

STEP UP EFFORTS TOWARDS DECENT WORK FOR DOMESTIC WORKERS IN THE EU

10th Anniversary of ILO Domestic Workers Convention, 2011 (No. 189)
European event

28-29 June 2021



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TABLE OF CONTENTS

THE C189 EUROPEAN ALLIANCE	5
I - INTRODUCTION.....	8
II - LABOUR LAW AND SOCIAL PROTECTION FRAMEWORKS.....	10
The Ad-PHS Platform	12
Let's care for domestic work(ers) – <i>Belgium</i>	15
The Great Care Coop – <i>Ireland</i>	16
Ensuring domestic workers' well-being and safety at work – <i>Belgium</i>	17
PRODOME training programme: strength and possible future improvements – <i>Belgium, France, Italy and Spain</i>	18
Social partners' commitment to domestic workers' safety – <i>Italy</i>	19
III - TACKLING UNDECLARED WORK IN DOMESTIC WORK	20
IV - THE CHALLENGES RAISED BY THE EMERGENCE OF THE DIGITAL PLATFORMS	22
V - MIGRANT DOMESTIC WORKERS	24
Brochure for domestic workers working for diplomats - <i>Germany</i>	26
FAIRWORK Belgium – <i>Belgium</i>	27
VI - GOING FURTHER.....	28
ACADEMIC RESEARCH REFLECTIONS	29
A new work-life balance policy: the opportunity to formalise care (domestic) work.....	29
Amplifying Rights through Activist Research with Domestic Worker Organisations	34

The role of EU law in advancing domestic workers' rights..... 38

The Effects of the ILO Domestic Workers Convention C189
in Argentina, Chile and Paraguay..... 44

BIBLIOGRAPHY..... 48



THE C189 EUROPEAN ALLIANCE

The C189 Alliance is an informal group of European stakeholders involved directly and indirectly in the domestic work sector. Partners of the C189 Alliance share the views that the 10th Anniversary of the ILO Domestic Workers Convention, 2011 (No. 189) marks an important milestone to take stock of the progress made and the remaining issues.

With the publication of this report, joint letters calling for the ratification to the 19 Member States who have not yet ratified and the organisation of the two-day online event, the alliance aims to outline concrete examples that Member States could leverage to enhance the situation of personal and household services workers. They also want to provide an opportunity to refine commitments of actions and pledges from key stakeholders and launch a series of national coordinated actions favouring domestic workers' rights.

The partners of the C189 Alliance are:

- **EASPD - European Association of Service providers for persons with disabilities**

The European Association of Service providers for Persons with Disabilities is a non-profit European umbrella organisation, established in 1996, and currently representing over 17,000 social and health services for persons with disabilities. EASPD promotes equal opportunities for people with disabilities through effective and high-quality service systems.

- **European Commission**

The European Commission is the executive institution of the European Union (EU). It helps to shape the EU overall strategy, proposes new EU laws and policies, monitors their implementation and manages the EU budget. It also plays a significant role in supporting international development and delivering aid.

Its Directorate-General for Employment, Social Affairs and Inclusion is responsible for EU policy on employment, social affairs, skills, labour mobility and the related EU funding programmes.

- **EFFAT - European Federation of Food, Agriculture and Tourism Trade Unions**

As a European Trade Union Federation representing 120 national trade unions from 35 European countries, EFFAT defends the interests of more than 25 million workers employed in agriculture, food & beverages, hospitality-tourism and in the domestic work sector. EFFAT is a member of the ETUC and the European regional organisation of the IUF.

- **EFFE - European Federation for Family Employment and Homecare**

The European Federation for Family Employment and Home Care (EFFE) is one of the actors of the personal and household services (PHS) sector at EU level, representing members as national organisations of households as employers and of domestic workers and childminders.

Created in 2012, EFFE specifically strives for the recognition and the development of the direct employment model (also called home or family employment) at European level. This model is characterised by a contractual work relationship between two private individuals, without any trading or profit-making objective.

- **EFSI - European Federation for Services to Individuals**

EFSI is the voice of the Personal and Household Services industry at the European level, representing national associations, employers' organisations, PHS providers and companies involved in the development of Personal and Household Services (PHS) in Europe. Through its members, EFSI is present in 21 EU Members States.

- **International Domestic Workers Federation (IDWF)**

IDWF is a membership-based organisation of domestic work and household workers. A domestic or household worker is any person engaged in domestic work within an employment relationship. IDWF believe domestic work is work and all domestic and household workers deserve to enjoy the same rights as all other workers. Its objective is to build a strong, democratic, and united domestic/household workers global organisation to protect and advance domestic workers' rights everywhere.

As of April 2021, the IDWF has 81 affiliates from 63 countries, representing over 590,000 domestic/household workers' members. Most are organised in trade unions and others, in associations, networks and workers' cooperatives.

- **ILO Office for the European Union and the Benelux countries**

The International Labour Organization is the UN agency for the world of work. It sets international labour standards, promotes rights at work and encourages decent employment opportunities, the enhancement of social protection and the strengthening of dialogue on work-related issues.

The ILO Office for the European Union and the Benelux countries represents the International Labour Organization on the one hand to the Benelux countries (Belgium, the Netherlands and Luxembourg) and on the other hand to the institutions of the European Union, in particular the European Commission, the European Parliament, the European Economic and Social Committee, the Council of Ministers, and the European Council. The Office is developing, in a pro-active way, the ILO-EU strategic partnership, both as a regional and as a global player.

- **Platform for International Cooperation on Undocumented Migrants (PICUM)**

The Platform for International Cooperation on Undocumented Migrants (PICUM) represents a network of 168 member organisations in 34 countries, working to ensure social justice and human rights for undocumented migrants. Bringing together a broad range of experience and expertise, PICUM provides a link between local realities and the debates taking place at policy level.

- **UNI Europa**

UNI Europa is the European Trade Union Federation for 7 million service workers. It speaks for the sectors that constitute the backbone of economic and social life in Europe. Headquartered in the heart of Brussels, UNI Europa represents 272 national trade unions in 50 countries, including: Commerce, Banking Insurance and Central Banks, Gaming, Graphical and Packaging, Hair and Beauty, Information and Communication Technology Services, Media, Entertainment and Arts, Postal Services and Logistics, Private Care and Social Insurance, Industrial Cleaning and Private Security, Professional Sport and Leisure, Professionals/Managers and Temporary Agency Workers.

I - INTRODUCTION

June 2021 marks the 10th Anniversary of the adoption of the ILO Domestic Workers Convention, 2011 (No. 189). Defining domestic work as all work performed within an employment relationship and on an occupational basis, in or for a household or households to provide services mainly for consumption by household members, the Convention put forward a historic set of international standards aimed at improving the working conditions in the sector.



Nearly 9,5 million domestic workers – also termed personal and household services (PHS) workers at the EU level – **are working in the EU 27 and 90% are women**^{1,2}. Workers who perform paid domestic work are not a homogeneous group of workers, with workers having diverse work arrangements, employment relationships, and tasks they perform, as well as nationalities, residence statuses and personal characteristics. Among them, **6,3 million are declared, and at least 3,1 million are working undeclared**³. The sector relies on EU mobile and migrant workers, many of whom face systematic labour rights violations, and in some cases,

1. Lebrun; JF. (2020).

2. In its 2021 Global report on domestic work, the ILO estimates that there are 2,7 million domestic workers in Northern, Southern, Western and Eastern Europe. The difference with the figure provided here is due to methodological differences, as owing to the limited availability of microdata on occupations (ISCO codes) at the four-digit level, the ILO estimates do not include domestic workers employed through service providers. The statistical estimates provided by Jean-François Lebrun and on which this report is based include both domestic workers employed by households and by service providers. For more information see ILO (2021) and Lebrun, JF. (2020).

3. Undeclared work is defined as any paid activities that are lawful as regards their nature, but not declared to public authorities. It should be noted that at international level, undeclared work is usually referring to as “informal work”.

violence and other abuse. This sector is a growing industry⁴, and without attention, workers in this sector will not earn a living wage, and some will continue to be unable to make ends meet, and to lack effective social security coverage. To date, eight EU Member States⁵ have ratified the Convention. Despite the global mobilisation that followed its adoption⁶, improving domestic and care workers' rights remains more than ever a topical issue in Europe.

With this report, the C189 Alliance partners seek to provide an overview of the main challenges faced by the domestic work sector while allowing some organisations and researchers to highlight their ongoing work⁷. It is meant to be complemented by the ILO Global Study "*Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention, 2011 (No. 189)*", and the discussions to be held during the online event planned on June 28-29 2021 and provides many references for more in-depth reading. The report highlights the spirit of cooperation amongst alliance partners and lays the groundwork for tangible changes in the future that will benefit workers.



4. Ageing population and a documented preference to age at home rather than in institutions is one of the main drivers of the increasing demand for PHS. For more information, see Eurofound (2013).
5. Belgium, Finland, Germany, Ireland, Italy, Malta, Portugal and Sweden – out of 32 ratifying countries worldwide.
6. Such as ILO-EU cooperation through various projects on domestic work, the Council decision of 28 January 2014 authorising Member States to ratify the Convention in the interest of the European Union or the Council conclusions of December 2020 adopted under the German Presidency that invites EU Member States to consider the significance of Convention No. 189 for decent work and domestic workers' rights.
7. Only experts who took part in the call for contributions open between January and March 2021 were invited to contribute to this report.

II - LABOUR LAW AND SOCIAL PROTECTION FRAMEWORKS: FROM REGULATORY GAPS TO THE FULL IMPLEMENTATION OF ILO C189

Personal and household services (PHS) work and by extension, domestic work has often been excluded from traditional industrial relations frameworks. **The high number of women in this sector, coupled with the historical notion that this work is unpaid, has left it outside of the regulatory frameworks.**

The ratification of the ILO Domestic Workers Convention, 2011 (No. 189) is the first step in formal recognition of the sector. It opens doors for domestic workers to be elevated to the same status as other workers in other sectors. Among the 6,3 million declared domestic workers that Europe counts, nearly 2 million of them do not enjoy the same labour rights and social protection as other workers in their respective countries^{8,9}. Several policy measures and other initiatives over the past 10-15 years have sought to reinforce domestic workers' rights and the ILO Domestic Workers Convention, 2011 (No. 189) is probably the most important one. It establishes – among other things - that domestic workers must enjoy rights equivalent to that of other workers.

Considerable efforts have been made in many EU countries in order to transform undeclared jobs in the sector into regular jobs covered by effective labour law and social protection. This has been done mostly through public subsidies to professional service providers, socio-fiscal incentives to households, tax and social security exemptions, or online declarative platforms to ease the declaration of workers by end users. However, there remain significant gaps in rights and protections, investments and regulation.

Domestic workers are exposed to poor working conditions and insecurity related to protective gaps in the system of economic and social protection. These include gaps in employment rights, social protection, representation

8. Lebrun, JF. (2020).

9. The figure of 2 million is an estimation of the number of domestic workers who do not enjoy a legal coverage to the same extent as other workers. To this figure should be added domestic workers who do not benefit from an effective implementation of their rights despite a satisfactory legal framework. To date, there is no estimation of the latter.

Domestic workers are exposed to poor working conditions and insecurity related to protective gaps [...] in employment rights, social protection, representation and enforcement of rights.

and enforcement of rights¹⁰. The lack of collective bargaining structures in the sector contributes to the gaps in coverage and lack of effective implementation. High levels of informality in domestic work are sometimes rooted in general regulative exemptions and gaps, and often times the result of gaps in implementation. **Many countries have introduced specific statutory regulation for domestic work.** While specific regulations may be appropriate to adapt to the sector, several¹¹ exist mainly to reduce the cost of the employing a domestic worker, and are discriminatory, usually associated with poor working conditions (e.g., excessive working or on-call hours) and fewer rights (resulting from reduced social contributions)¹².

Since the outbreak of the pandemic, domestic workers' essential role in providing direct and indirect care services to the most vulnerable has been stressed and recognised. **The COVID-19 crisis also highlighted that an urgent normative intervention was still needed to grant all domestic workers access to the essential social protection that every worker deserves** in case of inability to work for reasons beyond their control or when becoming unemployed or reaching pension age. Women are at particular risk for old-age poverty¹³. For the high number of women in this sector, with little access to social security, immediate action is needed to prevent older women's poverty. It is also crucial to highlight the particular situation of migrant workers who are supporting families in other countries, contributing to social protection systems both in the countries they live and work in and countries of origin. Actions are also needed to grant them adequate social protection and wages.

Domestic workers have been severely affected by the COVID-19 pandemic. Estimates from the ILO shows that in Northern, Southern and Western Europe in the early stages of the pandemic 37% of domestic workers were significantly impacted. The figure rose to 50% mid-April 2021.
(See ILO 2020)

10. For more information on the analytical framework of protection gaps, please refer to Grimshaw et al. (2016) and its application to the domestic work sector by Ramos Martin, N. and Munoz Ruiz, A. (2020).
11. Such as the Spanish Special Scheme for Domestic Workers which do not grant access to unemployment benefits or the German "Bürgerliches Gesetzbuch" (Civil code) provisions on working time which excludes live-in domestic workers.
12. See Ramos Martin, N. and Munoz Ruiz, A. (2020).
13. See Eurostat (2020).


The Ad-PHS Platform

From December 2018 to December 2020, the Advancing Personal and Household Services (Ad-PHS) project partners contributed to the creation of a single point of contact to support, guide and provide advice to Public Authorities in the development of their PHS policies.

The project strengthened the overall knowledge of PHS throughout the EU and enhanced understanding of the context and regulations in 21 EU Member States. During a number of workshops and seminars, the project enabled key national stakeholders to share knowledge on the sector and raise awareness about specific situations.

Aimed for the use of Public Authorities and national PHS stakeholders, a set of tailored guidelines have been developed on digital platforms and networks, worker cooperatives, social voucher programs, collective bargaining and social dialogue structures, the rights and obligations of employers and workers, and professionalisation. Providing both a theoretical overview and practical advice for the development and improvement of PHS policies, these guidelines were used to facilitate the reflections at the national level on areas for improvement and the existing challenges and obstacles.

Building on the results of the Ad-PHS project, several EU stakeholders launched the C189 Alliance. Based on the view that further efforts are needed at the European and national level, the stakeholders aim at contributing to the strengthening of the Ad-PHS platform.

More info 

© AdPHS



Moreover, **many countries have implemented specific regulations for occasional work under which when the service is provided irregularly or under a certain threshold** (e.g., 4 hours per week), **employers are exempted from certain obligations**, including the one to declare the worker. While the aim of such exemptions is understandable from user's point of view, it is much less from the point of view of the domestic worker, which may work under this status with various employers.

The difficulties associated with the sector regulation are directly linked with its intrinsic characteristics:

- **Domestic work varies significantly in terms of work content** as domestic workers provide both direct (care for elderly, persons with disabilities or children) and indirect care (cleaning, housekeeping) in households. In this regard, the ILO considers that domestic workers belong to the care workforce¹⁴.
- **Multiple work arrangements** (live-in, live-out, single or multiple employers) **and various employment relationships** (placement agencies, provider organisations, contract with the end-users or domestic workers operating as self-employed) **can contribute to employment instability**. Workers often work alone and lack contact with their peers, leaving them unable to build power, exchange information and technical skills, or connect on common challenges. On a similar note, when the employer is also the end-user, who is assisted in the household for a few hours a week, that person might struggle to comply with numerous obligations that are linked to being an employer, especially as he or she could also belong to a vulnerable group. In some cases, both parties face incredibly high barriers and need collective support.
- **The workplace is the home of recipients of care services, meaning that domestic workers are invisible**. It represents an obstacle to the monitoring of their situation by governments and social partners.

Employers are fragmented from each other; they are not obliged to join an employer group or even consult with an employer group about industry standards and practices. Domestic work is also a sector in which there is typically a power imbalance between the worker and the end-users, exposing workers to increased risk, discrimination, violence and harassment at work (including gender-based violence), exploitation and vulnerability, especially for live-in and migrant workers. The existence of organisations of domestic workers and of employers of domestic workers could ease the process of equalizing wage floors and create similar working conditions across the sector.

The existence of organisations of domestic workers and of employers of domestic workers could ease the process of equalizing wage floors and create similar working conditions across the sector.

14. According to ILO Convention No. 189, domestic workers are those workers in an employment relationship and on an occupational basis working in or for a private household or households. Rather than defining domestic work according to tasks, the distinguishing feature of domestic work is the workplace. The inclusion of domestic workers in the care workforce thus recognizes that care provision includes not only personal care but also non-relational, indirect care work, such as cleaning and cooking, which provide the necessary preconditions for personal caregiving. See ILO (2018).

- The sector suffers from the cultural assumptions that domestic work is unskilled and not a profession but just what women do often unpaid. Care skills are often unrecognized through professional bodies, leaving workers without recognition of the large variety of skills they possess. Migrant workers also face increased challenges having their foreign qualifications accepted and acknowledged. Many skills are also tacit or non-task oriented. For example, consider emotion and relational care, an essential aspect of daily care, is completely undervalued by current systems. These, among other issues, often lead some employers to not viewing themselves as employers, and therefore not taking on the formal employer role.

The sector is thus characterised by **a fragmentation of the legal frameworks applicable to workers and regulatory complexity**. Workers in the same jurisdiction often face multitudes of challenges and working conditions that are completely unregulated. Current legislative roadblocks make it impossible for employers and unions to bargain across the whole sector and entrench current inequalities. Improvements to the legal framework are not necessarily implemented in practice and a full implementation of domestic workers' rights usually requires a strong involvement of social partners and civil society, and innovative solutions. In this regard, sectoral collective bargaining and meaningful social dialogue between unions and employers will elevate workers' rights and support employers to achieving fair and safe workplaces.

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Veilig werken tijdens COVID-19
Travailler en sécurité pendant COVID-19
Working safely during COVID-19

PLUS HOME SERVICES

Thuis – À la maison – At home

Hou afstand bij kantoor of chat
- Questions? Appelez le bureau ou chattez
- Questions? Call your office or chat

Neem je extra materiaal mee naar de klant
- Prenez votre matériel chez le client
- Take your material with you to the client

Op weg naar de klant – En route vers le client – On your way to the client

Masque facial obligatoire dans les transports publics
- Mandatory facemask on public transport
- Mondmasker verplicht op het openbaar vervoer

Geen mondmasker verplicht voor ander transport, uitgezonderd andere lokale regelingen
- Pas de masque obligatoire pour tout autre transport, à l'exception des autres réglementations locales
- No mandatory facemask for other transport, except for other local regulations

Bij de klant thuis – Chez le client – At the client's house
Voor het werk – Avant le travail – Before starting work

Hou afstand bij aankomst
- Changez vos distances à l'arrivée
- Keep your distance upon arrival

Handen wassen met vloeibare zeep en afdrogen met papieren handdoek
- Lavez-vous les mains avec du savon liquide et séchez-les avec une serviette en papier
- Wash your hands with liquid soap and dry them with a paper towel

Bedien jezelf en geniet!
- Servez-vous et savourez!
- Help yourself and enjoy!

Reinig grondig alle aanrakingpunten
- Nettoyez soigneusement tous les points de contact
- Clean all high touch points thoroughly

Doer de normale taken zoals gewoonlijk
- Exécutez les tâches courantes comme d'habitude
- Carry out normal tasks as usual

Het werk beëindigen – Terminer le travail – Finishing work

Vuile poetsdoek op overeenkomstige plaats
- Lavez le linge à l'endroit convenu
- Dirty cloth in agreed spot

Aval in gestoten vuilnisbak
- Déchets dans une poubelle fermée
- Waste in closed bin

Dienstencheques opbergen
- Rangez les titres-service
- Put away service vouchers

Handen wassen met vloeibare zeep en afdrogen met papieren handdoek
- Lavez-vous les mains avec du savon liquide et séchez-les avec une serviette en papier
- Wash your hands with liquid soap and dry them with a paper towel

Hou afstand bij vertrek
- Gardez vos distances en partant
- Keep your distance when leaving

Open de deur met een papieren doek
- Ouvrez la porte avec une serviette en papier
- Open the door with a paper towel

Vervoer naar huis – Retour à la maison – Going home

Masque facial obligatoire dans les transports publics
- Mandatory facemask on public transport
- Mondmasker verplicht op het openbaar vervoer

Geen mondmasker verplicht voor ander transport, uitgezonderd andere lokale regelingen
- Pas de masque obligatoire pour tout autre transport, à l'exception des autres réglementations locales
- No mandatory facemask for other transport, except for other local regulations

Thuis – Chez soi – At home

Handen wassen met vloeibare zeep en afdrogen met papieren handdoek
- Lavez-vous les mains avec du savon liquide et séchez-les avec une serviette en papier
- Wash your hands with liquid soap and dry them with a paper towel

Vragen? Bet het kantoor of chat
- Questions? Appelez le bureau ou chattez.

Relax!


© Group Daenens

Let's care for domestic work(ers) – Belgium

Back to work safely! This has been the main challenge that service voucher companies have faced since the start of the corona pandemic. With the support of many internal and external prevention experts and virologists, the Group Daenens developed a training and preventive framework to ensure a safe and sustainable working environment in time of COVID-19.

Targeting both customers and domestic workers, the campaign was committed to sustainable behavioural change. From day one, they thought it was more important to teach their people the right behaviour of social distancing, hand washing, sneezing hygiene and adequate use of protective materials. As part of the campaign, they developed:

- visual info cards in 8 languages to inform domestic workers in a very clear way,
- visual guidelines about the provision of domestic service and basic principles of corona-proof behaviour including attention to warm relationships,
- personal coaching to domestic workers on the guidelines, followed by monthly meetings to discuss their daily implementation,
- film “a corona proof working day” and its storyboard,
- office furnishing – visual stickers and sheets to keep office safe,
- central chat with a team of 12 people to answer domestic workers questions in Dutch, French, English and Polish. While it is not meant to replace contacts with coordinators, it offers domestic workers an extra opportunity to ask questions, express doubts or concerns or to quickly get some directions and explanations,
- up to date FAQ about the virus itself and on financial, administrative and safety issues.

More info 



© Great Care Coop

The Great Care Coop - Ireland

The Great Care Co-op is Ireland's first ever carer-owned and award-winning cooperative. It is a radically new model of home care set up in 2020 by a group of 9 migrant women who have a combined work experience of over 70 years in care.

It is an example of how great care and decent work should look by creating decent and sustainable jobs, and in support of positive aging where people being cared for can continue living in their homes and communities. The Coop invests in carers, giving them a say in business related decisions, such as work schedules that allow them a good work-life balance, being listened to and to have an input on their day-to-day work. And crucially, it provides better pay and pensions for carers.

This model of working was inspired by the successful [Buurtzorg](#) in the Netherlands where nurses set up self-managed teams in local communities to provide better care to their patients in their homes. It resonated with co-founding members of the Coop because of many years of own past experiences of poor working conditions, low pay and poor treatment.

The coop originated from two decades of campaigning for rights and recognition by migrant domestic workers in Ireland in the Domestic Workers Action Group (DWAG). DWAG successfully campaigned for seven years to bring the ILO C189 to Ireland, making the country the 3rd in the EU to ratify the ILO C189. The group comes from a human rights and equality background hence the quest to flip the bureaucratic and traditional ways of working in favour of a non-hierarchical structure which values both workers and people receiving care. The coop is pushing for systemic change in home care to put equity back in the heavily privatised sector. It believes that the people who give and receive care should be the ones who control care organisations.

More info [➤](#)


The project is co-funded by the Government of Ireland and the European Social Fund as part of the ESF PEIL 2014-2020'.

Ensuring domestic workers' well-being and safety at work - Belgium

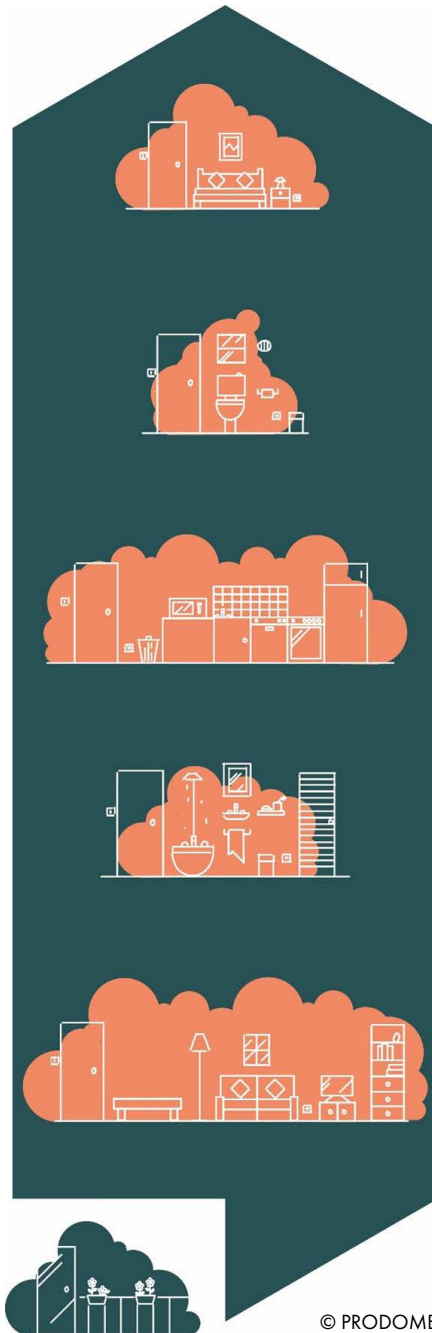
Launched in 2017 following a sectoral collective labour agreement of the service voucher social partners, the "Employability Fund" foremost goal is to implement actions that contribute to a workable and agile work. Three main type of actions are conducted:

- psychological, medical and physical surveys on the limitations of the occupation and the pragmatic answers that can be given to it. A study conducted in 2018 explored the sector and assessed domestic workers level of satisfaction. It showed that they broadly ask for more respect, provision of suitable equipment, training and a safe working environment,
- awareness raising and training of the service vouchers companies' actors. Based on the results of the 2018 study, the Fund started with a set of trainings for domestic workers. Later on, it established online trainings for the supporting staff and management days for HR managers,
- public campaigns were launched in 2019, 2020 and 2021 with the aim to raise awareness on the importance of clients' role on a different topic each year. These campaigns mainly target clients, but providers are also invited to join. To increase their impact, humorous videos of Belgian VIPs performing tasks without appropriate equipment were broadcasted and reached more than 200 thousand views on social media. Spreading the campaigns on social networks allowed to reach a new audience which consequently became more involved and responsive. Belgian medias also supported the initiative and broadcasted radio messages. The campaigns are now well known.

© FDS/WBF

More info 





PRODOME training programme: strength and possible future improvements

– Belgium, France, Italy and Spain

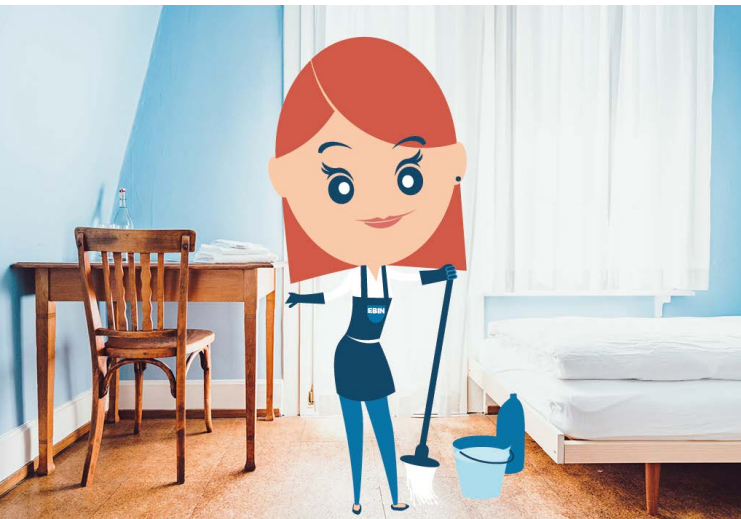
Erasmus + SSA PRODOME project aimed to contribute to the recognition and professionalisation of domestic workers in Europe. To do so, one of the key deliverables was the elaboration of a European training programme with the following key features:

- 3 EQF level and 10 ECVET credits,
- 9 modules and 300 hours, from which 180 hours in blended learning and 120 hours in work-based learning,
- tested by 58 domestic housekeepers in 2 countries, with a 96% rate of completion of modules, 98% rate of satisfaction from learners and 100% from trainers as regards contents and duration,
- 7 trainees (12%) having found a job right after the training.

Some of the main conclusions defined after the training delivery were as follows:

- Recruitment: an initial test to evaluate the language and basic skills required for the training, as well as a pre-training for trainees in need would facilitate in the future better learning results.
- Training:
 - modularity and flexibility were key for preventing dropouts,
 - online training contents can be more visual and simpler in order to facilitate the learning process for foreign trainees,
 - career guidance can be added at the end of the training to reinforce employability.
- Work-based training:
 - pre-training for foreign trainees can be particularly facilitating,
 - a salary should be proposed according to the legal framework of each country,
 - a tutor could be facilitating, especially for in site supervision.

More info [➤](#)



© Ebincolf

Social partners' commitment to domestic workers' safety - Italy

In Italy, domestic workers report about 5,000 occupational accidents per year with musculoskeletal disorders and respiratory diseases being the most recognized occupational diseases. Article 27 of the National Collective Labour Agreement (CCNL) on Domestic Work stipulates that every worker has the right to a safe and healthy working environment in the household.

To provide correct and comprehensive information to both domestic workers and employers and to foster the concrete implementation of Article 27, Ebincolf - the National Bilateral Body of Domestic Employers and Workers - produced five handbooks on safety at work in the domestic sector. They focus on five topics: household cleaning and hygiene, electricity at home, ladders and stools, use of gas, handling and lifting loads.

Furthermore, training activities promoted by Ebincolf include special training-information programmes on safety at work to provide housekeepers, carers and babysitters with the knowledge and skills needed to best perform their work in total safety. Since 2015, the bilateral Body has financed activities in the field of training and qualification (certified UNI 11766:2019), by offering 30,000 hours of classroom and training to more than 10,000 workers across the country totally free of charge. Due to the good results obtained, the social partners have increased the funding dedicated to training for domestic workers for the coming years.

More information on domestic work safety and prevention can be found in the following report [➤](#)

III - TACKLING UNDECLARED WORK IN DOMESTIC WORK

With approximately 3,1 million workers concerned, undeclared work is a widespread phenomenon in the sector. In 2016, the European Commission estimated that PHS sector was the third most commonly identified sector for undeclared work, after the construction sector and hotels, restaurants and catering¹⁵. The latest Eurobarometer survey on the topic indicated that **around 34% of all undeclared work undertaken in the EU in 2019 was in PHS**. Under-declared employment is also common in the sector but almost impossible to estimate, and the high levels of undeclared work erode at Member States' tax base. The European Platform tackling undeclared work has made this a priority for 2022, specifically addressing reduced tax revenues¹⁶.

There are many drivers of informality in the sector such as the scope and implementation of labour and social security regulations, barriers for accessing legal and effective social security coverage, gaps and restrictions in access to work permits as well as the variety of organisations and actors involved in mediating and facilitating the supply of domestic workers and the demand for PHS. Direct employment model relationships can encourage the use of undeclared employment and thus requires special attention. In this regard, measures aiming at lowering the cost and easing workers' declaration are key.

Furthermore, **norms and values regarding family and home, and the gender division of labour in the household, influence perceptions, attitudes and behaviour regarding domestic work which suffers from a low social prestige**. In many EU countries, it is still culturally widely accepted to recourse to undeclared work for specific services such as PHS and therefore no support is granted to the sector.

However, some countries have chosen to tackle undeclared work. To do so, an appropriate regulatory framework is necessary. In addition, compliance barriers and the benefits to undeclared work should be addressed.

15. European Commission, 2016.

16. <https://ec.europa.eu/social/main.jsp?catId=1299&intPagelD=4876&langId=en&>

There is also a need for more effective monitoring and enforcement of labour rights in the sector, including through more accessible complaints mechanisms and increased labour inspections. National-level campaigns to promote compliance with applicable laws, for example, by informing people about their rights and responsibilities as domestic workers and end-users respectively are needed. The relative cost and the complexity of hiring a domestic employee or affordability of doing so in relation to a user's income and need, affect decision-making not only as to whether or not and how many hours of domestic work to purchase, but whether to do so formally or informally. Therefore, Member States can either adopt a deterrence (based on measures to improve detection and penalties) or a preventative approach (based on incentives that make declared work more feasible, beneficial and easier than undeclared work).

When it comes to PHS, **most of the countries who chose to tackle the issue, have adopted a preventative approach** with the aim to make formal domestic services affordable to the greater number of users. While some of these policies have been very successful, some have failed to strike the right balance between quality of work and services' affordability. Therefore, when designing such measures, governments should find long-term and sustainable solutions for the benefit of workers (by granting them access to formal jobs not deviating from standard employment rights and protection) and users (by enabling them to adequately meet their needs on the formal market at an affordable price). Situations where people are registered as self-employed but actually in employment must also be addressed. This type of employment exploits workers and transfers all the responsibilities of employers on to workers.

The relative cost and the complexity of hiring a domestic employee or affordability of doing so in relation to a user's income and need, affect decision-making not only as to whether or not and how many hours of domestic work to purchase, but whether to do so formally or informally.

IV - THE CHALLENGES RAISED BY THE EMERGENCE OF THE DIGITAL PLATFORMS

On the one hand, digital platforms can enable users to find reliable information on the quality of services, help them identify the offer that best meets their needs and have an easier access to it. However, platforms can also reduce users' ability to vet workers appropriately and may also present a risk for them.

Platforms also create a space to discuss common issues and contribute to increased organisation among domestic workers, which are most of the time isolated.

For workers, platforms can also offer low-barrier access to employment, potentially counteracting discrimination in the labour market. They can also represent a source of additional income for some workers or enable higher wages by eliminating or reducing intermediation costs between "operator" and "client". Platforms also create a space to discuss common issues and contribute to increased organisation among domestic workers, which are most of the time isolated. However, there is no replacement for structured social dialogue and collective bargaining between unions and employer organizations. There are also particular risks for workers, for example, regarding their employment status and relationships, their ability to vet and negotiate conditions in households, and enforcement of their rights.

In particular, **platforms have the potential to reduce undeclared work in the domestic work sector** - especially for workers directly employed by end-users - **by introducing digital declaration tools to enable employers to declare their workers.** To be efficient, such systems must automatically create social rights for the workers and be user-friendly; most of time they require State intervention. Promoting workers' declaration through platforms contributes to increasing visibility and understanding of the sector, as well as the statistical assessment of the public policies supporting it. However, it requires a certain level of digital skills among both workers and employers and access to the necessary hardware, otherwise, it is impossible to leverage the advantages of online platforms and networks.

Digital platforms have been on the rise in the domestic work sector. **The employment classification of these workers is increasingly the subject of litigation**, as it has important consequences on their protection. When domestic workers working through digital platforms are assimilated as self-employed, even when their work is supervised and under a dependency relationship, they tend to lack labour and social protection.

Platform work challenges classification of workers' employment status – whether employee or self-employed. Proper classification is a key issue as it defines workers' rights and entitlements, for example as regards social protection, working time, earnings, representation or health and safety standards, and can also impact upon a workers' residence status. **Misclassification seems to be most likely if the platform business model is based on a high level of intervention by the platform and the work involves small-scale, tasks considered "low skilled"**. It has led to a growing array of court cases investigating the employment status of platform workers across Europe, including in the domestic work sector. When there are doubts on the employment status of a domestic worker, an assessment of the criteria applicable to the status of "employee" and whether or not there is a factual employment relationship should be performed, in particular if there is subordination in the relationship.

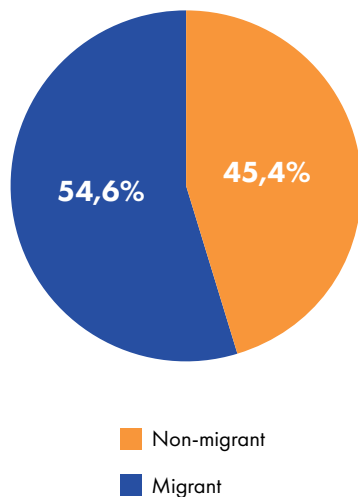
Other challenges for workers include the lack of knowledge of their rights, and due to power imbalances, inability to enforce them. Finally, platform work has not yet been able to offer satisfactory solutions for intrinsic challenges of the domestic work sector such as opportunities for developing one's occupational skills, career pathway development and domestic workers' representations (except for platform cooperatives). Attention should also be paid to workers' right to disconnect and the use of data collected through the platforms.

Finally, platform work has not yet been able to offer satisfactory solutions for intrinsic challenges of the domestic work sector.



V - MIGRANT DOMESTIC WORKERS

Origin of domestic workers in Northern, Southern and Western Europe



In Europe, a significant proportion of domestic work is carried out by migrants. In 2013, the ILO estimated that 54,6% of domestic workers in Northern, Southern & Western Europe were migrant workers, a majority of whom are migrant women¹⁷. **The demand for domestic workers across Europe is growing, while labour force shortages in the sector continue to exist**, even if this is not always publicly acknowledged. Often this demand is met by undocumented migrant workers.

Little data is collected by public authorities to highlight the positive contribution of intra-EU and extra-EU migrants and this aspect remains under-researched. The challenges to access decent and declared employment in domestic work described above for all domestic workers are multiplied for migrant domestic workers. **The power imbalance between domestic workers and their employers is even more evident in the case of migrant workers.** The latter may have a precarious or irregular residence status, face risks of immigration enforcement if they stand up for their rights, and/or and have less social capital in the country (support networks, knowledge of their rights and procedures, fluency in the national language). They also face specific challenges in terms of recognition of skills and qualifications.

It is crucial to prevent a situation where Europe meets its care needs by exploiting migrant workers. In the framework of a more social Europe aligned with the EU Charter on Fundamental Rights and the European Pillar of Social Rights, all workers in the EU, irrespective of their nationality or immigration status should have access to decent working conditions. In practice, migrants employed in domestic work face additional barriers to the enjoyment of their rights.

¹⁷. ILO (2015). This data refers to an estimated 4,1 million domestic workers in total in Northern, Southern and Western Europe, of which 2,21 million were migrant domestic workers and 1,87 million women migrant domestic workers, representing an estimated 65,8% of female domestic workers in the region.

One of the major challenges facing migrant domestic workers – and therefore the sector as a whole - is the **lack of regular labour migration and regularisation pathways**. In most EU countries, labour migration possibilities are very restrictive for non-EU migrant domestic workers (except for employees of diplomats). Those countries that allow migrant workers to get a permit for domestic work, do so under very restrictive conditions, and there are very few possibilities to regularise status when in the country through employment.

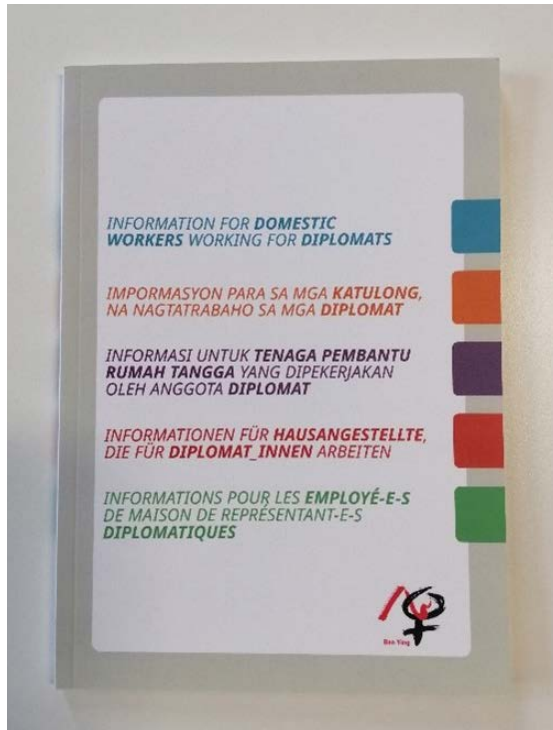
When migrant domestic workers do have access to work permits, they are often tied to a particular employment relationship. This makes it extremely complicated to change employer or work for several employers part-time. The obligation for workers to remain with the same employer/ household regularly leads to exploitation.

Labour migration and regularisation pathways that promote decent work and social inclusion are needed.

There is also **a clear misuse of au pair systems to meet demands for migrant domestic workers, that can lead to their exploitation** (type of duties, long hours, underpayment, etc.), and lack of labour rights protections for people currently working on au pair visas. Labour migration and regularisation pathways that promote decent work and social inclusion are needed. Attention must also be paid to migrant workers registered as self-employed, as they are more likely unaware of the implications of the self-employed status and face difficulties navigating in the system, as well as employees of diplomatic households.

In addition, migrant domestic workers with dependent or irregular status **often risk immigration enforcement if they try to exercise their labour rights**. As such, measures should be taken to ensure migrant workers, including when undocumented, can engage with authorities - inspection bodies, tribunals and courts, police – to exercise their rights, without any risk of immigration enforcement as a result.

Migrant domestic workers must be consulted more actively in the process of policy reform through interaction with self-organized domestic worker's associations and migrants' rights NGOs. At the same time, strategies and practices must be identified that help social partners integrate migrant domestic workers into the formal labour market and union structures.



© Ban Ying

Brochure for domestic workers working for diplomats - Germany

Ban Ying is an organization that supports migrant women affected by exploitation and trafficking. Ban Ying's counselling and coordination center is regularly approached by domestic workers employed by diplomats, who experience violations of their rights.

Together with the German Federal Foreign Office, Ban Ying organizes annual information events for domestic workers working for diplomats. At these occasions, brochures written and funded by Ban Ying and the Federal Foreign Office, informing domestic workers about their rights and duties, are distributed. The German Federal Foreign Office also send the brochures to German embassies across the world with the demand to distribute them to domestic workers applying to work for diplomats in Germany.

The brochures are written in five languages and include information about entry procedure to Germany, working contracts, health insurance, standard labour and social laws in Germany as well as addresses of helpful organizations nationwide. Since certain points described in the brochures, such as the minimum remuneration, vary over time, the brochures are accompanied by an additional information sheet with updated information.

More info [➤](#)

FAIRWORK Belgium – Belgium

FAIRWORK Belgium is a Belgian NGO with more than 17 years of experience in the defence of the labour rights of migrant workers, domestic workers and au pairs. In 2010 they created the empowerment project *FAIRWORK Belgium for Domestic Workers*, aimed at domestic workers (with and without papers) and au pairs. The project consists of:

- Helpdesk: During the weekdays they offer individual assistance. They provide information about labour rights and assist domestic workers in filing an official complaint against their employers. Every year they handle more than 130 different cases.
- Sunday meetings: Every Sunday they organize meetings with a group of domestic workers & au pairs. During these meetings group participants follow language lessons, attend informative sessions about labour rights and participate in socio-cultural activities. Every year more than 170 persons participate in their activities.

Since 2010, FAIRWORK have reached more than 1,000 domestic workers and au pairs from more than 20 nationalities. They provide a safe place where domestic workers can meet new friends and build confidence in their value as women, migrants and workers.

They are the only NGO in Belgium that provides assistance to any migrant domestic workers or au pairs in Belgium, and they have become an important reference in providing accessible information. Even employers in Belgium and domestic workers and au pairs from other countries contact them for information.

During the Belgian ratification of the ILO Domestic Workers Convention, 2011 (No. 189), they published the cookbook “Onze (Ge)Rechten” (“Our Rights, Our Dishes”), entirely written by the participants of the project. It includes 26 recipes, 8 life-stories and the most important articles of the C189. Based on these life-stories, a theatre play “Ik Geef Niet Op!” was written.

More info [➤](#)



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VI - GOING FURTHER

With this report, the **C189 European Alliance partners have highlighted a limited number of characteristics associated with domestic work and several of the challenges facing workers in the sector.** Readers are invited to continue their reflections through reading the ILO Global Study *“Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention, 2011 (No. 189)”* and the 4 academic articles that follow as well as with the bibliography attached.

Several **research projects** on domestic work are currently or have been recently supported by the EU such as [Ad-PHS](#), [domEQUAL](#), [FeMiPol](#), [MAJORdom](#), [PRODOME](#) or [PHS-Quality](#). These sources will also enable the reader to better understand the subject.

Ten years after its adoption, the ILO Domestic Workers Convention, 2011 (No. 189) remains a key tool towards the full recognition of the value of domestic work and the necessity to ensure domestic workers adequate labour and social protection. Thanks to this report and the June 28-29, 2021 online event, the C189 European Alliance partners hope they will contribute to raising policy-makers’ and a broader public awareness of the issue.



ACADEMIC RESEARCH REFLECTIONS

A NEW WORK-LIFE BALANCE POLICY: THE OPPORTUNITY TO FORMALISE CARE (DOMESTIC) WORK

By **Carmen Grau Pineda**, *ULPGC* (carmen.grau@ulpgc.es)
and **Maria Gema Quintero Lima**, *UC3M* (aimeegq|@der-pr.uc3m.es)

1. The deconstruction of the feminization of the Work-Life balance Model

For several decades now, some actions have been developed in order to promote the reconciliation between work and family life of workers. It has been, eminently, legislative reforms in the field of Labour and Social Security Law, which have played the leading role in achieving this milestone.

With them, an attempt has been made to incorporate new legal mechanisms such as paternity/parental leaves (breastfeeding, on the occasion of the birth/adoption of a child for the purposes of providing care...), carers leave (in a first stage in order to provide personal care or support to a child under 12 and, at a later stage, to provide care to a relative who is in need of significant care or support for a serious medical reason), and part time arrangements (for the same reasons). All of these measures have made possible a singular way of Work-Life balance, in fact and almost exclusively, by a pool of rights of absence from the workplace, mostly exercised by women workers.

Faced with this, the reality is that it is essential that men and women become equally involved in family care through the recognition of gender-neutral ownership rights over family care duties. That neutrality means that those rights may not only be recognized equally (formal equality) but exercised (material equality) in an

equitable and equal manner. But the promotion of that equal sharing is not only a legal issue, above all, it requires a deep social change.

In fact, despite the more or less accurate normative efforts, the classic Work-Life balance schemes require a deeper sociological change aimed at the construction of co-responsibility or, in a negative sense, at the deconstruction of the feminization of Work-Life balance. And for this it is essential that, in homes, care tasks should be assumed, equitably and indistinctly, by the two members of the progeny, dismantling the traditional distribution of care roles in the intra-family dimension. However, this is not so obvious among the youngest cohorts of women, indeed, as to the extent that women reach higher levels of education, their subjective implications in care tasks decrease. The endoculturation of care is beginning to be held back by the first effects of equal opportunities in the access to education and in the entry to the labour market.

Despite this trending change, in the 21st century, in Spain and in states with similar idiosyncrasies, there is a certain persistence to considering that both, homework and intrafamily care, are women's matters which must be resolved within the family nucleus. But, if women workers in the family are no longer necessarily going to take care of child/elder at home, that type of care should be outsourced:

- A) Either through the use of public care services (educational, care for disability and dependency), conditional to their existence and the general perception that they are affordable and quality services.
- B) Or by resorting to private care services. And with an absolutely preferential nature, through the direct hiring of domestic workers.

2. Formalize care through the new care model from the perspective of co-responsibility / Work-Life balance

In this context, so briefly described, it is necessary to imbricate Work-Life balance and care from the direct action of the Public Institutions. Then the new public policies of Work-Life balance and co-responsibility could suppose a new way of solving the multiple existing gaps. These policies will not be limited just to reforming labour institutions, but they would perform in the economic aspect of care by transferring monetary resources, directly or indirectly, to those workers, eminently women, but also men, who cannot outsource home care. From the Work-Life balance policies, an obvious target group can be identified: people (women/men) who cannot carry out the personal and direct care of their dependents themselves, nor can they pay in the private market – or even in the unsubsidized public - the price of the different care services.

The international debate regarding the commercialization of domestic and care work and the inclusion of a policy of co-responsibility that includes the State, society and the family, to reduce the burdens to which women are subjected on a daily basis and, in this way, to allow women to have the same job opportunities as men has been decisive. Thus, the 2030 Agenda and SDG 5 on gender equality or ILO Convention No. 189 on domestic workers have had an undeniable effect on the paradigm shift that assumes that the practice of caring is not gender-neutral and opts for alternatives in order to promote a real change in social paradigms regarding care.

The most recent, announced by the Government of Spain at the beginning of March 2021, goes beyond the family environment. The Council of Ministers on March 9 approved the Co-Responsible Plan, a 190 million euros Plan, that address to the reconciliation of families in Spain through the co-responsibility of the State in the care of children under 14 years of age¹⁸. It is a seed policy that will facilitate the creation of quality employment in the care sector, in addition to dignifying and certifying the professional experience of the non-formal care.

The Co-Responsible Plan will be promoted by the autonomous communities and cities of Ceuta and Melilla, through the competent bodies in matters of equality and will be framed in the following types of projects that will be ratified at the next Sectorial Equality Conference:

1. Professional care bags for families with daughters and sons under 14 years of age.

a) Enabling quality professional care services, and guaranteeing the labour rights of professionals who provide their services in this framework of care.

2. Creation of quality employment.

a) Promotion of employment in the care centers for young people with professional profiles corresponding to several profiles (such as Technician / or in Sociocultural Activities, Leisure and free time monitors, Early Childhood Education, Nursery Assistants and Kindergarten).

b) Establishment of agreements with the SEPE (National Employment Agency) or regional employment agencies in order to promote the inclusion of people with professional experience in the formal and informal care sector, especially women over 45 years of age, in the care bags.

18. https://www.igualdad.gob.es/comunicacion/notasprensa/Documents/NdeP/NdeP_Corresponsables_090321.pdf

3. Accreditation of non-professional care experience.

Establishment of public mechanisms for the recognition of non-professional care experience that enable access to professional care bags, with special attention to the situation of women over 45 years of age.

Autonomous communities¹⁹ and cities must allocate the funds assigned to each one of them to the three mentioned categories, without the possibility to develop only one or some of the lines²⁰.

The first reference in this new batch of public regional Work-Life balance and co-responsibility policies is the first Co-responsibility Plan of the Community of Madrid, presented on March 5²¹ and which includes a set of measures aimed at involving parents, workers, companies, public administrations and the entire society in family care; in the conviction that equality, real opportunities and Work-Life balance must necessarily go hand in hand with co-responsibility, inasmuch as without co-responsibility women are harmed and they are not allowed to advance in their life projects²².

Among the measures available in this Plan, the implementation of specific public benefits for those workers having reduced working hours for the care of their children stands out. These subsidies will be structured through the companies and will make it possible to supplement the salaries of parents who have had to reduce their working hours to care for children under 12 years of age or relatives with a recognized disability greater than 33%.

The benefits, which are estimated to benefit more than 1,000 families a year, are aimed at companies with less than 100 workers who have an annual gross salary equal to or less than 13,300 euros and whose working hours have been reduced between one eighth and 50%.

Even more, in addition, this Co-responsibility Plan will also rely on the municipalities to promote a new model of care. In this way, the hiring of caregivers will be encouraged, through local entities, who will provide their services to all those families who need it. These caregivers are unemployed people who have professional

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19. The Co-Responsible Plan is encompassed within the powers in matters of assistance and social services transferred to the Basque Country and Navarra.
 20. In this sense, the distribution of funds is proposed through a series of variables and weightings related to the implementation of actions that specifically favour the establishment of quality professional care bags, as a priority need detected in Spanish society.
 21. Due to political issues (calling for early elections and the need to organize a new government), this program has been put on standby.
 22. <https://www.comunidad.madrid/notas-prensa/2021/03/04/comunidad-madrid-pone-marcha-primer-plan-cor-responsabilidad>

qualifications to perform these functions and who will be subsidized for salary and Social Security contribution expenses (between two and two and a half times the Minimum Interprofessional Wage), as well as complementary training. These aids will be articulated through the Training Program in alternation with work activity to prevent the risk of long-term unemployment.

Among the measures to be implemented, other incentives such as those for hiring people registered with the Special System for Household Employees stand out. These grants will be aimed at families whose parents work full time and will be received in cases of hiring caregivers, requiring a mandatory minimum duration of 3 months. Beneficiaries must have family incomes of less than 30,000 euros and, at least, one child under 12 years of age or a dependent family member living in the same household.

Once, linked to these innovative public policies, the gear for the professionalization of the sector is set in motion, it is plausible that the care market will be completely professionalized. Indeed, in the area of early childhood education and health care, and socio-health care centers for disability and dependency, a training activity for professional qualification is already institutionalized. But in the provision of home care services not yet. To the extent that the policies of co-responsibility in this new dimension of subsidizing care in certain circumstances, are based on services' professionalization and on the formalization of legal relationships for outsourcing care, several positive effects are to be expected. On the one hand, it will improve the quality of care, while on the other hand highlighting how care is part of the general productive system. Indeed, the quality Care Work Market allows workers who outsource their care needs, to keep themselves working, so that domestic workers contribute to the sustainable work activity of others workers. Furthermore, the economic and social value of outsourced care services will be revalued, with repercussions on more dignified working conditions that may even lead to the end of the feminization of the sector. Only when care work is revalued, and a formal care market is outlined, professionalized without connotations of activity linked to social roles assigned by the patriarchal culture to women, then can it be imagined that it could be just another professional activity, no gendered.

AMPLIFYING RIGHTS THROUGH ACTIVIST RESEARCH WITH DOMESTIC WORKER ORGANISATIONS

By **Katherine Maich** (kem394@psu.edu), Penn State University and the Global Labour University, **Jennifer Fish** (jfish@odu.edu), Old Dominion University, and **Eileen Boris** (boris@femst.ucsb.edu), University of California-Santa Barbara.

You clean out my brain and you go away, and you write a book. If you do research, come back to us. Because in good research, I'm going to find something that we can use to better our lives.

Myrtle Witbooi, President, International Domestic Workers Federation

But additionally, the researchers have just asked domestic workers for information for their studies, for their thesis and it just ends there.

Marcelina Bautista, Founder, Center for Support and Training of Domestic Workers, Centro de Apoyo y Capacitación para Empleadas del Hogar, CACEH

I think it is high time that we work together, the academics, the trade unions and the domestic workers themselves, as we did for the ILO campaign for the convention. If it was not for the teamwork, we would not have made a success to have Convention 189.

Vicky Kanyoka, African Regional Coordinator, International Domestic Workers Federation

The global focus on the Convention 189 international policy victory amassed the widest body of academic research on domestic labour to date. The policy-making process, international organizing, demands for rights, and practical implementation captured researchers from a range of disciplines and locations. The Research Network for Domestic Worker Rights (RN-DWR) launched directly from scholars at the 2010-2011 International Labour Conferences. Both the Decent Work for Domestic Workers Convention and subsequent movements for ratification and implementation have provided a common platform that linked domestic worker scholars across topics of policy, theory, and practice. Furthermore, the expansive potential of such a comprehensive achievement, reverberating from the local to global levels, provided grounds for scholar-activist research a full decade beyond the policy victory. Convention 189 forged new networks, possibilities, and directions for research on the domestic worker movement. Ten years into the policy-practice journey, we see how activist

research has both contributed to the movement for decent work and has flagged significant ethical concerns about the obligations of academic researchers to social movements. With so many emergent partnerships, with limited funding sources and necessity for data and narratives, the ten-year anniversary of Convention 189 asks us to reflect upon the emergent role of academics in the struggle of domestic workers for rights, dignity, and better lives. As the familiar union call demands “nothing for us without us”, the unprecedented growth of this movement asks researchers to consider the impact and benefit of the scholarship they produce, and the lives of those whose stories and conditions provide the basis for academic advancement.

Research on domestic workers has often drawn from leaders without reciprocal contributions to the struggles and organizational needs at the heart of this movement. Domestic worker leaders raised concerns that scholarly studies most often remain in academic institutions, with analyses that do not reach the movement of domestic workers on the ground. The growth of case studies and reports that span multiple disciplines, however, has placed an undue burden on domestic worker leaders as sources of “authentic” knowledge. Interest from scholars around the world has added substantial demands on domestic worker leaders to provide interviews and organizational data, engage in response to academic constructs, and be available for conversations and shared media invitations around the world. As Myrtle Witbooi shared at a meeting of researchers during the 2011 ILC:

People approach you individually, you find you must say no. There are lots of demands on me, so we have to sort of know who can we send for interviews. We have to know who we should approach. Because they approach you directly yet you are so busy. You must know where you are needed most.

In some instances, domestic worker leaders suggested that these additional demands have caused tensions and pulled domestic workers apart because of time and pressures to embody the representations expected of them. With this increased attention, inquiries from both journalists and academics placed new strains on domestic worker leaders to evaluate the relative gain and risk of responding to a range of requests for time and quotes from “actual domestic workers”.

As networks grew out of the ILO convention process, domestic workers’ organizations refined their relationship to research with increased awareness of its impact and costs. At the same time, the growth of an international movement, with its applied focus on organizational building, national ratification, and rights, facilitated new dimensions of collective accountability among researchers. One example of this was the Research Network for Domestic Worker Rights, whose top priority is to support research that would give back to domestic worker movements. This collection of scholars pledged to link research to the requirements of organizations of domestic workers, who it recognized were “organizing and lobbying to win rights, respect, and recognition” worldwide. It announced:

The mission of the RN-DWR is to support these efforts by promoting domestic worker rights in the academic and activist communities, strengthening domestic workers' organizing efforts through organizing strategy and policy analysis, and meeting the research needs of domestic worker organizations through principled research, and broad publication and dissemination of results. Our main partner in this mission is the International Domestic Workers' Federation (IDWF).

Thus, in selecting members, applicants were reviewed according to their expressed commitment to scholarship that would directly benefit domestic workers. As expressions of a commitment to solidarity in scholarship, the RN-DWR maintained close ties with the International Center for Development and Decent Work and the Global Labour University—two academic center leaders in the study of transnational work and rights.

Our own individual and established commitments to domestic work activist scholarship converged as we documented the emerging global union of domestic workers, first in Montevideo, Uruguay at the 2013 founding Congress and then five years later in 2018 at the Second Global Congress in Cape Town, South Africa. Through our relationship to key moments in the IDWF's emergence, we have practiced accountability to both a movement and knowledge production in ways that are mutually reinforced, rather than compartmentalized academic and labour organizations. We have found the following practices and approaches to research in our own direct experience with the IDWF illustrative of concrete forms of scholar-activist partnership with particular relevance to this moment in the movement of international domestic workers.

1. In both organizational gatherings, we served as recorders and note-takers, gathering as many details as possible in order to offer direct content for the reports of both Congresses, while also capturing details that would nourish our own analysis of the process and priorities of this particular workers' movement building.
2. We captured the process in words, pictures, and film. The visual data served a range of organizational needs, such as reports, publicity, and reference. At the same time, this contribution of images and films of key moments, such as leader speeches, collective decision-making, and group songs, assures a strong archive of this particular moment in the history of domestic worker organizing.
3. We continually practiced the value of building trust and accountability in small informal moments, such as meals, side outings and festivities, as a valuable source of knowledge and relationship to the individuals, organizations, and the larger movement. Through our presence in these kinds of moments, we learned of domestic workers' concerns and hopes, while developing personal connections to a wide range of global leaders. This investment in daily moments throughout these large gatherings informed our individual and collective practice of feminist research methodology in solidarity.

4. We offer organizational reports for donors, in efforts to promote increased funding for domestic worker organizing. With the collection of detailed data, our writing can easily take the form of summaries that document organizational objectives, measure outcomes, and generate testimonials on a range of topics.
5. We draw from our direct experience to feed into policy conversations, as well as a range of media reporting on wider issues such as human rights, women's labour, globalization, racial justice, and migration.
6. We commit to maintaining active relationships with the domestic worker organizations at the source of our original research (in Peru, South Africa, and the United States) while connecting our writing across national and transnational organizational platforms. We have brought this commitment from the global to the local not only as researchers and recorders but as activists who have given testimony, penned policy briefs and opinion pieces, lobbied political bodies, and mobilized academic communities.

IDWF Founding Congress,
Montevideo, Uruguay 2013



© J. Fish

We use our academic research resources to support domestic worker organization's own goals when appropriate and in collaboration, such as by conducting surveys during the Covid-19 pandemic to assess the impact on domestic workers' livelihoods and public writing to support campaigns for occupational health and safety protection denied to domestic workers despite the pandemic.

The contemporary context of the coronavirus also allows for us to explore the simultaneous domestic worker victories, while the care labour force is on the front lines of risk. "Nothing is possible without us", Myrtle Witbooi reminded a UN Women webinar in August 2020. "The employer is always in a position of power and is often prone to abuse this power". Her insight on the relational essence of domestic work sends a powerful reminder of our place in the struggle. For as COVID has underscored, we might all be in this together, but power and privilege has meant that the impact of the pandemic hit domestic and other "essential" workers with greater devastation than most scholars. It is both our responsibility to understand and convey this and take the lead from domestic workers themselves, as part of a larger solidarity-accountability project that links knowledge to actual social change.

THE ROLE OF EU LAW IN ADVANCING DOMESTIC WORKERS' RIGHTS: FOCUS ON WORKING TIME

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1. Introduction

Despite growing interest in improving migrant domestic workers' rights at work, there has been little discussion of the role of EU law and EU institutions in this area. Yet, EU labour law sources contain important rights and protections against many problems at work such as long and unregulated working hours, constant availability, pregnancy and maternity discrimination, harassment, lack of information concerning working terms and conditions, to name a few. Many EU labour law rights and protections apply to domestic workers, including migrants. Additionally, the supremacy of EU law over national law means that whenever there is a mismatch, EU law prevails over national law; this makes EU law sources particularly promising tools in advancing domestic workers' rights.

Due to limitations of space, in this short paper, I will focus only on working time issues²³. With a focus on Cyprus, Sweden and Spain, I discuss areas of national labour law regimes which fall short of EU working time law requirements. From my analysis follows that such provisions or practices should be challenged on the basis of incompatibility with EU law and, consequently, reformed. Taking inspiration from ILO C.189, EU institutions should take a pro-active role in advancing domestic workers' rights.

2. EU working time law

The Working Time Directive (WTD) introduces minimum standards for normal hours of work, weekly and daily rest periods, paid annual leave and guarantees for night work²⁴. While not explicitly regulated in the directive, the issue of on-call hours has generated important case law which is relevant to domestic workers.

23. For a fuller discussion of how EU law can be used as a resource to advance domestic workers' rights, see Chapter 4 in Pavlou V. (2021) *Migrant domestic workers in Europe* (Hart Publishing), in press.

24. Directive 2003/88.

Under the directive, the maximum weekly hours of work, including any overtime, are 48²⁵. The 48-hour weekly limit is subject to a derogation clause whereby member states can exempt specific categories of workers whose working time is considered 'unmeasured'²⁶. What type of workers should be considered to have 'unmeasured' working time and should domestic workers be considered to fall within this category? In recent Court of Justice of the EU (CJEU) case law, the right of every worker to a limitation of her maximum working hours as well as rights to daily and weekly rest periods are characterised as fundamental social rights²⁷. According to the Court, the provisions on working time limits implement Article 31 of the EU Charter of Fundamental Rights (EUCFR) which guarantees to every worker 'the right to working conditions which respect his or her health, safety and dignity'²⁸. Working time limits are therefore tightly linked to workers' dignity. Because workers are in a relationship of subordination and in an unequal bargaining position against the employer, working time limits have an important function in safeguarding their dignity against managerial authority. Such function suggests that any exemptions must be construed narrowly so as to not frustrate the directive's protective purpose. Thus member states may only exempt types of workers with complete control and autonomy over the organisation of their working time. This is clearly not domestic workers' case, who have hardly any control over their working hours and its organisation. Domestic workers cannot be exempted on the basis of the "family worker" derogation either as they do not fall under the definition of family worker. According to ILO definitions, a family worker "holds a self-employment job in a market-oriented establishment operated by a related person living in the same household"²⁹. Therefore, the 48-hour week must be considered the absolute maximum for domestic workers.

In relation to rest, the directive provisions 11 consecutive hours of daily rest³⁰ as well as 35 hours of uninterrupted rest every week³¹. There are also rest breaks for those working at least six hours per day³². Additionally, all workers are entitled to a minimum of four weeks of paid annual leave³³. In CJEU's jurisprudence, the right to paid annual leave has long been considered a fundamental social right. Finally, the directive sets protections for night work³⁴.

25. Art. 6.

26. Art. 17.

27. *Federación de Servicios de Comisiones Obreras, C-55/18*.

28. Opinion of Advocate General Pitruzzella in *Federación de Servicios de Comisiones Obreras, C-55/18*.

29. ILO, *International Classification by Status in Employment 1993*.

30. Art. 3.

31. Art. 5.

32. Art. 4.

33. Art. 7.

34. Art. 8 and 9.

Important CJEU judgments clarify when on-call hours fall within the notion of working time which, therefore, means that they count towards working time limits and must be remunerated. In *SIMAP* the CJEU held that the hours the employer requires the worker to be physically present at the workplace count as working hours even if no actual tasks are performed³⁵. In *Jaeger* the criterion to be physically present was further refined. The CJEU held that the hours during which the worker is required to be physically present at a place specified by the employer count as working time even if there is a possibility to rest³⁶. In other words, the critical issue when distinguishing between active and inactive time – working time and rest time – is the worker’s autonomy to dispose of her time freely without being expected to attend to any requests by the employer.

More recently, in *Matzak* the CJEU further reinforced the understanding that workers’ autonomy and their right to disconnect from work must be at the heart of regulating on-call time³⁷. The Court held that even though the worker was not required to be at a place specified by the employer, the requirement to reach the workplace in a short time was so restrictive of the worker’s autonomy and of any opportunities to engage in other activities that was incompatible with the notion of free time.

The judgments in *SIMAP*, *Jaeger* and *Matzak* provide a useful framework to challenge domestic workers’ constant and taken-for-granted availability. Following *SIMAP* the time the employer requires the domestic worker to be physically present at the workplace counts as working time even if she is not carrying out any tasks. According to *Jaeger* even if the worker is able to rest, as long as she has to be present at a place determined by the employer, a place which could be the normal workplace or somewhere else accompanying, for instance, the employer during holidays or other activities, she is working. In line with *Matzak* even the time a worker spends away from the workplace and in a place of her own choice but while expected to quickly respond to calls for work counts as working time. Rest time is, therefore, only the time during which the worker enjoys autonomy and is able to dispose of her time freely without having to worry that she might be called to work in any minute – having, in other words, a real possibility to disconnect³⁸.

Having working time limits in law or collective agreements is only the first step towards enjoying these entitlements in practice. Effective enforcement can be particularly difficult especially in non-unionised workplaces and those with limited labour inspection. In 2019 the CJEU ruled on employers’ obligations to monitor compliance with the directive’s provisions. In *Federación de Servicios de Comisiones Obreras* the CJEU held that the working time directive obliges employers to measure and keep records of their workers’ actual

35. *SIMAP*, C-309/98.

36. *Jaeger*, C-105/02.

37. *Matzak*, C-518/18.

38. Similarly, see Art. 10(3), ILO C.189.

hours worked on a daily and weekly basis³⁹. While there is no such express provision in the directive, the duty to keep records on working time is inferred from the dignitarian purposes of working time limits as provisions implementing Article 31 of the EU Charter of Fundamental Rights⁴⁰. The duty to keep working time records extends fully to domestic workers' employers.

3. Mismatches with national law

In the area of working time, we can find several provisions excluding domestic workers in all three states the analysis here focuses on.

In *Cyprus*, the working time directive has been transposed almost *verbatim* without any textual exclusion of domestic workers from the implementing legislation⁴¹. However, the state has created a regime that applies exclusively to non-EU domestic workers. The main source of this regime – the contract of employment that immigration authorities prepare and disseminate to migrant domestic workers and their employers – is an atypical source of employment regulation. It was prepared by immigration authorities, i.e. the state, to regulate a private law relationship, without any input from the parties in that relationship, while at the same time lowering the level of protection stipulated in generally applicable legislation. While the legal validity of this instrument is certainly dubious, there is no doubt that the state intends it to be binding, especially for the migrant worker who risks being deported if she does not respect its terms. And since the contract makes no reference to the legislation as a supplementing source, it is clear that the state wants the parties to see the contract as the exclusive source regulating their relationship. Therefore, when assessing whether Cyprus meets its EU law obligations in the area of working time, one cannot just look at the law implementing the directive; one must look at the contract's provisions.

The contract states that:

"The Employee shall work for 6 days per week for 7 hours per day, either during the day or night as may be required by the Employer from time to time"⁴².

While 42 hours per week is in principle within the directive's limit, the contract does not specify whether overtime and on-call hours count towards the limit. As it applies to non-EU migrants holding a domestic worker visa

39. *Federación de Servicios de Comisiones Obreras*, C-55/18.

40. See the Opinion of Advocate General Pitruzzella in *Federación de Servicios de Comisiones Obreras*, C-55/18, Paragraph 12.

41. Law on the organisation of working time 2002 (63(I)/2002).

42. S. 2.1 A, Contract of Employment for Domestic Workers (Cyprus Ministry of Interior).

who are generally expected to live in the employer's household, these omissions are crucial. Live-in domestic work is well-known for the difficulties of establishing limits between work and rest time. Constant availability is commonly expected of live-in domestic workers and a regulatory instrument that makes no effort to acknowledge and limit the phenomenon is perpetuating its normalisation. EU working time law requires that no worker works for more than 48 hours per week, including overtime and on-call hours and the Cypriot regime on migrant domestic workers must be amended to encompass, at the very least, that minimum standard.

Additionally, the contract makes no provision for daily rest breaks, nor is the issue regulated in any other instrument such as a collective agreement. Work performed during the night is essentially considered the same as daytime work without any of the guarantees EU working time law stipulates in relation to night work. Migrant domestic workers in Cyprus therefore have no right to limits of their night work and no entitlement to health assessment⁴³.

In Sweden, the special instrument regulating work within the private household stipulates a weekly limit of 40 hours, which is in line with the working time directive⁴⁴. However, when tasks involve care, the weekly limit can be extended by 12 hours, that is 52 in total, to meet employer's needs; this exceeds the directive's limit. In addition to normal hours of work, domestic workers can be asked to work overtime for up to 48 hours over a reference period of four weeks and maximum limit of 300 hours during a calendar year⁴⁵. Worryingly, domestic workers can be asked to work overtime without any limits if special and unforeseen circumstances so require; workers are expected to comply with such request unless they have a 'valid obstacle'⁴⁶.

Such provisions, regardless of how often they are actually triggered, are deeply problematic. They frame the domestic worker-employer relationship as exceptional and place on the worker obligations of care that are more akin to those among family members – an obligation to offer unlimited support to the employer in a moment of crisis. Swedish provisions on domestic workers' overtime are also incompatible with EU working time law. To comply with the directive, overtime cannot exceed 8 hours per week – or 32 per month – for all domestic workers irrespective of the tasks they perform.

43. The contract only refers to health assessment in the context of border control, whereby, upon arrival, employers bear the cost of medical examination to verify that the migrant worker is free of contagious diseases. S. 1.C (c).

S. 2, Domestic Work Act 1970.

44. S. 2, Domestic Work Act 1970.

45. S. 3.

46. S 4 and 5.

In Spain, the special legislation on domestic work establishes a weekly maximum of 40 hours of work. This limit is, however, without prejudice to any extra hours the parties may agree for 'presence time' – this is, in other words, time during which the domestic worker is available to the employer but without carrying out any tasks⁴⁷. This is problematic in terms of EU law compliance, as the directive's 48-hour limit per week includes on-call hours according to CJEU jurisprudence. Instead, Spanish legislation creates the possibility for employers and domestic workers to agree up to 20 hours of on-call per week in a reference period of one month; this would exceed by far the directive's limit on weekly hours. It seems that the Spanish legislator considers, contrary to CJEU's case law, that on-call hours do not count towards the maximum weekly time. To be compliant with the directive, on-call provisions for domestic workers should be modified to specify that the parties can only agree up to eight extra hours for on-call on top of the regular 40-hour week.

On daily rest, Spanish legislation establishes a minimum of 12 consecutive hours which is slightly more generous than the 11 hours stipulated in the directive⁴⁸. However, there is a flexibility clause for live-in domestic workers whose daily rest can be reduced to 10 hours while the remaining two hours will be distributed in the course of four weeks. Spanish scholars criticise the possibility to reduce live-in domestic workers' rest time as the reflection of a tendency to prioritise employer interests against those of the worker⁴⁹. The flexibility clause is incompatible with EU working time law. The EU legislator considers that the minimum of 11 hours of daily rest is necessary to protect every worker's health and wellbeing. The fact that daily rest is not one of the provisions subject to reference periods under the directive's Article 16 demonstrates the importance of safeguarding the right to daily rest against employer needs or demands for flexibility.

Is this too much ado about nothing? one might ask. Will live-in domestic workers' lives change if they get, on paper that is, one extra hour of daily rest? My point is not about the value of one extra hour of daily rest but rather about the importance of insisting on the application of worker-protective laws on domestic workers, including those whose work is interwoven with the most with intimate aspects of private life. If we are to use the law to challenge the unjust law of the private household, as Adelle Blackett describes it⁵⁰, we have to start from the mundane and insist that live in domestic workers are treated equally. For there is nothing that can justify the instances of lower protection for domestic workers' working time apart from the gendered construction of women's work within the private household as inherently boundariless. EU working time law, without explicitly intending to do so, gives us tools to challenge and transform this construction.

47. Art. 9 (1) Royal Decree 1620/2011.

48. Art. 9(4) Royal Decree 1620/2011.

49. López Gandía J., Toscani Giménez D., *El nuevo régimen laboral y de seguridad social de los trabajadores al servicio del hogar familiar* (Albacete:Bomarzo, 2012).

50. Blackett A., *Everyday Transgressions. Domestic Workers' Transnational Challenge to International Labor Law* (Cornell University Press, 2019).

THE EFFECTS OF THE ILO DOMESTIC WORKERS CONVENTION C189 IN ARGENTINA, CHILE AND PARAGUAY⁵¹

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Since the ILO Decent Work for Domestic Workers Convention (No. 189) was adopted in 2011, sixteen Latin American countries have ratified it. Argentina, Chile and Paraguay are particularly interesting when analyzing how C189 influenced national reforms because they made sweeping reforms to their legislation after the Convention was adopted. In the case of Argentina and Chile, the debate on new laws occurred as the Convention was in the process of being ratified, and in Paraguay after ratification. In Chile, the amendments to domestic work regulation have occurred gradually since the 1990s so that when C189 was ratified, the country's legislation was relatively aligned with its provisions. In the case of Paraguay and Argentina, countries where regulation of the domestic sector had been subject to only few changes in the 1990s and 2000s, more amendments were needed.

Comparing the way in which national legislation was fashioned in line with the international standard in these three countries reveals diverse uses of C189 linked with distinct approaches to regulating this activity and the features of the labor market in each country. This means that, in each country, during the lawmaking process C189 was read, interpreted and translated differently into national legislation with the same goal of filling the legal gaps associated with the protection of domestic workers. One main argument was the need to settle a historic debt owed to domestic workers. According to the legislators, it was essential to recognize the social and labor rights long denied under domestic work regimes; in this regard, the principle behind the reform was non-

51. This paper synthesized the results of a research project already published on: Poblete, L. (2020) For the Recognition of Domestic Workers Rights. The controversies associated with regulatory reforms in Argentina, Chile and Paraguay, in A. Hammer & A. Fishwick (eds.) *The Political Economy of Work in the Global South: Reflections on Labour Process Theory*, London, Palgrave, pp. 220-240; Poblete, L. (2018) The ILO Domestic Workers Convention and regulatory reforms in Argentina, Chile and Paraguay. A comparative study of working time and remuneration regulations, *International Labour Review*, 157(3): 435-459; Poblete, L. (2018) The Influence of the ILO Domestic Workers Convention in Argentina, Chile and Paraguay, *International Journal of Comparative Labour Law and Industrial Relations*, 34 (2): 177-201.

discrimination. During the lawmaking process, legislators faced two main challenges. The first one was to draft legislation that considered the specific nature of the domestic work while also guaranteeing these workers the same rights granted to employees. The second challenge was to find ways to implement the law.

Informality tends to characterize domestic work because employers and workers conceive of it not as a labour relationship but as a form of personal assistance or help. The contemporary notion of domestic work is still based on the original servitude model that created this set of jobs. Thus, undeclared employment is the norm in this sector, which means that labour rights are not applied and workers have no access to social benefits attached to the employment contract. Given that the state has usually been unwilling or unable to ensure compliance with the law, informal arrangements govern this particular type of labour relation in most cases.

In each country, amendments to legislation targeted different issues. While Argentina's regulatory reform focused on expanding the scope of the law and social security benefits, Chilean reform sought to ensure non-discriminatory practices regarding access to public spaces, working time and wages. In contrast, Paraguay engaged in a comprehensive reform, recognizing various labour and social rights. Nevertheless, regulatory reforms in all three countries were guided by the principles established in Article 3 of C189. Legislators would promote and protect human rights including the fundamental principles and rights at work such as freedom of association and the right to collective bargaining; 'the elimination of all forms of forced or compulsory labour; the abolition of child labour; and, the elimination of discrimination in respect of employment and occupation.' The congressional debates particularly focused on articles 10, 11, 14 and 4 of C189.

Article 10 was at the center of the debate. Legislators were preoccupied with 'ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave.' All three countries implemented the general working-time regime for domestic workers. Although weekly rest was guaranteed to domestic workers, the length of the period varied from country to country: in Paraguay, domestic workers have one day off per week; in Argentina, 35 hours; and in Chile, two days per week. Concerning overtime compensation, domestic workers in the three countries follow the general regime, even though in Chile there is a special overtime regime for domestic workers.

The integration of domestic workers into the general working-time regime has different implications in these three countries. In Argentina, where the general regime is 48 weekly hours, only 22% of domestic workers work more than 35 hours per week, while half of all domestic workers in the country works less than 20 hours per week. For that reason, placing a limit on working time was not an issue during the lawmaking process. In Paraguay, however, 42% of all domestic workers do more than 48 hours of work per week. Therefore, establishing a maximum of 48 weekly hours was important to improve working conditions, though it also proved a problematic

aspect of the debate. In Chile, which has a general regime of 45 hours, almost half of domestic workers work less than that. Only 14% of domestic workers work more than 45 hours of work per week. However, introducing the general working-time regime in domestic work legislation proved controversial. That is why the 2014 bill proposed reducing the number of working hours over a two-year period to gradually implement the general regime of 45 hours per week. However, considering that domestic work requires flexible hours in order to adapt to the needs of the employer's family, the law allows for up to 15 additional hours per week. Domestic workers would receive 50% more for these hours, in keeping with the overtime regulations stipulated in the Labour Code.

Article 11 of the Convention establishes that 'Each Member shall take measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex.' In Argentina and Chile, domestic workers—like the majority of employees—were included in the minimum wage regime. Paraguay interpreted C189 in a different way: the salary paid in cash represents 60% of legal minimum wage, because room and board are considered to cover the remaining 40%. This decision can be attributed to the fact that in Paraguay only 56% of employees working in the private sector earn at least the legal minimum wage. However, the 2015 law was amended a year later to guarantee minimum wage for domestic workers.

In accordance with Article 14 of C189, the three countries grant domestic workers access to the social security system. Although some exclusions remain, all domestic workers became eligible for healthcare insurance and pension benefits as a result of the legislative amendments. In all cases, contributions provided the workers with social security benefits. In Argentina and Paraguay, access to social security for the domestic workers was conditioned on 'regular' work: 12 hours per week for the same employer in Paraguay, and 16 hours per week in Argentina.

Concerning child labour, Paraguay and Argentina established new provisions. Domestic work by anyone under 18 years old was forbidden in Paraguay. This decision aimed to abolish the common practice of *criadazgo*. In Argentina's, young domestic workers between the ages of 16 and 18 were allowed to work in live-out arrangements but, in keeping with paragraph 5 of R201, working hours are limited and the live-in arrangement is forbidden. Also, in line with Article 4(2) of C189, the employer must ensure that these domestic workers are able to finish high school.

Hence, the inclusion of C189 provisions into national regulations was conditioned on consensus as well as reflecting opposing positions in each national context. The new laws resulted from a compromise between the ideal regulation—for which the reference was C189—and the regulatory innovations that legislators were capable of defending as acceptable. Thus, the main challenge for legislators was to create legislation that would

allow for the transformation of a labour relationship historically governed by customary practices. The relationship between the domestic worker and the employer family has been socially represented as work built on emotional bonds, intimacy and affection. Therefore, this kind of labor relationship proves very difficult to institutionalize.

Throughout this process, C189 served as a tool for a range of different purposes. It was at times a model to be followed, and at other times a regulatory framework to be adapted to national contexts. C189 was critical to settling arguments and creating space for a compromise between those legislators who considered domestic work to be 'job like no other' and those who viewed it as 'job like any other.' Also, C189 was also crucial to both justifying immediate reform and laying the groundwork for future amendments. Additionally, C189 served as a catalyst for reforms that were already underway. Promoted by both national and regional domestic workers' associations and supported by national governments and other social actors (including NGOs), the labour and social rights of domestic workers were both conditioned and rapidly expanded to implement C189. In the case of Latin America, adherence to the C189, its widespread ratification and its subsequent implementation through the adoption of national legislation, may be mainly attributed to the strength of the domestic workers' rights movement. At both the national and regional levels, this movement mobilized additional political and social actors, paving the way for the initiation of regulatory reforms and for the persistence of the fight for the recognition and enforcement of domestic workers' rights.

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NOTES

