



**GUIDELINE FOR RECRUITMENT AND EMPLOYMENT OF FOREIGN DOMESTIC  
WORKER (FDW)**

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DEPARTMENT OF LABOUR,

MINISTRY OF INDUSTRY COMMERCE AND EMPLOYMENT

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## **1. BACKGROUND**

The demand for Foreign Domestic Workers is driven by various factors, including an increasing number of working parents, aging populations in need of care, and the requirement for affordable domestic services. Domestic work becomes crucial for individuals facing physical limitations due to aging or sickness, as they may struggle with basic tasks, mobility, and personal care. Sick individuals also require assistance with healthcare needs and medication management, which domestic helpers can provide. Additionally, domestic helpers play a vital role in supporting elderly or sick individuals with household chores and medication schedules. In Bhutanese cultures, taking care of elderly family members is considered a responsibility, but modern lifestyles and work demands may necessitate external help. Domestic workers offer respite care to family caregivers, allowing them time off. Moreover, with the rise of nuclear families where both partners work, there is an increasing demand for domestic helpers to manage household chores. Addressing the need for domestic workers can be seen as one way to support families in managing domestic responsibilities and maintain work-life balance for women.

## **2. RATIONALE**

The study conducted by the Royal Institute of Governance and Strategic Studies (RIGSS) in Bhutan emphasizes the importance of formalizing and professionalizing domestic services in the country. The potential benefits of this professionalization include improved service quality through standardized training and qualifications for domestic workers. It also aims to provide legal protections for domestic workers under labor laws, mitigating exploitation and ensuring fair wages and safe working conditions. Moreover, the formalization of the domestic work sector could contribute to Bhutan's economy by offering valuable services and generating income for workers and related businesses.

Furthermore, according to the study conducted by RIGSS, a majority of approximately 55% of the respondents expressed a preference for hiring professional domestic workers. However, about 31% of the respondents chose not to employ such help due to concerns about affordability, taking into account their limited disposable income.

In addition, the study investigated the availability and willingness of unemployed youth to work as domestic workers. Around 69% of the unemployed youth expressed a willingness to work as domestic workers, with a preference for part-time positions. On the other hand, approximately

39% of employers preferred to have live-in domestic workers, considering it a more cost-effective option.

Regarding wages, the study revealed that local domestic workers demanded salaries (Nu: 13040) that were twice the amount that employers could afford to pay. This wage disparity poses a challenge in meeting the expectations of domestic workers and the financial limitations of employers.

Therefore, it is crucial to acknowledge the demand for domestic workers in the country due to the aforementioned reasons. However, there is a shortage of domestic workers in the local labor market as societal norms have shifted, leading more people to enter the workforce and creating a demand for Foreign Domestic Workers. To meet the household demand for domestic helpers, the country must rely on the import of Foreign Domestic Workers.

Foreign Domestic Workers bring specialized skills and expertise in certain household tasks and caregiving that might not be readily available within the country. Additionally, hiring foreign Domestic Workers can be more cost-effective for households or employers compared to hiring local workers, considering differences in wage expectations and labor market conditions. Moreover, some families with elderly or individuals with special needs may require continuous care, making it more practical to have foreign live-in domestic workers.

### **3. SCOPE**

This Guideline shall be applicable only for the recruitment and employment of Foreign Domestic Workers in the Country.

### **4. POLICY**

The Department of Labour is dedicated to safeguarding the rights, welfare, and equitable treatment of Foreign Domestic Workers (FDWs) who contribute significantly to our nation's economy and social fabric. Our commitment is to ensure that the recruitment and employment of FDWs align with the principles of fairness, respect, and compliance with the law.

#### **4.1. Policy decisions and directives**

- i. This Guideline was developed in order to help in the implementation of the FDW as per the Cabinet Secretary's directives vide letter no. C-3/151/20/2023/1776 dated 4<sup>th</sup>

September,2023. The Ministry of Industry, Commerce and Employment (MoICE) has formalized Foreign Domestic Worker (FDW) occupations.

- ii. The Department of Labour will periodically assess the labor market situation and consider other policy concerns of the country to determine the necessary requirements for the recruitment of FDW. Thus, the ministry may at a certain point in time exclude the FDW from the critical skills/occupational shortage list.
- iii. Non-Discrimination and Equal Treatment

The Department shall enforce a strict policy against all forms of discrimination, ensuring that FDWs are treated fairly and equally regardless of their nationality, ethnicity, religion, or gender.

#### **4.2. Adherence to Regulations and Legislation**

Our guidelines are anchored in compliance with labor laws, regulations, and standards. This encompasses remuneration, working hours, days of rest, and access to essential healthcare services.

#### **4.3. Transparent Communication of Amendments**

Recognizing the evolving nature of labor environments, certain aspects of these guidelines may undergo changes due to legal revisions or operational necessities. Such changes will be communicated explicitly through official notifications, ensuring transparency and clarity for all stakeholders.

#### **4.4. Health, Safety, and Well-being**

During the contract signing, the Department shall brief employers on the importance of prioritizing the health, safety, and overall well-being of Foreign Domestic Workers (FDWs), including ensuring access to appropriate healthcare services and addressing their physical and emotional needs.

#### **4.5. Effective Handling of Grievances**

The Department provides an accessible online platform ([www.blmis.gov.bt](http://www.blmis.gov.bt)) for Foreign Domestic Workers (FDWs) to raise any workplace grievances or concerns. Any dispute between the employer and the FDW shall be addressed in accordance with Section 3.7, *Dispute*, under the *Contract of Employment for Foreign Domestic Workers*.

## **5. RECRUITMENT PROCESS**

### **5.1. Application**

5.1.1. The employer has the option to either handle the recruitment process for Foreign Domestic Workers (FDW) independently or utilize Foreign Worker Recruitment Agencies (FWRAs) to assist with sourcing and hiring.

5.1.2. The employer or the Foreign Worker Recruitment Agencies (FWRAs) have the option to apply online ([www.blmis.gov.bt](http://www.blmis.gov.bt)) to the Chief Labour Administrator/Department of Labour and Immigration for approval.

5.1.3. During the online application process, following documents should be submitted:

- i. Employer Undertaking letter and Declaration for Foreign Domestic Worker (FDW)- (Annexure I)
- ii. Contract of Employment for Foreign Domestic Worker (FDW)- Annexure II

### **5.2. Eligibility**

- In order to employ Foreign Domestic Workers, the employer shall be a Bhutanese citizen residing in the country.
- The FDW shall fulfill the following requirements:
  - (a) Possess a valid voter card or passport.
  - (b) Be medically fit for employment in Bhutan.
  - (c) Have a clean record with no adverse history.

### **5.3. Medical Examination**

i. The FDW should undergo a medical examination before employment as per the medical examination test parameters prescribed under the Rules and Regulations on Foreign Workers Management, 2024.

ii. Any FDW who is medically unfit to work should be repatriated properly by the employer or FWRA.

### **5.4. Work Permit**

i. The foreign applicant seeking to work as an FDW, who meets the medical fitness requirements, will undergo the necessary procedures for obtaining a work permit and fulfilling all immigration formalities.

- ii. The final approval or rejection of the foreigner's application will be determined in accordance with the prevailing immigration laws.
- iii. The recruitment of the FDW shall be for a period of three consecutive years, subject to the annual renewal of the work permit.
- iv. It is the responsibility of the employer to renew the work permit annually before 14 days of expiry of the validity.
- v. Failing to apply for renewal on time will be subject to penalties and repatriations in accordance with immigration laws.

### **5.5. Agreement**

- Prior to the FDWs commencing work with the employer, both the employer and the FDW are required to sign an agreement that specifies that FDW shall be strictly confined to the particular household work including caregiving for elderly, sick and differently-abled household members.
- The details of this agreement can be found in Annexure II.
- The employer and FDW should undergo a compulsory orientation program conducted by the Department of Labour/ RoICE.

### **6. Transportation**

Foreign Domestic Workers (FDWs) shall only be transported in vehicles owned by the employer or their immediate family members. Non-compliance with this provision will be dealt with in accordance with the *Regulation on Foreign Workers Management, 2024*.

Employers or their immediate family members (whoever is transporting the FDW), must ensure that all required formalities are properly completed at every immigration checkpoint when transporting the FDW from the Work Management Centre (WMC) to the workplace or from the workplace to the port of exit.

### **7. ACCOMODATION**

- The employer must provide the Foreign Domestic Worker (FDW) with a separate and suitable individual room to ensure privacy.
- Additionally, the employer must ensure that the FDW resides and works at the address specified in the Work Permit.

## **8. WORK LOCATION AND EMPLOYER CHANGE**

- i. The employer must ensure that the Foreign Domestic Worker (FDW) is not transferred to another employer for the same job category without obtaining prior approval for the transfer from CLA/ Department of Labour.
- ii. The FDW is prohibited from working for any household, including immediate family members, who are not residents of the employer.
- iii. The FDW shall perform only domestic tasks, following the FDW guidelines and as specified in the contract.
- iv. The employer shall pay the FDW a salary that has been agreed by both the parties in the Contract of Employment.
- v. The employer shall facilitate the FDW to open a bank account and the wages must be paid or transferred directly into the personal bank account.
- vi. The working conditions, health and safety measures, compensation, and benefits for the FDW must adhere to the standards set forth in the Labour and Employment Act, 2007, and its accompanying regulations.
- vii. The employer has the responsibility to safeguard the FDW 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.
- viii. The Employer should facilitate withholding health contributions and taxes from the FDW and remit these amounts to the government if applicable.
- ix. The employer is responsible to assist FDW in obtaining a SIM card to ensure effective communication between the FDW and their families residing abroad.

## **9. Repatriation**

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

## **10. RESPONSIBILITIES OF FDW**

- The common responsibilities of the FDW include;
  - (a) **Health contribution and Tax:** The FDW is required to pay health contribution, PF and other relevant taxes if applicable.

- (b) Housekeeping:** Performing various household chores such as cleaning, dusting, sweeping, mopping, and laundry to maintain a clean and organized living space.
- (c) Cooking and Meal Preparation:** Preparing meals according to the family's preferences, dietary requirements, and cultural practices.
- (d) Elderly Care:** Providing support and assistance to elderly family members, including helping with daily activities, medication management, and ensuring their well-being.
- (e) Pet Care:** Taking care of pets, including feeding, walking, and cleaning up after them.
- (f) Grocery Shopping:** Purchasing groceries and other household necessities as required by the employer along with the family members of the employer.
- (g) Running Errands:** Assisting with various errands, such as going to the post office, paying bills, and picking up prescriptions.
- (h) Gardening:** Maintaining the garden, watering plants, and performing basic gardening tasks.
- (i) Household Security:** Ensuring the security of the home when the employer is away.

## **11. CODE OF CONDUCT OF FDW AND EMPLOYER**

### **11.1. Code of Conduct of FDW**

- (a) Respect and Courtesy:** Treat employers, household members, and others with respect and courtesy.
- (b) Punctuality:** Be punctual and follow the set schedule for daily tasks and responsibilities.
- (c) Honesty and Integrity:** Be honest, truthful, and transparent in all actions and communications.
- (d) Confidentiality:** Respect the privacy of employers and maintain confidentiality about personal and family matters.
- (e) Professionalism:** Carry out duties in a professional manner and strive for efficient and effective work performance.
- (f) Safety Awareness:** Be mindful of safety in the household and take necessary precautions to avoid accidents or injuries.
- (g) Proper Use of Employer's Property:** Use the employer's property and resources responsibly and only for authorized purposes.
- (h) Financial Responsibility:** Handle financial matters responsibly and transparently as agreed with the employer.

- (i) **Communication:** Communicate openly and respectfully with employers about work-related matters and concerns.
- (j) **Compliance with Laws and Regulations:** Adhere to all applicable laws and regulations, including immigration and labor laws.

## 11.2. Code of Conduct of Employer

- (a) **Respect and Dignity:** Treat the FDW with respect, dignity, and fairness, recognizing their rights as a worker and as a human being.
- (b) **Non-Discrimination:** Do not discriminate against the FDW based on their race, nationality, religion, gender, or any other protected characteristic.
- (c) **Working Hours:** Clearly define the working hours and rest days in compliance with the relevant labor laws and regulations of the country.
- (d) **Living Conditions:** Ensure that the room provided to the FDW are safe, hygienic, and meet basic standards.
- (e) **Privacy and Personal Space:** Respect the FDW's privacy and provide them with adequate personal space and time for rest.
- (f) **Health and Safety:** Prioritize the safety and well-being of the FDW, providing necessary training and equipment to perform tasks safely.
- (g) **Communication:** Encourage open and transparent communication with the FDW, addressing any concerns or grievances promptly and respectfully.
- (h) **Medical Care:** Provide access to medical care and support if the FDW falls ill or requires medical attention.
- (i) **Workload:** Ensure that the workload is reasonable and does not go against the Contract of Employment.
- (j) **Workplace Harassment:** Prohibit any form of physical, verbal, or psychological harassment towards the FDW, whether from the employer, family members, or other employees.
- (k) **Freedom of Movement:** Allow the FDW freedom of movement outside working hours, within the legal boundaries.
- (l) **Documentation and Contracts:** Comply with all legal requirements regarding contracts, documentation, and immigration procedures related to hiring an FDW.

**(m) Cultural Sensitivity:** Be culturally sensitive and aware, respecting the FDW's customs and traditions.

**(n) Termination of Employment:** Follow proper procedures and give sufficient notice of terminating the FDW's employment, adhering to legal requirements.

**(o) Restitution of Documents:** Return all personal documents, such as passport and work permit, to the FDW and avoid confiscating or holding them.

## **12. MONITORING AND ASSESSMENT**

### **a. Inspection**

- 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 FDW.
- During these visits, the employer has the right to request credentials from the officials conducting the inspection for verification purposes.

### **b. Collaboration**

- The DoL may collaborate with non-governmental organizations (NGOs) or other pertinent agencies specialized in labor rights and migration issues to strengthen monitoring and support mechanisms.
- Either in collaboration with relevant agencies or independently, the DoL shall arrange orientation programs and training sessions for both employer and FDW, aiming to increase awareness regarding their rights and responsibilities.

### **c. Period Assessment**

- The DoL will regularly conduct assessments and analyze data pertaining to FDW employment. This process aims to identify emerging trends and potential areas of concern, enabling them to make informed recommendations to the government for any policy changes if deemed necessary.
- When conducting an assessment of the employment conditions of FDW, the following factors should be taken into consideration:
  - (a) **Data Collection:** The DoL will collect comprehensive data on various aspects of FDW employment, including working conditions, wages, living arrangements, and instances of exploitation or abuse.

- (b) ***Trend Identification:*** Through data analysis, the department will identify patterns and trends that could indicate systemic issues or gaps in existing policies.
- (c) ***Monitoring Market Conditions:*** The DoL will consider the labor market's fluctuations, demand for FDW, and any issues related to the recruitment and placement of these workers.
- (d) ***Collaboration with Stakeholders:*** The DoL will engage with relevant stakeholders, such as NGOs, and Immigrations, to gather diverse perspectives and insights.
- (e) ***Advocacy:*** Alongside the policy recommendations, the DoL may advocate for the implementation of the proposed changes to ensure they are effectively put into practice.
- (f) ***Reviewing Existing Policies:*** The assessment will involve a thorough review of existing laws and regulations related to FDW employment to identify areas that need improvement or amendment.

**d. Sanctions**

- i. Should an employer be found in violation of laws or mistreating FDW, the department may impose penalties, and sanctions, or even blacklist them from hiring FDW in the future.
- ii. Failure of the employer and the FDW to comply with these guidelines, LEA, and its regulations may impose sanctions and penalties as stipulated in the relevant laws.
- iii. In exceptionally severe cases, the employer and FDW may face legal action taken by law enforcement authorities, including the Royal Bhutan Police, to pursue the matter in a court of law.

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

# **ANNEXURE 1: Employer Undertaking letter and Declaration for Foreign Domestic Worker (FDW)**

## **Section 1: Employer Undertaking letter**

I.....bearing CID..... hereby undertake 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 Rules and Regulations 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.

### **Note**

- The Department of Labour will carry out workplace inspections for FDW as and when deemed necessary, in accordance with the provisions of the Labour and Employment Act of 2007 and its associated regulations.
- The employer commits to allow the labour officers for inspection as and when deemed necessary.

## **Section 2: Declaration form for employer and FDW**

### **Employer details**

Name:

Present Address:

Dzongkhag/ Thromde/ Gewog

Building no/ House no/ Flat no:

Present official address:

Contact no:

### **FDW details**

Name:

Date of Birth:

Voter card no:

Nationality:

Contact no:

I, hereafter referred to as the employer, declare that the FDW shall be strictly confined to the particular household work including caregiving for elderly, sick and differently-abled household members. Also, I agree to personally collect the FDW from the point of entry and to arrange all transportation and insurance costs which would occur to the FDW during the trip to the employer's home in Bhutan. I affirm that I am in a financial position to provide not less than the National Minimum Wage Rate as a monthly salary to the FDW. Furthermore, the employer will be fully responsible that FDW exits Bhutan as per the expiry date of the work permit or renew the work permit in time if permissible. The employer is responsible to immediately report to the local authorities in Bhutan if any unlawful incident or problem that the FDW may cause.

(Affix legal stamp)

Signed by Witness

Signed by the Employer

Name:

Date:

CID No:

Contact No:

## **ANNEXURE 2: CONTRACT OF EMPLOYMENT FOR FOREIGN DOMESTIC WORKER (FDW)**

The employer and FDW shall agree to abide by the following:

### **1. Declaration:**

- The Employer is interested in employing the FDW for domestic services in the Employer's household.
- The FDW is willing to work for the Employer in his/her residence.

### **2. Scope of Employment**

The employment of FDW shall be strictly confined to the particular household work including **caregiving for elderly, sick and differently-abled household members.**

### **3. Terms and Conditions**

The services of the FDW shall be governed by the LEA, 2007 and its Regulations and the following terms and conditions:

#### **3.1. Each household shall be entitled to only one FDW.**

#### **3.2. Working Hours and Rest Days**

- The Employer agrees to provide the FDW with one rest day per week as required by the Regulations on Working Condition 2022.
- The FDW shall work a maximum of eight [8] hours per day and additional 2 hours with overtime payment, as specified in the Regulations on Working Conditions 2022.

#### **3.3. Salary and Benefits**

- The Employer shall pay the FDW a monthly salary of Nu. [amount]
- The Employer shall provide the FDW with adequate and suitable accommodation and meals.

#### **3.4. Medical and Health**

- The FDW shall undergo a medical examination upon arrival and periodical pregnancy tests and medical examinations as required by the Department of Labour.
- The Employer shall provide all necessary medical treatments during the tenure of the FDW.

#### **3.5. Workplace Safety**

- The employer commits that the FDW shall not face any physical and verbal abuses including sexual harassment and battery cases.
- The FDW shall be dealt with dignity and care.

- The FDW shall not be allowed to engage in works other than the works prescribed in the scope of employment of this agreement.

### 3.6. Termination

- The Employer and the FDW shall provide 30 days' notice or payment in lieu of notice, as specified in Labour and Employment Act 2007 and its regulations, prior to termination.
- FDW shall observe cooling period as per the Immigration act and its Regulations

### 3.7. Dispute

- In the event of any disputes arising between the employer and FDW, they may report to the Department of Labour for resolution.
- In case of any incident/accident involving criminal offenses, the agreed party shall report directly to relevant agencies.

### 3.8. Violations

- If the employer engages the FDW in any other activities not mentioned in the contract of employment and as approved on work permit, he/she will be dealt with as per section 219-221 of the LEA, 2007.

#### Employer

Name:

CID #:

Contact #:

Residential Address

Apartment No:

Building No:

Exact Location:

Dzongkhag/Thromde/Gewog:

#### Foreign Domestic Workers (FDW)

Name:

Gender:

Passport No/Voter card:

Nationality:

Contact #:

*(Affix Legal Stamp)*

Signature

*(Affix Legal Stamp)*

Signature