

THE DECENT WORK PROJECT (DWP)
(OF TRARVAS CONSULTS – TC)

GUARANTEE AGREEMENT WITH GUARANTOR FOR THE DECENT WORKER

BETWEEN

Trarvas Consults, an enterprise registered under the laws of the Federal Republic of Nigeria of No. 33B Fagbamila Street, Off Old Ife Road, Ibadan, Oyo State and duly represented by Barrister Olasupo Ojo (hereinafter referred to as “**TC**” which expression shall, where the context so admits, include their agents, legal representatives and Assigns) of the **ONE PART**

AND

MR/MRS/MISS/CHIEF/DR/PROF.

of
whose **passport photograph** and **means of identification** are attached hereto (hereinafter referred to as “**THE GUARANTOR**” which expression shall, where the context so admit, include his/her personal/legal representatives of the **OTHER PART**

WHEREAS:

- i. TC is the creator and operator of the Decent Work Project (DWP) for the achievement of the objectives as defined for the project.
- ii. The prospective Worker named herein is desirous and prepared to undergo training as a Domestic/Care Worker and to be placed in the employment of any desirous employer by TC and the TC has agreed subject to all the terms and conditions contained in the agreements entered into with the TC.
- iii. The prospective worker is required and has produced the Guarantor herein and the Guarantor has voluntarily agreed to be the Guarantor and to be bound as provided in this Guarantee Agreement

NOW THIS AGREEMENT WITNESSES that in consideration of the TC admitting the Domestic/Care Worker for training and or securing for him/her an employment position with an employer, the Guarantor hereby guarantee the performance by the Worker of all her/his obligations under all the Agreements between TC and the Domestic/Care Worker under the Decent Work Project:

A. **Name and address of prospective Worker:**
.....

B. PAYMENTS.

If the Domestic/Care Worker breaches any of the Agreements, commitments and or undertakings reached with TC, the Guarantor shall, upon demand;
(1) Cure the breach as TC or Employer may require of the Domestic/Care Worker; and or
(2) Compensate TC and or the Employer for any loss or damages resulting from the breach.

C. DURATION

This guaranty applies when the Domestic/Care Worker commences training and or is placed in employment with an employer and continues for six months after the training and or employment ends (which ever comes last), including any extension or renewal. Guarantor waives any right to receive notice of any acceptance, modification, amendment, extension or renewal of any of the Agreements, commitments and or undertakings.

D. SOLICITOR'S FEES.

The TC and or Employer is entitled to recover Solicitor's fees in any legal proceeding brought under or in connection and for the purpose of enforcing this guaranty.

E. CREDIT WORTHINESS.

Guarantor confirms his/her creditworthiness at all times in relation to this agreement.

THE DECENT WORK PROJECT (DWP)
(OF TRARVAS CONSULTS – TC)

IN WITNESS WHEREOF we have hereunto set our hands and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED ON BEHALF OF TC:

DIRECTOR

SECRETARY

AND WITNESSED BY:

NAME:

ADDRESS:

OCCUPATION: Station Manger..... SIGNATURE:

Signed Sealed and delivered by the within named **GUARANTOR:**

MR/MRS/MISS CHIEF/DR/PROF.

AND WITNESSED BY:

NAME:

ADDRESS:

OCCUPATION: SIGNATURE:

PREPARED BY:

MR/MRS/MISS
LAWBOLD LEGAL PRACTITIONERS.
SOLICITORS AND ADVOCATES
No 4 Nurudeen Street, off Akinremi Street
Anifowose-Ikeja, Lagos State.
Tel: 08033046175 Email: olasupo.ojo@gmail.com

THE DECENT WORK PROJECT (DWP)
(OF TRARVAS CONSULTS - TC)

Terms and Conditions

Although the **prospective worker** (the person who wants to work as domestic/care worker) had agreed to the terms and conditions set down below during on-line registration, *TC* still wants her/him and her/his guarantor to go through the terms and conditions. If the prospective worker cannot read, write and understand the English Language, *TC* urges the guarantor to read out the terms and conditions to the prospective worker and explain what each means to her/him in the language s/he understands.

The Prospective Worker hereby agrees that s/he:

1. Shall dress in the uniform prescribed by *TC* and abide by the *Decent Work* Dress Code all the time
2. Shall not be rude and shall not insult or engage in physical fights with her/his employer, members of the household and other co-workers; except in cases of the breach of the worker's bodily integrity
3. Shall use the phone sparingly while at work; use the phone only when it is absolutely necessary
4. Shall not physically and emotionally abuse the young, sick, vulnerable, aged and differently-abled persons/persons with disabilities who they are employed to care for
5. Shall not sexually abuse or visit sexual violence on members of the household, co-workers and the young, sick, vulnerable, aged, and differently-abled persons/persons with disabilities who they were employed to care for
6. Shall not act singly or in collusion with others to steal from their employer or hurt him/her in any way
7. Shall abandon this application process if s/he is engaged in alcohol or substance abuse
8. Shall not make demands that were not specified by *TC* in the terms of employment, from their employers
9. Is not opposed to *TC* undertaking background checks to ascertain that s/he is not engaged in criminal activities and have no records of physical and sexual abuse anywhere
10. Shall get a guarantor who will complete her/his guarantor form and respond to questions about her/him during background checks
11. Shall pay between N1,500 and 5,000 for training by *TC* depending on the domestic/care giving work s/he wishes to take up. If s/he would wish to stagger payment for training, s/he would call and discuss payment plans with the Station Manager in her/his location
12. Shall pay an annual registration fee of N2,000 for her/his name to be included in the *Decent Work* Database. *TC* cannot do job placement if the worker's details are not in the *Decent Work* Database.

RESPECTING SELF AND EMPLOYER/CARE RECEIVER AND SAFEGUARDING THE WORK ENVIRONMENT

TC insists that prospective workers must respect themselves, respect persons they work for and safeguard their work environment by:

- a. dressing as prescribed by *TC* in the *Decent Work* Dress Code all the time
- b. not making demands that were not specified by *TC* in the terms of employment, from their employers
- c. refraining from entering into a separate contractual agreement, which excludes *TC*, with their employers. *TC* would blacklist a worker who violates this clause and would not re-register the worker in the *Decent Work* Database. *TC* may sue to court for breach of contract.
- d. turning off faulty electrical fittings/appliances and reporting same immediately to the employer
- e. not operating faulty electrical appliances or appliances/gadgets which they do not understand
- f. humbly learning how to use gas cookers and ensuring that all gas points are turned off before the employee lights the gas

THE DECENT WORK PROJECT (DWP)
(OF TRARVAS CONSULTS – TC)

- g. humbly learning how to use generating sets, and not assuming the role of generator repairer (or repairer of other electrical and mechanical appliances where s/he has no training)
- h. encouraging employers to buy fire blankets and fire extinguishers for the kitchen area
- i. encouraging employers to provide face masks, surgical gloves and disinfectants if they clean up for household members who are infirmed or unable to care for themselves and those who become suddenly sick and are showing signs of infection
- j. not acting singly or in collusion with others to steal from their employers or hurt them in any way
- k. not being rude and not insulting or engaging in physical fights with their employers, the members of the household and other co-workers; except in cases of the breach of their bodily integrity
- l. not slapping, pushing, pulling, beating, kicking and dragging persons they are employed to care for and not recruiting others to physically abuse the persons who require care
- m. not shouting on or fingering the nose, face or any other part of the body of the person requiring care and not recruiting, encouraging or cheering others to visit abuse on the persons they were employed to care for; be they babies, children, adults or the aged
- n. not initiating, suggesting, agreeing to, engaging in sex or forcing anyone in the household/workplace into any sexual acts
- o. not purporting to have obtained the consent of persons (whether a child, an underage or an adult) they were employed to care for to participate in any sexual acts; and
- p. respecting the privacy of their employers within the household; this includes not taking ANY photos of their employers and members of the family and or posting on-line.

Prospective workers should also familiarize with the terms and conditions for service users, set down below.

The Service User (Employer) has agreed to:

- 1. pay hourly and part time workers fortnightly, by the end of the second and fourth week of every month, and pay full time workers by the 28th of every month
- 2. pay all workers' salaries and accompanying charges into the TRARVAS CONSULTS account
- 3. provide meals as suggested by TC in the *Decent Work* Conditions of work
- 4. discuss and grant day offs with the worker
- 5. provide paid leave as specified by TC in the *Decent Work* Conditions of Work
- 6. provide paid maternity leave as specified by TC in the *Decent Work* Conditions of Work
- 7. provide accommodation that upholds the dignity of the human person, as specified by TC in the *Decent Work* Conditions of Work if the care worker would live-in full-time or part-time
- 8. NOT enter into a separate contractual agreement, which excludes TC, with a worker that TC places in the home or formal work place. If done, TC will blacklist the Employer in the *Decent Work* Database and would not re-admit. TC may sue to court for breach of contract and damages.
- 9. put health and safety precautions in place in the home or institution/organization
- 10. orient the worker to the ways and means of the Employer's household or office even though TC will train the worker in the demands of their work
- 11. grant the worker a break of 30/45 minutes after five (5) hours of work where applicable,
- 12. not inflict physical and emotional abuse on the domestic/care worker
- 13. not sexually abuse the worker
- 14. protect the worker from household members who are engaged in alcohol and substance abuse
- 15. TC undertaking background checks to ascertain that the employer is not engaged in criminal activities and have no records of physical and sexual abuse of colleagues, household staff and household members
- 16. get a guarantor who will complete the guarantor form and also respond to questions about the employer during background checks

THE DECENT WORK PROJECT (DWP)
(OF TRARVAS CONSULTS – TC)

17. pay an annual registration fee of N12,000 if an individual and N20,000 if an organization for the employer's name to be included by TC in the *Decent Work* Database. TC cannot place a domestic/care worker in the home or workplace if the employer's details are not in the *Decent Work* Database. If the employer wishes to stagger payment of registration fee, she/he shall call and discuss payment plans with the Station Manager in her/his location
18. TC not asking the Employer to pay registration fee if background check turns up a negative or unclear report
19. allow TC to share the Employer's full name, home/office address and phone number with the worker place with him/her.

SAFEGUARDING THE WORK ENVIRONMENT

The Employer shall ensure that the work environment is safe by:

- a. Ensuring that faulty electrical fittings are turned off and the employee duly informed, and the fittings ultimately fixed
- b. Actively discouraging employees from operating faulty electrical appliances, or appliances and electronic gadgets which they do not understand
- c. Training employees in the use of gas cookers and ensuring all gas points are turned off before the employee lights the gas
- d. Providing fire blankets and extinguishers in the kitchen area and instructing employees about how to use them
- e. Providing face masks, surgical gloves and disinfectants to staff who are cleaning up for household members who are infirmed or unable to care for themselves and those who become suddenly sick and are showing signs of infection
- f. Actively preventing household members who are engaged in alcohol and substance abuse from encroaching on the physical space and bodily integrity of the worker
- g. Not slapping, pushing, pulling, beating, kicking and dragging the worker and not recruiting or encouraging others to do so
- h. Not verbally and emotionally abusing the worker through ethnic, religious, gender and racial slurs and put-downs and not recruiting or encouraging others to do the same
- i. Not asking the worker to go out on a date with her/him and not asking the worker for sexual favours; Consent to sex (and sexual acts) and consent to dating the boss, the boss' family members or the boss' friends would not be thought of as 'consent freely given' by the worker because of unequal power relationship between the worker and the employer. It would be assumed that the service user/family members/friends are exploiting the current circumstance of the employee and that, is sexual exploitation.
- j. Ensuring that s/he, members of his/her family and other workers within the household do not force any worker into any sexual acts (rape) or threaten to withhold salaries and benefits if the worker refuses to partake in sexual acts/submit to sexual advances (that is, sexual harassment)
- k. Respect the privacy of the worker within the household; this includes not taking ANY photos of the worker and posting on-line.