



**GUIDELINES FOR THE RECRUITMENT OF FOREIGN CHILD
CAREGIVERS (FCC) FOR CHILD CARE SERVICES, 2023 (3rd Edition)**

**DEPARTMENT OF LABOUR,
MINISTRY OF INDUSTRY, COMMERCE AND EMPLOYMENT**

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Guidelines for Recruitment of Foreign Child Caregivers (FCCs) for Child Care Services

1. Commencement:

The first edition of this guideline was developed as per the meeting held between the Ministry of Industry, Commerce and Employment; Ministry of Health Affairs; and Department of Law and Order on July 29th, 2022 and came into effect from 22nd November, 2022. The third edition shall be effective from February 30, 2025.

2. Purpose:

To ensure a standardized and accountable process for the recruitment, deployment, and management of Foreign Child Caregivers (FCCs) aiming to safeguard the rights and well-being of both the caregivers and the employers and ensure compliance with relevant laws and regulations.

3. Scope:

This document shall be used by all the relevant stakeholders that are involved in the recruitment, deployment and management of FCC.

4. Definition Foreign Child Caregiver

A FCC is a foreign national recruited by an employer on full time employment for a specific duration in order to perform child care duties at the employer's residence.

5. Eligibility Criteria:

5.1. Employer Eligibility Criteria:

Employer seeking to employ FCC must fulfill the following conditions:

1. Must be a Bhutanese citizen
2. Must have child/children under 12 years
3. Only 1 (one) FCC shall be entitled for an employer/family.
4. Must work in government, corporate and private sectors or self-employed.
5. Must be able to pay a monthly salary not less than Nu. 4500/- and provide decent accommodation.

5.2. FCC Eligibility Criteria

1. The FCC shall have attained 18 years of age.
2. The FCC shall have valid voter card/passport
3. The FCC shall not have any pre-existing relationships with the employer.
4. The FCC can be permitted to work for the same employer for a maximum of 3 years.
5. Be medically fit for employment in Bhutan.
6. Have a clean record with no adverse history.

6. Recruitment Procedures

An employer or FWRA shall register and apply online through BLMIS on MoICE website along with the following documents:

1. Employment status of one parent/ business license for private business entities.
2. Birth certificate of the child
3. Valid Passport or voter card of the FCC.
4. Employer undertaking form (Annexure I) duly signed by the employer and a witness.

7. Application process

1. Employer/FWRAs on behalf of employee shall apply through BLMIS
2. The Department of Immigration will verify the information and conduct thorough vetting of the FCC.
3. The DoL shall review and accord approval of the applications strictly as per the criteria.
4. The FCC must go through medical screening at the WMC and obtain a work permit card like any other foreign workers.
5. The FCC and employer shall sign the Contract of Employment between employer and FCC (Annexure II) in presence of Regional Office of Industry, Commerce and Employment (ROICE) at the Point of Entry (PoE)

8. Sourcing of FCC

The individual employers shall source their own FCC, however the Foreign Workers Recruitment Agents will facilitate too.

9. Orientation

- The FCCs upon entry must undergo a mandatory orientation or sensitization at RoICE (Phuenstholing/Samdrupjongkhar/Gelephu) or Department of Labour, Thimphu.
- This program will inform and educate the FCCs on their rights and obligations enshrined under the Labour and Employment Act, 2007.

10. Renewal of Work Permits

The renewal of the work permits shall be granted on an annual basis up to a maximum total duration of 3years subject to the fulfillment of criteria.

11. Accommodation and Food

- Employers shall provide free accommodation and food in addition to the salary which they have negotiated and agreed.
- Employers must consider the dietary restrictions on religious or medical reasons of the FCC.
- Employers must provide decent living accommodation such as individual beds, access to toilets and space for personal items and clothing.

12. Work Location and Change of Employer

- The employer shall ensure that the FCC is not transferred to another employer even for the same job category without prior approval from CLA/ Department of Labour.
- The FCC is prohibited from working for any household, including immediate family members without seeking prior approval from CLA.

13. Repatriation

The employer shall facilitate the proper exit and entry of FDW through the designated Port of Exit and Entry.

14. Monitoring

- The Department of Labour (DoL) will carry out regular inspections or ad hoc visits to employer's residence during reasonable hours to evaluate working conditions, living arrangements, and the overall treatment of FCC.

- The stakeholders shall conduct random and scheduled inspections for assessing the wellbeing of the FCC. The relevant authority shall conduct necessary inspection upon receiving the complaints from any of the parties or as and when required.
- During these visits, the employer has the right to request credentials from the officials conducting the inspection for verification purposes.

15. Penalties and fines

Any Employer employing FCC shall follow these guidelines very strictly and failing to practice as per the guidelines and other relevant procedures, the cases will be dealt as per the following relevant laws:

- a. Labour and Employment Act of Bhutan 2007 and its regulation
- b. Immigration Act of Bhutan 2007 and its regulation
- c. Penal Code of Bhutan 2011
- d. Any other relevant laws as per the nature of the case.

16. Terms and Conditions for FCC employment:

1. The FCC shall perform only Child Caregiving tasks, following the FCC guidelines and as specified in the contract.
2. The employer shall pay the FCC a salary that has been agreed by both the parties in the Contract of Employment.
3. The employer shall facilitate the FCC to open a bank account and the wages must be paid or transferred directly into the personal bank account.
4. The working conditions, health and safety measures, compensation, and benefits for the FCC must adhere to the standards set forth in the Labour and Employment Act, 2007, and its accompanying regulations.
5. The employer has the responsibility to safeguard the FCC from exploitation, abuse, discrimination, etc. If any unfortunate incidents occur, the employer will be dealt with in accordance with the provisions of the relevant laws of the country and take appropriate actions.
6. The employer shall facilitate withholding health contributions and taxes from the FCC and remit these amounts to the government if applicable.

7. The employer is responsible to assist FCC in obtaining a SIM card to ensure effective communication between the FCC and their families residing abroad.

17. This Guideline shall be reviewed by the MoICE as and when required.

Annexure I: Employer’s Undertaking Letter

I/We,.....bearing CID/License No..... hereby undertakes that I am fully conversant with the Labour and Employment Act 2007, Immigration Act of Bhutan 2007 and their Regulations, and furthermore acquainted with the Regulation on Foreign Workers Management 2024 as it applies to the Employment of Foreign Workers. I further acknowledge that I am fully aware of my roles and responsibilities as an Employer and of the penalties and sanctions to be applied against me for breach of any provisions of the Act and its regulation governing Foreign Workers Management.

(Affix legal stamp)

Signed by the Employer/FWRA

Address:

Date:

Contact No:

Signed by witness

Name:

CID No.....

Address:

Date:

Contact No:

Annexure II : Contract of Employment between employer and FCC

1. The following parties hereby execute and enter into the employment contract:

Name: _____

CID Number: _____

Contact Number of Employer: _____

(Hereafter referred to as "the employer")

Name: _____

Work Permit Number: _____

(Hereafter referred to as "FCC")

2. Residential Address of Employer:

a) Apartment No: _____

b) Building No: _____

c) Exact Location: _____

d) Thromde/Gewog: _____

3. Transportation Arrangement for FCC

Private Vehicle/Bus/Taxi (*Tick the relevant transportation arranged*)

Vehicle Registration No: _____

Driver License No: _____

Driver Name: _____

4. Commencement

Employment will begin on _____ and continue until

5. Place of Work

The place of work will be

6. Duties of the FCC

- i. Provide care for the child/children during the hours of work
- ii. Assist in the preparation of the child/children’s meals
- iii. Assist in the washing and drying of the child/children’s clothes
- iv. Any other duties _____

Note: All duties must be child care related

7. Remuneration

7.1	The FCC’s wage/salary of Nu..... shall be paid directly into..... (Name of Bank and Account No) on the first week of the next month as per the LEA, 2007 and its Regulations. <i>Note: (FCC may have only one bank account in their name in the country)</i>
7.2	Any advances paid to the FCC shall be recorded, signed by both employer/s and the FCC and deducted from the next applicable wage/salary payment but not more than 50% of the wage/salary. The record shall be produced to the concerned stakeholders for inspection and monitoring.
7.3	The FCC shall be entitled to allowances as mutually agreed and applicable for transport facilitation, or any other reason including insurance.
7.4	In case of death, the FCC hereby nominates the following as their nominee for bank account details and to whom their compensation should be sent: (name/voter card No/passport)
7.5	The employer cannot make any transactions except deposits in the FCCs account.

8. Hours of Work/Leave

8.1. The working hours agreed upon mutually shall not exceed 8 hours a day with a day off every week, and over time for any function or other reason to be compensated as per the LEA, 2007 and its Regulations.

8.2. The FCC will be entitled to leave provision as per the LEA, 2007 and its Regulations:

- a) Casual Leave- 5 days
- b) Sick Leave- 5 days
- c) Annual Leave- 18 days
- d) Public Holidays- 9 days

The FCC shall not be entitled to maternity leave. (See below)

9. Prohibition

The FCC understands and agrees to not form any romantic relationships while working in the country and will not become pregnant or impregnate an individual for the duration of their work permit.

10. Accommodation and Food

10.1. The employer must provide decent living conditions including but not restricted to:

- a. Decent shelter (protection from the weather)
- b. An individual bed
- c. All access to toilet facilities
- d. Space for personal items and clothing

10.2. The employer shall also provide adequate meals every day as per the FCCs dietary requirements, allergies and religious requirements.

11. Monitoring

11.1. The employer understands, agrees to and gives consent to the stakeholders (see list attached) making monitoring and assessment appointments (both scheduled & unscheduled) to the employer's home and permission to interview the other members of the household.

11.2. The employer also understands, agrees to and gives consent to the stakeholders making visits in response to any complaint received by the stakeholders regarding the FCC.

12. Termination/Separation of Employment

Either party can terminate this agreement with one month's notice or pay of one month in lieu of notice.

Employer

(Affix legal stamp here)

Foreign Child Caregiver

(Affix legal stamp here)

Department of Labour (Focal Officer):

(Affix legal stamp here)

Date: