

Law No. 19-12 on the Working and Employment Conditions of Domestic Workers

Reference: Dahir No. 1-16-121 of 6 Dhu al-Qadah 1437 (10 August 2016) promulgating Law No. 19-12 on the working and employment conditions of domestic workers

Practice areas: Employment law

Law 19-12 regulates the employment of domestic workers, who are excluded from the Labour Code: written contract, minimum age, working hours, weekly rest, leave, a minimum wage set by reference to the statutory minimum wage (SMIG), social protection and penalties for employers.

Contract and working conditions

- The domestic employment contract is drawn up in writing using a model set by regulation and filed with the labour inspectorate (Art. 3).
- The minimum age for employment is 18, after a transitional period for 16 to 18 year olds (Art. 6).
- Working week of 48 hours for adults, weekly rest of 24 consecutive hours and paid annual leave.

Pay and protection

- The cash wage may not be less than 60% of the SMIG, and benefits in kind (housing, food) may not be deducted (Art. 19).
- The domestic worker must be registered with the CNSS and covered against workplace accidents.
- An employer who employs a minor under 16 or fails to comply with the statutory conditions is liable to fines and, for repeat offences, imprisonment.

Key articles

ART. 6

The minimum age for admission to domestic work is set at eighteen years, subject to the transitional provisions applicable to persons aged sixteen to eighteen.

ART. 19

The amount of the cash wage may not be less than 60% of the statutory minimum wage applicable in industry, commerce and the liberal professions.

Points to watch

- The absence of a written contract does not deprive the worker of their rights: the employment relationship may be proved by any means.
- Unpaid overtime and weekly rest not granted give rise to a claim for back pay before the labour court.
- At the end of the relationship, the employer must issue a certificate of employment and pay any outstanding leave.

Sheet prepared by Maître Mouad Lahfaia, lawyer at the Rabat Bar. 69 Rue Tansift, Apt 6, Agdal, Rabat 10090, Morocco · +212 808-507367 · cabinetlahfaia@gmail.com

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