



**2015/2094(INI)**

02.12.2015

# **COMPROMISE AMENDMENTS A - U**

**Draft opinion**  
**Tania González Peñas**  
(PE565.002v01-00)

Women domestic workers and carers in the EU  
(2015/2094(INI))



## Amendment A

Compromise amendment replacing Amendments **68, 69, 70, 72, 73**

### Draft opinion

#### Paragraph 1

##### *Draft opinion*

1. Encourages the Member States to ratify ILO Convention 189, and urges those who have already done so to apply it stringently;

##### *Amendment*

1. Encourages ***all*** Member States to ***urgently*** ratify ILO Convention 189, and ***ensure that it is applied stringently so as to improve working conditions and to ensure compliance with the articles of said Convention and ILO Recommendation R-201 of 2011 on decent work for domestic workers; Recalls that governments, in accordance with the ILO's Constitution, have the obligation to submit the Convention and Recommendation to their national legislatures in order to promote measures for the implementation of these instruments, and that, in the case of the Convention, the submission procedure also aims to promote ratification;***

Or. en

## Amendment B

Compromise amendment replacing Amendments **77, 80 (partly), 191 (partly)**

### Draft opinion

#### Paragraph 1 a (new)

##### *Draft opinion*

##### *Amendment*

***1a. Calls on the Commission and Member States when revising and proposing relevant legal acts or national legislation respectively to ensure that the interests of domestic workers and carers are taken into consideration while respecting national competences.***

Or. en

## **Amendment C**

Compromise amendment replacing Amendments 80 (partly), 162

### **Draft opinion**

#### **Paragraph 1 b (new)**

*Draft opinion*

*Amendment*

***1b. Calls upon the Member States to establish a dedicated legal framework in order to set out the rights and responsibilities of those concerned allowing for legal and organised employment of domestic workers and carers, in order to provide legal certainty for both – workers of this sector and their potential employers; asks that the specific details of the working contract be taken into account accordingly, as well as the fact that many employers are private individuals who may be unfamiliar with legal protocols;***

Or. en

## **Amendment CA**

Compromise amendment replacing Amendments 79

### **Draft opinion**

#### **Paragraph 1 c (new)**

*Draft opinion*

*Amendment*

***c. Calls on the Commission to continue to work towards a Carers' Leave Directive as requested by the European Parliament and welcomes the Commission's commitment to a 'new start for working parents and care-givers' initiative;***

Or. en

## Amendment D

Compromise amendment replacing Amendments **84, 85, 88, 89, 172**

### Draft opinion

#### Paragraph 2

##### *Draft opinion*

2. Calls for measures to be taken to ensure full compliance with the law on issues affecting this group, to step up labour inspections so as to clamp down on unlawful behaviour and to facilitate and incentivise legal hiring practices;

##### *Amendment*

2. Calls *on Member States following article 17 of ILO convention 189 to establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers; and to develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations. In so far as compatible with national laws and regulations, such measures shall specify the conditions under which access to household premises may be granted, having due respect for privacy. In line with national regulations asks Member States to consider mechanisms to effectively address abuses such as in-residence inspections in cases where there is manifest suspicion of abuse;*

Or. en

## Amendment L

Compromise amendment replacing Amendments **75, 124**

### Draft opinion

#### Paragraph 2a (new)

##### *Draft opinion*

##### *Amendment*

*2a. Recognises the reluctance of some Member States to legislate for the private sphere, nevertheless considers that non-*

*action will come at a high cost for both society and the concerned workers; stresses that the predicted growth of demand for care workers in particular in the home sphere makes such legislation a necessity in order to fully protect such workers; therefore, calls on the Member States together with the social partners to take measures to provide an adequate and appropriate system of inspection, consistent with Article 17 of the ILO Convention 189, and adequate penalties for violation of occupational safety and health laws and regulations.*

Or. en

## **Amendment E**

Compromise amendment replacing Amendments **90 (partly), 101**

### **Draft opinion Paragraph 2 b (new)**

*Draft opinion*

*Amendment*

*2b. Calls on the Member States to invest in more and better ways of preventing, detecting and combating the considerable amount of undeclared employment in the domestic work and care sector, especially regarding the cases of human trafficking and labour abuse and those involving companies providing domestic and care services using undeclared and bogus-self-employment, so as to protect workers and to promote the transition from undeclared work to declared work through better protection and better, more streamlined labour control and inspection mechanisms;*

Or. en

## **Amendment F**

Compromise amendment replacing Amendments **78, 93, 99**

### **Draft opinion**

#### **Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

*2a. Reminds the Member States of the importance of effectively combating situations of undeclared work in which domestic workers and carers often find themselves; that undeclared work deprives them of social security cover and has a negative impact on their working conditions in terms of health and safety; Welcomes the European Platform against Undeclared Work for preventing and discouraging undeclared work, as the undeclared economy threatens job security, affects the quality of care and working conditions for many undeclared carers, puts the sustainability of the social welfare system at risk and reduces the tax income to the State's coffers;*

Or. en

## **Amendment G**

Compromise amendment replacing Amendments **81, 91, 95, 150, 152**

### **Draft opinion**

#### **Paragraph 2 d (new)**

*Draft opinion*

*Amendment*

*2d. Recommends Member States that clear regulation for declared employment of domestic workers and carers should be supported by incentives for domestic workers as well as their potential employers to choose the legal way of employment; and encourages the Member States to put in place tax aid for families that employ domestic workers and carers*

*and simple declaration systems so as to discourage and tackle the issue of undeclared employment, as recommended by the European Economic and Social Committee in its opinion on developing services to the family to increase employment rates and promote gender equality at work( SOC/508) ;Recommends that the Commission promote the exchange of best practices between the Member States, following the example of successful models that have had a positive impact on the sector in social and labour terms, e.g. the ‘service vouchers’ introduced by Belgium and the ‘universal service employment cheque (CESU)’ in France; welcomes the comprehensive social effect of such professionalisation, especially in rural areas;*

Or. en

## **Amendment H**

Compromise amendment replacing Amendments **92, 94, 124, 137, 155, 163, 191**

### **Draft opinion Paragraph 2 e (new)**

*Draft opinion*

*Amendment*

*2e. Calls on the Commission and Member States to ensure and enforce an appropriate level of health and safety at work, for example maternity protection, and to take action to prevent work-related accidents, risks of occupational injuries and diseases; for those already working in this sector, emphasises the need to improve standards through practice oriented training and retraining schemes; Such training should encompass managing the risks around posture and movement related tasks and biological and chemical risks as well as the use of*



*assistive technology;*

Or. en

## **Amendment HA**

Compromise amendment replacing Amendments **191 (partly)**

### **Draft opinion Paragraph 2 f (new)**

*Draft opinion*

*Amendment*

***2f. Calls on the Commission to evaluate the exemption in Occupational Health and Safety Directive 89/391/EEC.***

Or. en

## **Amendment I**

Compromise amendment replacing Amendments **98, 112**

### **Draft opinion Paragraph 2 g (new)**

*Draft opinion*

*Amendment*

***2g. Calls on the Commission and the Member States to gather, analyse and publish reliable statistical data broken down by age, sex and nationality so as to enable informed discussions while looking for best solutions on how to professionalise the sector of domestic work and requests that EUROFOUND and OSHA be tasked with devising methods for providing protection, lodging complaints and raising awareness;***

Or. en

## Amendment J

Compromise amendment replacing Amendments **107, 109, 110, 111, 112, 113, 115, 116**

### Draft opinion

#### Paragraph 3

*Draft opinion*

3. *Recommends the establishment of an office, a helpline and a website* providing assistance *and* information on the rights of *women* workers in each Member State;

*Amendment*

3. *Calls on the Member States to put in place and improve, in collaboration with social partners, information channels on the rights of domestic workers and carers and to ensure the highest information accessibility for all workers; recommends to that end to establish information points, following best practice in Member States also at regional and local level, helplines and websites* providing assistance, information, *also in form of campaigns* on the rights of *domestic* workers *and carers* in each Member State *in the national language and other appropriate languages; organisations of the civil society like organisations working for women and migrants should also be able to provide this information; These tools must also be developed in a way that best practice, relevant advice and guidance could be given to possible employers, including families and agencies and model employment contracts should be offered in order to ensure that employers carry out their responsibilities;*

Or. en

## Amendment K

Compromise amendment replacing Amendments **71, 117, 173**

### Draft opinion

#### Paragraph 3 a (new)

*Draft opinion*

*Amendment*

*3a. Reminds Member States that under*

*Vienna Convention on Diplomatic Relations of 1961, it is the duty of diplomatic delegations to respect the laws and regulation, including labour law of their host State, and encourages Member States to enforce it effectively so as to avoid impunity of diplomatic households when domestic workers are abused; and also to consider how those working for and in the diplomatic corps can be better protected and to afford domestic workers the possibility to change job;*

Or. en

## **Amendment M**

Compromise amendment replacing Amendments **126, 127, 128, 130, 131**

### **Draft opinion Paragraph 4**

#### *Draft opinion*

*4. Supports the promotion of organisations working to safeguard the labour rights of women workers;*

#### *Amendment*

*4. Calls for good representation of social partners at European and at national levels, and in particular trade unions, to intensify sectorial collective bargaining in line with national practices in order to effectively advance and enforce decent working conditions in these sectors; calls also for good representation of professional organisations, organisations working with and for domestic workers and carers and other relevant civil society organisations and to ensure that they are fully aware of the challenges of safeguarding the labour rights of women employed as domestic workers or carers;*

Or. en

## **Amendment MA**

Compromise amendment replacing Amendment **123**

**Draft opinion**  
**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

***4a. Calls on the national authorities responsible for the provisions of public aid to support the setting up of cooperatives, autonomous associations and platforms for domestic workers and carers, as these organisations contribute to the organised defence of this group;***

Or. en

**Amendment N**

on behalf of EPP, S&D, GUE/NGL, Verts/ALE  
Compromise amendment replacing Amendments **139, 140, 141, 142, 143, 145, 146, 147, 148, 149 , 153**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

*Amendment*

5. Stresses ***how important it is to ensure the professionalization of the sector so as to foster*** the creation of quality jobs and ***bring*** better working conditions ***and*** access to training;

5. Stresses ***the importance of promoting the professional recognition of skills and qualifications of domestic workers and carers in this sector in order to provide them with more prospects for professional development, as well as specific training for individuals working with elderly people and children, with a view to fostering and the creation of quality jobs leading to quality employment and bringing*** better working conditions, ***including the provision of formal contracts, access to training and better social recognition; and ensure the validation and certification of acquired skills, qualifications and experience and to promote career development; to this end considers the establishment of training and retraining courses to be of fundamental importance;***

## **Amendment O**

Compromise amendment replacing Amendments **160, 161, 163, 164, 165, 166, 167, 169**

### **Draft opinion Paragraph 6**

#### *Draft opinion*

**6. Recommends affording women domestic workers and carers *the same status as the rest of the labour force;***

#### *Amendment*

**6. Calls on the Member States to take a decisive action in the sectors of domestic work and care which bring high added value to the economy by recognising their work as an occupation in its own right and by ensuring domestic workers and carers *genuine workers' rights and social protection through labour legislation or collective agreements, particularly in regard to wages, working time, health and safety at work, leave, maternity leave, pension rights and recognition of skills, while taking into account the specificities of the sector;***

## **Amendment P**

Compromise amendment replacing Amendments **175, 176**

### **Draft opinion Paragraph 6 b(new)**

#### *Draft opinion*

#### *Amendment*

**6b. Recalls the need to have au pairs given formal recognition, in compliance with the European Convention on au pair placement and for an increase in inspections so that they do not become informal and cheap substitute domestic**

*and care workers;*

Or. en

## Amendment Q

Compromise amendment replacing Amendments **182, 183, 184**

### Draft opinion Paragraph 7

#### *Draft opinion*

**7. Calls for the establishment of a European legal framework**, encompassing the rights set out in Convention 189, that covers *female* carers and those providing care services on a casual, occasional or ad hoc basis.

#### *Amendment*

**7. Proposes that the Commission might consider whether a legal act would be necessary and useful**, encompassing the rights set out in *the ILO* Convention No189, that covers carers and those providing paid care services on a casual, occasional or ad hoc basis, *with specific reference to the particularly disadvantaged groups*.

Or. en

## Amendment QA

Compromise amendment replacing Amendments **122**

### Draft opinion Paragraph 7 a (new)

#### *Draft opinion*

#### *Amendment*

**7a. Reminds the Council of Europe of its obligation to verify the application of the European Convention on the legal status of migrant workers, and the International Convention on the protection of the right of all migrant workers and their families, adopted by UN General Assembly Resolution 45/158 of 18 December 1990;**

Or. en

## **Amendment R**

Compromise amendment replacing Amendments **16, 17, 4 , 23, 78**

### **Draft opinion**

#### **Recital A a (new)**

*Draft opinion*

*Amendment*

*Aa. Whereas the domestic work sector, employed over 52 million people around the world in 2010 according to figures from the International Labour Organization (ILO) and a further 7,4 million domestic workers under the age of 15; whereas according to the ILO, women account for 83 % of the global domestic workforce in 2010, and which is largely undeclared work; whereas in the EU according to the ILO there are approximately 2,5 million domestic workers, whereas 88% of them are women; whereas this sector is characterised by considerable feminisation; whereas domestic work and carers contribute greatly to gender equality targets of the Europe 2020 strategy by effectively providing infrastructure to achieve work-life balance for many families in the EU; given the high degree of undeclared domestic work on global and on EU level, it is likely that this figure underestimates the reality; whereas undeclared economy accounts for more than 15 % of Europe's GDP, which represents a shortfall of over EUR 2 000 billion;*

Or. en

## **Amendment S**

Compromise amendment replacing Amendments **8, 9, 10, 11, 13**

### **Draft opinion**

#### **Recital A**

*Draft opinion*

A. *having regard to the varying* conditions under which *women* are employed as *domestic workers or carers, which can be as undeclared, undocumented, casual or migrant workers with no contract, or no recognition of their qualifications,*

*Amendment*

A. *whereas, the* conditions under which *domestic workers or carers* are employed *vary greatly from one Member State to another from, underpaid,* undeclared, undocumented, migrant workers with no contract, *to domestic work and care being provided as public social service or as private social service provided by businesses, agencies, associations and cooperatives, or as direct employment by private entities;*

Or. en

**Amendment T**

Compromise amendment replacing Amendments **32, 33, 34, 35**

**Draft opinion**

**Recital B**

*Draft opinion*

B. *having regard to the* difficulties women domestic workers and carers encounter in entering the regular labour market owing to *legal or* linguistic obstacles, difficulties combining work and personal life, *or the fact of being under 18,* among other barriers,

*Amendment*

B. *whereas* domestic workers and carers *often* encounter difficulties in entering the regular labour market owing to *administrative and* linguistic obstacles, *in some countries a longstanding tradition of undeclared work in the domestic sector, and* difficulties combining work and personal life, among other barriers;

Or. en

**Amendment U**

on behalf of EPP, S&D, ECR, ALDE, GUE/NGL, Verts/ALE, EFDD, ENF  
Compromise amendment replacing Amendments **45, 46, 47, 49, 50**

**Draft opinion**

**Recital C**



*Draft opinion*

C. *having regard to the particular relationship of dependency between a male employer and a female employee as a result of the latter's working in the former's private space,*

*Amendment*

C. *Whereas a particular relationship exists between employers and a female employee, in a domestic setting and with work in an employer's private space; as a result of the latter's often working as well as sometimes living in the former's private space; whereas the right to protection from harassment and the increased risk of abuse should be respected;*

Or. en