness that would render her incapable of working for longer periods of time.<sup>35</sup> The lack of rights awareness in this regard was also apparent when FDW were asked about whether they do the Pap test every year. 32% replied that they do not and an additional 46% answered that they did not know what a Pap test is. During the focus groups, some participants shared information about an event where FDW are given free Pap tests, but none was aware of the fact that under the new General Health Care Scheme, they are entitled to one free Pap test biannually. It appears therefore, that rights awareness campaigns are essential, not only in relation to FDW's working conditions, but also more broadly.

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<sup>35</sup> Specific provisions about 24 working days of annual leave (fully paid), public holidays and sick leave of 30 days are included in both the New and the Old Employment Contract. (In the New Employment Contract, this is in Articles 2.1.B, 2.1.C and 2.1.D.)

## V. Conclusions

48. The empirical research suggests that the existing framework for the protection of FDW, including the employment contract they must sign, is intensely problematic. The most serious problems lie in the fact that FDW do not know and/or find it difficult to understand the terms of the employment contract and are unwilling to complain about situations which they consider unfair or illegal.
49. As a result, these women continue to remain in the margins of immigration and employment policies. The vagueness of the definition of 'domestic work' and the unjustified failure to clarify this term, reflect the belief that it is somehow distinct from 'real work' and deprive the domestic worker of her right to claim her employment identity. Hired domestic work, largely alienated and devalued, is found outside the protective range of employment legislation, is administered as part of the state's immigration (rather than employment) policy and is often conceived as a family matter, thus being excluded, on this basis, from the public sphere and public debate. These factors, combined with the arbitrariness that characterises the everyday life of domestic workers, offer additional explanations as to why this large, extremely vulnerable group of female immigrants face over-exploitation and abuse on a regular basis.
50. Factors that contribute to the phenomena of coercion and violence against FDW also include their gender and race, great financial need, their justified fear of termination of employment and deportation, the legal requirement that they are connected to a single employer, the weak framework of their protection by the state, the absence of sanctions against abusive employers, their social isolation and the prevailing culture of tolerance of their exploitation. These factors, apart from contributing to the abusive practices themselves, also prevent the *reporting* of abuse by FDW, thus making their exploitation even more invisible. Understanding the real dimensions of abusive phenomena against FDW and how these can be reported and effectively sanctioned, constitute the biggest challenges for the state, but must also be among its priorities.

## VI. Recommendations

51. The protection of FDW can only be effective if the state redesigns with the proper seriousness and decisiveness the framework that regulates domestic work in the Republic, in a way that conforms with international labour standards and the protection of human rights.

52. The *prevention* of exploitation and violence against FDW may be achieved only with their sufficient briefing about their rights and remedies in case these are violated. At the same time, a radical change in the mentality that prevails in Cypriot society about FDW and the nature of their work, must also take place.

53. On the basis of the research findings and moving in the direction of a more effective handling of the problems/weaknesses/gaps which have been identified, the competent Departments should focus on and take important decisions regarding the following issues, so that the rights of FDW are substantially secured:

- ✓ ***Ratification of the ILO (International Labour Organization) Convention – The Republic of Cyprus must seriously consider ratifying and implementing the International Labour Organization Convention No. 189 for Decent Work for Domestic Workers. This suggestion was also made by the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA) in its Third Evaluation Report of Cyprus.<sup>36</sup> The ratification of the Convention is a corrective action towards improving the working conditions of FDW and, at the***

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<sup>36</sup> Group of Experts on Action Against Trafficking in Human Beings (GRETA), ‘Cyprus Third Evaluation Report – Access to Justice and Effective Remedies for Victims of Trafficking in Human Beings’ (11 June 2020), 151.

same time, stops discrimination against them. Its provisions are contributing, in essence, to the formation of a consistent and stricter regulatory framework, which will respect and protect FDW's labour and fundamental rights.

- ✓ **Transfer of responsibility for FDW from the Ministry of Interior, to the Ministry of Labour, Welfare and Social Insurance** – This transfer of responsibility reflects a legal recognition of domestic work as actual work in which employment and social protection rights are fully implemented. This, in turn, can contribute to the improvement and consolidation of the institutional framework, the provision of minimum standards for decent working conditions, the integration of domestic workers in society, and the prevention of violations and abuses. Moreover, the transfer of responsibility will demonstrate practically the intention of the Republic to regulate FDW's industrial relations and recognise domestic work as actual work, so as to effectively monitor the conditions under which these relations are developed. For this transfer of responsibility to take place, the Department of Public Administration and Personnel must complete as soon as possible, a study that documents the personnel needs of the Department of Labour so that it can effectively cope with its added workload. The recent establishment and operation of the Joint Service of Inspections, tasked with conducting the audits that fall under the responsibility of the Ministry of Labour, could offer a solution to the stalemate to implement this recommendation that has been observed over the last decade. Related, is the fact that GRETA in its third Evaluation Report of Cyprus<sup>37</sup> pointed to the need to increase the audits by Inspectors in the sector of domestic work, so as to secure the effective monitoring of the working conditions of FDW and empower them to report abusive practices and access justice.

- ✓ **Further improvements in the employment contract** – Despite recent amendments to the employment contract, which allowed for greater mobility of FDW within the sector, vagueness and the gaps with regards to the definition

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<sup>37</sup> Ibid., 153.



*of domestic work, remain and create pre-conditions for labour exploitation. The research findings show that FDW are currently expected to perform a wide range of duties that are nevertheless, not listed in the contract. To remedy this, the employment contract should include a precise description of (a) the duties to be executed, (b) the responsibilities which a FDW will have, (c) the maximum number of working hours, (d) a schedule of working hours and the time for rest, (e) the payments for overtime, (f) details about the FDW's living space, (g) her access to and use of health services, (h) information about how the employment relationship is to be terminated, (i) how to initiate a complaint procedure against one's employer, (j) pension issues and (k) sanctions against the employers who violate the terms of the contract or abuse the FDW. Further, the contract should be translated into the languages spoken by the five main nationalities of FDW who live and work in Cyprus. In this way, one of the biggest problems identified by this research – the lack of rights awareness – will be at least partly addressed.*

- ✓ ***Briefing of domestic workers about their rights and obligations*** – *The research results suggest that many FDW are not aware of, or understand, their rights. There are very few venues, if any, that FDW can attend in order to receive this information. Further, their isolated workplaces and the demand of certain employers that they work on a Sunday, often without the payment of overtime pay, contribute to social isolation and their continuing rights unawareness. To this end, together with the employment contract translated into their native language, a translated information sheet should also be prepared and distributed to FDW. This should summarise and explain the main provisions of the legislation which applies during their stay and employment in Cyprus, examples of what constitutes exploitation and abuse, the contact details of relevant governmental departments, independent institutions and the NGOs to which FDW can turn to for guidance or to help them lodge a complaint. Making FDW aware of their rights will contribute to their empowerment, increase their sense of trust towards public authorities, and reduce both their dependency on private employment agencies and their vulnerability as a result of incorrect guidance they may receive.*

*A sample information sheet on the rights of FDW in Cyprus is available in English, Sinhala, Filipino, Nepalese, Hindi, Punjabi and Vietnamese on the project website.<sup>38</sup>*

- ✓ ***Non-dependency on a specific employer*** – *The partial mobility of domestic workers within the sector of domestic work, under pre-conditions, as applied since 2015, constitutes a step towards the right direction.<sup>39</sup> Nevertheless, the research results show that FDW are often asked to work in more than one residential unit, sometimes without extra income, in breach of their contract. In such cases, strict sanctions to the employers should be enforced. Further, FDW should be given permission to work in more than one house only after they have expressly agreed to this and the payment of overtime has been negotiated. In the case of a breach of the above term, which will imply labour exploitation, the possibility of prosecuting the employer under the terms of the Law on Prevention and Combating of Trafficking and Exploitation of Persons and the Protection of Victims (Law 60(I)/2014), should be examined.*
  
- ✓ ***Decisively dealing with abuse and violence against domestic workers*** – *The research findings suggest that FDW are generally unwilling to complain about situations which they consider unfair or illegal, even in cases where physical or sexual violence has been used against them, due to their mistrust of Cypriot authorities and concerns that any interaction with them will damage their legal or employment status in the Republic. Facing the possibility of the termination of their employment, especially in light of the disproportionate cost they bore for their arrival and the consequences that returning to their home country will have for them and their families, FDW are likely to endure not only the violation of their employment contract, but also threats and violent behaviour. The correct confrontation of sexual harassment, violence and abuse requires, in the first place, the development of policies of prevention and repression of these phenomena. Further, the investigation of the complaints should be conducted through a victim-centered approach. The mechanisms for*

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<sup>38</sup> The project website is available here: <https://www.lse.ac.uk/Hellenic-Observatory/Research/Cyprus-Projects-2019/Exploring-the-Socio-legal-Challenges-Faced-by-Foreign-Domestic-Workers-in-Cyprus>

<sup>39</sup> For more information, see RoC Ombudsman, 2019 Ombudsman Report, [21].

locating the victims of serious employment exploitation should also be enhanced and utilised by the relevant support services.

- ✓ **Recognition of the profession of domestic workers and care staff, as well as the services offered by them as actual and distinct sectors of employment** – The special qualifications or knowledge that are required for the employment of caretakers (as opposed to domestic workers employed as cleaners), as well as their more demanding duties (for example, the expectation of 24-hour availability, or undertaking the duties of a nurse), should be recognised by the law and be reflected in the salary they earn. The competent Ministry should move in this direction, by drafting a new Contract of Employment for caretakers, which will detail (in English and in the employee's native language) the necessary qualifications for this position, the precise description of the duties to be executed and the rights of the employee. In this way, a FDW will know exactly what is demanded of her before arriving to the Republic and, consequently, labour disputes, or asking for a release document on the grounds that the FDW was unaware of what was expected of her, will also be avoided.
- ✓ **Informing FDW about access to health services** – The research findings show that the majority of FDW do not know their rights regarding access to healthcare. For this purpose, increasing the rights awareness of FDW regarding their inalienable right to health, through the issuance of brochures and the organising of informational events is crucial. These can be coordinated within the framework of the General Health Care Scheme and translated in the FDW's native languages.
- ✓ **Improvement and continuation of a dialogue with the involved stakeholders** – The planning and effective implementation of a new framework for the entry, stay and employment of domestic workers in Cyprus – especially under the current socio-economic conditions – require the participation and consultation of all key stakeholders. To this end, a structured and systematic dialogue needs to be developed between public institutions, trade unions, non-governmental organisations, employers, and, of course,

*organised groups of FDW, which until now have remained marginalised and ignored.*



Maria Stylianou-Lottides

Commissioner for the Administration and the Protection of Human Rights of the Republic of Cyprus (Cyprus Ombudsman)



Nasia Hadjigeorgiou

Assistant Professor in Transitional Justice and Human Rights

23 November 2020