



EUROPEAN FEDERATION OF FOOD, AGRICULTURE AND TOURISM TRADE UNIONS

# Promote industrial relations in the domestic work sector in Europe

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## Preface

The present report contains the results of research conducted between May and November 2014 for the EFFAT project “Promote industrial relations in the domestic work sector in Europe”. The research findings were presented to the participants of the EFFAT Women’s Conference on 19 November 2014 in Vienna.

As a result of ensuing discussions, the delegates of the Women’s Conference developed recommendations for future activities of EFFAT. These are as follows:

It is recommended that EFFAT will carry out the following actions concerning the rights and conditions of employment for domestic workers in Europe:

1. To take action at the level of the European Union, calling upon the President of the European Commission, the Commissioners and other relevant officials, as well as Members of the European Parliament to follow up on their commitment to encourage all EU Member States to ratify ILO Convention No.189 (2011) on Decent Work for Domestic Workers, and to revise any European Directives which contain any discriminatory policies towards domestic workers such as specifically excluding them from certain rights;
2. To contact the competent authorities in all EU Member States, such as Labour Ministries, to urge them to ratify ILO Convention No.189, and to improve national legislation and practice, where necessary, to reflect the employment and other rights that domestic workers have;
3. To urge all EFFAT member organisations to follow up with their own governments on the need to ratify ILO Convention No.189 (where appropriate), to ensure its contents are fully embedded into national law, and that these laws are fully implemented.

The EFFAT Congress endorsed these recommendations on 21 November 2014.

## Executive Summary

Domestic work is essential for the functioning of everyday life; yet, overall the work remains underpaid and undervalued. Legal regulations and collective bargaining agreements in the sector do exist, but they vary considerably between European countries. In order to shed some light on the industrial relations in this sector in the EU, this project report presents an overview of the structures in place to represent domestic workers and their employers, and looks at existing regulations and collective bargaining in the sector.

General labour laws mostly cover domestic work, and in some countries particular legislation also exists. Nevertheless, there are still cases where domestic workers are excluded from certain provisions available to other workers. Moreover, accessing their formal labour rights can be a significant challenge for domestic workers, particularly if they are undocumented migrant workers.

Trade unions and self-organised domestic worker organisations employ a variety of strategies to improve the situation of the workers. In some countries (e.g. Belgium, Sweden and also Italy), a significant number of domestic workers is in fact organised in established trade unions. However, there are different ways in which domestic workers are organised. This depends on several different factors, such as the extent to which care is provided through public services, or whether there is a strong prevalence of the informal market in the domestic work sector. Migrant domestic workers (regular and irregular) may not necessarily have easy access to traditional trade unions, and may therefore have developed different ways of getting organised.

Equally, employer structures present a very heterogeneous picture, depending in large part on national characteristics of service provision in private households. Employers can be the households, agencies or companies, which in some countries are represented by employer associations. These may cover household services exclusively, or they may focus on cleaning or home-based care services.

There are a number of examples of functioning social dialogue in the domestic work sector: In six countries – Belgium, France, Germany, Italy, Sweden and Switzerland – collective bargaining takes place and has resulted in collective agreements regulating employment in private households.

Overall, the project report shows that although the situation with regards to the industrial relations in the domestic work sector varies across the different countries, successful strategies exist for the organisation of workers, the reform of legislation and the initiation of social dialogue.

## Acknowledgements

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In addition, we highly appreciate the participation of members of trade unions/ trade union confederations, migrant organisations and domestic worker organisations as well as employer associations in the study. The project would not have been possible without the support and contributions of the following organisations:

### **Trade unions/ trade union confederations and domestic worker representations:**

#### **Austria**

Arbeiterkammer Wien  
VIDA

#### **Belgium**

ACV Voeding en Diensten  
Fédération Générale du Travail de Belgique (FGTB) Horval

#### **Denmark**

Forbundet af Offentligt Ansatte (FOA)

#### **Finland**

Palvelualojen Ammattiliitto (PAM)

#### **France**

Confédération Française Démocratique du Travail (CFDT)  
Confédération Générale du Travail (CGT)  
Fédération Générale des Travailleurs de l'agriculture, de l'alimentation, des tabacs et des activités annexes Force Ouvrière (FGTA-FO) / Syndicat national des Assistants Maternels et Salariés du Particulier Employeur (SYNAM-SPE)

#### **Germany**

Gewerkschaft Nahrung Genuss Gaststätten (NGG)

#### **Iceland**

Starfsgreinasamband Íslands (SGS)

#### **Ireland**

Irish Congress of Trade Unions (ICTU)  
Services, Industrial, Professional and Technical Union (SIPTU)

#### **Italy**

Federazione Italiana Commercio Alberghi, Mense e Servizi (FILCAMS-CGIL)  
Unione Italiana Lavoratori Turismo Commercio e Servizi (UILTuCS-UIL)

#### **Malta**

General Workers' Union (GWU)

#### **The Netherlands**

Christelijk Nationaal Vakverbond Vakmensen (CNV Vakmensen)  
Federatie Nederlandse Vakbeweging (FNV)

**Spain**

Confederación Sindical de Comisiones Obreras (CCOO)  
Unión General de Trabajadores (UGT)

**Sweden**

Kommunal

**Switzerland**

Syndicat Interprofessionnel de Travailleuses et Travailleurs (SIT)  
UNIA  
Verband des Personals öffentlicher Dienste (VPOD)

**The UK**

GMB  
UNISON  
UNITE the Union

**Migrant and domestic worker organisations:****Belgium**

Organisatie voor Clandestiene Arbeidsmigranten (OR.C.A)

**Ireland**

Migrant Rights Centre Ireland (MRCI) / Domestic Worker Action Group (DWAG)

**The Netherlands**

Indonesian Migrant Workers Union Netherlands (IMWU-NL)  
Respect Network Netherlands

**The UK**

Justice for Domestic Workers (J4DW)

**Employer associations:****Belgium**

Federgon  
Vlaams Platform PWA/ PWA-DCO

**Finland**

Association of Social Service Employers (Sosiaaliala)

**France**

FEPEM (Fédération des Particuliers Employeurs de France)

**Germany**

DHB Netzwerk Haushalt

**Spain**

Confederación Española de la Pequeña y Mediana Empresa (CEPYME)

**Sweden**

KFO Co-operative Employers' Association  
Almega Hemserviceföretagen

**Switzerland**

Verband zu Hause leben

## Introduction

Domestic work is an important occupation for millions of workers around the world, in vast majority women. The International Labour Organisation (ILO) estimates that domestic work accounts for about 1% of all formal employment in the industrialised countries. The work is mostly precarious and undervalued and the workers frequently face various forms of discrimination.

There are a vast number of domestic workers in the informal economy whose work remains undeclared. They therefore fall outside any statistics, regulations and protection.

Domestic work is still very often perceived as something other than regular employment, something that “women do”, hence not fitting into the general framework of existing labour laws. As a result, the domestic employment relationship is not specifically addressed in many legislative enactments, thereby rendering domestic workers more vulnerable to unequal, unfair and abusive treatment. Domestic work is thus considered to have serious decent work deficits.

Self-organised groups, trade unions and NGOs have long been striving to improve the situation of domestic workers. In many countries, trade unions have been actively organising domestic workers, improving their working conditions and defending their interests and rights. This work has been supported at European and global levels by the relevant sectoral federations, the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT) and the International Union of Food Workers (IUF), as well as by the European Trade Union Confederation (ETUC) and the International Trade Union Confederation (ITUC).

In 2005, about one hundred participants - trade unionists, migrant workers, and members of women’s organisations and labour NGOs - attended an ETUC conference entitled “Out of the Shadow: Organising Domestic Workers - Towards a protective regulatory framework for domestic work”. The conference marked an important step in the struggle for the realisation of domestic workers’ rights in Europe.

One year later, the international conference, “Respect and Rights. Protection for Domestic/Household Workers”, organised by the Dutch Trade Union Federation FNV and the NGO IRENE in collaboration with other actors, took place in Amsterdam.

Finally, in June 2011, the campaign for the rights of domestic workers achieved a major success when the International Labour Conference adopted the ILO Domestic Workers’ Convention (ILO C 189) and Recommendation (ILO R 201), which stipulate that domestic workers have the same basic labour rights as those available to other workers.

In 2011 - 2012, the International Training Centre of the ILO, in partnership with the ETUC and EFFAT, carried out the EU project “Decent Work for Domestic Workers”. The project looked at labour rights, social protection and trade union initiatives in the area of domestic work in Europe. While giving insight into regulations and practices in different European countries, the project could not provide a comprehensive overview of social partners’ efforts to regulate the sector of domestic work in the EU. In order to investigate this issue further and fill some of the existing knowledge gaps, EFFAT implemented the one-year project “Promote industrial relations in the domestic work sector in Europe” (2014 – 2015). This report presents the results of research conducted for this project.



## Research methodology and scope

The overall aim of the research project was to provide an overview of industrial relations in the domestic work sector in Europe. To this end, information was collected on the representation of domestic workers and employers of domestic workers, as well as existing legislation and collective bargaining agreements in the sector.

The results of this research are based on information provided by members of trade unions (and trade union confederations), migrant worker organisations, domestic worker groups and employer organisations through online surveys, interviews and email correspondence. In total, 25 trade unionists (or workers' representatives), five members of migrant and/ or domestic worker organisations, and nine employer representatives participated in the study, providing data on the following countries: Austria, Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Malta, the Netherlands, Spain, Sweden, Switzerland and the UK. No information was available on industrial relations in the domestic work sector in Croatia, Lithuania and Slovakia.

### *Limitations of the research*

It is important to note that the information presented in this report should not be understood as a complete picture of the industrial relations in the domestic work sector in Europe. Due to limitations on time and resources available for the project, and the general difficulty in obtaining data on the domestic work sector, not all European countries could be included in the study. Nor could the sector of personal care in private homes be covered in depth or the issue of employment of domestic workers in diplomatic households be included. The study therefore provides an overview of the industrial relations in the domestic work sector with a focus on household services, in the above-mentioned countries.

## Defining domestic work

The ILO Convention 189 concerning decent work for domestic workers states, "(a) the term domestic work means work performed in or for a household or households; (b) the term domestic worker means any person engaged in domestic work within an employment relationship; (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker."<sup>1</sup>

According to the ILO definition, domestic work therefore includes a wide range of activities that are performed in the household, such as cooking, cleaning, gardening, as well as taking care of children, the elderly, or persons with special needs. In terms of the organisation of work though, policies in many countries make a distinction between domestic work, understood as general household chores, and 'care work' referring to personal services to individuals. This might entail a division into different sectors, with workers organised by different (sectoral) trade unions.

The distinction between 'domestic' and 'care' work is difficult to maintain in practice, as tasks performed by the workers may include both household maintenance and personal care. In light of demographic changes and the roll-back of the welfare states in Europe it is likely that

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<sup>1</sup> Domestic Workers Convention (2011), No. 189  
[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100\\_instrument\\_id:2551460](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100_instrument_id:2551460) (accessed 02/10/2014)

(non-medical) home based care services will gain significance in the future. This is also reflected in the growing amount of research on elderly and long-term care.<sup>2</sup>

## Domestic work in formal and informal labour markets

In many countries, domestic work largely takes place in the informal economy. The Special Eurobarometer on undeclared work in the EU (2007) notes that household services are the second most frequently undeclared services purchased by households in the EU.<sup>3</sup>

### Voucher schemes in the domestic work sector

Some countries have set up service voucher systems in order to facilitate the employment of domestic workers in private households and to formalise the work relationship, thus preventing undocumented work. Such service voucher schemes are widely used in Belgium, France, and the cantons of Geneva and Vaud in Switzerland. Moreover, different forms of voucher schemes exist in Austria, Germany and to some extent Italy. In addition, many countries have introduced cash-for-care schemes, which may be linked to voucher systems, in the elderly and long-term care sector. However, to include these here would go beyond the scope of this study.

The voucher schemes in the countries mentioned above differ quite significantly in terms of their set up and coverage.

Although being the most expensive model, the Belgian voucher system (*titre service*) is usually considered very successful as it has created jobs and reduced undeclared work.<sup>4</sup> The domestic workers all have the same type of contract: the “service voucher employment contract” (*contrat de travail titres-services*), and are covered by a collective agreement.

In France, the CESU (*chèque emploi service universel* – universal service employment voucher) can be used by private households or by service companies employing a domestic worker. Collective agreements exist for both forms of employment relationship.

In Austria, Germany and Italy, the vouchers are only intended for (temporary) work below a certain threshold of income. The Italian scheme is not in fact particular to domestic work but focuses on short-term occasional work in general (and overall, does not contain many protective regulations for the workers).

The voucher schemes in Belgium, France, Geneva and Germany<sup>5</sup> provide for social security coverage for the domestic workers. In Germany, however, contributions to social security and the pension fund - and hence entitlements later on - are very low as the voucher scheme is linked to part-time employment below a monthly earnings threshold of 450€ (so-called ‘mini-jobs’). Mini-jobs have in effect been widely criticised by trade unions and other organisations for causing poverty in old age.<sup>6</sup>

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<sup>2</sup> See for example the work of Anna Gavanis and Fiona Williams, Helma Lutz, Clare Ungerson and Sue Yeandle.

<sup>3</sup> “Undeclared Work in the European Union”, Special Eurobarometer 284, 2007.

[http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_284\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_284_en.pdf) (accessed 02/11/2014)

<sup>4</sup> “Formalizing domestic work through the use of service vouchers - The particular cases of France, Belgium and the canton of Geneva”, ILO, 2013.

<sup>5</sup> For more information on the operation of the voucher schemes in these countries please see annex 1.

<sup>6</sup> Deutscher Gewerkschaftsbund, <http://www.dgb.de/themen/++co++e688c500-094c-11e2-bf78-00188b4dc422> (accessed 03/02/2015)

## Social protection in Geneva<sup>7</sup>

The case of Geneva is somewhat exceptional as it allows the participation of undocumented migrant domestic workers in the voucher system. In the cantons Geneva and Vaud, employers must register their employees with social security. This also applies to undocumented migrant domestic workers. The simplest way for employers to do this is through the *chèque service* system (*chèque emploi* in the canton Vaud). No communication takes place on the matter of residency status between the administrative bodies of the social protection schemes and the immigration offices.

Employees under the voucher system, including irregular workers, thus pay into the pension fund and make contributions to social security and unemployment insurance. If they are irregular, however, they cannot claim benefits while they live in Switzerland. Under certain conditions, they can ask for the reimbursement of their contributions to the pension fund if they move to a different country. They are entitled to benefits at retirement age if they can prove that they worked in Switzerland.

Health insurance in Switzerland is compulsory and is provided through private insurance companies. These companies cannot refuse insurance on the grounds of legal residency status and it is possible for irregular workers to register with health insurance companies without the authorities being informed.

Furthermore, there is an official agreement between the Geneva Cantonal Economic Department and the General Attorney of Geneva, allowing undocumented workers (or their trade unions) to seek legal redress in court without the risk of this resulting in deportation. This agreement dates back to the 1990s and was borne out of a more “migrant-friendly” political climate. In Geneva in particular, the cantonal government has been aware of the fact that domestic workers are needed by a great many households to function in their daily lives, and there is an understanding that these workers should be included in social protection schemes like other workers. In reality however, only domestic workers with a work permit are able to access all social security benefits.

Another way through which states have tried to stimulate formal employment in the domestic work sector is through tax credits. Within those models, private households can claim tax deductions on part of the costs incurred for domestic services. Such measures have been implemented in various countries, inter alia in Denmark, Finland and Sweden. Tax deduction models and voucher schemes can both exist at the same time, as is the case for example in Belgium, France and Germany.

## Gender and migration dimensions

Domestic work - paid and unpaid - is a heavily female dominated sector. According to the ILO, over 80 per cent of domestic workers worldwide are women or girls.<sup>8</sup> Where men work in the domestic sector, they frequently perform different tasks from women, such as gardening and general maintenance work.<sup>9</sup>

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<sup>7</sup> Selim Neffah, Filipa Chinarro and Martine Bagnoud, Syndicat Interprofessionnel de Travailleuses et Travailleurs (SIT), Geneva, personal communication (June 2014 --February 2015)

<sup>8</sup> “Bringing Domestic Workers into the Formal Economy: Implementing ILO Convention No. 189”, ILO, Geneva, 2013.

<sup>9</sup> Lutz, H. “Domestic Workers and Migration”, in: Ness, I. (ed.), The Encyclopedia of Global Human Migration, Blackwell Publishing Ltd., 2013.

In the EU, employing a domestic worker is often an important means of reconciling work and family life for the employer – especially for (middle class, native-born) women whose role it has traditionally been to perform the domestic and care work in the household. As women have entered the formal labour market and men have not generally assumed more of the household duties and caring tasks, this work gets “outsourced” to other women. This means that the gendered division of labour in the household is not challenged, nor is the undervaluation of domestic work as “women’s work”.

Various studies observe that there is a growing demand for domestic workers as an ageing population coincides with the cutback of welfare states throughout Europe.<sup>10</sup> The same studies note that the increase in the number of domestic workers over the past years has markedly been an increase of *migrant* domestic workers – mostly women – and to the greatest extent in the Southern European member states.

Demand for domestic workers in the industrialised countries has been described as one of the factors contributing to the increased independent migration of women from the Global South.<sup>11</sup> Due to its informal character, the domestic work sector also offers one of the few available opportunities for irregular migrants to enter the labour market. It should be noted here that undocumented work is not generally a choice that irregular migrants make; rather they are denied access to formal employment because of their migration status. This places irregular migrant domestic workers at an increased risk of exploitation and abuse in their employment and living situation, even more so if they live in the same house as their employers.

In many countries even undocumented migrant workers are entitled to basic labour rights enshrined in national labour legislation. However, they are very rarely in a position to claim these rights before labour tribunals. Access to labour rights can also be difficult for migrant workers with regular migration status, due to various factors such as financial and language difficulties, fear of losing their job and a lack of understanding of legal structures in the country of work. Trade unions and migrant worker organisations often address these issues through advisory services and legal support.

## Numbers and figures

As noted above, data on domestic work in Europe is generally scarce and when available, not necessarily comparable. This is in large part due to the prevalence of the informal economy in the domestic work sector as well as the lack of a common definition of “domestic worker”. Therefore, statistical bodies of different countries may refer to different categories of workers in the sector of domestic work. Equally, different definitions of “migrant” workers may be used.

According to Eurostat figures, in 2011 almost 2.6 million workers (in full-time equivalents) were employed to perform domestic tasks in private households. The three countries with

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<sup>10</sup> Ibid.

Also: Gallotti, M. and Mertens, J. „Promoting integration for migrant domestic workers in Europe: A synthesis of Belgium, France, Italy and Spain“, International Migration Papers No. 118, ILO, 2013 and „Rights of Migrant Domestic Workers in Europe“, OHCHR Regional Office for Europe, [http://www.europe.ohchr.org/Documents/Publications/Study\\_Domestic\\_Migrant\\_webversion.pdf](http://www.europe.ohchr.org/Documents/Publications/Study_Domestic_Migrant_webversion.pdf) (accessed November 2014)

<sup>11</sup> Ehrenreich, B. and Hochschild, A., Global Women: Nannies, Maids, and Sex Workers in the New Economy, New York: Henry Holt, 2002.

the highest numbers of domestic workers (employed by private households) were France, Italy and Spain.<sup>12</sup>

*Table 1: Households with employed persons in selected countries, 2008*

Country	Total	Women	Percentage of women
Spain	752,600	699,600	93%
France	606,600	498,200	82%
Italy	419,000	370,000	88%
Germany	173,000	163,000	94%
United Kingdom	136,000	84,000	62%
Belgium	41,100	38,000	92%
Austria	11,000	10,600	96%
Ireland	8,600	8,200	95%
Finland	8,000	4,000	50%
Netherlands	4,000	4,000	100%

*Source: Laboursta (ILO database)*

Given the informal nature and the frequent occurrence of undocumented work in the domestic work sector in many countries, the actual numbers are likely to be higher than the official figures quoted in table 1. The number of undocumented migrant women working as domestic workers in Europe alone has been estimated at around one million.<sup>13</sup> In some countries, like Spain and Italy, undeclared work may represent up to 70 per cent of the domestic work sector; for Germany, researchers have suggested a share as high as 90 per cent.<sup>14</sup>

Overall, the available data suggests that domestic work is an important sector of employment, primarily for women.<sup>15</sup>

<sup>12</sup> Farvaque, N. "Developing personal and household services in the EU - A focus on housework activities. Report for the DG Employment, Social Affairs and Social Inclusion", ORSEU, 2013.

<sup>13</sup> Pannell, K. & Altman, M. "Closing the Gap: Feminist Perspectives on Policies affecting Immigrant Labor in the Domestic Services Industry in Europe", Manuscript, 2007. Cited in Schwenken, H. and Heimeshoff, L.-M. Domestic Workers Count: Global Data on an often invisible sector, Kassel University Press, 2011.

<sup>14</sup> Farvaque, N., as above.

<sup>15</sup> See also: Schwenken, H. and Heimeshoff, L.-M. Domestic Workers Count: Global Data on an often invisible sector, Kassel University Press, 2011.

## Legislation

In most countries included in this survey, general labour law covers domestic work. In some cases, domestic workers are exempt from certain specific regulations (e.g. on working time). Some countries also have specific legislation for the domestic work sector.

Which laws apply inter alia depends on categories of employment relationships. If domestic workers are self-employed, for instance, they usually do not fall under the same regulations as employees and might have fewer labour rights and fewer entitlements in terms of social security and health insurance coverage. Different laws may also apply to workers providing personal assistance in the context of elderly or long-term care if they fall under the category of (health) care workers (e.g. Austria).

### Specific legislation on domestic work

Amongst the surveyed countries, specific legislation on domestic work was found in Austria, Iceland, Italy, Spain, Sweden and Switzerland.

In **Austria**, the *Hausgehilfen und Hausangestelltengesetz (HGHAngG)* (Law on home help and domestic workers) of 1962 makes provisions for remuneration, working time, daily and weekly rest, holidays, notice period and social security insurance of domestic workers. In addition, further specifications included in general employment law also apply to domestic workers (e.g. on maternity leave, health insurance and protection against violence and abuse).

In **Iceland**, legislation on paid domestic work dates back to 1928. The “Servants Act” regulates domestic employment in a farming and agricultural context. The Act is still in force but has played no role in any recent Court rulings.<sup>16</sup> Domestic workers also derive certain rights from other legislation such as maternity leave and paid sick leave, as well as a collective bargaining agreement.

The **Italian** law 339 on domestic work was established in 1958. Inter alia, it regulates working time, weekly rest and holidays.

While the law made an important contribution to recognising paid domestic work in 1958 it did not treat domestic work as a field of regular employment, and did not ensure equal rights to dismissal protection and maternity leave for domestic workers.<sup>17</sup>

Domestic workers are covered by the rules on discriminatory dismissal and by a national collective agreement on domestic work, which regulates notice periods and end of service compensation.<sup>18</sup>

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<sup>16</sup> Snaedal, D. „Paid domestic work in Iceland – from informal to formal“, Lund University, 2012, <http://lup.lub.lu.se/luur/download?func=downloadFile&recordId=2682423&fileId=2682424> (accessed 12/12/2014)

<sup>17</sup> Castagnone et al.: „Promoting integration for domestic workers in Italy“, International Migration Papers No. 115, ILO, Geneva, 2013.

<sup>18</sup> ILO Industrial and Employment Relations Department, [http://www.ilo.org/dyn/eplex/termmain.showCountry?p\\_lang=en&p\\_country\\_id=IT](http://www.ilo.org/dyn/eplex/termmain.showCountry?p_lang=en&p_country_id=IT) (accessed 10/12/2014)

Both the law 339 and the collective agreement make provisions on maternity protection but allow for certain exceptions of domestic workers. (This includes exemptions from regulations concerning night shifts as well as entitlements to parental leave, time off for nursing, and particular dismissal protection after giving birth).<sup>19</sup>

In 2011, the **Spanish** Government introduced new legislation dealing with labour rights and social protection for domestic workers. The new legislation was a result of social dialogue with employers and trade unions.

The *Royal Decree 1620/2011* regulates employment relations of workers employed by private households to carry out household tasks as well as gardening, driving family cars and to some degree care work. Professional carers (a different law applies) and au pairs are not included in this law.

The law makes changes to employment contract requirements, wages, working time and working conditions, giving domestic workers essentially the same labour rights as other workers – with the exception of unemployment benefits, provisions on health and safety at work, and dismissal protection. Employers of domestic workers are not obliged to provide a reason for dismissal.<sup>20</sup>

Law 27/2011, which entered into force on 1 January 2012, envisages the progressive inclusion of domestic workers in the general social security system from which they had previously been excluded. In the past, regulations on social security for domestic workers foresaw contributions to be paid only for workers who worked more than 80 hours per month for the same employer, which meant that the majority of domestic workers were not covered. The new law specifies that domestic workers – also if working part-time - are to be registered with the general social security system by their employers from the first hour of work. This allows domestic workers the same access to paid sickness, accident and maternity leave as other workers.

The law does not provide for coverage of unemployment insurance, however. With the passing of the laws it was agreed that steps should be taken to include domestic workers in an unemployment scheme. Royal Decree 1620/2011 stipulated that a tripartite commission of experts (Government, employers and trade unions) be created in February 2012, to study unemployment and dismissal protection and to develop a proposal addressing these issues. But the tripartite commission never came into existence and no visible progress has been made on including domestic workers in unemployment and dismissal protection schemes.

On the contrary, the new Government that was elected in December 2011 introduced a new law (*Royal Decree 29/2012*) implementing some important changes to social security coverage. Inter alia, the responsibility to pay social security contributions has gone back to workers if they are on contracts of less than 60 hours per month. Trade unions and domestic worker organisations consider the changes a serious setback and impediment to equal rights and working conditions for domestic workers in Spain.<sup>21</sup>

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<sup>19</sup> Thomson Reuters Foundation, “A Landscape Analysis Of Domestic Workers’ Rights And ILO Convention 189”, 2012.

<sup>20</sup> Karls, C. “Decent Work for Domestic Workers. The state of labour rights, social protection and trade union initiatives in Europe”, ITCILO, 2012.

<sup>21</sup> Ana María Corral, UGT and Alberto Guerrero, CCOO, personal communication (July-October 2014)



## **Case study Spain: social dialogue to change legislation on domestic work**

### ***What was the process of passing Law 27/2011 and Royal Decree 1620/2011?***

Until the reforms introduced through the laws 27/2011 and 1620/2011, domestic work was defined as a “special employment relationship” which effectively excluded domestic workers from rights and entitlements of regular workers, including social security coverage.

In 1995, in the context of broader social security and pensions reforms the main political parties and social partners concluded an agreement: the Toledo Pact. The Pact included an analysis of the social security situation of domestic workers and made recommendations for reforms concerning financing, structure and management of the social security system. Based on these recommendations the trade unions and employer associations concluded an agreement on social security related measures in 2006. Most notably they called for the integration of domestic workers into the general social security system and social protection against occupational accidents and sickness also for part-time domestic workers.

In January 2011 a report of the Monitoring and Assessment Commission of the Toledo Pact Agreements also recommended the integration of the special social security regime for domestic workers into the general social security system. Some months later the trade unions UGT and CCOO succeeded in convincing the Government to include an amendment to the bill for social security reform which was being debated in Parliament, leading to law 27/2011. At the same time, various organisations and civil society actors were involved in a campaign demanding the recognition of domestic workers as regular workers, hence giving them access to the same rights. This was finally carried out through Royal Decree 1620/2011.

### ***Which factors contributed to creating these legislative changes?***

According to trade unionists, a decisive factor was the fact that the Socialist Workers' Party formed the Government. This meant that the Government was comparatively open to the argument of equal employment rights and social security entitlements for domestic workers. In addition, the Socialist Workers' Party has historically been closely linked to the trade union UGT.

Another very important factor was the international context of long-running preparations for the ILO Convention 189. Concerted efforts of trade unions, domestic workers and various other civil society organisations to lobby for the Convention also put the issue on the agenda of the Spanish Government. Different groups and organisations such as Caritas and the Red Cross as well as migrant organisations and feminist groups were involved in campaigns to raise awareness of the exploitative working and living conditions of domestic workers in Spain. Protests, petitions, conferences and newspaper articles urged members of Parliament to follow the recommendations of the Toledo Pact, and in the end support could be achieved from different political parties.

*Sources: Ana María Corral, UGT and Alberto Guerrero, CCOO, personal communication (July-October 2014)*



In **Sweden**, domestic work is included in general labour laws. In addition, the Domestic Work Act from 1970 inter alia regulates working time for persons employed by private households. This Act replaced the Maid Act of 1944, which was created for maids and nannies, professions that in modern day Sweden rarely exist anymore. The Domestic Work Act today is relevant mostly for personal assistants who provide care for the elderly and persons with special needs. The Act also applies to au pairs.

In addition, the Environment Act of 2009 stipulates that employers of workers providing cleaning, maintenance and laundry services in private households are to ensure a healthy and safe environment for the employees. Employers can be the private households themselves as well as companies that place the workers in the households.

In **Switzerland**, regulations exist for the domestic work sector in the form of a General Contract (*contrat type* or *Normalarbeitsvertrag*), a decree issued by the state, based on a tripartite agreement between the social partners and the government. It defines the minimum wage and applies to all workers in the sector. Different General Contracts exist on the national and cantonal levels. The national General Contract defines the minimum wage for the domestic work sector in all of Switzerland, except the canton of Geneva. Geneva has a separate General Contract for the sector, which is mandatory in the canton and besides defining the minimum wage also makes provisions for working conditions. Domestic workers and employers can agree on higher wages but cannot go lower than the minimum wage set out for the Canton. The General Contract applies to all workers, including undocumented domestic workers who are equally covered by social security provisions through the *chèque service* system.

Other cantons have also issued such General Contracts (*contrats type*), which contain specifications on minimum wages and working conditions. However, these are not mandatory and can be digressed from in individual work contracts.

### Exceptions to rights and entitlements

In most surveyed countries, domestic workers have the same rights and entitlements as other workers under general labour law. In some countries however, domestic workers are excluded from certain entitlements, such as unemployment benefits and protection against unfair dismissal (e.g. Spain).

In **Germany**, general labour law covers domestic workers, with the exception of regulations under the national Occupational Health and Safety Law, from which they are excluded. Moreover, national legislation on working time specifically excludes live-in domestic workers; domestic workers who do not live with their employer are covered by the regulations.<sup>22</sup>

In the **Netherlands**, regulations on “services in the home” (*Regeling Dienstverlening aan huis*) contain provisions excluding employers from the duty to pay social security contributions and taxes if the domestic worker is employed for only three days a week or less. It is the

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<sup>22</sup> Hans Böckler Stiftung „Hausangestellte: Lücke beim Arbeitsschutz“, Böckler Impuls 12/2012, accessible at: [http://www.boeckler.de/40502\\_40509.htm](http://www.boeckler.de/40502_40509.htm) (accessed 08/12/2014)

worker's responsibility to pay social security and declare taxes (domestic workers are not automatically included in the social security system).

The regulations also provide for a maximum of six weeks of sick leave whereas the norm in the Netherlands is two years. These rules effectively foster informal employment relationships, where work remains undeclared and even the minimum labour rights of the domestic workers are not respected.<sup>23</sup>

Elderly and disabled persons can employ so-called "alpha workers" (*alfahulpen*) to assist them with domestic tasks. The alpha workers are paid by the state and sent to elderly or disabled persons through care companies. The legal employer however is the person receiving the care, not the care company. In accordance with the *Regeling Dienstverlening aan huis* (regulations for services in the home), alpha workers are exempted from social security coverage and do not benefit from the same labour rights as regularly employed persons.

Domestic workers in the **UK** are also excluded from certain rights and entitlements contained in national labour legislation. They are entitled to the national minimum wage, paid holidays and notice before the termination of a contract. Employers also must not force domestic workers to work excessive hours. However, domestic workers are excluded from the UK Working Time Regulations, which set limitations on weekly working time and night work. Employers also frequently rely on the 'Family Worker Exemption' in employment tribunals, claiming that the worker lived and worked as a 'member of the family', which means that they are not legally entitled to the national minimum wage.<sup>24</sup>

Moreover, in 2012 the Government removed the right of overseas domestic workers to change their employers, which greatly increases their risk of exploitation and abuse.<sup>25</sup>

### Compliance with laws and regulations through labour inspections

Ensuring compliance with laws and regulations in the domestic work sector is a major challenge as the workplace is a private home, which often places limitations on inspection visits to households. Nevertheless, many labour inspectorates in fact have a general mandate for the domestic work sector (including Finland, France, Ireland, Italy, the Netherlands, Spain and Sweden).<sup>26</sup>

Labour inspectors in **Austria** only have a mandate if an agency or institution employs the domestic worker, not if the private household employs them directly.

In **Sweden**, working conditions are not monitored by labour inspectors but by the social partners. However, since 2008 the Working Environment Authority is responsible for the supervision of occupational safety and health as well as working hours, overtime, and daily

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<sup>23</sup> Chris de Visser, FNV, personal communication (30/10/2014)

<sup>24</sup> Kate Roberts, Kalayaan, personal communication (13/02/2015)

<sup>25</sup> See for instance: Kalayaan at: <http://www.kalayaan.org.uk> <http://www.kalayaan.org.uk> (accessed 30/10/2014), and Human Rights Watch „Hidden Away. Abuses Against Migrant Domestic Workers in the UK”, March 2014, <http://www.hrw.org/reports/2014/03/31/hidden-away-0> (accessed 30/10/2014)

<sup>26</sup> ITC-ILO Curriculum on "Building modern and effective labour inspection systems", Module 16: Labour inspection in domestic work, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_308907.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_308907.pdf) (accessed 08/12/2014)

and weekly rest.<sup>27</sup>

The National Employment Rights Authority (NERA) in **Ireland** sends out letters to employers of domestic workers asking if they will allow access to their houses. If the employers refuse this, they still have to participate in interviews and share documents.<sup>28</sup>

Employers in **Finland** are responsible for providing documentation of the work schedule, including rest periods and overtime to the health and safety authority. The worker or their representative may also request a report on these records.<sup>29</sup>

In **France**, employers are obliged to give pay slips to the domestic workers, indicating wages, hours worked and bonuses or allowances.<sup>30</sup>

In 2012, the **Spanish** labour inspectorate carried out a campaign on irregular employment and migrant workers in the domestic sector. Between January and August 2012 this involved 566 inspections, which in 160 cases resulted in economic sanctions against the employers.<sup>31</sup>

Labour inspectors in Spain also have the authority to prepare a document confirming the existence of an employment relationship if they find that a domestic worker has been employed for over 6 months, even if they are irregular migrants. This can help the migrant worker to regularise their migration status and obtain a work permit.<sup>32</sup>

### Access to labour courts and tribunals

In all surveyed countries domestic workers formally have access to labour courts, tribunals or other dispute settlement mechanisms. In some countries, this aspect is also included in collective agreements (France, German-speaking Switzerland) and the Code of Practice in Ireland.

However, survey respondents frequently noted that access to enforcement and redress through labour courts for domestic workers can be difficult – especially for (undocumented) migrant domestic workers.

Domestic workers may shy away from seeking assistance or even advice due to fear of losing their jobs. This was mentioned in the case of Austria but may well apply to the situation in other countries and may be true for migrant and non-migrant domestic workers alike.

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<sup>27</sup> Regional knowledge-sharing forum: Labour inspection and the domestic work sector, Lisbon, 11-12 October 2012. [http://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---lab\\_admin/documents/meetingdocument/wcms\\_202400.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/meetingdocument/wcms_202400.pdf) (accessed 05/12/2014)

<sup>28</sup> ITC-ILO Curriculum on “Building modern and effective labour inspection systems”, Module 16: Labour inspection in domestic work, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_308907.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_308907.pdf) (accessed 08/12/2014)

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> ILO, Regional knowledge-sharing forum - Labour inspection and the domestic work sector, Lisbon, 11-12 October 2012. [http://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---lab\\_admin/documents/meetingdocument/wcms\\_202400.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/meetingdocument/wcms_202400.pdf) (accessed 10/12/2014)

<sup>32</sup> Ibid.

Many survey respondents pointed out that the situation is particularly difficult for migrant workers. Even where formal access to labour courts and tribunals exists, they face a number of considerable challenges, which very often will prevent them from taking their employers to court. These challenges may include financial difficulties (especially if they have not been paid for their work), or other needs that take priority (e.g. food, shelter, psycho-social assistance in case of experiences of abuse).

If the visa is tied to a particular employment relationship, domestic workers who leave their employers may be required to leave the country as well within a short period of time, or otherwise they will become undocumented. In practice these challenges will very often prevent domestic workers from seeking redress through legal actions.

## Representation of domestic workers

There are considerable variations in the extent and way in which domestic workers are organised in the different countries. This is influenced for instance by how strong the informal economy is in the domestic work sector, or whether the workers are considered “domestic workers” or “care workers”.

In some countries a significant number of domestic workers is organised as regular members of established trade unions. This is the case for instance in Sweden and Belgium. In these countries the sector of domestic work is also comparatively well regulated and is to a large extent part of the formal labour market.

Generally, a distinction is made between domestic work, i.e. general work related to household tasks, and care work – involving (mostly non-medical) direct care of individuals in their private homes. In many countries, trade unions organise workers of certain sectors; consequently, where domestic workers and care workers are allocated to different sectors, they might be organised by different trade unions. As mentioned above, often the line between these two areas is not as clear as the division into ‘domestic’ and ‘care’ sectors suggests. In practice, household tasks such as cooking, cleaning and washing are often carried out alongside personal care of children or the elderly. Accordingly, many trade unions and domestic worker organisations reported that they represent domestic workers who provide household tasks as well as long-term care or childcare. In some cases they indicated that the workers had initially been employed only to carry out household work but ended up providing direct care to individuals as well.

### Representation in trade unions and affiliated domestic worker organisations

Domestic workers in **Austria** are represented by the trade union Vida (trade union for transport, social, personal and health care services, and private services). 24-hour care workers are organised in the trade union GPA-djp (union of private employees, and employees of the print and journalism sectors).

Regularly employed workers automatically become members of the Chamber of Labour (*Arbeiterkammer*); the membership includes approximately 11,800 domestic workers. Since the Chamber of Labour only represents employees, 24-hour care workers who are typically self-employed in Austria, do not belong to the membership.

In **Belgium**, a large proportion of domestic work is channelled through a well-established voucher system<sup>33</sup>. In 2012, 151,137 active workers were registered within this system. The domestic workers employed under this scheme are organised by the CSC Food and Services union, which is affiliated to the Confederation of Christian Trade Unions (ACV-CSC), as well as in different sections of the General Federation of Belgian Labour (FGTB-ABVV Horval and FGTB-ABVV Centrale Générale).

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<sup>33</sup> For more information on the voucher system please see p. 3 of this report as well as annex 1.

Amongst the surveyed trade unions, ACV-CSC had the largest membership of domestic workers (over 30,000). In addition, 3,700 domestic workers are organised in the FGTV-ABVV Horval and several thousand more domestic workers are members of the FGTV-ABVV Centrale Générale.

In **Denmark**, as in other Scandinavian countries, care has traditionally been provided in large part by the state. However, in the 1990s the Government introduced tax credits on domestic work (for employers) to create jobs for low-skilled workers and prevent undeclared work<sup>34</sup>. Despite these incentives, there does not seem to be a significant workforce of persons employed as domestic workers. Instead many households, particularly families with small children, have been turning to au pair programmes. A large number of persons participating in these programmes come from the Philippines.<sup>35</sup> The trade union FOA (Union of Public Employees) argues that the au pair programme in Denmark is in fact “much like a migrant worker programme for domestic workers from third countries”<sup>36</sup>. Since 2011 they have organised more than 200 au pair workers.

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<sup>34</sup> Kvist, E. “Changing social organizations of care: a comparison of European policy reforms encouraging paid domestic work”, *European Journal of Ageing*, 9(2), 2012.

<sup>35</sup> Jakob Oluf Bang and Jean Gocotano, FOA, personal communication (05/09/2014)

<sup>36</sup> Stenum, H. “Au pair in Denmark: Cheap labour or cultural exchange - study of the au pair programme in Denmark with special focus on Filipino migrants”, FOA, 2008, p.58.

## **Au pairs: cultural exchange or guest worker programme for domestic workers? The case of Denmark**

Formally, au pair programmes are defined as cultural exchange programmes. In Denmark, the stark rise in the number of au pairs from the Philippines over the last 15 years, as well as knowledge of cases of abuse and exploitation, have motivated the trade union FOA to commission a study looking more closely at the issue. The research found that cultural exchange is neither for the employing families nor for the au pairs the primary motivator for participation in the programme. Rather, the families generally look for domestic workers and the au pairs wish to work and earn money in order to support their families in their countries of origin.

In 2011, FOA appointed an organiser and introduced a specific advisory service for au pairs. Since then, they have dealt with far more than 1000 cases. In 2013 alone, the Au Pair Network counted 2.216 cases and enquiries. Common problems of au pairs seeking advice are an excessive workload, unfair treatment and abuse, and most notably, the lack of protection if they are forced to leave their employer. Since the au pair programme is designated as a cultural exchange programme rather than a work scheme, au pairs do not have the same employment rights as regular workers in Denmark. In addition, the au pairs' residency permit is linked to their placement with a family. If the family/employer terminates the contract, the au pair is legally obliged to leave the country within 14 days. In practice this places them at very great risk of becoming undocumented and hence makes them even more vulnerable to exploitation.

In addition to offering counseling and support with employment issues, FOA also assists au pairs with immigration cases, financial problems and in dealing with the police.

FOA has established relationships with the Filipino au pair community as well as Danish churches (*Kirkernes Integrations Tjeneste* - Churches' Integration Ministry, KIT) and Caritas. Together, FOA, KIT and Caritas have established the Au Pair Network, which reaches out to au pairs and host families. Voluntary activities also include awareness raising and education on the situation of au pairs and their rights in Denmark through contacts within Filipino communities in South East Asia. Moreover, au pairs working in Denmark are reached through collaboration with a local Danish radio station that targets au pairs.

The abuse of the au pair programme as a form of recruiting cheap domestic workers has also been a focus of the Migrant Rights Centre Ireland (MRCI) and the Organisation for Undocumented Workers (OR.C.A) in Belgium.

### *Sources:*

*Stenum, H. "Au pair in Denmark: Cheap labour or cultural exchange - study of the au pair programme in Denmark with special focus on Filipino migrants", FOA, 2008.*

*Jean Gocotano and Jakob Bang, FOA, personal communication (05/09/2014)*

*Au Pair Network website: <http://www.aupairnetwork.dk/uk/>*

In **Finland**, domestic workers are usually employed by service companies in the cleaning sector. These workers are organised by the Service Union United, PAM. In 2010 it was estimated that approximately 19,000 workers were organised in the cleaning branch of PAM (out of a total membership of 221,000).<sup>37</sup>

In **France**, there are four major trade union confederations with membership in the domestic work sector: the Confédération Française Démocratique du Travail (CFDT), the Confédération Générale du Travail (CGT), the Confédération Française des Travailleurs Chrétiens (CFTC), and the Fédération Générale des Travailleurs de l'agriculture, de l'alimentation, des tabacs et des activités annexes Force Ouvrière (FGTA-FO).

In addition, the Syndicat National des Assistants Maternels et Salariés du Particulier Employeur (SYNAM-SPE) is a particular union for domestic workers and persons taking care of children outside the children's homes (*assistantes maternelles*).

The **German** trade union that represents domestic workers is the Food, Beverages and Catering trade union (Nahrung-Genuss-Gaststätten) NGG. However, the number of organised domestic workers is rather low.

Cleaning personnel are organised by the IG BAU (trade union for construction, agriculture and the environment) and care workers are organised by ver.di (services trade union). It is estimated that much domestic and care work in Germany takes place informally and is often done by migrant women (particularly from the Eastern European member states).<sup>38</sup>

In **Ireland**, according to informal estimates, there has been an increasing demand for domestic workers since the period of economic growth (mid 1990s to early 2000s), and many migrant women have been hired in this sector.<sup>39</sup> The leading national organisation representing migrant domestic workers in Ireland is the Domestic Workers Action Group (DWAG) of the Migrant Rights Centre Ireland (MRCI). DWAG was established in 2003 to improve rights and working conditions in the sector and to gain recognition for domestic work as "real" work. It has now over 300 members.

In addition, the MRCI works with the Au Pair Rights Association in Ireland (ARAI), an online group of 800 Brazilian au pairs who essentially do the same work as domestic workers. The Migrant Rights Centre Ireland and DWAG provide information on rights and entitlements, and support au pairs in accessing their rights, including through taking cases to the labour courts.<sup>40</sup>

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<sup>37</sup> Eurofound: Finland: The representativeness of trade unions and employer associations in the cleaning activities sector, <http://eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/finland/finland-the-representativeness-of-trade-unions-and-employer-associations-in-the-cleaning-activities> (accessed 12/12/2014).

<sup>38</sup> Cf. Pfau-Effinger, B.; Flaquer, L.; Jensen, P. (eds.), "Formal and Informal Work: The Hidden Work Regime in Europe", 2009;

Lutz, H. and Palenga-Möllenneck, E. "Care Work Migration in Germany: Semi-Compliance and Complicity", *Social Policy & Society* 9:3, 2010.

<sup>39</sup> Irish Congress of Trade Unions (ICTU), personal communication (7/10/2014)

<sup>40</sup> Aoife Smith, MRCI, personal communication (February 2015)



The Services, Industrial, Professional and Technical Union (SIPTU) formally organises domestic workers within their department for services, and home helps in the health division of the union. The number of domestic workers in SIPTU is still very small but the union works on developing strategies to expand their membership in this sector.<sup>41</sup>

SIPTU supported DWAG's campaign for the ratification of Convention 189 and continues to give visibility to domestic worker issues and campaigns. They also assist with mainstreaming domestic workers rights across their trade union membership.

In **Italy**, domestic workers can be organised in the respective sectoral branches of the three main trade union confederations: FILCAMS-CGIL, FISASCAT-CISL and UILTuCS-UIL, as well as the smaller union Federcolf, which only represents domestic and care workers.

FILCAMS-CGIL organises 10,000 domestic workers; UILTuCS-UIL represents 5,000. Trade unionists estimate that all these workers are employed by private households and are mostly migrant workers from other European countries, as well as (in the case of FILCAMS-CGIL) non-EU countries.

In **Malta**, the General Workers' Union organises approximately 100 domestic workers, all of whom are undocumented and are employed by private households.

Paid domestic work in the **Netherlands** predominantly takes place informally, as it has traditionally not been considered a sector for full-time employment.<sup>42</sup> As such it is one of the few areas in which (especially undocumented) migrant workers find employment.

The trade union FNV has recognised these workers as a relevant workforce and is offering membership regardless of legal residency status. The undocumented migrant domestic workers, who belong to different migrant domestic worker groups (self-help groups, some of them describing themselves as unions, but without being affiliated to official Dutch union structures) are now organised within the cleaning branch of FNV. One of these groups is the Indonesian Migrant Workers Union, which counts approximately 400 members. Other groups include the United Migrant Domestic Workers (UMDW), Otradela, Filipino Migrants in Solidarity (FILMIS), as well as Indian and Ghanaian groups. Some of these groups are also members of the RESPECT Network Netherlands, which represents undocumented migrant domestic workers.

The different domestic worker groups are represented within the "cleaners' committee" of FNV and have formed a domestic workers "organising committee". They run a campaign for the ratification of ILO Convention 189 by the Dutch Government, which would entail a reform of the domestic work sector in the Netherlands to allow domestic workers the same rights as other workers.

In **Spain**, domestic workers are organised within the relevant branches of the two big trade union confederations CCOO and UGT. Both union confederations collaborate with various NGOs and domestic worker self-organised groups, particularly at local and regional levels.<sup>43</sup> These include, among others, church communities, the catholic organisation Caritas, as well

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<sup>41</sup> Peadar Nolan, SIPTU, personal communication (25/02/2015)

<sup>42</sup> Chris de Visser, FNV, personal communication (14/10/2014)

<sup>43</sup> Ana María Corral, UGT and Alberto Guerrero, CCOO, personal communication (July-October 2014)

as NGOs, which offer advice to domestic workers and advocate for their rights in Spain. Amongst those NGOs, for example, is the Basque *Asociación Trabajadoras Hogar* (Association of Household Workers) - ATH-ELE. The organisation offers free legal assistance and advice on labour rights of domestic workers.

In **Sweden**, the trade union Kommunal (the Municipal Workers' Union) includes a membership of 1,544 domestic workers.

Due to the country's social democratic welfare state tradition, public institutions have in large part provided care services while women have been encouraged to participate in the formal labour market.<sup>44</sup> In 2007 the Government introduced tax reductions on domestic work, as a result of which more families are now buying household services.<sup>45</sup> The introduction of tax reductions also led the Board of the Swedish Trade Union Confederation LO, to decide that the union Kommunal should organise domestic workers and negotiate two collective agreements with the employer organisations Almega and KFO (which were signed in 2008).

In **Switzerland**, domestic workers can be organised in two trade unions, depending on the nature of their work: mainly cleaning (UNIA) or mainly care work (VPOD). UNIA organises workers in industry, construction and private services, plus 1,000 domestic workers, and has negotiated the national minimum wage for the domestic work sector.

The VPOD mainly represents public sector workers, including in the care sector. Through personal contacts between trade unionists, activists and (Polish) care workers in the city of Basel a group of workers (mostly from Eastern European countries) who work as domestic and care workers in the homes of elderly persons began to get organised in the VPOD. In 2013 they created the Network *Respekt* with the purpose of organising, supporting and empowering care workers to achieve better working conditions. Activities include seminars and workshops on labour rights in Switzerland as well as further training in co-operation with the Red Cross, German language classes and socialising activities.

In addition, the Geneva-based trade union SIT (*Syndical Interprofessionnel des Travailleuses et Travailleurs*) represents 600 domestic workers.

Domestic workers in the **UK** are organised within the structures of UNITE the Union. The membership includes around 1,000 workers who all fall under the category of domestic workers but are organised in different sectors of the union. Moreover, UNITE has been supporting the organisation of migrant domestic workers for over 30 years, with a current membership of approximately 200.

The trade union GMB for commercial services, manufacturing and public services organises care workers – both those who work in care homes as well as workers looking after individuals in their private homes.

In addition, the public sector union UNISON is also looking into organising home care workers, particularly personal assistants whose tasks include general household chores as well as looking after elderly persons or children.

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<sup>44</sup> Gavanas, A. "Migrant domestic workers, social network strategies and informal markets for domestic services in Sweden", *Women's Studies International Forum* (36), 2013.

<sup>45</sup> Ibid.

The UK has a labour migration scheme for domestic workers, whereby work visas are granted to domestic workers who come to the UK with their employers.<sup>46</sup> Around 15,000 persons receive a visa as a domestic worker every year<sup>47</sup>; in 2013 the number of domestic work visas was as high as 16,528.<sup>48</sup>

Migrant domestic workers had begun to organise themselves in the 1980s (primarily in London) and approached the union in the 1990s, later forming the non-profit organisation Justice for Domestic Workers (J4DW). The organisation now counts around 1000 members and is building up a second office in Leeds. Some members of J4DW are also part of the food workers' structure of UNITE.

The group campaigns for the rights of migrant domestic workers in the UK and offers various forms of assistance to domestic workers. They pay a monthly contribution of 1£ into a fund used to pay for the basic needs (such as shelter and food) of domestic workers who were forced to leave abusive employers. In addition, the members of UNITE pay £12 membership fee per month. However, 10 per cent of the collected fees go back to the group. UNITE supports the group through trainings and language classes and engages in campaigns with J4DW and the NGO Kalayaan.

## Outreach strategies

The majority of the organisations that participated in the survey provide targeted information material for domestic workers and most also engage in organising activities. Offering specific advice services often provides a useful strategy to establish contacts with domestic workers. Furthermore, an important way through which domestic workers may reach the organisations is through recommendations and referrals from other persons or organisations (this is particularly significant in the case of migrant domestic workers). Due to the invisible and isolated nature of the workplace, reaching the workers was mentioned as a major challenge by many organisations.

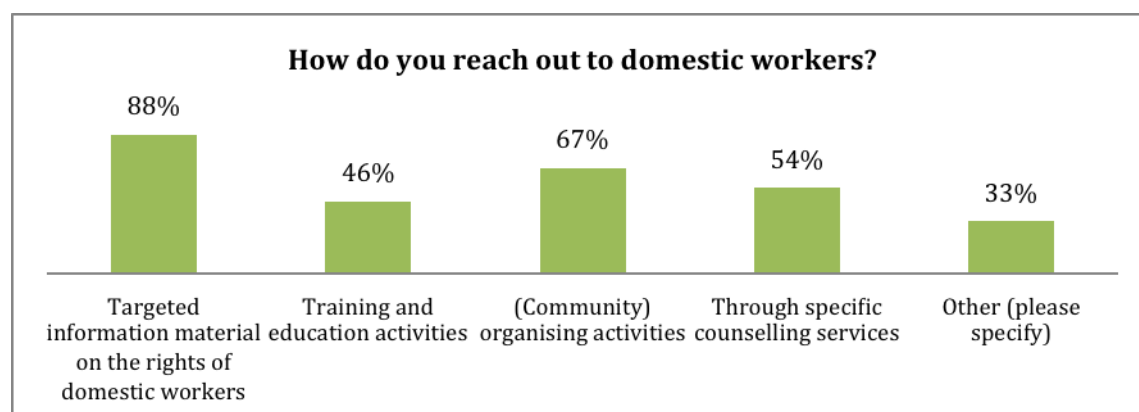
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<sup>46</sup> International Migration and the United Kingdom. Report of the United Kingdom SOPEMI Correspondence to the OECD, 2012. <http://www.geog.ucl.ac.uk/research/transnational-spaces/migration-research-unit/pdfs/sopemi-report-2012> (accessed October 2014)

<sup>47</sup> UK Home Office, Tables for "Immigration statistics, July to September 2013", 28 November 2013. <https://www.gov.uk/government/statistics/tables-for-immigration-statistics-july-to-september-2013> (accessed October 2014)

<sup>48</sup> Kate Roberts, Kalayaan, personal communication (13/02/2015)

Chart 1: Outreach strategies of surveyed trade unions and domestic worker organisations



Source: own compilation

## Services offered to domestic workers

All survey respondents offer advice on labour rights and the majority also advises on social rights and entitlements. Providing a place to meet like-minded persons and organise around specific issues is also important. Particularly the self-organised groups engage in training activities, language classes and various social activities. Some organisations also offer health advice. Other activities include campaigning, advice on migration issues and representation of workers at labour tribunals.

The majority of trade unions require domestic workers to become members in order to benefit from their services; first initial advice however is usually given without membership. In some cases membership fees are set at very low rates (especially in organisations working with undocumented migrant domestic workers).

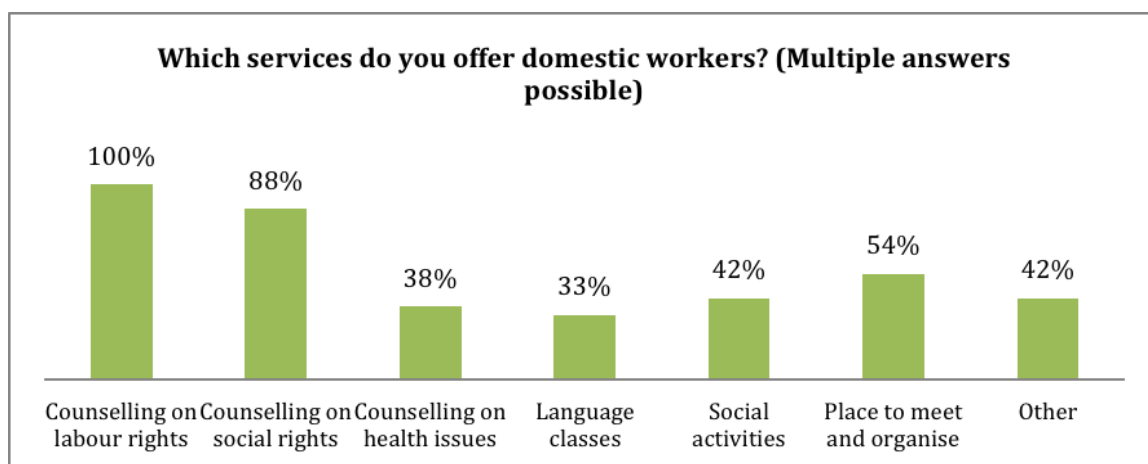
In the case of the SIT in **Geneva**, for instance, the union offers individual advice especially to undocumented migrant workers. On a first visit, advice is free. This includes a letter of authority by SIT stating that they will henceforth represent the interests of the worker. For further steps, the worker is required to become a member of the organisation. The membership fee is 0.7 % of the salary. The minimum affiliation fee is 8 CHF. The amount can be maintained at such a low level because of the internal subsidy mechanisms whereby the membership fees coming in through the more affluent sectors subsidise the other sectors.

In **Italy**, the Government partially funds “welfare centres” (*patronati*), which provide free advice and assistance in welfare related matters. Some of these *patronati* are run by trade unions – the large Italian trade unions FILCAMS-CGIL, FISASCAT-CISL and UILTuCS-UIL each operate such *patronati*. The focus of the advice services lies on social welfare and retirement issues but the *patronati* operated by trade unions also offer information and advice on employment and immigration matters.

Legal assistance for workers who wish to take action against their employers is not provided by the *patronati* but by the trade unions and requires trade union membership.

FILCAMS-CGIL also engages in information campaigns targeting migrant domestic workers through leaflets in different languages as well as Sunday meetings near churches or in public parks.

*Chart 2: Services offered to domestic workers by trade unions and domestic worker organisations (survey respondents)*



*Source: own compilation*

Support to domestic workers is provided in great part through voluntary work. With the exception of ACV-CSC in Belgium (approx. 20 paid staff), UILTuCS-UIL and FILCAMS-CGIL in Italy (30 and 15 paid staff respectively) and Kommunal in Sweden (17 paid staff), most trade unions and domestic worker organisations indicated that their work relies heavily on volunteers.

## Employer structures

Employer organisations representing employers of domestic workers do not exist everywhere. Amongst the countries covered in this study, organisations representing solely or primarily employers of domestic workers were found in Belgium, Germany, France and Italy. In most other countries domestic work is included as just one sector within employer associations that primarily represent employers of other sectors. These are often either the cleaning or the care sector. In Finland and the Netherlands, there are employer associations of cleaning companies. In the Netherlands, many domestic workers who provide cleaning services are employed by private households though, not companies, and private households are not (yet) represented by any employer organisation. There are some indications that the employer organisation for cleaning companies (OSB) might organise employers of domestic workers if ILO Convention 189 is ratified and the domestic work system is reformed.

In Denmark and Switzerland the employer organisations that cover domestic work are primarily associations of employers in the care sector. In Austria, Ireland, Spain and the UK, some employer associations include the domestic work sector but are essentially larger organisations, which cover many different sectors. In Malta, there is no representative body of employers of domestic workers (employers are generally private households in Malta).

The specific employer structures of course depend on the particular way domestic work is institutionalised and regulated in the respective country. Hence, various differences exist between the four countries with employer associations in this sector (Belgium, France, Germany, Italy). In Belgium and France there are various employer organisations, which represent either private households (FEPEM in France) or agencies involved in the voucher schemes.

In **Belgium**, companies involved in the service voucher scheme are represented by Federgon, Atou EI, Uni TS and Vlaams Platform PWA / PWA-DCO. Familiehulp, FEDOM, FESAD, FASD and FSB represent employers of home care workers. There is no employer organisation for private households directly employing domestic workers.

In **Finland**, the relevant employer organisations are the Real Estate Employers (*Kiinteistöyönantajat*) and the Association of Social Service Employers (*Sosiaaliala*). There is no association that represents private households as employers of domestic workers.

In **France**, too, there are a number of different employer organisations, depending on the type of employment relationship between the domestic worker and the employer. FEPEM is the organisation that represents private households employing domestic workers directly.

If private households make use of placement services (but the employment relationship is still between the household and the domestic worker) there are various different employer organisations such as ADESSA-DOMICILE, UNA and FNAAFP-CSF as well as FEPEM.

If a company employs the domestic worker and places them in a private household, the appropriate employer organisations are FEDESAP and FESP.

In **Germany**, the *DHB Netzwerk Haushalt* (Household Network) represents private households that employ domestic workers. The *DHB Netzwerk Haushalt* was originally founded as the Federation of German Housewives (DHB), with the primary purpose of promoting the professionalisation of home economics. While this remains their aim today, they have also become the official negotiating partner to the NGG for collective bargaining in the domestic work sector.

There are two employer organisations in **Italy**: the Italian Employers' Federation of Domestic Labour - Fidaldo (*Federazione Italiana Datori di Lavoro Domestico*) and the National Employers' Association of Domestic Labour - Domina (*Associazione Nazionale dei Datori di Lavoro Domestico*).

In **Switzerland**, no employer organisation exists to represent private households that directly employ domestic workers. However, there are two associations of companies employing domestic and care workers, particularly in the area of elderly care. These associations are *zu Hause leben* (Living at home) and the *Association Spitex Privée Suisse*.

There are also two employer organisations in **Sweden**, both of which have bargaining relationships with the trade union Kommunal. The first, Almega, is the employer association for service companies and has 10,000 members. The second employer organisation is the KFO (*Kooperationens Förhandlingsorganisation* - Co-operative Movement Bargaining Organisation). It represents co-operative businesses and non-profit organisations in the areas of healthcare, sport, religious communities, education and culture.

In the **UK** there are various agencies employing domestic workers that are not often members of any employer association. A relevant employer organisation is the Recruitment and Employment Confederation (REC). It contains various sectors; employers of domestic workers, nannies and au pairs are included in the Childcare Sector Group within REC.

Table 2: Employer organisations in the selected countries

COUNTRY	EMPLOYER ORGANISATIONS
<b>Austria</b>	No specific employer organisation in the domestic work sector All employers are represented in the Chamber of Commerce ( <i>Wirtschaftskammer</i> )
<b>Belgium</b>	<b>Federgon</b> <b>Atout EI</b> <b>Familiehulp</b> <b>Plateforme ALE</b> <b>Vlaams Platform PWA / PWA-DCO</b>
<b>Denmark</b>	Employer organisations for home care: <b>KL</b> (public employers/ municipalities) <b>Dansk Erhverv</b> (private employers) <b>Dansk Industri</b> (private employers)
<b>Finland</b>	<b>Sosiaaliala:</b> Association of Social Service Employers <b>Kiinteistötyöntajat:</b> Real estate employers
<b>France</b>	<b>FEPEM</b> (Fédération des Particulier Employeurs de France) <b>FEDESAP</b> (Fédération Française de Services à la Personne et de Proximité) <b>FESP</b> (Fédération du Service aux Particuliers) <b>ADESSA</b> <b>ADMR</b> <b>FNAAFP/CSF</b> <b>UNA</b>
<b>Germany</b>	<b>DHB Netzwerk Haushalt</b> ("Household Network")
<b>Iceland</b>	<b>Farmers' Association Iceland</b>
<b>Ireland</b>	No specific employer organisation in the domestic work sector <b>IBEC</b> (Irish Business and Employers Confederation), participated in negotiations for Code of Practice
<b>Italy</b>	<b>Fidaldo:</b> Italian Employers' Federation of Domestic Labour (Federazione Italiana Datori di Lavoro Domestico) <b>Domina:</b> National Employers' Association of Domestic Labour (Associazione Nazionale dei Datori di Lavoro Domestico)
<b>Netherlands</b>	No specific employer organisation for the domestic work sector <b>OSB:</b> - Ondernemersorganisatie Schoonmaak- en Bedrijfsdiensten (Employer association in the cleaning sector)
<b>Spain</b>	No specific employer organisation in the domestic work sector <b>CEPYME</b> (Confederación Española de la Pequeña y Mediana Empresa) <b>CEOE</b> (Confederación Española de Organizaciones Empresariales)
<b>Sweden</b>	<b>KFO</b> - Co-operative Employers' Association (Employers of various sectors, including the domestic work sector) <b>ALMEGA</b> (employer association for service companies)
<b>Switzerland</b>	<b>Verband Zu Hause leben (Federation "Living at Home")</b> <b>Association Spitex Privée Suisse</b>
<b>UK</b>	Various agencies (not affiliated to an employer association) <b>REC</b> (Recruitment and Employment Confederation)



## Collective bargaining

Within the selection of surveyed countries, collective bargaining agreements (CBAs) on domestic work were found in Belgium, France, Germany, Iceland, Italy, Sweden and the German-speaking part of Switzerland. To some extent, domestic work is also covered by agreements in Austria, Denmark and Finland. In Ireland, no CBA exists but the social partners negotiated a statutory Code of Practice in 2007, which sets out certain employment rights and protections for persons employed in private homes.

### Examples of successful social dialogue on domestic work

In **Belgium**, joint committees consisting of representatives of trade unions and employer organisations carry out collective bargaining at sectoral level. Joint committee number 322.01 regulates working conditions of domestic workers employed through the service voucher system in Belgium. The committee was formed in 2006 and contains several collective agreements covering different issues, including minimum wage and remuneration, working time (maximum of 38 hours a week) as well as stand by time/ on-call duty, daily and weekly rest times, and provisions for training, pension and social security. The agreements are regularly re-negotiated by the trade unions FGTB, ACV-CSC, CGSLB, and the employer associations Federgon, Atout EI and Plateforme ALE.

The voucher system is very successful in terms of its usage – in 2012, 151,137 active workers were registered.<sup>49</sup> It seems likely that the majority of domestic workers in Belgium participate in the voucher system and are thus covered by the CBA 322.01. However, the voucher system is not designed for live-in or full-time domestic work in one household, and undeclared domestic work still exists<sup>50</sup>, although there are no reliable estimates on its scope. The work may be undeclared to dodge taxes and/or because the domestic worker does not have the necessary work permit.

In addition to the joint committee 322.01 for workers included in the voucher scheme, there are two further agreements of relevance to domestic workers: joint committee 323<sup>51</sup> deals with the employment of domestic workers who are directly employed by private households, and joint committees 318.01 and 318.02 cover domestic work in the context of family care.<sup>52</sup> Both committees also contain several collective agreements on different issues.

In **France**, different collective agreements exist depending on the particular construction of the employment relationship between domestic worker and employer. The most common form is direct employment of the domestic worker by the household.<sup>53</sup> In this case, the appropriate

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<sup>49</sup> Bart Labeeuw, ACV-CSC, personal communication (31/10/2014)

<sup>50</sup> OR.C.A, Huishoudpersoneel. Achter gesloten deuren, 2012.

<http://www.orcasite.be/userfiles/file/Samenvatting%20huishoudwerk.pdf> (accessed 12 November 2014)

<sup>51</sup> 323 - Commission paritaire pour la gestion d'immeubles, les agents immobiliers et les travailleurs domestiques

<sup>52</sup> Sous-commission paritaire pour les services des aides familiales et des aides seniors de la Communauté française, de la Région wallonne et de la Communauté germanophone (318.01) and Sous-commission paritaire pour les services des aides familiales et des aides seniors de la communauté flamande (318.02)

<sup>53</sup> It is also common in France to hire child minders who take care of the children in their own houses (not the children's homes). There is a collective agreement covering this form of employment. However,

agreement is the collective bargaining agreement of employees of a private employer (*Convention Collective Nationale des Salariés du Particulier Employeur*). The agreement was negotiated by the trade unions CFDT, CGT, CFTC and FO, and the employer organisation FEPEM in 1999.

The second most common form of employment relationship is the domestic worker being employed by an agency that places them in a private household. The CBA for services to the individual (*services à la personne*) regulates employment relationships of domestic workers being employed by (private) enterprises. The CBA was signed in 2012 and entered into force in November 2014. The negotiating parties were the two employer associations FEDESAP and FESP, and the trade unions CFTC, CFE-CGC and CFDT.

A third CBA covers workers who work in private households but where non-profit organisations act as intermediaries placing the domestic worker in the household. This CBA (*Convention collective nationale de la branche de l'aide, de l'accompagnement, des soins et des services à domicile*) was negotiated in 2010 and has been in force since 2012. Signatories were the trade unions CFDT, CFTC, CGT, CFE-CGC, FO, UNSA-SNAPAD, and the employer organisations l'USB Domicile Adessadomicile, ADMR, FNAAFP-CSF and UNA.

The CBAs are valid for all employers and employees in the respective field of application, irrespective of membership in trade unions or employer associations.

In **Germany** there is a tradition of collective bargaining between the trade union NGG and the employer organisation DHB Netzwerk Haushalt. Agreements are negotiated on the federal and regional levels with the agreement on the federal level laying out general working conditions such as working time, rest and holidays while the regional agreements define remuneration for different levels of qualifications.

The relationship between the two negotiating parties has been well established since the 1950s. The DHB has focused on professionalising domestic work and still offers information and training courses on home economics and professional housekeeping. In 1952, NGG asked DHB to register as the employer association for employers of domestic workers in order to negotiate a collective agreement. The first national collective agreement between NGG and DHB was signed in 1955.

The agreements only legally apply to members of NGG and DHB Netzwerk Haushalt. This limits their application to a very small number of workers and employers. However, according to DHB Netzwerk Haushalt, they encourage using the agreement as a model for employment contracts drawn up by employers and workers who are not members of the respective organisations. The agreement has also been referred to in court cases.

The **Italian** national CBA on domestic work (*CCNL Lavoro Domestico*) was first signed in 1974 and was last re-negotiated in 2013. The negotiating parties were FILCAMS, FISASCAT, UILTuCS and Federcolf, and the two employer associations Fidaldo and Domina.

The **Swedish** trade union Kommunal has negotiated CBAs with the two employer organisations KFO and Almega. The agreements cover workers who are employed by companies rather than private households. They cover minimum wage, overtime, daily and weekly rest, holidays, and provisions for pension entitlements as well as sick leave and

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these *assistants maternels* do not fall under the ILO definition of domestic workers and are therefore not included in this study.

accident insurance. Moreover, domestic workers have the same access to maternity leave and social security as other workers.

They are re-negotiated on a regular basis, the current agreements being valid until 2016.

### **Case study: Collective bargaining agreement on non-medical home care of the elderly in German-speaking Switzerland**

In 2014 the trade union UNIA and the employer association *zu Hause leben* ("Living at home") signed a collective agreement on non-medical care for the German-speaking part of Switzerland. The agreement applies to non-medical care workers who are hired by companies placing them in the household of elderly persons with special needs. The tasks include general household chores such as cooking, doing the laundry and the shopping, and assistance with various everyday activities.

Most notably, the social partners developed a special model regulating working time for live-in domestic workers, taking into account on-call duty and stand-by time. Other issues covered in the agreement include: remuneration, rest times, sick leave, accident insurance, maternity leave, social security, decent working and living conditions for live-in workers, protection against violent and abusive practices, notice period/ protection against unfair dismissal, and recognition of qualifications and work experience as well as provisions for (further) training.

The collective agreement is not yet in force (as of November 2014) as the aim of the signing parties is for the agreement to be universally applicable throughout the sector. This requires a certain procedure whereby the *Bundesrat* (Federal Council) approves the collective agreement and declares its universal validity. It will then apply to all employers (companies) and employees in non-medical care.

#### ***What lead to the development of the CBA on non-medical care of elderly persons at home?***

As is the case in other European countries, in Switzerland, too, it has become increasingly common over the last decades to hire help (mostly women and often migrants) for domestic and elderly care work. The collective agreement between UNIA and *zu Hause leben* intends to regulate the employment of non-medical care workers assisting elderly persons in their private homes.

In 2010 and 2011, much public and political debate in Switzerland focused on the free movement of persons from the new EU member states, and a perceived "threat" to the labour market and social system. In order to combat wage dumping, trade union campaigns emphasised the necessity of equal pay regardless of migration status or country of origin. Simultaneously, there was significant media coverage of the exploitation of 24-hour care workers who were not paid the minimum wage set out in the General Contract (*Normalarbeitsvertrag / contrat type*).

The issue has been complicated by the fact that no clear definition of the profession of these care workers exists, thus leading to a general uncertainty amongst many actors in the field as to which rules and laws should be applied. As the sector is marked by precarious working conditions and high risk of exploitation and abuse, the trade unions have advocated for better regulations, above all concerning working time and fair pay. At the same time, the lack of regulation of the sector and low recognition of the work was also perceived as problematic by placement agencies that had an interest in developing the profession and in operating under fair conditions on a level playing field. One such company in particular was interested in regulating the sector and initiated the founding of an employer association representing service companies placing workers in private homes. This employer association (*zu Hause leben*) then entered into talks with the trade union UNIA. Negotiations took 1.5 years and resulted in the above-mentioned CBA on non-medical care.

*Sources: Christine Michel, UNIA (personal communication, 11/06/2014) and Paul Fritz, Home Instead (personal communication, 21/10/2014)*

## Other agreements

Other relevant collective agreements and other forms of agreement exist in Austria, Denmark, Finland, Iceland, the Netherlands and Ireland.

**Austria** does not have a full collective agreement on domestic work; however, there is an agreement on the minimum wage for domestic workers, graded according to qualifications and work experience. In addition, CBAs exist for care work, including care workers who provide “low skilled” assistance with everyday activities and household tasks. 24-hour care workers who provide care to the elderly in their private homes are mostly self-employed and therefore do not benefit from the minimum wage agreement.

There is no specific collective agreement on domestic work in **Denmark** either, possibly because domestic work has not traditionally been seen as a sector for paid employment. As in other Scandinavian countries, public institutions have usually provided much of childcare and care for the elderly. This has been undergoing changes though, and as in other countries it has become more common to outsource domestic work – in the case of Denmark, largely to migrant women from the Philippines. Collective agreements on home care exist between the trade union FOA and public and private providers in the care sector.

According to the **Finnish** trade union PAM, it is unusual for private households to hire domestic workers in Finland and there is no CBA covering such an employment relationship. Private households may buy cleaning services from companies sending a worker to the house. This employment relationship has been covered by collective agreements for many years. The current agreement was negotiated by PAM and the Association of real estate employers and is valid until January 2017.

There is a CBA in **Iceland** covering hired help in agriculture, including persons in charge of the household and cooks working on farms. The agreement contains clauses on holidays, working hours and leave. Special clauses regulate accommodation, privacy and wage deduction for food and accommodation for the employee’s children. The CBA was last re-negotiated by the Federation of General and Special Workers in Iceland (SGS) and the Farmers Association of Iceland in 2014.

In the **Netherlands**, the trade unions FNV and CNV Vakmensen negotiated a collective agreement for the cleaning sector, including private homes, with the employer organisation OSB in 2014. This agreement only covers cleaning personnel who are employed through agencies, though; workers employed directly by private households are not part of the agreement.

There is no CBA on domestic work in **Ireland**. However, domestic workers are protected by employment legislation. Working conditions and employment rights of workers employed by private households are covered in a statutory Code of Practice, which was negotiated by the social partners in 2007. The Code makes reference to employment laws and therewith is legally binding. Domestic workers (with legal residency status) can take cases to the labour courts, which can make reference to the Code. Yet, it is difficult to enforce favourable judgements given by labour courts with the result that many domestic workers have not received the payments owed them by their employers.

Moreover, undocumented domestic workers are excluded from the possibility to seek redress through the labour courts, although new legislation enacted in 2014 provides undocumented workers with access to the circuit courts as a means of seeking legal redress.

The Domestic Workers Action Group (DWAG) facilitated consultations and workshops with input provided by the trade unions leading up to the Code of Practice.

Through their strategic campaigns, organising domestic workers and awareness-raising work, MRCI and DWAG have achieved a significant shift in the perception of domestic workers as workers with full employment rights, hence contributing to long-term sustainable advances in the field of domestic workers' rights. These include the commencement of labour inspections in the domestic work sector in 2011, ratification of the ILO Convention 189 in 2014, and new 'Guidelines for Employing Domestic Staff in Embassies and Diplomatic Households' of the Department of Foreign Affairs, introduced in September 2014.

### **Factors contributing to the conclusion of collective bargaining agreements**

Trade unions, domestic worker groups, migrant workers organisations and employer associations were asked how important certain factors had been for the conclusion of agreements on domestic work (charts 3 and 4).<sup>54</sup> Most respondents expressed that the commitment of trade unions and employers had been very important or important. In some cases, the self-organisation of domestic workers was also considered very important (by trade unions and domestic worker groups) or important (by employers).

Mixed views exist on collaboration with or consultation of domestic worker groups and NGOs: some trade unionists thought that collaboration with domestic worker organisations and/or NGOs had been important (France, Italy, Switzerland) or very important (Austria); almost the same number of respondents felt that it had been unimportant (Belgium, Germany, Italy, Sweden).

Employers regarded consultations of domestic worker groups as unimportant (except in Finland). Whereas trade unionists and domestic worker organisations allocated some significance to public awareness and media attention, employers did not think that this had played a significant role.

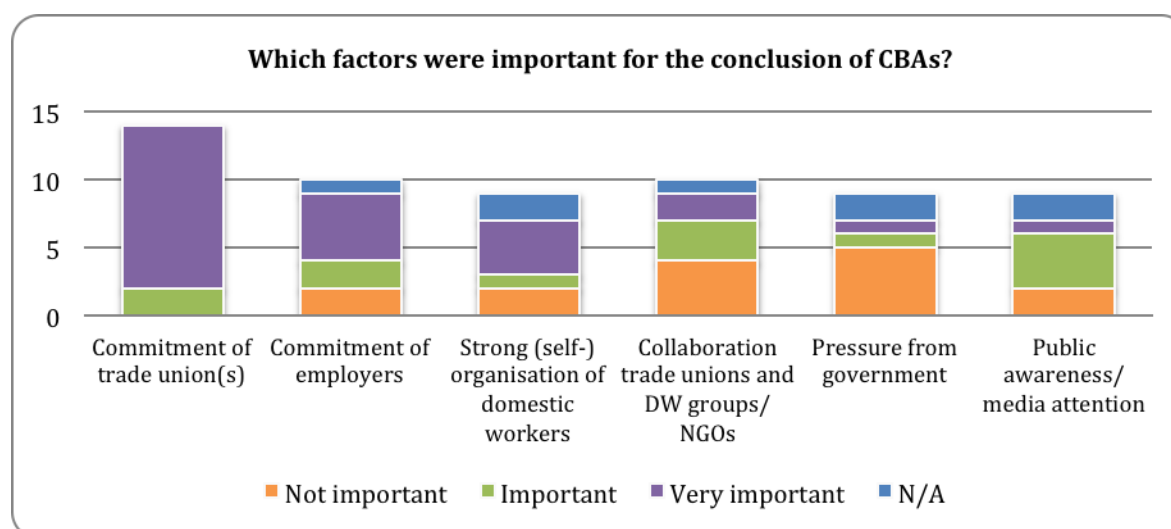
Neither trade unions nor employer associations perceived pressure from the Government as important in bringing about a collective agreement.

As motivating factors for engaging in negotiations, employers named the wish to professionalise domestic work and gain recognition for the occupation, to introduce regulations to create a favourable environment for employment in private households, and to avoid undeclared work.

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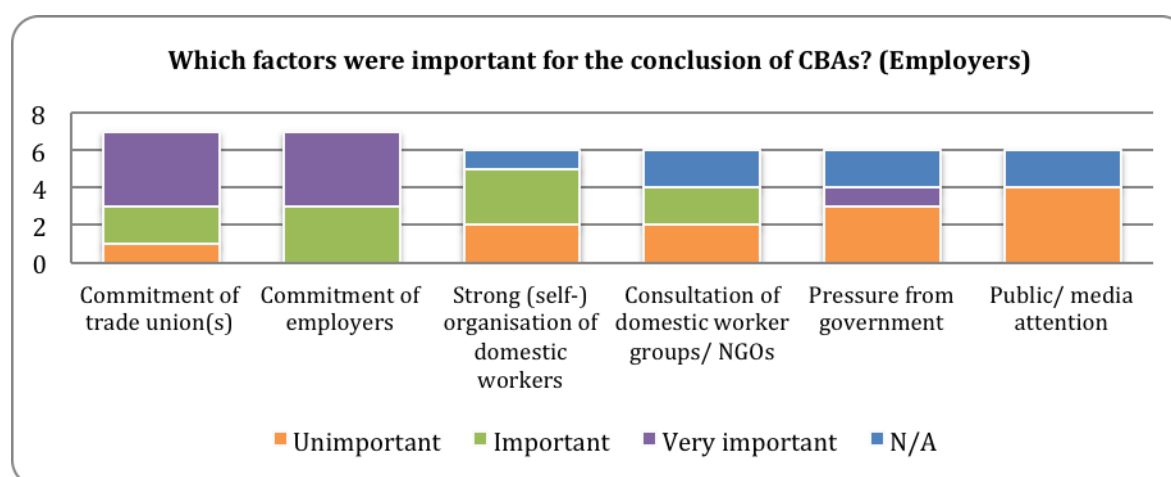
<sup>54</sup> The data given here reflects individual opinions and estimations of the survey respondents; it is not representative of the whole sector.

*Chart 3: Important factors for the conclusion of CBAs – trade unions and domestic worker organisations*



*Source: own compilation*

*Chart 4: Important factors for the conclusion of CBAs – employer organisations*



*Source: own compilations*

### ***Outlook: Views on factors needed to promote industrial relations in the domestic work sector***

When asked about their views on what would be needed to improve the situation of domestic workers in their countries, respondents from trade unions and domestic worker organisations most often named: better organisation of domestic workers, better collective agreements, and changes to immigration laws regulating access to the labour market.

Furthermore, respondents regarded more commitment from trade unions, ratification and implementation of ILO Convention 189 and application of Recommendation 201 as important factors to improve the situation of domestic workers.

Employer representatives, too, noted that a better organisation of domestic workers was important as well as collective agreements and more commitment from employers. In addition, employers said more commitment from trade unions and better dialogue between the social partners would be desirable.



## Conclusions

In general, domestic work is an important economic sector in the European countries included in this study. Moreover, it is likely that the demand for domestic workers will continue or even increase as European populations become older, yet public provision of services is reduced. Domestic work should therefore be (more widely) recognised as a significant sector for employment, which needs to be regulated. This also means challenging the undervaluation of domestic and care work, which to a certain extent legitimises low pay and a lack of regulation, and thereby consolidates the informal nature of domestic work.

The results of this research show a very heterogeneous picture of the representation of workers and employers, and regulations in the domestic work sector in Europe. Due to the informal character of the sector in many countries, and the isolated and invisible nature of the workplace, it is difficult for domestic workers to get organised, or for trade unions to reach domestic workers. However, the study has shown that trade unions and domestic worker organisations employ a range of strategies, including organising activities, offering specific advisory services as well as room for social and political activities, and targeted information materials and trainings. In addition, domestic workers often reach the respective union or organisation through word of mouth and referrals from other actors in the field (e.g. churches, NGOs), in which case it is important to establish networks between the organisations involved.

There are different forms of employment relationships in the sector: the contract can exist between the worker and the household, in which they work, or between the worker and an agency. This is reflected in employer structures as employer associations may represent private households (such as FEPEM, DHB Netzwerk Haushalt) or agencies and companies with varying focuses (e.g. cleaning or care).

It certainly is a particularity of the sector that many of the employers are private households – in some or many cases individuals who are themselves under economic pressure and may resort to informal employment arrangements including undeclared work not least because they feel unable to afford services on the formal labour market.

Voucher schemes and correlating collective bargaining agreements as in the case of Belgium appear to offer effective ways to regulate domestic work. Yet, good working conditions need to be ensured for all domestic workers, not only those participating in the voucher schemes.

The countries included in this study have very different structures in place to regulate employment in the domestic work sector. In some cases, functioning social dialogue in the sector exists and has led to the conclusion of comprehensive collective bargaining agreements. However, often these agreements only apply to a specific group of domestic workers, such as those participating in voucher systems (e.g. Belgium), where they are employed by agencies (e.g. Sweden) or where both worker and employer are organised in the respective negotiating organisations (Germany). Domestic workers who fall outside these groups do not benefit from the agreements.

Migrant domestic workers, especially if undocumented, resident on au pair visas or other visas tying them to their employers (e.g. UK) very often face significant difficulties accessing their labour rights or are excluded from them altogether (as in the case of domestic workers on au pair visas in Denmark). It is therefore a continuing challenge not only to put adequate regulations for the domestic work sector in place but also to make sure that these regulations cover all workers and all employers, and that they are in fact applied in practice. In order to develop ideas and strategies on how this can be achieved further research on this topic and the exchange of experiences and good practice are highly encouraged.



## Annex 1: Service voucher schemes in the domestic work sector

Country	Description	Employment relationship	Social security coverage	Collective agreements / laws	Tax reduction
<b>Austria</b>	<p><i>(Dienstleistungsscheck)</i> In force since 2006</p> <p>To be used for temporary work below the marginal earnings threshold of 395.31EUR per month, plus holiday pay and other special payments (a maximum amount of 541.52 EUR can be paid per month).</p> <p>Managed through service cheque competence centre (DLS Kompetenzzentrum): <i>Versicherungsanstalt für Eisenbahnen und Bergbau (VAEB)</i></p> <p>The vouchers can be bought at newsagents, post offices, the VAEB or online.</p> <p>The employer fills in the necessary details for the voucher (social security numbers of employer and worker and day of work) and sends it to the VAEB or a health insurance company. The VAEB transfers the money to the domestic worker's account. The vouchers can be used by Austrian nationals, EU citizens and third country nationals with a work permit.</p>	The domestic worker is employed by a private individual / household	<p>The employee is covered by accident insurance (contributions paid by employer).</p> <p>The worker is expected to register with health insurance and pension funds individually.</p> <p>No unemployment insurance.</p>	Minimum wage agreement for domestic work (Different minimum wages according to levels of qualification and tasks performed in the household) <sup>55</sup>	Costs for childcare may be deducted from taxes if the domestic worker has completed a minimum training.

<sup>55</sup> For the exact amounts of minimum wages see: Bundesgesetzblatt für die Republik Österreich, 21 November 2014: [http://www.sozialministerium.at/cms/site/attachments/6/4/1/CH2306/CMS1324291189169/vo\\_hausgehilfen\\_oesterreich.pdf](http://www.sozialministerium.at/cms/site/attachments/6/4/1/CH2306/CMS1324291189169/vo_hausgehilfen_oesterreich.pdf) (accessed 02/02/2015)

Country	Description	Employment relationship	Social security coverage	Collective agreements / laws	Tax reduction
<b>Belgium</b>	<p><i>(Titre services)</i> In force since 2004</p> <p>The firm Sodexo manages the service voucher scheme.</p> <p>Service agencies that are accredited for the voucher system send domestic workers to private households.</p> <p>The service user (household) gives vouchers to the domestic worker who hands them in to the firm that employs them. The firm collects the vouchers and sends them to Sodexo, which reimburses the firm.</p> <p>The service user pays 9 EUR for a voucher providing one hour's work; the worker is paid 13.04 EUR per hour. The firm receives 22.04 EUR per voucher from Sodexo.<sup>56</sup> The difference between the amount the user pays and the amount paid to the service company is covered by the Belgian state.</p>	The domestic worker is employed by service firms. Households/ private individuals are service users	Domestic workers under the voucher system are covered by social security.	General labour law and the collective agreement 322.01 cover domestic workers employed under the voucher system. The domestic workers all have the same type of contract: the "service voucher employment contract" ( <i>contrat de travail titre-services</i> )	Service users are entitled to a tax reduction of 30% of the amount paid for the service vouchers in one year. (The maximum amount that can be claimed is 1,400 EUR.) <sup>57</sup>

<sup>56</sup> Rates as of November 2014 (cf. <http://www.emploi.belgique.be/defaultTab.aspx?id=651><http://www.emploi.belgique.be/defaultTab.aspx?id=651>, accessed 26/11/2014)

<sup>57</sup> Service Public Fédéral Finances, Titres-services: [http://finances.belgium.be/fr/particuliers/avantages\\_fiscaux/titres-services\\_et\\_cheques\\_ale/titres\\_services/#q7](http://finances.belgium.be/fr/particuliers/avantages_fiscaux/titres-services_et_cheques_ale/titres_services/#q7) (accessed 27/11/2014)

Country	Description	Employment relationship	Social security coverage	Collective agreements / laws	Tax reduction
France	<p>CESU (<i>chèque emploi service universel</i> – universal service employment voucher); in force since 2006</p> <p>Two forms of service cheques exist:</p> <ol style="list-style-type: none"> <li>1. CESU bank cheque <ul style="list-style-type: none"> <li>- Issued by banks that have an agreement with the State</li> <li>- Used exclusively for the payment of employees that are hired by private individuals</li> <li>- The domestic worker receives a CESU cashier check</li> <li>- Employer fills out a form for social contributions which is sent to the National CESU Centre</li> </ul> </li> <li>2. Prepaid CESU service cheque <ul style="list-style-type: none"> <li>- Can only be issued by ANSP (Agence Nationale des Services à la Personne)</li> <li>- Fixed value payment issued to a particular worker</li> <li>- Employer may hand it to service company sending the DW or they can give it to the domestic worker directly</li> </ul> </li> </ol>	The employment contract can exist between a private household and the domestic worker or the domestic worker and a service company (prepaid service cheque)	National CESU Centre calculates contributions to be paid by employer, based on the wages paid	<p>General labour law applies;</p> <p><u>Collective agreements:</u></p> <ol style="list-style-type: none"> <li>1. Convention Collective Nationale (CCN) des <b>Salariés du Particulier Employeur</b> (1999) (private household as legal employer)</li> <li>2. CCN de la branche de <b>l'aide, de l'accompagnement, des soins et des services à domicile</b> (2010)(intermediary services of non-profit agencies placing DW in households)</li> <li>3. CCN entreprises de <b>services à la personne</b> (2012) (the worker is employed by a service company)</li> </ol> <p>The national minimum wage is 9.61€ per hour and 1 457.52 € per month (before tax) (January 2015)<sup>58</sup></p>	<p>Employers are entitled to a tax reduction worth 50% of the amount spent on wages and social security. There is a ceiling of 12,000 EUR which can be raised in certain situations (e.g. family members with disabilities)<sup>59</sup></p> <p>Prepaid service cheque: firms/ companies get tax credit of 25% of the money paid (up to 500,000 EUR per year)</p>

<sup>58</sup> “Smic 2015 : montant mensuel et taux horaire”: <http://www.journaldunet.com/management/remuneration/smic-mensuel-et-smic-horaire.shtml> (accessed 04/02/2015)

<sup>59</sup> ILO brochure “Formalizing domestic work through the use of service vouchers-The particular cases of France, Belgium and the canton of Geneva”, 2013.

Country	Description	Employment relationship	Social security coverage	Collective agreements / laws	Tax reduction
Geneva <sup>60</sup> (CH) <sup>61</sup>	<p>(<i>Chèque service</i>) In existence since 2004, since 2008 managed by the company PRO</p> <p>The employing individual or household and the domestic worker register their membership with PRO and send a monthly wage declaration, signed by both employer and employee. Both keep a receipt of the paid wages.</p> <p>The domestic worker has to provide an identity document but no residency or work permit. Undocumented migrant domestic workers can participate in the <i>chèque service</i> scheme and obtain a social insurance card without the risk of their status being revealed to the immigration authorities.</p>	The domestic worker is employed by a private individual/household.	<p><i>Chèque service</i> calculates the social security contributions based on the wage declaration sent in by employer and employee. The contributions are invoiced to the employer and transferred to the social insurance funds (covering old age and invalidity insurance, maternity insurance, family allowances, accident insurance).</p> <p>Foreign domestic workers can seek reimbursement of their contributions to old age and invalidity insurance if they leave Switzerland.</p>	<p>The standard employment contract or General Contract (<i>contrat type</i>) for Geneva applies.</p> <p>The <i>chèque service</i> monitors whether the minimum wage is paid. (The minimum wage varies according to level of qualification and tasks of the domestic worker.)<sup>62</sup></p>	No tax deductions are available.

<sup>60</sup> Ibid.

<sup>61</sup> Employment voucher systems also exist in the cantons Vaud, Fribourg, Neuchatel, Jura, Jura Bernois, Valais, Tessin

<sup>62</sup> For the exact amounts of minimum wages see: [http://www.ge.ch/reactions-travail/doc/ctt/vigueur/03\\_2014-modifications.pdf](http://www.ge.ch/reactions-travail/doc/ctt/vigueur/03_2014-modifications.pdf) (accessed 02/02/2015)

Country	Description	Employment relationship	Social security coverage	Collective agreements / laws	Tax reduction
Germany	<p>(<i>Haushaltsscheck</i>)</p> <p>Intended to simplify registration of part-time work below a marginal earnings threshold of 450 EUR per month (<i>Minijobs</i>) with national insurance and tax authorities.</p> <p>Managed through <i>Minijob-Zentrale</i>; employer and worker register with the <i>Minijob-Zentrale</i> and fill out the cheque, providing information on wages to be paid per month. The <i>Minijob-Zentrale</i> calculates contributions to social security insurance, accident insurance and other payments and deducts them from the employer's account.</p>	The domestic worker is employed by a private individual/household	Private households pay reduced contributions to social security, accident insurance and pension funds, which are calculated by the <i>Minijob-Zentrale</i> and directly deducted from the employer's account (no need to register the domestic worker with social security individually).	General labour law applies 1 January 2015 a minimum wage of 8.50 EUR/ hour will come into effect.	Private households are entitled to deduct 20% of the total costs of their <i>Minijob</i> expenses (salary and contributions to the social and accident insurance) from their income tax. (Maximum amount of refund: 510 EUR per year)
Italy	<p>Labour vouchers (<i>Buoni lavoro</i>) were created in 2003.</p> <p>The vouchers are intended for short-term occasional work, which can include domestic work (but the primary focus lies on agricultural and hospitality sectors).</p> <p>A worker can be employed under the Buoni Lavoro scheme only up to an income of 5,000 EUR per year (employers can purchase as many vouchers as they like)</p> <p>The scheme is subsidised and administered by municipalities.</p>	Domestic workers employed by a private individual/household	No particular provisions for social security in relation to the use of vouchers; according to the national collective agreement, all domestic workers are covered by social security.	Collective agreement on domestic work (CCNL) applies	Tax benefits exist to promote the use of the vouchers; for domestic chores, the ceiling is set at 1,549 EUR per year. <sup>63</sup>

<sup>63</sup> Farvaque, N. "Developing personal and household services in the EU - A focus on housework activities. Report for the DG Employment, Social Affairs and Social Inclusion", ORSEU, 2013.

## Annex 2: Issues covered by collective agreements

Content	Austria	Belgium	France	Germany	Ireland	Italy	Sweden	Switzerland (DE)	Switzerland (Geneva)
Minimum wage	X	X	--	--	X	X	X	X	X
Remuneration	X	X	X	X	X	X	--	X	--
Maximum working hours	--	X	X	X	X	X	--	X	X
Overtime	--	X	X	X	X	X	X	X	X
On-call duty/stand-by	--	X	X	X	X	X	--	X	--
Daily/ weekly rest	--	X	X	X	X	X	X	X	X
Holidays	--	--	X	X	X	X	X	X	X
Training	--	X	X	--	--	X	--	X	--
Recognition of qualifications/ work experience	--	--	X	X	--	X	--	X	X
Pension entitlements	--	X	--	--	--	X	X	--	X
Social security	--	--	X	--	X	X	--	X	X
Unemployment insurance	--	--	--	--	--	--	--	--	--
Sick/ accident leave	--	--	X	--	--	X	X	X	X
Maternity leave	--	X	X	--	X	X	--	X	X
Parental leave	--	--	--	--	--	--	--	--	--
Health insurance	--	--	X	--	--	--	--	--	--
Accident insurance	--	--	X	--	--	X	X	X	X
Decent working conditions for live-ins	--	--	X	X	X	X	--	X	X
Decent living conditions for live-ins	--	--	--	X	X	X	--	--	X
Protection against abuse/ violence	--	--	X	--	X	X	--	X	X
Protection against unfair dismissal/ notice period	--	--	X	X	X	X	--	X	X
Redundancy payment	--	--	X	--	X	--	--	--	--
Access to courts/ dispute settlement mechanisms	--	--	X	--	X	--	--	X	--

**CBAAs referred to in table above:**

<i>Austria:</i>	Agreement on minimum wage, no full CBA exists on domestic work
<i>Belgium:</i>	Agreement 322.01 (applies to persons employed through the <i>service cheque</i> system)
<i>France:</i>	Agreement on direct employment of domestic workers without involvement of placement services through firms or NGOs ( <i>Convention Collective Nationale des Salariés du Particulier Employeur</i> )
<i>Germany:</i>	CBAAs between NGG and <i>DHB Netzwerk Haushalt</i> , federal and regional levels
<i>Ireland:</i>	No CBA exists; data refers to the Code of Practice, which was negotiated by the social partners
<i>Italy:</i>	CBA on domestic work ( <i>CCNL lavoro domestico</i> )
<i>Sweden:</i>	Data refers to CBAAs between Kommunal and KFO, and Kommunal and Almega (similar agreements)
<i>Switzerland (DE):</i>	Data refers to the agreement on non-medical care negotiated by UNIA and <i>zu Hause leben</i>
<i>Switzerland (Geneva):</i>	Data refers to the statutory agreement on domestic work ( <i>contrat type sur l'économie domestique</i> )