

Unit 10

Labour Rights and Responsibilities

Introduction The Labour Rights and Responsibilities (LRR) are a set of regulations and laws that each country has to implement in order to regulate the employers-employees relationship. The employee should know them in order to be able to claim for her/his rights and to fulfil her/his responsibilities as a worker.

Each country has its own list of rules and laws but all countries have to take into account and respect the minimum of rights and responsibilities that are indicated by the ILO - International Labour Organization.

This Unit is about to explain migrant care workers the national labour rules and laws of the host country and the global LRR according to the ILO.



Cultural bias Migrant care workers come from different countries, where labour rules and laws may differ to the one of the host country. Furthermore, they could even come from countries where labour rights are not respected and almost nonexistent.

Module 10.1 Statutory responsibilities and rights of employees and employers

Activity Name Understanding employment terms



Objectives and Learning outcomes The main objective is to train the migrant care worker in the basic terms of employment in order to assure that she or he is able to protect his/her own labour rights and in order to know the responsibilities that come along with signing a labour contract.



Suggested Duration 4 hours

Nº of Participants Up to 20



Materials needed Computer, projector, flip chart, paper and pens. Contracts handouts. Relevant examples of the basic and specific rules that each country has around the care employment rights and duties.

Competences

- is able to check whether the job complies with minimal working conditions and workers' rights
- in event of a grievance with the employer, is able to follow the correct procedures
- is aware of the benefits to joining a self-support network of colleagues



Knowledge

- is able to explain the statutory responsibilities and rights of employees and employers in her/his area of work
- is able to read an employment contract
- is able to find information and advice regarding employment responsibilities and rights

Skills

- is able to identify working conditions in her/his employment context which don't fit to the rights and responsibilities of an employee or employer
- is able to identify the relevant terms and conditions of an employment contract
- is able to read a pay slip
- is able to agree and defend ways of working that protect own relationship with employer

Guidelines for Assessment In a continuous evaluation the participant will be able to understand and to complete the different documents (forms) which are included in a care labour relationship.
Other evaluation criteria:
Demonstrate active participation.
Demonstrate communication abilities and tolerance and respect towards the receiving country.

Keywords Basic labour rights, carer workers specific rights and duties, carer workers collective agreements, employment contract and pay slip



References

- Each country Worker Basic Regulation ("Estatuto de los Trabajadores", "Statuto dei lavoratori", Εργατικό καταστατικό, Arbeitnehmerstatut [Gesetz über den Nachweis der für ein Arbeitsverhältnis geltenden wesentlichen Bedingungen - Nachweisgesetz]...)
- Each country Care worker collective bargaining.
- Contract Forms: Public employment services(PES): Servicio Público Español de Empleo, Agenzia Nazionale Politiche Attive Lavoro, Οργανισμός Απασχολήσεως Εργατικού Δυναμικού, Bundesagentur für Arbeit...
<https://ec.europa.eu/social/main.jsp?catId=105&langId=en>

Description of Activity 10.1



Introduction The trainer has to explain which are the rights and responsibilities that are specific in the care sector and are of major importance when working as a care worker. The trainer should explain the meaning of specific terms and highlight those entities where migrants can claim for their rights as care workers. The trainer hands out an example of a local employment contract and explains the different parts of a pay slip.

Rights and duties Form pairs and give each team a copy of the national care worker collective agreement. Ask participants to identify and list the rights and duties of this worker agreement. Ask each pair to explain to the other pairs some rights and duties they have identified and which they think are most important.

Employment contract Hand out to each participant a basic employment contract template and fill it out together with the participants. The trainer has to explain the meaning of the different parts and terms.

Pay slips Hand out to each participant a sample of a care worker's pay slip. Explain them the meaning of each budget line and amount and underline the legal wage minimums the employer has to respect.

Reflecting on job experience Ask participants who have been employed previously to share their experience as employee and to explain which had been their rights and duties. Compare these rights and responsibilities to the ones of a care worker.

Your own
notes:

Module 10.2 International labour rights

Activity Name Claim for labour rights



Objectives and Learning outcomes The main objective is to explain to the (undocumented) migrants the rights and responsibilities that she/he has as worker even before obtaining a regular status. The trainer explains the ways in which the migrant care worker can claim for labour rights in the host country.



Suggested Duration 4 hours

Nº of Participants Up to 20



Materials needed Computer, projector, flip chart, paper and pens. Contracts handouts. Relevant examples of the basic and specific rules that each country has around the way to become documented.



- Competences**
- with support, is able to claim for compliance with labour rights
- Knowledge**
- has basic knowledge on the specific international labour rights of (undocumented) migrant domestic/care workers
- Skills**
- is able to identify aspects in employment conditions which don't comply with the requirements of international labour rights.

Guidelines for Assessment Successful completion of the tasks and active participation in the development of the different sessions.
Other evaluation criteria:
Demonstrate active participation.
Demonstrate communication abilities and tolerance and respect towards the receiving country.

Keywords Minimum rights, ILO, support associations for undocumented migrants, labour rights, trade unions, Conciliation settlement, Labour Court, agreement



References EPIM European Programme for Integration and Migration

<https://ec.europa.eu › migrant-integration>

Aid associations for undocumented migrants: Red Cross, PICUM (Platform for International Cooperation on Undocumented Migrants) <https://picum.org/>

ILO International Labour Organization <https://www.ilo.org/global/>

ILC 2002, Trabajo decente y la economía informal, <http://www.ilo.org/public/english/standards>

Description of Activity 10.2

Introduction Present the labour rights that correspond to every care worker and domestic worker even if they are undocumented. Point out the entities that can help to claim for compliance with their labour rights.

Labour rights even if they are undocumented Hand out a list of labour rights that the country ensures for each worker (legal or not). If the country has ratified the ILO convention on Domestic Worker, hand out a copy of it and highlight the most important aspects for migrant care workers working as home carers. Invite an external expert of a nearby migrant support organization to discuss the basic labour rights of every worker. The trainees know the national care workers' collective agreement (they work with it in the Module 1). Ask participants to discuss this agreement with the expert and clarify the minimum rights and responsibilities they have guaranteed through the country's labour rights and the ILO convention.

Claim for labour rights Explain the learners the steps to claim for a breach of contract. List and detail the different services that each country's trade unions offer in this area. Explain to the participants what is the role of a trade union and in which way they could become members of a trade union. Point out the Conciliation settlement as a previous requirement before presenting a case to the Labour Court. Hand out different claims for real cases of migrant care workers and how they have been solved. Discuss about the possible solutions to avoid a trial.

Reflecting on job experience Ask participants who have previous work experience in their countries of origin about their labour rights, existing trade unions and if they have ever had to claim for their rights in their country of origin or any similar cases they have heard about.

Your own notes:

Module 10.3 National aspects in international labour rights

Activity Name How to react when (being) discriminated



Objectives and Learning outcomes The main objective is a revision of the set of rights and duties of the host country regarding discrimination at workplace caused by age, religion, race, gender etc.



Suggested Duration 4 hours

Nº of Participants Up to 20



Materials needed Computer, projector, flip chart, paper and pens. Relevant examples of the basic and specific rules that each country has around the care employment rights and duties.

Competences

- With support is able to claim for his/her rights which protect him/her of gender, race, age etc. discrimination.



Knowledge

- knows his/her rights which protect him/her of gender, race, age etc. discrimination.

Skills

- contributes to (cultural) diversity in the working environment
- strengthens activities which work against cultural, gender, race etc. discrimination
- reflect his/her own behaviour and is sensible and tolerant towards cultural and other differences
- is able to abide to the national anti-discrimination law

Guidelines for Assessment In a continuous evaluation the students will be able to identify the differences between the works conditions in the receiving country and the country of origin.

Other evaluation criteria:

Demonstrate active participation.

Demonstrate communication abilities and tolerance and respect towards the receiving country.

Keywords Care workers' rights and duties, Labour claim, anti-discrimination laws



References Each country Worker Basic Regulation
Each country Immigration Law
List of procedures and uses of the workers in the host country.

Description of Activity 10.3

Introduction Presentation on anti-discrimination and workers' rights, followed by discussion in small groups and in plenary. Information on support systems (anti-discrimination advice, trade unions, etc.). One exercise might be: Is this discrimination? For this, examples from the work context are given to the groups and put up for discussion. Alternatively: examples are presented and participants line up according to the question "Is this discrimination - yes or no?" The assignment is then discussed. The examples can be resolved using case law on real examples. Based on these legal precedents, it becomes clear whether discrimination is involved and why.

Reflecting on job experience Group discussions about the individual knowledge of anti-discrimination and workers' rights as well as examples of possible discriminations experienced or heard/ seen of by the participants.

Your own notes:

Key Take Away Messages



Hand out to each participant:

- Care worker collective agreement
- List of basic labour rights and duties in each country
- Basic and simple employment contract form
- Right to non-discrimination
- A sample of a care worker pay slip

What I do
<ul style="list-style-type: none"> • I have to cope with the labour schedule
<ul style="list-style-type: none"> • I have to finish my working day
<ul style="list-style-type: none"> • I have to work accordingly to the duty of care and respect the guidelines of the employer
<ul style="list-style-type: none"> • I have to respect the host country's working habits
<ul style="list-style-type: none"> • I am entitled to a fair salary
<ul style="list-style-type: none"> • I am entitled to rest and to have a vacation period
<ul style="list-style-type: none"> • I am entitled to claim when my labour rights are not respected