

The status of migrant female domestic workers in Europe: time for an overhaul

An increasing number of Europeans are calling on female domestic workers to help them in their ordinary daily tasks. Too few of these domestic workers enjoy decent working conditions that allow them to live in dignity. Must the well-being of a growing proportion of Europe's citizens be secured at the expense of a minority that is more often than not invisible to and misunderstood by the general public and overlooked by our policymakers?

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A 2014 campaign for the recognition of domestic work in Brussels.

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Defined by the International Labour Organization (ILO) as "work performed in or for a household or households", domestic work (also called personal and household services, or PHS) continues to be a largely unrecognised sector. Whether referred to as "*employés de maison*", "*aides-ménagères*", or "*assistants de vie dépendance*" (in French), "*colfs*" or "*badanti*" (in Italian), or "*trabajadores domésticos*" (in Spanish), depending on the country of provision or the services that they provide, these workers all perform household tasks and provide personal assistance in the recipient's home. They are employed in that capacity on either a full-time or part-time basis to cook, clean and carry out garden maintenance as well as to take care of children and dependent persons. Today, there are over eight million declared domestic workers in Europe, 91% of whom are women.

Outsourcing and undeclared activity

Demand for domestic services tailored to individual needs will become inevitable in the future owing to societal changes: by 2030, 37 million individuals will be over the age of 80, there will be an increased number of one-parent families and a rise in the employment of women. 76% of unpaid care activities are carried out by women.

Outsourcing domestic work is one of a number of solutions (including, for example, improved allocation of tasks, reduction in working time, and leave for specific purposes) offering households greater choice in terms of the life-homecare balance. However, most of the time this choice still involves excessive costs. Let us not overlook the fact that a household has to pay the domestic worker's wage costs which cover not only the take-home pay but also taxes and social security contributions, which may sometimes mean a twofold increase of the net pay. This is one of the main factors explaining the extent of undeclared work in this sector, which ranks third in the list of activities most affected by illegal employment in the European Union (EU).

Against a background of stagnation, or even reduction, in state support for making access to these services affordable, undeclared activity presents one alternative for, on average, almost 50% of households (30% in Member States that have developed support measures and 70% in the other Member States), which accounts for eight million jobs. The fact that the equipment and products needed are provided by the users, that the individuals' homes cannot be accessed for the purpose of labour inspections and that the level of technical proficiency required remains low increases the likelihood that such activity will be carried out on an undeclared basis.

A fragmented sector beset with various challenges

Traditionally, female domestic workers are employed directly by individuals or by organisations providing personal services. The latter are, historically, made up of public services or non-profit bodies subsidised by the state and, more recently, by private undertakings. This is the predominant model in Europe, given that it applies to approximately 70% of these workers.

Direct employment, which accounts for 30% of the declared work, is, as a rule, part-time and involves a number of employers. In some circumstances, the female workers live in the home of their employers. This is especially the case in the countries of southern Europe where a not insignificant proportion of the resident workers are migrants. Occasionally, they may be hired on this basis, erroneously claiming "au pair" status. In recent times, the jobs market has witnessed the emergence of self-employed, female domestic workers as a result of the developing collaborative economy and digital platforms very often associated with insecure, casual and secondary employment.

The complexity of this sector due to the coexistence of various forms of employment, including undeclared work, is underpinned by the following features: the isolation of female workers working alone in private homes, poor social recognition, and major recruitment and retention problems due in particular to the salary and hours of work.

These difficulties notwithstanding, domestic work provides nationals of less developed countries with an opportunity. Although female immigrants do not all work in the homecare services sector, this is often the type of work towards which they will initially gravitate. Thanks to an inadequate local workforce and the diaspora of systems in place, a major migratory movement referred to as the "care drain" (exodus of care professionals) has gradually set in. The proportion of migrant workers in the sector is estimated at 17% worldwide, but this situation varies immensely depending on the countries concerned. Accordingly, some 75% of the sector's workforce in Italy are migrant workers, whereas the rate is 60% in Spain. It is, therefore, right and proper to focus attention on the specific place occupied by these migrant female domestic workers and their working conditions.

Fewer rights and deficient social security

The fact is that female migrant domestic workers will find themselves simultaneously in both declared and undeclared employment.

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The working conditions in bodies providing services to individuals may be regarded as normal in the sense that the positions are subject to the collective agreements and labour laws common to all employed persons. In terms of direct employment, in the vast majority of Member States, it will be noted that some systems deviate from labour and social security legislation. These derogations are applied in relation to some specific features of domestic employment (for instance, whether or not it is residential, if it is part-time or otherwise, whether it involves a single employer or multiple employers, and whether or not it concerns a private household) and to a desire to reduce labour costs by lowering social security contributions, which usually goes hand in hand with a reduction in rights or social security cover. These distinctions may be highly significant or completely trivial, as is particularly evident in France where, although laying down derogating provisions, the framework of laws and agreements in place offers working conditions that are similar to those normally applied.

Derogating measures in the context of direct employment are a key issue, and they interfere with the implementation of the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization, bearing in mind that the purpose of that convention is to guarantee conditions that are not less favourable than those applicable to workers generally. To date, this text has been ratified by seven EU Member States only (namely, Belgium, Finland, Germany, Ireland, Italy, Portugal and Sweden).

Derogating measures likewise apply in respect of casual employment and jobs relating to the platforms on which domestic workers are treated as self-employed workers, or micro/autoentrepreneurs. It should also be noted that casual work is not covered by Convention No. 189.

As for undeclared work, workers do not acquire any rights (to pensions, paid leave, maternity leave, etc.) and are not covered against any of the hazards that may arise when carrying out their tasks (termination of employment, sickness, accident, etc.). Isolation, the fear of losing one's job, the fear of being deported and the burden of proof lying with the victim are all features that restrict,

to a significant degree, workers' access to regularisation procedures and to judicial remedies. Furthermore, in order to assert their rights, migrant workers must be in a lawful situation. Determining factors here are whether there is an employment contract and what their original citizenship is. Under freedom of movement for workers of the European Union, female migrant workers from Member States may gain easy access to jobs in this sector, enjoying the same rights as national workers except in the case of "posted workers", in which case the salary and working conditions depend on the host country, whereas the social security contributions are those of the country of origin.

Workers confronted with working conditions akin to labour exploitation are, for the most part, migrants in an illegal situation and lodging with their employer. Marked by a crippling workload, the complete absence or insufficiency of pay, long hours of work, and a lack of leave and social security cover, these exploitative practices may lead, in rare instances, to some form of domestic slavery. This was made evident in the judgment delivered in 2005 by the European Court of Human Rights in relation to the plight of a young Togolese girl held in servitude in Paris (case of *Siliadin v. France*, Application No. 73316/01, ECHR 2005-VII). Although slavery has been abolished throughout Europe for many years, 10% to 14% of the trafficking in human beings, in particular trafficking into the EU, would appear to be undertaken for the purpose of exploitation through domestic labour. Generally speaking, restrictive migration policies, the existence of work (and residence) permits linked to the employer, and the lack of legislation on domestic workers lodging in the household where they work contribute to strengthening the dependence and the precarious situation of those workers, thus increasing the incentives to perform undeclared work.

In addition to the employment status and remuneration, the physical constraints and the occupational hazards encountered by female domestic workers must also be taken into consideration. In view of their long working hours, exposure to chemical products, heavy lifting and carrying, solitary work and a significant psychological burden, these female workers face higher risks than in other

sectors. In 2016, for instance, health insurance providers in France reported a 9.4% average for accidents leading to a cessation of work or permanent disability in the personal assistance and care sector, as opposed to 6% for the construction sector and 3.3% for the economy as a whole. Simple but repetitive actions, such as wringing out a mop, become problematic and may lead to major musculoskeletal disorders (which make up 87% of cases of occupational illness in the French sector). Prevention in the area of health and safety at work presents a real challenge for the sector simply because the workplace is a private home which is difficult to monitor, and responsibility for any equipment used lies fully with those households. Furthermore, the language, social and cultural barriers experienced by migrants limit their access to the existing preventive measures.

What are the prospects for progress?

Despite these alarming findings, there are also sound practices in place. First of all, in terms of combating undeclared work, some public authorities have adopted systems which give formal domestic employment a competitive edge over undeclared work, by means of measures that reduce the rate paid by service users while also offering workers genuine social protection and training. Examples include *titres-services* in Belgium, the *plan Borloo* in France and *RUT-avdrag* in Sweden. All too often, the Member States turn their back on implementing measures to improve the sector's employment quality, for fear of the costs incurred as a result, and in spite of the many payback effects which considerably reduce the net cost of state intervention. It is vital for all public policy to be combined with a general upgrading of the sector and its image.

It is necessary to consider the specific needs of migrant workers and this must ultimately lead to a ban on reporting undocumented domestic workers to immigration services through labour inspection, following a routine visit or a complaint. This practice, which is common in many Member States, helps to perpetuate the cycle of exploitation of domestic workers. Therefore, in order to limit their vulnerability and to make the

employers accountable, there has to be a discussion about the possibilities of extending labour immigration policies to cover domestic workers. Similarly, granting a temporary work permit to migrants whose residence permit applications are under consideration would enable them to work legally (and thus avoid undocumented work) as a means of subsistence during the months that their files are being examined.

Respect for these workers' fundamental rights under the UN Migrant Workers' Rights Convention and ILO Convention No. 189 must be examined. It is also essential to provide migrant workers with access to quality multilingual information regarding their rights and to encourage them to coordinate themselves by creating collective groups, with the support of the trade unions and civil society stakeholders. One example to be cited in this regard is the case of the Filipina domestic workers in the Netherlands who, in 2006, founded UMDW (United Migrant Domestic Workers) which was affiliated to the Netherlands trade union FNV. In this respect, the adoption of ILO Convention No. 189 has highlighted these movements and contributed to overhauling the brand image of domestic work.

In 2018, a cooperation exercise between various stakeholders in the sector, spearheaded by the Platform for International Cooperation on Undocumented Migrants (PICUM), was launched at European level in order to discuss the common issues of concern regarding the employment of migrants, in the hope of raising awareness among European policymakers. European Commission support would, after all, make it possible to galvanise a proactive policy in that regard among the Member States. This action might be developed through technical assistance based on the sharing of best practice and data gathering, as well as by including this sector in the European Pillar of Social Rights and conducting an assessment of current European law on lawful immigration. ●

More information

Webpage on personal services, on the Europa website: <https://ec.europa.eu/social/main.jsp?catId=1427&langId=en>

European Union Agency for Fundamental Rights: <https://fra.europa.eu/en>

ILO Convention No. 189: <https://www.ilo.org/global/topics/domestic-workers/lang--en/index.htm>

Report by the European Trade Union Confederation: <https://www.etuc.org/en/report-out-shadows-conference-organising-and-protecting-domestic-workers-europe-role-trade-unions>

Support for a ban on reporting undocumented domestic workers to immigration services through labour inspection.
