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## **DRAFT REPORT**

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

Committee on Women's Rights and Gender Equality

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(\* ) Associated committee – Rule 54 of the Rules of Procedure

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(\*) Associated committee – Rule 54 of the Rules of Procedure

## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on women domestic workers and carers in the EU (2015/2094(INI))

*The European Parliament,*

- having regard to the Treaty on European Union, in particular the preamble and Articles 3 and 6 thereof,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 1, 3, 27, 31, 32 and 33 thereof,
- having regard to its resolution of 13 September 2011 on the situation of women approaching retirement age<sup>1</sup>,
- having regard to its resolution of 19 October 2010 on precarious women workers<sup>2</sup>,
- having regard to its resolution of 6 July 2010 on atypical contracts, secured professional paths, flexicurity and new forms of social dialogue<sup>3</sup>,
- having regard to its resolution of 18 November 2008 with recommendations to the Commission on the application of the principle of equal pay for men and women<sup>4</sup>,
- having regard to its resolution of 20 September 2001 on harassment at the workplace<sup>5</sup>,
- having regard to the European Social Charter of 3 May 1996, in particular Part I and Part II, Article 3 thereof,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), in particular Article 4.1, prohibiting slavery and servitude, and Article 14, prohibiting discrimination,
- having regard to the Commission Communication on an EU Strategic Framework on Health and Safety at Work 2014-2020 (COM(2014)0332),
- having regard to the Commission Communication of 24 May 2006 entitled ‘Promoting decent work for all - The EU contribution to the implementation of the decent work agenda in the world’ (COM(2006)0249),
- having regard to its resolution of 23 May 2007 on promoting decent work for all<sup>6</sup>,
- having regard to the European Convention on the Legal Status of Migrant Workers

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<sup>1</sup> OJ C 51 E, 22.2.2013, p. 9.

<sup>2</sup> OJ C 70 E, 8.3.2012, p. 1.

<sup>3</sup> OJ C 351 E, 2.12.2011, p. 39.

<sup>4</sup> OJ C 16 E, 22.1.2010, p. 21.

<sup>5</sup> OJ C 77 E, 28.3.2002, p. 138.

<sup>6</sup> OJ C 102 E, 24.4.2008, p. 321.

(1977),

- having regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990),
  - having regard to the International Labour Office (ILO) Reports IV(1) and IV(2), entitled ‘Decent work for domestic workers’, drawn up for the 99th session of the International Labour Conference in June 2010, and Reports IV(1) and IV(2) (published in two volumes) entitled ‘Decent work for domestic workers’, drawn up for the 100th session of the International Labour Conference in June 2011,
  - having regard to the opinion of the Section for Employment, Social Affairs and Citizenship of the European Economic and Social Committee of 12 May 2010 on ‘The professionalisation of domestic work’<sup>1</sup>,
  - having regard to the 2008 report by the European Foundation for the Improvement of Living and Working Conditions entitled ‘Measures to tackle undeclared work in the European Union’ and its 2013 report entitled ‘Tackling undeclared work in 27 EU Member States and Norway: Approaches and measures since 2008’,
  - having regard to the 2007 report by the European Foundation for the Improvement of Living and Working Conditions entitled ‘Working conditions in the European Union: The gender perspective’,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Women’s Rights and Gender Equality and the opinion of the Committee on Employment and Social Affairs (A8-0000/2015),
- A. whereas in industrialised countries domestic work accounts for between 5 and 9% of all employment and, according to the ILO findings, the majority of workers employed in this sector are women, the percentage figure of over 83% translating into 2.5 million in the EU;
- B. whereas 29.9% of domestic workers are completely excluded from national labour legislation, with the result that domestic workers are often not regarded as typical or regular workers and therefore enjoy severely limited employment rights and social care protection<sup>2</sup>;
- C. whereas domestic workers who are excluded from labour laws cannot be guaranteed a safe and healthy work environment or avoid workplace discrimination; whereas, moreover, they have no right, or are unaware of how, to participate in unions or other forms of collective bargaining, which makes them particularly vulnerable;
- D. whereas in most EU Member States domestic work is carried out as undeclared work in the framework of the informal economy, allowing for unequal and abusive treatment or harassment since these workers are ‘invisible’ and isolated from others performing

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<sup>1</sup> SOC/372 – CESE 336/2010 fin.

<sup>2</sup> Domestic workers across the world: global and regional statistics and the extent of legal protection, International Labour Office, Geneva: ILO, 2013.

similar duties and tasks;

- E. whereas domestic workers are often asked to work excessive hours and 45% of them are not entitled to weekly leave or paid annual leave<sup>1</sup>; whereas live-in domestic workers and carers especially have responsibilities and tasks that do not allow them to take adequate consecutive rest time;
- F. whereas more than one-third of women domestic workers are not entitled to maternity leave and related rights and allowances<sup>2</sup>;
- G. whereas domestic workers often work in deplorable or hazardous conditions or lack appropriate training to perform specific tasks that might result in on-the-job injuries, for which, moreover, they lack access to healthcare;
- H. whereas the majority of domestic workers and carers are migrant women and are therefore often unaware of their rights, have restricted access to public services or encounter problems accessing these services, have limited knowledge of the local language and lack social inclusion;
- I. whereas migrant workers such as domestic workers may be exposed to multiple discrimination, since they often work under poor, irregular conditions; whereas concrete efforts should be made to avoid mistreatment of, irregular payments to, and acts of violence or sexual abuse against migrant workers;
- J. whereas women migrants often decide, or are brought, to seek employment in the domestic workers and carers sector, as such posts are considered as temporary with low skill requirements;
- K. whereas the growing demand for domestic help has led to the rising feminisation of migration into Europe;
- L. whereas third-party agencies are sometimes connected to women trafficking and forced labour networks or to other criminal activities that involve illegally recruiting women and manipulating them in different forms;
- M. whereas there is a strong trend towards a generational dimension in the proportion of non-standard or atypical contracts, affecting mostly young women;
- N. whereas working as a domestic worker or carer is often undervalued, and thus underpaid, hampering efforts by these workers to become independent and earn enough to live a dignified life and support a family;
- O. whereas most of the tasks involved in domestic work and care are seen as ‘women’s work’ and considered of low status, with the result that women in this sector receive lower wages than women working in most other jobs, or even the same type of job but in other sectors, and lower wages than men working as domestic workers;
- P. whereas the burden of responsibility for housework is much greater for women than it is

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<sup>1</sup> Ibidem.

<sup>2</sup> Ibidem.

for men and is not evaluated in monetary terms or in terms of a recognition of its value; whereas there is a correlation between the rate of female employment and women's family responsibilities; whereas over 20 million Europeans (two-thirds of whom are women) care for adult dependent persons, which prevents them from having a full-time job;

- Q. whereas the financial and social crisis in the EU has severely affected its citizens and residents, aggravating job precariousness, poverty, unemployment and social exclusion, and leading to limited or no access to social care and household-related services;
  - R. whereas the habits, customs and forms of families have all considerably evolved, leading inevitably to new needs for care and support within modern households, especially for women working outside the home and single-parent families;
  - S. whereas affordable women domestic workers and carers free up other women, allowing them to pursue their careers and enjoy their social life;
  - T. whereas the most common practice for employing domestic workers and carers is through bilateral agreements between the worker and the household owner or the dependent person, rather than through formal means such as state structures or firms and enterprises;
  - U. whereas most household employers of domestic workers have no understanding of their obligations and rights;
  - V. whereas domestic workers and carers have the right to a decent life and must enjoy the same social and employment rights as other workers;
  - X. whereas ILO Convention 189 concerning decent work for domestic workers aims to provide legal recognition for domestic work, extend rights to all domestic workers and prevent violations and abuses;
  - Y. whereas 48 states have already ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) and 18 others have signed it, but no EU Member State has signed or ratified it to date;
1. Believes that there is a need for a common EU recognition of domestic work as real work and not simply as an extension of unpaid household and care work;
  2. Stresses the need for a normative concept regarding domestic work and care and calls on the Commission to produce a legislative initiative in this direction; believes that such an initiative should focus on:
    - (a) establishing quality guidelines for domestic work and care in the EU, including specialised recommendations on women and migrants since domestic workers mainly fall under these two major subcategories and, in most cases, belong to both;
    - (b) introducing the necessary steps for the professionalisation of domestic work and care, leading to the recognition and standardisation of the relevant professions and skills;

3. Commits to drafting a legislative initiative report for the establishment of common rules for domestic work and care in the EU, including specific norms focusing on women and migrant domestic workers and carers;
4. Asks the Member States, in the meantime, to regulate any labour relationship between householders – when acting as employers – and an employee/worker providing remunerated services within the employer’s household;
5. Calls on the Member States to include domestic workers and carers in all national labour and anti-discrimination laws;
6. Strongly supports ILO convention 189 concerning decent work for domestic workers, supplemented by Recommendation No 201, as it globally addresses the needs for workers to be covered by labour law and asks for social rights, non-discrimination and equal treatment; asks the Member States therefore to adopt, ratify and implement the ILO convention as soon as possible;
7. Considers it essential to combat precarious and undeclared work, given that this phenomenon severely affects domestic workers and migrant women workers in particular, thus worsening their already vulnerable position;
8. Asks the Member States to immediately apply guidelines deriving from Directive 2006/54/EC on equal pay and treatment for men and women in employment;
9. Affirms the need for effective application of the rules that already protect migrant domestic workers and requests the necessary reforms or additional regulations required at European level to that end;
10. Urges the Member States to undertake the necessary efforts, and to find innovative inspection methods, in order to eliminate mistreatment, financial exploitation and acts of violence or sexual abuse against domestic workers;
11. Calls on the Member States to endorse road map programmes aiming to inform and educate workers on the impact of precarious work; suggests that Member States should also establish information centres and helplines for domestic workers so that they can obtain easily accessible information about their rights;
12. Calls on trade unions to approach all those performing domestic work and care with appropriate attention, using methods adapted to the specific working environment of these workers and the precariousness of their jobs; stresses the important role that trade unions can play in organising and informing workers on their rights and obligations; notes that this is a way for domestic workers to be represented with one voice, to be able to collectively bargain their contracts and to defend their rights and interests;
13. Highlights also the importance of grouping employers into federations or other types of organisations at national level, as it considers that without such employer organisations efforts to legitimate domestic work and care, as well as to improve working conditions and the attractiveness of such jobs, will be in vain;
14. Strongly urges the Member States not to penalise undeclared domestic workers or carers

when they decide to come out of the vicious circle of ‘hidden’ work, but instead to support and protect them;

15. Calls on the Commission to take the necessary steps to establish an EU observatory on domestic and care work in order to better monitor and document the vulnerable and underestimated profession of domestic workers and carers and to propose actions to tackle the phenomenon;
16. Asks the Commission and the competent European agencies to conduct a study comparing different systems of regularised domestic work and to collect data with regard to the situation in the Member States;
17. Highlights the need for the Member States to ensure broader access to easily available and affordable high-quality childcare, disability care and elderly care facilities, thus minimising the reasons to undertake these duties on an informal or precarious basis and improving the recognition of the value of the work undertaken by professional care-givers;
18. Believes that adopting and adjusting best practices from certain regions or Member States could lead to regular forms of employment for domestic workers and carers;
19. Urges the EU and the Member States to enact and enforce policies and measures that rectify the exclusion of domestic workers and carers from society;
20. Calls on the Member States to include domestic workers and carers in their educational systems and to make sure that domestic workers of a young age do not abandon school in order to take up work;
21. Notes that private household employers have a primordial role to play in observing fair labour standards and rights; calls on the Member States to ensure that relevant information must be available to employers and employees;
22. Asks the Member States to consider incentives for employers, such as subsidies or tax deductions, to encourage the use of declared domestic workers and carers;
23. Believes it useful to adapt legislation to create flexible, but mostly secure, contractual arrangements between domestic workers and carers and household employers, in order to help both parties in using/offering domestic services at their best convenience, whilst guaranteeing the protection of workers;
24. Calls on the Member States to enforce simplified administrative procedural systems to be applied to all domestic workers and carers, thus allowing employers to establish easily a legal labour relationship with them;
25. Instructs its President to forward this resolution to the Council, the Commission and the ILO.



## EXPLANATORY STATEMENT

### A matter of human dignity

In a letter to his brother, Anton Chekhov was writing:

*"Civilized people must, I believe, satisfy the following criteria: they respect human beings as individuals..."*

The question about Domestic Workers and Carers is before anything else a question of respect of people's and - in this particular context - of women's dignity. Although this report suggest measures to be taken for women's protection and therefore when we make reference to workers we mean women workers, it goes without saying that the measures here proposed should apply to all workers in these sectors since dignity is not a gender privilege although it might be more often and more severely abused in women's cases.

### Definitions

We first of all have to attempt to define what domestic work and care are. It is indeed impossible not to have a reference when we discuss about this issue.

Up to now, other than academia, from all official institutions dealing with labour issues at national, European or international level, it is only the International Labour Organisation (ILO) that has formed a predominant definition on domestic work and domestic workers. Thus according to the ILO definitions:

- "domestic work" means "work performed in or for a household or households", and
- "domestic worker" means "any person engaged in domestic work within an employment relationship".

Although we agree with this definition, it is our view that it should be revised to equally cover "part time work performed occasionally or sporadically". This category of workers is equally covered by our report.

What is also covered by this report is the category of "carers", for whom there is neither a generally certified and applied definition. Different stakeholders, mainly researchers, use different definitions according to the angle of their studies. What is quite commonly thought to be a carer is a person who offers more or less systematically help and services to older people, people with disabilities, diseases or illnesses. The difficulty in defining what is a carer equally reveals the different approaches of the member States with regard the perception of this activity, also reflected in their respective welfare systems.

### **Who are domestic workers and carers**

In both wide categories of domestic workers and carers the large majority are women. Most of these women are also migrants.

They have usually low education skills and are in need of work either to survive or to additionally sustain their families.

## **Why do we need domestic workers and carers**

Over the last decades we observed significant demographic and socio-economic changes in Europe.

We have an aging population with higher life expectancy and a decreasing number of births. The models of families equally change. Larger households have been replaced by smaller ménages provoking changes in the responsibilities' sharing.

In parallel, women participate at much higher numbers in the labour market.

Living standards have increased due to the increase of the GDP in Europe.

These are changes that call for the taking up by professionals of duties (cleaning, care of members of the family in need, etc.) that were traditionally offered in-house mainly by women.

National welfare systems in their majority have not foreseen coverage of these needs (at least not to the extent required) also as a result of the general deterioration of the welfare state.

## **What are the main issues at stake**

Member States are aware of the needs in domestic work and care but they allow these needs to be covered in the underground economy as they prefer reducing public spending and take advantage of increased migrants' waves as a new working force ready to cover the lack in these services.

Due to the deficiency - in many cases - of appropriate official structures to cover the domestic work and care services and because of the great demand, these are regularly offered on an informal basis, thus provoking several problems and creating a chain of complications.

### *A. Illegality*

In most EU countries domestic work and care take place as undeclared work condemning the workers to live in the shadow, be invisible and deprived of fundamental rights and social care protection.

Furthermore, this situation enhances the informal economy contributing to the vicious circle of weakening the social welfare systems' sustainability.

### *B. Non-coverage by labour law*

Another paradox for work offered in-house, especially for live-in domestic workers and carers is that in many cases they are not covered by labour law in the sense that they are not regularised professions in national legislations, thus not being recognised as workers at all.

This serious lack prevents workers from enjoying rights such as those concerning wage determination, working time organisation, weekly annual and maternity leave and the related allowances.

Furthermore it does not allow for guarantees for a safe and healthy work environment. Domestic workers and carers are often exposed to hazardous working conditions or lack education to perform special tasks and are therefore prone to accidents while not always having access to healthcare.

### *C. Harassment*

When no security is provided as regards labour rights and social protection, room is left for discrimination, mistreatment or even abuse and violence -in the case of women most reprehensibly even sexual abuse.

#### *Migrants' specific issues / Trafficking*

An additional issue for lots of domestic workers and carers is linked to the fact that they are migrants. They are often led to come to Europe under irregular conditions and are completely unaware of their rights. Consequently they are even more vulnerable.

Women coming to work in Europe have often been promised a better life or think they are going to get employed for a limited period of time to get their family out of a difficult situation, while they end up working in circumstances they cannot control as regards the tasks they are actually asked to perform or the conditions under which they are offering their services. There are cases where trafficking and forced labour nets are involved in recruiting and manipulating female workers.

These women are completely helpless and isolated, also because of the additional language barrier, since they most likely do not speak the language of the country they end up in.

#### *D. Social Exclusion / Poverty/ Lack of perspectives*

Leaving in precariousness and without any labour or social entitlements, domestic workers and carers can end up living in poverty and excluded from society with the feeling of having lost their lives.

The lack of access to structures of support and personal improvement (for ex. education) deprives them from the perspective of their life improvement and can condemn them and their children to the vicious circle of poverty.

#### *E. Psychological Burdens*

The emotional weight carried in certain cases especially by in house workers dealing with difficult situations as regards the patients they take care of and additionally the bad psychological mood they might be in because of their poor working conditions and the fact that they often live away from their homes and families, are additional factors affecting their state.

#### *F. Non-access to information, protection structures, trade unions*

While large numbers of domestic workers and carers suffer severe shortage of their rights, in case they decide to ask for help, they do not know where to turn to.

Even in countries where laws on domestic work and care attempt to regulate these professions, it is not easy to approach the workers concerned to inform them about their rights. Neither trade unions consistently include this type of workers in their sections, making collective bargaining practically impossible.

Moreover, since these workers are often undocumented migrants without a legal residence permit or a valid work visa, they are afraid to turn to whoever because of the consequences they might face.

#### *G. Women are most affected*

The work characterised as domestic work and care has been traditionally offered for many years by women as wives, mothers or daughters and sisters, and hence not appreciated enough or not valued as real work or perceived as inferior work. Accordingly, wages in these sectors can be low, not permitting a decent living and not attributing to women offering domestic

work and care the recognition they deserve.

Since it is women who offer mainly such services, there is a danger of creating a two speed women working force. It is crucial for women who can afford other women's services, but also for employers in general, to realise that domestic workers and carers give them the opportunity to enjoy their professional and social life which is crucial for any individual's personal balance. In the same way they should help these people back to build their own secure life taking into account their respective needs.

Moreover, as women are quite demanded for these jobs and migrants can be lower cost workers and also easily exploitable, there tend to be a feminisation of migration.

### **What are the solutions**

A combined series of measures touching across different but interrelated policy sectors should be taken to address the complicated problem of precariousness of domestic work and care. There is need for both legislative and non-legislative initiatives as well as for national and European engagements.

The European Parliament should pave the way by drafting a legislative initiative report calling for the establishment of common rules for domestic work and care in the EU. The proposal should include specific norms focusing on women and migrants since these are the categories of population mostly met as domestic workers and carers.

The European Commission should:

- follow on taking up a legislative initiative as mentioned above;
- urge member states to take the necessary steps for the professionalization of domestic work and care as real and distinctive work sectors leading to the recognition and standardization of the relevant professions and skills;
- along with the competent European agencies conduct a study comparing different systems of regularized domestic work and collect data with regard the situation in the member-states;
- contribute to adopting and adjusting best practices from certain regions or Member States;
- take the necessary steps to establish an EU observatory on domestic and care work to better monitor and document these underestimated professions and propose actions to tackle the precariousness in these domains;
- take rapid steps to reform and adopt the EU legislation on migration policies facilitating the regularisation of immigrants.

The Member States should:

- include domestic workers and carers, following their professionalisation, in all national labour and anti-discrimination laws;
- ratify and implement without delay the ILO convention 189 concerning decent work for domestic workers as it addresses their needs in a global way;
- effectively enforce existing rules;
- not penalize undeclared domestic workers or carers when they decide to come out of the vicious circle of 'hidden' work, but instead, support and protect them;
- immediately apply guidelines deriving from directive 2006/54/EC on equal pay and treatment for men and women in employment;
- conduct the necessary efforts and find innovative ways of inspections in order to eliminate mistreatment and violence or even sexual abuse and financial exploitation against domestic workers;

- set up road map programs to inform and educate workers on the impacts of precarious work; and establish information centres and help lines for workers to easily reach accessible information about their rights;
- tackle undeclared work, given that this phenomenon severely affects domestic workers and migrant women workers in particular; the "European Platform to enhance cooperation in the prevention and deterrence of undeclared work" under establishment should be used as a decisive tool for this cause;
- organise extended campaigns to inform employers and the public in the benefits and their own responsibility in using fair labour standards and rights;
- contribute to the grouping of employers in federations or other types of organizations since private employers have a primordial role to play in legalising domestic work and care and improving their working conditions; after all, employers of domestic workers and carers are themselves employees in other sectors therefore perfectly in position to comprehend the entitlement to workers' rights and protection;
- foresee incentives for the employers, such as subsidies or tax deductions, for those in need, to encourage the use of declared domestic workers and carers;
- enforce simplified administrative procedural systems for engaging domestic workers and carers, facilitating the establishment of legal labour relationships;
- ensure broader access to easily available and affordable high-quality child-care, disability-care and elderly-care facilities, thus minimizing the reasons to undertake these duties on an informal or precarious basis;
- include domestic workers and carers in their educational systems and make sure that domestic workers of young age should not abandon their school in order to take up work;

Additionally, trade unions involvement could prove to be critical if they approach domestic workers and carers with the appropriate methods that should be adapted to the particularity of the working environment of these workers; try to organise and inform these workers on their rights and obligations and help them to be represented in one voice and have the opportunity to collectively bargain, and offer them legal support.

**Domestic work and care should constitute after all a free choice of profession that adequately and humanly covers the employees engaged in these sectors both in terms of rights, protection, decent living and personal development perspectives.**