



Decent Work for Domestic Workers

Decent Work for Domestic Workers The state of labour rights, social protection and trade union initiatives in Europe

An ACTRAV/ITC-ILO report realized in cooperation with ETUC and EFFAT



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EFFAT European Federation of Food, Agriculture and Tourism Trade Unions

ETUC European Trade Union Confederation

ETUI European Trade Union Institute

ILO International Labour Organization

ITUC International Trade Union Confederation

Austria [ÖGB] ÖSTERREICHISCHER GEWERKSCHAFTSBUND

Belgium [ACV-CSC] CONFEDERATION DES SYNDICATS CHRETIENS DE BELGIQUE, **[FGTB]** FEDERATION GENERALE DU TRAVAIL DE BELGIQUE

Bulgaria [KNSB] CONFEDERATION OF INDEPENDENT TRADE UNIONS IN BULGARIA, CONFEDERATION OF LABOUR **[PODKREPA]**

Denmark [LO] DANISH CONFEDERATION OF TRADE UNIONS

Estonia [EAKL] CONFEDERATION OF ESTONIAN TRADE UNIONS

Finland [SAK] CENTRAL ORGANIZATION OF FINNISH TRADE UNIONS

France [CFDT] CONFEDERATION FRANCAISE DEMOCRATIQUE DU TRAVAIL, **[CGT]**CONFEDERATION GENERAL DU TRAVAIL, **[CGT-FO]** CONFEDERATION GENERALE DU TRAVAIL, FORCE OUVRIERE

Germany [DGB] DEUTSCHER GEWERKSCHAFTSBUND, **[NGG] GEWERKSCHFAT NAHRUNG GENUSS GASTSTÄTTEN**, **[Ver.di]** VEREINETE DIENSTLEISTUNGSGEWERKSCHAFT, **[Respect Berlin]** MIGRANT DOMESTIC WORKERS' SUPPORT NETWORK

Ireland [ICTU] IRISH CONGRESS OF TRADE UNIONS, **[SIPTU]** SERVICES INDUSTRIAL PROFESSIONAL AND TECHNICAL UNION, **[MRCI]** MIGRANT RIGHTS CENTRE IRELAND

Italy [CGIL] CONFEDERAZIONE GENERALE ITALIANA DEL LAVORO, **[CISL]** CONFEDERAZIONE ITALIANA DEI SINDACATI LAVORATORI, **[UIL]** UNIONE ITALIANA DEL LAVORO, **[CGIL-FILCAMS]** Federazione Italiana Lavoratori Commercio, Turismo e Servizi, **[CISL-FISASCAT]** Federazione Italiana Sindacati Addetti Servizi Commerciali Affini Turismo, **[UILTUCS]** Unione Italiana Lavoratori Turismo Commercio e Servizi

Latvia [LBAS] LATVIA FREE TRADE UNIONS FEDERATION

Lithuania [LPSS/K] LITHUANIAN TRADE UNION CONFEDERATION, **[LWU]** LITHUANIAN UNION TRADE UNION SOLIDARUMAS

The Netherlands [FNV] FEDERATIE NEDERLANDSE VAKBEWEGING, **[IMWU NL]** INDONESIAN MIGRANT WORKERS UNION NETHERLANDS

Poland [NSZZ SOLIDARNOSC] NATIONAL COMMISSION OF INDEPENDENT SELF-GOVERNING TRADE UNIONS, **[OPZZ]** ALL POLAND ALLIANCE OF TRADE UNIONS

Portugal [CGTP-IN] CONFEDERACAO GERAL DOS TRABALHADORES PORTUGUESES, INTERSINDICAL NACIONAL, **[UGT]** UNIAO GERAL DE TRABALHADORES

Romania [CARTEL-ALFA] NATIONAL TRADE UNION CONFEDERATION, **[CNSLR-FRATIA]** NATIONAL CONFEDERATION OF FREE TRADE UNIONS OF ROMANIA

Spain [CCOO] CONFEDERACION SINDICAL DE COMISIONES OBRERAS, **[UGT]** UNIÓN GENERAL DE TRABAJADORES, **[USO]** UNION SINDICAL OBRERA

Sweden [LO] LANDSORGANISATIONEN I SVERIGE

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Executive summary

Domestic work has come to the fore of international attention with the adoption of ILO Convention 189 and Recommendation 201 concerning Decent work for domestic workers by the International Labour Conference in 2011. It has also been the topic of a 2012 European training program of the Programme for Workers Activities of the International Training Centre of the ILO, organised in cooperation with the European Trade Union Confederation (ETUC) and the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT) and funded by the EU. As part of this program, this report investigates the patterns of regulation of domestic work as well as trade unions' activities to promote decent work in this sector across 18 EU Member States (Austria, Belgium, Bulgaria, Denmark, Finland, France, Germany, Ireland, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Romania, Spain, Sweden and the UK).

In the Central and Southern Western EU countries in the sample, domestic work is most frequently regulated by specific laws and/or collective bargaining. In the observed Central Eastern Member States, in contrast, regulation by means of general labour law prevails. Further important areas of regulation for this sector are the regularisation of informal employment as well as migration policies. Domestic workers across Europe experience important discrimination with regard to labour rights and social protection. Apart from the generally very low wages, they are often only covered to a limited extent by social security (if at all), they are frequently excluded from dismissal protections and regulations of working times are more flexible in this sector. The main problem, however, is the lacking effective enforcement of existing rules. Given the high share of informal work, including that of undocumented migrant domestic workers, there is a particularly high vulnerability which makes it difficult for workers to claim their rights, but also for trade unions to act in this sector.

Major strategies of trade unions to push for the advancement of decent work for domestic workers that result from the survey are the following: (a) lobbying for a better regulation of domestic work through legislative reform and collective bargaining, the regularisation of informal domestic work, and in particular the ratification of ILO Convention 189, (b) public awareness raising campaigns, and (c) efforts to organise domestic workers. Among these, especially organising appears as a challenge for trade unions. As on the one hand, it is a crucial tool for building trade union strength in this sector, but, on the other, also presupposes important internal restructuring in order to respond to the specific situation of (migrant) domestic workers, to fully recognise them as equal trade union members, and to realise new strategies of conflict resolution, networking and democratic participation.

Introduction

In June 2011 the International Labour Conference (ILC), the central policy making organ of the International Labour Organization (ILO), adopted the Convention 189 and the Recommendation 201 concerning decent work for domestic workers.¹ Domestic work is defined in the Convention as work performed in or for a household or households. It may comprise various tasks such as cooking, cleaning, washing and other housework, gardening, car services and guarding a house as well as care work dealing with children, elderly or disabled persons. This report asks for how such work in private households is regulated throughout the European Union and what its particularly problematic aspects are in terms of employment and working conditions. Moreover, it takes a look at activities of trade unions to bring forward better working and employment conditions for domestic workers.

The countries covered by this research are Austria, Belgium, Bulgaria, Denmark, Finland, France, Germany, Ireland, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Romania, Spain, Sweden and the UK. On the one hand, the report is based on an online survey engaging 14 national trade union centres and sectoral federations from 13 of these countries.² On the other, it relies on a series of country reports given by trade union representatives during the implementation of the training program “Decent Work for Domestic Workers” in 2012. This program was organised by the Programme for Workers Activities of the International Training Centre of the ILO together with the European Trade Union Confederation (ETUC) and the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT). The country reports largely overlap with those countries covered by the online survey, but carry the total number of observed countries to 18 and that of participating trade unions to 30³. Both, the survey and the country reports also include some additional contributions from four migrant associations from some of these countries (Respect from Germany, the Migrants Rights Centre Ireland, the Indonesian Migrant Workers Union Netherlands and Justice for Domestic Workers from the UK). In addition to the information gathered through the online survey and the country reports, four more in-depth case studies were undertaken in Germany, Ireland, Italy and Spain, namely including eight qualitative interviews with trade union representatives again from sectoral federations as well as national confederations.⁴

The development of paid domestic work in Europe (and not only) is closely linked to changes in labour markets and gender relations as well as cutbacks in public services during the last decades. One first

¹ C189: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C189; R201: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:R201.

² The following trade unions participated in the survey: The Austrian Vida, the Belgium ACV-CSC, the Bulgarian Podkrepa, the Danish LO, the Dutch FNV Bongenoten, the French FO, the Italiana UIL, the Latvian LBAS, the Lithuanian LPSS/K, the Polish NSZZ Solidarnosc, the Romanian Cartel Alfa, the Spanish CCOO and UGT, and the TUC from the UK.

³ In addition to the already mentioned survey participants, also the following trade unions took part in the seminars: the Belgium FGTB, the Bulgarian KNSB, the Finish SAK, the German DGB, the Irish ICTU and SIPTU, the Italian CGIL and CISL, the Lithuanian LWU, the Polish OPZZ, the Portuguese CGTP-IN and UGT, the Romanian CNSLR-FRATIA, the Spanish USO, the Swedish LO, and UNISON from the UK.

⁴ Interviews have been undertaken with representatives from the German DGB and NGG, the Italian CGIL-Filcams and UIL-Uiltucs, the Spanish CCOO and UGT and the Irish ICTU and SIPTU.

decisive factor for the rising demand for domestic work has been the massive labour market entrance of women which has accelerated since the 1970th. Secondly, the flexibilisation of work and employment conditions under neo-liberal policies has produced increasing performance requirements and not least extending working times for both men and women. At the same time, public social services often have been reduced and/or privatised and care work is more and more organised as a profitable service to be sold and bought on the market. Under these conditions, employing a domestic worker is not any longer only a privilege of upper class families, but also becomes a tool for assuring full labour market performances of the members of a rising number of middle class households. Yet, this operation is reasonable for a household only as long as the workforce of the domestic worker can be bought for less money than what is received as own wage. Domestic work thus structurally is a low-wage employment and not least for this reason it is often carried out by migrant women workers. On this backdrop, the current development of domestic work has to be understood as a shift in the global gendered division of labour which points to the latter's still highly unequal character.

Domestic workers are a particular vulnerable group of workers. Vulnerability starts from the fact that their work is invisible, socially little recognised and usually badly paid. At the same time, domestic workers suffer particularly hard working and employment conditions. They work under conditions of strong personal dependence and emotional involvement, especially if they are engaged as live-in and/or care workers. Working times are difficult, especially as regards unregulated and unpaid overtime and stand-by time, but also due to unsocial and long overall hours which are often allotted to a series of different employers for each of whom only very few hours are worked. As domestic work is mostly carried out as informal labour, domestic workers usually have no access to labour rights and social protection. And even where they work in a formal employment relation, legislative and/or collective regulations sometimes foresee only reduced rights and protections if compared to other workers. In addition, workplace inspections, and thus the control and enforcement of existing norms, are difficult as private homes are protected by privacy rules. Though, many aspects of domestic workers work and employment conditions could be controlled also without any inspector having to enter a private house. Controls could be based on written documents, for example as far as wages or registration with social security schemes are concerned. Domestic work is characterised by a high fragmentation of workplaces which are hard to access by trade unions. The isolated workplaces and the fragmentation makes the collective organisation of domestic workers and their mobilisation for work-related struggles very difficult. Moreover, particular vulnerability results from the fact that a relevant share of domestic workers in most European countries are undocumented migrants. For them it is even more difficult to gain access to workers' rights and protections, but also to trade union organisations, as they always have to live under the threat of deportation.⁵

⁵ On the working and living conditions of migrant domestic workers see for example FRA - European Union Agency for fundamental rights (2011) *Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States*, Luxembourg: Publications Office of the European Union, http://fra.europa.eu/sites/default/files/migrants_in_an_irregular_situation_employed_in_domestic_work_en.pdf and Respect Network (2009): *Acting together for the protection of the rights of migrant domestic workers, migrant domestic workers' perspectives*, Amsterdam.

The ILO Convention 189 is an important step forward in promoting fair terms of employment and decent working and living conditions, the respect of human and fundamental labour rights as well as access to social protection for domestic workers. Its central principle is equal treatment compared to other workers, not least also with regard to the payment of national minimum wages (where these exist). This is combined with the definition of specific minimum standards regarding the particular conditions of work in and for private households, such as rules for live-in employment (privacy, accommodation etc.) and payments in kind, maximum working hours and on-call work, minimum rest times and paid annual leave, the right to a safe and healthy working environment, as well as protections against harassment and violence. Convention 189 was adopted by the ILC in June 2011 with an impressive number of 396 favourable votes against only 16 negative ones and 63 abstentions.

In order to accelerate the following ratification process in the individual countries, the International Trade Union Confederation (ITUC) has launched the “12by12 campaign”⁶. Its goals are to reach at least 12 ratifications in the year 2012 and to organise a minimum of 12,000 + 12,000 domestic workers by the end of 2013. By November 2012, campaign teams have been created in 84 countries. Uruguay was the first country to ratify the Convention in April 2012, followed by the Philippines in August and Mauritius in October. Three further ratifications have been achieved recently in Nicaragua, Bolivia and Paraguay which still have to be registered at the ILO. Thus, within little less than a year after its adoption, the minimum number of two ratifying countries which are necessary to put the Convention into force has already been outreached. Meanwhile, the campaign continues, for example with a worldwide action day on 12-12-12.

This report, as well as the “Decent Work for Domestic Workers” training program, is part of such efforts to support the ratification of C189. In the following text, as the first step, the scope and the regulation of domestic work in the observed EU countries is assessed and the degree of obtained rights and protections for domestic workers is traced (1.1 – 1.3), thus evidencing also the possible and necessary impact of C189 for achieving decent work and abolishing domestic workers’ discrimination. Second, some more detailed examples of such regulations are given for the four selected case studies: Italy, Spain, Germany and Ireland (2.1-2.4). Third, trade unions’ activities in this sector are described (3.1), with a special focus on two distinct levels: the promotion of and lobbying for ILO Convention 189 (3.2), and the direct support and organising of domestic workers for which some best practice examples are presented (3.3).

⁶ <http://www.ituc-csi.org/domestic-workers-12-by-12.html>

1. Domestic work and its regulation in Europe

1.1 *The scope of domestic work*

It is difficult to obtain any reliable data on the diffusion of domestic work in Europe, particularly due to its often informal character⁷. Just to give some examples: In Germany, statistics indicate 4 million households that employ about 1 million domestic workers. In 2008, only 217,000 domestic workers were in formal employment and much less, only 36,056, in 2009 had an employment relation for which social security contributions were paid. About 66% of all domestic work in Germany is estimated to be carried out by migrant workers.⁸ In Italy, official statistics account for 1.5 million domestic workers: 875,000 in formal and 650,000 in informal employment. The share of migrant domestic workers is estimated at 87%. In Spain, the number of domestic workers is officially indicated with 660,000, including 313,294 formally and 346,706 informally employed workers. No data is available in this case for migrant workers. According to these numbers, the share of informal domestic work lies at about 52% in Spain, 42% in Italy and even 78% in Germany.⁹ In all three countries and especially in Italy and Spain, however, this can be considered merely an estimate as the only reliable data refers to the officially retrieved active population and to those workers registered at the national social security systems. Real numbers including informal domestic employment and particularly often undocumented migrant domestic workers can be expected to be much higher.¹⁰

As regards the countries of origin of migrant domestic workers, these vary according to geographic and historical relations between sending and receiving countries. In Spain and Portugal, for example, the Latin American workers are an especially important group, while in Finland many domestic workers come from Russia and the Baltic countries. In general, East-West migration within the EU is highly relevant for this labour market segment. Ireland is an exception here: due to its pronounced immigration policy towards the Central Eastern EU member states, workers from these countries (at least before the latest economic and financial crisis) could easily find better work in other sectors and

⁷ For an overview over the amount of domestic work worldwide see: IDWN (2010) *Domestic Workers Worldwide: Summary of available statistical data and estimates*, Geneva: IDWN, http://www.idwn.info/sites/default/files/publications/Statistical%20Data_ENGLISH%20HR.pdf.

⁸ For the numbers on formal employment see Gottschall and Schwarzkopf 2010 who refer to data from the German Bundesagentur für Arbeit (federal employment agency) and the Bundesknappschaft (administration dealing among others with the social contributions of minor part time workers). The share of migrant domestic workers is an estimate relying on the interview with representatives of NGG and DGB. The Federal Office for migration and refugees, instead, estimated only a total number of 100.000 to 400.000 undocumented migrants living in Germany in 2010, among whom, however, a large part especially of the women can be expected to work as domestic workers (see Pape 2012, p.5).

⁹ The data for Italy and Spain stems from the expert interviews and online survey. Data sources indicated in the survey answers and interviews are above all national statistical institutes as well as public administrations dealing with labour issues and social security funds: the Italian ISTAT (national statistics), INPS (social security fund) and Caritas, and the Spanish Instituto Nacional de Estadística, the Ministry for labour and social security and the database on social security affiliations. Some estimates regarding Germany even indicate up to 95% of irregular employment among domestic workers (Pape 2012, p.5).

¹⁰ For all other countries even less data is available. In Ireland, as the fourth case study in this research, ILO statistics account for an overall number of 10,000 domestic workers.

domestic workers therefore above all come from non-EU countries. Also in Denmark and Sweden, most domestic workers seem to arrive from the global South rather than from the East. Besides these regional patterns, in most cases, the Ukraine and the Philippines are particularly important sending countries. As an effect of the crisis and consequently rising unemployment, however, the numbers of native domestic workers seems to (re-)increase at least in some countries. According to survey answers, such a trend seems to exist in Spain and Portugal and to some extent maybe also in Ireland.

1.2 Regulatory patterns

Across the EU, domestic work is regulated either through specific legislation, through collective bargaining or through a mix of both; or in alternative it is simply covered by general labour law. Taking together data from the survey as well as former research by ETUC and ILO¹¹, in the 18 countries under observation specific legislation for domestic work exists in Austria, Belgium, Finland, France, Italy, the Netherlands, Portugal and Spain. In Austria, Belgium, France, and Italy these specific laws are combined with collective agreements. Collective bargaining for domestic work exists also in Germany and Sweden. In the Netherlands and Spain, though there is no own collective agreement for domestic workers, they can be covered by collective agreements concerning agency work (in Spain) or the cleaning sector (in the Netherlands) in case they are employed through temporary employment agencies. In Ireland, though there is no collective bargaining, a code of practice was signed by the social partners as an outcome of social dialogue. This code specifies how the existing general legal norms on labour and social security are to be applied to domestic work. In contrast, general labour law is the only source of regulation for domestic work in Bulgaria, Latvia, Lithuania, Romania, as well as in Denmark¹² and the UK. In Poland, domestic work does not fall under labour but civil law, as it is not considered an employment relation but based on a service contract. Also in the UK domestic workers can be excluded from the labour law if they are judged by the courts to be living as part of a family rather than in an employment relationship.¹³

The negative effect of such exclusions for workers is obvious, as it denies them relevant labour rights and social protection. Instead, the positive aspect of keeping domestic work under the general labour law is that this gives them the same rights as any other workers while also under the specific legislations

¹¹ Particularly ETUC (2005): *Out of the shadow, Organising domestic workers in Europe: the role of trade unions*, Brussels; ETUC (2012): *5th Annual ETUC 8 March Survey*, Section III: Decent work for domestic workers, Brussels, p. 10-21; ILO (2010): *Decent work for domestic workers*, Report IV(1) to the International Labour Conference, 99th Session, Geneva: International Labour Office.

¹² In Denmark there also is a specific regulation, the „home-service scheme“, but as there is no more government funding, this scheme is practically not used anymore.

¹³ As to the UK, domestic workers are moreover explicitly excluded from working time regulations which consequently do not apply to them even if they are recognised as workers and not considered as living as a part of the family. Another case in which domestic workers usually find themselves excluded from labour rights is when they are working as self-employed. Just one example is a special 24hour care service scheme in Austria, under which domestic care workers are not defined as employees but as self-employed and thus excluded from labour rights.

in place in the above mentioned countries, often only reduced rights and protections are provided for.¹⁴ Yet, in the absence of any more specific legislation or collective contract the risk is that the special conditions of domestic work as a work done in private households are not sufficiently considered (for example the conditions of live-in labour, the regulation of working hours, remunerations in kind etc, but also the capacity of a private household as an employer to pay sickness, accident, maternity leaves etc.). As regards collective bargaining, the crucial point is that it presupposes the involvement of social partners. On the one hand, this is difficult to achieve due to the high fragmentation and the low organising degree on both the employers' and workers' side. On the other, it constitutes an important opportunity for raising awareness about the working and living conditions of domestic workers as well as the need for organising. Where regulation is instead left only to legislation, this means to remain dependent on changing government's decisions and thus always contains the risk of future counter-reforms. Yet, also collective bargaining has another major problem which is the general very low coverage rate of the concluded agreements, at least in those countries where they are binding only for members of the signing employer associations and trade unions. In fact, enforcement of existing rules is the biggest problem in this sector and it regards all types of regulation. Given the high percentage of informal employment, rights and protections most often are only theoretical achievements which are hard to reclaim in practice. They remain very far from the working realities of most domestic workers, characterised by high levels of exploitation, strong vulnerability and often also personal dependence. The possible difficulties of labour inspections in private homes add an additional hurdle to the effective enforcement of domestic workers' rights; though this argument might sometimes be overstressed, with a possible negative effect of discouraging and legitimising lacking control of labour rights even where it could be achieved without entering the private home.

In several countries, therefore, specific legislative measures have been taken to facilitate the regularisation of informal domestic work. One approach is the introduction of specific service checks; another consists in the promotion of more general minor employment schemes also in this sector. In both cases, generally, employers are granted reduced social security contributions and sometimes also tax incentives, and the registration procedure to the social security system is simplified. Service checks are used for example in Austria, Belgium and France while in Germany specific conditions for domestic work have been introduced within a more general minor employment scheme ("Minijobs").¹⁵ Since 2011 also in Romania a law on minor, hourly part time work exists which has been introduced as an instrument to formalise informal employment in various sectors, among which also domestic work.

¹⁴ One particular problematic aspect of the existing special laws on domestic work is that they often differentiate between domestic work above and below a certain minimum amount of working hours. We will come back to this issue further on. To give just some examples, in the Netherlands domestic workers who work less than four days a week for the same employer have no right to any dismissal protection (besides a minimum notice period of one month), no access to social security and they are covered only by legal minimum standards regarding wages, paid holidays and sickness leaves (with only 6 weeks of paid sickness leave against two years of such leave for other workers, for example). Similarly, in Belgium and Italy, the laws on domestic work apply only to those working more than 4 hours per day for the same employer. These preconditions are highly problematic in a sector where often very short hours are worked for a series of different employers.

¹⁵ We will come back to the German minor employment scheme and the issue of service checks in the case studies below.

Across Europe, au-pair work is another important way in which especially migrant domestic work is organised, or rather disguised¹⁶. Often such au-pair work is abused as a form of particularly cheap labour without however recognising the factual role of au-pairs as workers and thus without giving them access to (full) labour rights and social security protections. Such an abuse of au-pair work regards migrant workers especially from the global South, for whom such an extremely badly paid and strongly exploited form of employment often is the only possible way to obtain a legal residence status in the EU.

More in general, immigration legislation is a further important source of regulation for domestic work, given the high share of migrant domestic workers. Without going into detail with respect to the different national rules, a crucial point to underline is the fact that in nearly all EU countries work permits are closely tied to one specific employer and employment contract. It is thus impossible for migrant workers to change their employer and/or sector in search for better working conditions, even in case they experienced harassment. This is particularly problematic for domestic workers who often are in a position of strong personal dependence and vulnerability in front of their employer. The only exceptions that emerged from the survey as countries where such a change of employers is possible, are Spain, Ireland and until recently the UK. The Spanish case is particular, as in addition to the possibility to change employers, undocumented migrant workers there can apply for a one year residence permit and thus regularise themselves after a certain time period and once they have found an employment in the country.¹⁷ Apart from some singular regularisation campaigns (for example in Italy and also Spain), in all other cases the work contract officially has to be stipulated before a migrant worker enters the country of destination in order to obtain a residence permit.

In Ireland the right to change the employer is a rather theoretical one as it is subject to strong restrictions (among which the obligation to reapply and pay for a new residence permit). Moreover, though a specific domestic work visa exists, since 2009 no more non-EU migrants are allowed to enter the country as domestic workers. In the UK, the right for Migrant Domestic Workers (the domestic workers of migrants) to change employers was won in 1997 after lobbying by the union Unite together with the NGO Kalayaan who is a sister organisation to Justice for Domestic Workers. This important right has now been wiped out by the current conservative government who changed the rules in 2012, reducing the visa for migrant domestic workers to a maximum of 6 months preventing any route to residency and crucially abolishing the right to change employers. Given these changes made migrant domestic workers more vulnerable, Unite and Justice for Domestic Workers called on the UK government to at least amend the immigration rules to allow such workers to stay in the country where they had a legal case against their employers outstanding. The UK government refused to make this amendment. Also in Spain, the current right-wing government has recently started attacking migrant

¹⁶ This is the case for example also in the Scandinavian countries, where overall domestic work is a still less wide spread phenomenon, as a relatively wide range of care services is still covered by the state.

¹⁷ This system of individual regularisation is called *arraigo* and exists in two forms with slightly different preconditions: “*arraigo social*” and “*arraigo laboral*”. For the “*arraigo laboral*” undocumented migrant workers have to be living in Spain for at least two years, have no criminal record and possess some proof of a one-year employment relationship.

workers' rights, by excluding undocumented migrants from public health services and thus levelling Spanish legislation to the big majority of other EU countries.

1.3 Rights and protections

However, not only undocumented migrants and informally employed domestic workers suffer from a lack of rights and protections. As already mentioned above, even where they hold a formal employment positions, domestic workers usually only receive low wages and often have only limited access to labour rights and social protection. Analysing the existing regulations of domestic work across the different countries, the most important disadvantages regarding labour rights as compared to other workers are the following: missing or reduced dismissal protections, higher contractual flexibility, as well as longer maximum working hours and/or less restrictions regarding presence times and on-call labour. As regards dismissal protections, usually there is no obligation for a written announcement (for example in Italy) and often no need for any specific reasons for dismissal neither (as in the Netherlands, Portugal and Spain). In Belgium, domestic workers working on the service voucher scheme can be employed on a series of multiple fixed-term contracts during the first three months while usually after the second fixed-term contract there is a right to open ended employment. Maximum working hours are longer than for other workers for example in Austria and Portugal, while presence times and on-call labour are less restricted for example in Spain.

As it comes to social protection, discrimination particularly regards domestic workers working few hours for the same employer. Those workers find themselves either completely excluded from social protection or collocated in special secondary, less protective regimes. For example, domestic workers in Belgium and Italy who work less than four hours per day for the same employer have no access to social security. Also domestic workers in Netherlands with less than four days per week in the same household are excluded from social security. The same holds true for domestic workers in general in Poland (besides child-minders) and minor part-time workers in all sectors in Austria and Germany. However, there has been a recent change in Polish legislation which now gives self-employed domestic workers access to maternity and pension rights. Secondary regimes exist for example in Romania for workers employed on an hourly basis as well as in Ireland for workers earning less than 38€ per week. Both these special regimes, however, cover not only domestic work but all sectors.

Further problematic issues are reduced paid sickness and accident leaves, as well as reduced access to maternity protections, parental leave schemes and other paid care leave options (such as for caring for close relatives). This is the case for example in the Netherlands for workers working less than 4 days per week for the same employer and in Italy even for those workers working more than 4 hours per day. Moreover, domestic workers find themselves excluded from unemployment benefits in Spain and, if employed through temporary employment agencies, only receive such reduced benefits in Romania.

2. Case Studies

The four countries chosen for the following case studies - Italy, Spain, Germany and Ireland - all possess relatively advanced regulations and longstanding regulatory practices, but they use different regulatory strategies based on general labour law, specific legislation, collective bargaining or social dialogue, or a mix of these. In the following, the particular strong and weak points of these different regulatory strategies are analysed for each of the four countries and step by step compared with each other.

2.1 Domestic work in Italy: A long collective bargaining tradition but still reduced social rights

In Italy domestic work is regulated by means of a specific law and a collective agreement. Among the four case studies, together with Germany, it is the country with the oldest legislation and bargaining in this sector. The relevant law 339 on domestic work dates from 1958 and the first collective agreement was signed in 1974. Both national legislation and collective bargaining cover the full range of domestic workers' tasks, from care work to babysitting, housekeeping and related services. However, the law 339 only regards domestic workers who work more than four hours a day for the same employer. It defines workers' rights for example with regard to work tasks, rest times, holidays, extra monthly salaries and wage increases related to years of services.

This early regulation of domestic work has to be seen in the historical context of the 1950s as a period of economic recovery after the Second World War, with a restart of industrial production, a slowly growing female labour market participation and an increasing labour migration from southern to northern Italy (including female workers from the South working as domestic workers in the North). In the 1970s, together with industrial restructuring, these processes of growing female labour market participation and South-North migration accelerated, and thus both the offer and demand for domestic work continued to increase. Simultaneously, the first sectoral national collective agreement on domestic work was negotiated. Only in the 1980s immigration from other countries has become a relevant phenomenon in Italy, causing also a growing share of migrant domestic workers. Today migrant domestic workers account for about 86% of formal employment in this sector, and even more if informal employment is considered.

While the original legislation from 1958 is still in place, the rights and protections fixed in this law have been subsequently reworked and strengthened in the following collective bargaining processes. In Italy, collective agreements are binding for all employers and employees of a respective sector, independently from their affiliation with an employers' association or trade union. In the case of domestic work, agreements are negotiated between the sectoral branches for trade and services of the three main national trade union confederations (Filcams-CGIL, Fisascat-CISL, Uiltucs-UIL) and the two employers' associations Fidaldo and Domina¹⁸. They cover all regular, privately employed domestic workers. The

¹⁸ Fidaldo is federated with Confedilizia (the employers' associations for the construction sector), while Domina is linked to associations of disabled and/or not auto-sufficient persons and their families.

latest collective agreement did run from 2007 to 2011. Currently negotiations for a new agreement are taking place.

In terms of labour rights, the collective agreement stipulates hourly wages and bonuses for overtime, night and holiday work, as well as different work tasks and respective skill and pay levels. There is an obligation for a written contract as well as a right to a 13th month's salary. Regulations of working and rest times are equal to those for other workers, with a maximum of 40 hours of work per week, presence times and breaks included (54 hours per week in case of in-house arrangements), 11 hours of daily and 36 hours of weekly rest, as well as 26 days of paid holidays per year. Moreover, also minimum conditions for in-house labour are defined, namely the requirement for a decent autonomous room, as well as the right to two hours of rest each afternoon and guaranteed free Sundays. There also are specific minimum wage tables for in-house workers from which no deductions can be made for in-kind payments such as housing and board. Instead, a reimbursement is foreseen for in-house workers for the days in which they cannot make use of housing and board.

What is missing to the majority of domestic workers are protections from dismissal from work. There is no need for employers to comply with the possible reasons for dismissal as they are defined by Italian law. Nor are they obliged to procure a written dismissal statement, which is however a precondition for workers to obtain unemployment benefits. Domestic workers are explicitly excluded from the respective law on dismissal protections, as households are not considered to be business undertakings. For the same reason, they are also barred from the legal norms on health and security at the workplace.

As it comes to social protection, domestic workers are discriminated with regard to maternity protections and other care leaves, as well as benefits in case of sickness and work-related accidents. While domestic as all other workers are covered by the obligatory and legally fixed 5 months of maternity leave (paid at 80% of the workers' monthly wage), they are excluded from all other related legal protections and rights. This means that there is no parental leave for domestic workers, no exemption from night shifts and no dismissal protection for mothers during the first year after the birth of a child, nor any of the additional paid care leaves foreseen for other workers, such as two hours of daily leave during lactation, or three days per month for caring for close relatives.

Moreover, domestic workers receive much less paid sickness and accident leave than other workers, as no social contribution payments to the respective public insurance schemes are foreseen for them. Consequently, domestic workers only can get up to 15 days of sickness pay (50% of the daily wage for the first three days and hundred percent for days 4 to 15) which are to be paid directly by the employer, while for other workers additional days are paid by the social security fund (up to a total of 180 days per year). However, through collective bargaining an additional though quantitatively limited benefit scheme has been created. A specific fund called "Cassa Colf" pays regular domestic workers 20€ per day for the first 20 days of sickness, accident or maternity leaves (excluding the first day), as well as 10€ per day during recovery times. The same fund also covers employers in case of accidents, injuries or death

occurring at the workplace. It is financed by contributions from both employers and, to reduced extent, employees.¹⁹

2.2 Domestic work in Spain: A new law brings nearly same rights but still no dismissal protections

In Spain two new laws have entered into force by 1st January 2012, regarding labour rights and social protection for domestic workers. They cover domestic workers dealing with cleaning work, gardening, babysitting etc, but excludes care work which is regulated by a different legislation. This new regulation can be considered a big step forward in reaching equal treatment for domestic workers. Domestic workers are now covered by the general social security system and not any longer confined to the former special scheme with its reduced rights and benefits. Moreover, domestic workers gained access to nearly all the same labour rights as other workers.

The most important changes with respect to former legislation are the following: The inclusion of domestic workers in the general social security scheme means that domestic workers now have access to the same paid sickness and maternity leaves, the same pension rights and the same protections in case of professional illness and work accidents as any other workers. A domestic worker has to be registered with the social security administration from the first working hour and it is the responsibility of the employer to do so. Contributions are now calculated as a percentage of real wage and with respect to the number of hours worked. In the old regime, they had to be paid as a fixed sum only for domestic workers working more than 80 hours a month for the same employer; a regulation which de facto excluded the large majority of domestic workers. However, until 2018 the reform will be applied only progressively with contribution payments rising gradually. Particularly, there are reductions in contribution payments for employers during the first years.

As regards labour rights, these are all the same now, with the exception of dismissal protections. As in Italy, domestic workers still can be fired without any particular reason, simply on the grounds of an employer's decision to do so. Though a severance pay has been introduced with the new law, it is still lower than for other workers. Also in the field of social security, domestic workers are still disadvantaged with regard to dismissal and unemployment, as they remain excluded from unemployment benefits. However, there is now an obligation for employers to provide both, a written employment contract and a written dismissal statement. Further important newly gained rights for domestic workers are their coverage by the national minimum wage as well as the general norms on working hours, rest times, holidays and extra payments. Weekly rest has to be at least 36 consecutive hours, including Sunday, and daily rest at least 10 consecutive hours, plus two further hours that can be allocated differently. Though still being more flexible than in other sectors, times of presence are limited to 20 hours and have to be paid as normal working time. There is a right to two month of extraordinary pay per year, 30 days of paid holidays, and a certain number of hours of paid leave during lactation and

¹⁹ There are two more such bilateral funds in place which collect contribution payments and finance professional training for domestic workers.

for the care of close relatives. Payments in kind are limited to 30% of the whole retribution and the salary paid in money cannot be lower than the national minimum wage. Finally, domestic workers are also covered by fundamental rights at work, including legislation against discrimination and harassment.

This new legislation is the outcome of a long trade union struggle which already started in the 1970s and produced also the former law as a first, though less favourable regulation. Between 2007 and 2011 an intense tripartite social dialogue process took place preparing the new legislation in which the two national trade union confederations Unión General de los Trabajadores (UGT) and Confederación Sindical de Comisiones Obreras (CCOO), as well as the national employers' associations CEOE y CEPYME²⁰ and the socialist government of that time participated. A clear advantage of the Spanish legislation is that it automatically covers all domestic workers; or at least all regularly employed domestic workers. In fact, the new regulation has also been an attempt to encourage the transformation of informal into formal domestic work.²¹ For this purpose, a deadline for the registration of already employed domestic workers had been fixed at 1st July 2012, after which penalties have to be paid by the employers. Yet, inspections in private homes are still seen as difficult also in Spain and controls can be expected to remain limited.

The enforcement is a problematic issue not only because of the high share of informal domestic work, but also because the current right-wing government has no intention to bring forward the application of the new law.²² This is a weak point in a regulatory strategy based only on legislative reform, as it remains dependent on changing government policies. Yet, there seems to be not much of an alternative in Spain, as no employers' association exists in the field of domestic work. One strategy of the Spanish trade unions to obtain a counter-part for collective bargaining is to push for more employment of domestic workers through agencies, though no collective agreement has been negotiated so far for temporary agency work either. From the Spanish experience, creating cooperatives and agencies appears an important strategy also for domestic workers themselves to break out of the relation of strong personal dependence linked to individualised (informal) domestic employment, to formalise their positions on the labour market, and to obtain better bargaining positions in front of the households buying their services. This development can be seen from two sides: While the creation of an own agency might coincide with a strategy of some (ex-)domestic workers - those managing the cooperative - to make profit from the work of other domestic workers, it also constitutes a possible field for collective self-organisation.

²⁰ Confederación Española de Organizaciones Empresariales and Confederación Española de la Pequeña y Mediana Empresa.

²¹ First figures seem to indicate that this strategy works relatively well. Social security registrations have risen to 313,294 by April 2012, which is 47% of the estimated sum of domestic workers in the country. Though, as mentioned above, the overall number of domestic workers probably is underestimated as it refers only to those having declared themselves as active workforce in the census.

²² Among others, also the legislation on migration still would have to be adjusted to the new rules for domestic work.

2.3 Domestic work in Germany: The challenges of bargaining coverage and minor employment

In Germany, no such specific legislation as in Italy and Spain exists for domestic work but general labour law applies. However, as in Italy, domestic workers are excluded from the occupational health and safety law, but there are general health and safety regulations under common law (Bürgerliches Gesetzbuch) which apply to domestic workers. In addition, there is a long-standing tradition of collective bargaining also in Germany as the first agreements were achieved already in the 1950s. The current agreement has been signed between the NGG (the trade union for the sectors of food, drinks, tobacco and hospitality) and the employers' association Netzwerk Haushalt (network household). There are two levels of bargaining: a national and a regional one, with the national regulating general working and employment conditions and the regional above all defining wages and related issues. These collective agreements apply to domestic workers either directly employed by private households or by employment agencies that deal above all with housekeeping, care work and service tasks in private homes. They give domestic workers access to similar rights with regard to working and rest times, holidays and sickness leaves as in Spain.²³ Particularly to be mentioned is the existence of a minimum notice period of one month before dismissal. Domestic workers in Germany are also covered by general legal dismissal protections, restricting possible reasons for dismissal to specific negative employee behaviour or the economic situation of the employer. Yet, the big limitation here is the low coverage rate of collective bargaining. Different from the Italian case, in Germany the collective agreements on domestic work apply only to those cases where both employer and employee are members of the respective trade union and employers' association that signed the agreement, and these are only very few.²⁴

In theory, domestic workers in Germany are also subject to regular social security contributions and benefits, if they have a regular employment relationship. Yet, only 3,6%% of the estimated 1 million domestic workers in Germany have such a regular contract with social security contributions. As for the large amount of informal work, also the big majority of regularly employed domestic workers remain excluded from social security as they work in so-called "Minijobs". At least 80% of all regular domestic work falls into this category of minor employment with a maximum wage of 400€ per month.²⁵ Such Minijobs offer similar labour rights as other employment, and also existing collective agreements apply to them, provided that the employer is covered by these agreements in a first place. But, their two

²³ The maximum weekly working hours are 40, with a daily minimum of 4 and a maximum of 8 hours. Daily rest has to be at least 11 hours and weekly rest at least two days every two weeks, including two weekends per month. There are no extra monthly pays foreseen, but overtime has to be paid with a premium rate of 25% or compensated within four weeks with additional free time. Paid annual leave is of 30 days and sickness leave has to be paid by the employer for the first six weeks at 100% of the wage, while afterwards it is covered by social security.

²⁴ According to German law, in order to render a collective agreement generally binding for a whole sector, the signing social partners have to represent at least 50% of workers and employers respectively.

²⁵ Estimates from the interview with experts from NGG and DGB. According to Gottschall and Schwarzkopf (2010: 20), in 2009 there have been 190,378 domestic workers in Minijobs. Compared to the 2008 data of 217.000 regular domestic workers this represents nearly 88%.

major problems are the low hourly wages and workers' lacking coverage by pension, health and unemployment insurances. There is no regulation of hourly wages for Minijobs, as no national minimum wage exists in Germany, and the former maximum limit of 15 weekly hours per Minijob was cancelled by a labour market reform in 2003 ("Hartz 2 reform"). Employers pay reduced lump-sum social contributions, a total of 31%, but these do not produce relevant benefit rights for employees²⁶. In consequence, also sickness pay is lower for workers in Minijobs. They receive sickness pay only for the first 42 days during which it is paid by the employer, but no further sickness leave is paid by the social security system, as in the case of regularly assured workers. There is thus a clear similarity to the Italian situation, with the equally reduced sickness and accident pay for domestic workers.

For domestic work done on the basis of a Minijob, employers' social security contributions are even lower, with a total of only 14%, which are at least partly deductible from taxes. In addition, the "household check scheme" offers a simplified system of registration and payment to private households as employers of domestic workers. As for the new legislation in Spain, also in this case these provisions have been thought as an incentive for employers to legalise informal domestic work. Yet, in the German case this does not seem to function very well, as formal employment still only reaches about 22% of all domestic work.²⁷ Instead, this regulation reproduces and reinforces the precarious and low paid character of domestic work. Therefore, German trade unions are currently campaigning against the system of Minijobs as a way of indirect discrimination and cheap labour exploitation²⁸.

There are several European countries which have introduced similar check schemes aimed at regularising informal domestic work. Belgium for example, has a system of service checks which is equally based on a reduction of social security contributions for employers.²⁹ Yet, in comparison to the German household checks for Minijobs, this scheme offers domestic workers full social security coverage and the payment of a minimum wage of 10€ per hour. Domestic workers are employed through specific employment agencies. Households buy service checks emitted by the state at a price of 7.50€ per hour and pass them on to the employment agencies. These receive 20.80€ for each service check from the state and from this money have to pay wages and social security contributions for their

²⁶ This is the case also for the health insurance. Despite employers' lump-sum contributions, no new insurance coverage is generated for the employees. While employers' contributions end up in the general risk adjustment scheme of the health insurance system, employees either have to be insured by means of a family insurance (through their parents until the age of 25 or through their marriage partner) or another employment relation with full social security contributions. In alternative, they have to pay a private health insurance or apply for complementary social benefits in order to have their health insurance taken in charge by the public labour agencies. As regards pensions, employees gain some limited rights with regard to future benefits and years of contribution, but are excluded from rehabilitation schemes and employment disability pensions. On a voluntary basis, they can supplement employers' flat-rate pension contributions to the normal value in order to obtain access to full pension rights, though given the low salaries these remain financially limited.

²⁷ According to the data indicated above. In the interview, the NGG even speaks of an estimated share of 95% of informal domestic work.

²⁸ See for example <http://www.dgb.de/themen?k:list=Arbeit&k:list=Minijob>.

²⁹ In June 2012 110,000 domestic workers in Belgium worked on service checks; most of them probably would have been employed informally without the check system. In fact, only 900 domestic workers were declared as regular workers outside of the check system at the same time.

workers as well as the operating expenses of the agency. While the guaranteed wage and the social security coverage for workers is definitely a positive point, the main criticism that can be voiced against this system regards its high costs for the state: some 1.4 billion Euro per year. The state does not only subsidise domestic workers' wages and social security contributions, but at the same time also the mostly upper and middle-class households for which domestic work is done. Moreover, the main problem is that this system has created a veritable service check business which is largely financed by the state but subject to only few controls.³⁰

In comparison, the Spanish system has an advantage here, as its new legislative regulation realises the inclusion of domestic workers in the general social security scheme together with some direct reductions in contribution payments for employers, but without passing by state subventions for employment agencies. But, despite the official coverage of domestic workers by the national minimum wage, the factual payment of respective salaries might be more uncertain than in the Belgium case, as controls are even more complicated for a myriad of private household employers than for employment agencies. While in Italy the lack of positive monetary incentives for employers to regularise domestic workers limits costs for the state but probably also the success of regularisation campaigns³¹, the German system seems to be the least advantageous in terms of costs and benefits. Because, in this case, state subventions to private households as employers (in form of reduced social contributions and taxes) are not even combined with much relevant social security coverage for workers.

2.4 Domestic work in Ireland: Successful social dialogue but limited enforcement

In Ireland, different from Italy, Spain and Germany, neither any specific legislation nor any collective bargaining exists on domestic work³². Instead, this sector is regulated through general labour law. This means that domestic workers basically have the same rights as all other workers in Ireland. In addition, a Code of practice specifies how general labour law has to be applied in this particular sector. This Code of practice is the outcome of a social dialogue process involving the social partners as well as the government. While its big limitation is its reduced legal force as a social dialogue agreement, it can nonetheless be considered an important achievement in terms of recognising domestic workers as

³⁰ Currently, the main big player making profits from service checks is Sodexo, the biggest Belgium catering firm which controls the whole service check chain, from issuing the checks to sending workers to the households.

³¹ The last two regularisation campaigns in Italy took place in 2009 and September-October 2012. During these campaigns migrant workers can obtain a residence permit if they have a regular employment contract and their employer pays a lump sum penalty of 1000€ for the former irregular employment. While these regularisation campaigns are open for all migrant workers, the share of regularised domestic workers is usually high. However, this is also due to the fact that this is one of the easiest sectors in which to get a fake employment contract. Besides these sporadic, general regularisation campaigns, there are no policy instruments in place in Italy to facilitate the transformation of informal into formal domestic work. Particularly, there are no tax or other positive monetary incentives for employers. Whereas negative monetary sanctions exist for employing workers on an irregular basis just as in the other countries under observation, employers rarely will have to face these sanctions due to the difficulties of inspecting private homes.

³² Collective bargaining exists only for publicly managed home helps and care workers, but these are considered as different category.

workers and raising awareness for their working conditions. As in Spain, in Ireland there is no specific employers' association for domestic work. Yet, the Irish Congress of Trade Unions (ICTU, the national confederation) has been able to push the national employers' association into acting as social partner in this sector.³³

While the Code of practice does not deal with wages, domestic workers are covered by the national minimum wage (8,65€ per hour since 2005). They also have to be paid bonuses for Sunday and overtime work, but there are no binding rules to fix their amount.³⁴ As regards in-kind payments, the Code of practice defines a maximum charge of 7,73€ per day for room and board. The legal maximum weekly working hours in Ireland are 48, with a minimum rest of 11 consecutive hours per day and 35 per week. All workers have a right to 20 days of paid holidays per year, plus the nine Irish public bank holidays. Also private homes as workplaces have to comply with general health and safety norms. In case of live-in domestic work, workers' privacy rights have to be respected, and the code of practice establishes a secure room with a real bed as a minimum standard. Domestic workers are also covered by general dismissal protections and can complain against an unfair dismissal in front of the Employment Appeals Tribunal, as all other Irish workers provided that they have been in service for at least one year.

Also social security coverage is the same as for all other workers. This means that employers are responsible for paying social security contributions. In case they fail to do so, they are liable to the state for both their own and the worker's part while the worker still can obtain the due benefits. Employers also have to have an insurance covering the domestic worker in case of work accidents and professional illness. Domestic workers have equal access to maternity protection, paternal as well as emergency leave. But, a problematic point is that there are no health care and paid sickness leave foreseen by the Code of practice beyond the legal minimum of one week paid leave. However, this is the case for all Irish workers, as there is no automatic coverage by health insurance and sickness benefits, but these always have to be negotiated on an individual basis.

All in all, in terms of equal treatment with other workers, the Irish regulation seems to be the most advanced among the four case studies. In Italy, Spain and also Germany (in case of Minijobs), domestic workers are clearly disadvantaged with regard to dismissal protections and/or access to unemployment benefits. A second common form of discrimination regards limited sickness and accident pays, which are the rule both in Italy and Germany. While in Germany this is linked to the de-facto exclusion of workers on Minijobs (who are not covered through another employment relation or their marriage partner) from the social security system, in Italy domestic workers are however fully covered by the national health system as well as the pension and unemployment schemes, but only if they work more than 4 hours per day for the same employer. In Ireland the lack of healthcare and paid sickness leave might be nothing specific to domestic workers, but it nonetheless remains a central problem also in this country. In Italy there even is a further level of discrimination of domestic workers regarding their exclusion from

³³ This has been obtained by the ICTU by threatening to form an own employers' association, as trade unionists often are themselves employers of domestic workers. Faced with this possibility, the national employers' association decided to give up its initially negative attitude and play its role in social dialogue in this sector.

³⁴ A pay of 1.5 times the hourly wage for the first two hours of overtime, afterwards twice the wage is considered as good practice.

different forms of paid care leave (beyond the obligatory 5 months of maternity leave). In Germany finally, collective norms for hourly wages are missing for all domestic work that is carried out as a Minijobs (and not covered by a collective agreement).

However, the main problem in all four countries remains the enforcement of existing formal rights, especially as regards informal domestic work and undocumented migrant workers. Despite the wide coverage of domestic workers by general labour and social rights, this is a major issue also in Ireland and all the more as the Code of practice, as only specific regulatory instrument, does not have the same legal force as a law or a collective agreement. As regards workplace inspections, also in Ireland private homes are protected by privacy norms and labour inspectors do not spontaneously visit private households. But, here trade unionists sustain that the problem of privacy rights is in reality smaller than usually argued. As mentioned before, lots of labour rights issues could be investigated without entering the home, as for example in the case of wage-related questions or registering with social protection schemes which can be assessed on the basis of a written documentation. In case of health and safety issues, inspections in private households can be obtained if there is a concrete suspicion and a formal complaint by a worker.

While domestic workers in Ireland must be given a written statement of employment by the employer, as in Spain, Italy and Germany there is no need to have a written employment contract and/or a valid residence permit in order to claim these rights in front of the judge. It is enough to give proof of a de facto employment relation. Though this possibility is particularly important in the case of informal domestic work, it is still not easy to overcome the particularly vulnerable position of domestic workers and more precisely their high risk of losing their job and eventually being expelled as undocumented migrants if they try to sue their employers for any violations of their labour and social rights. Rendering even more difficult this situation is the high degree of fragmentation and invisibility of domestic workers in the society. Without sufficient collective support and organising, individual legal action therefore remains a difficult issue.³⁵

3. Enhancing decent work for domestic workers

In this third part of the report trade unions' commitment to enhancing decent work for domestic workers is described. In a first step, an overview over the various activities is given while in a second instance particular stress is put on lobbying activities regarding the ILO Convention 189. In a third subsection, attention shifts from such a macro, political level to the micro, grassroots level of trade unions' direct interaction with domestic workers and some more detailed best practice examples are mentioned for supporting and organising domestic workers.

³⁵ As will be seen further on in the section on trade unions' activities, there are attempts to give such support and engage in organising both from trade unions and migrant associations in Ireland as well as some other countries.

3.1 Trade unions' activities

When asked about their priorities in addressing the field of domestic work, a large majority of trade unions participating in the survey insisted on the importance of organising domestic workers and raising public awareness for their working conditions. These two issues both were indicated as priorities by 11 out of the 14 national trade union centres and sectoral federations that participated in the online survey. However, strong attention is given also to collective bargaining, lobbying (in general and for Convention 189 specific) as well as giving information to domestic workers about their labour and social rights. Each of these issues was mentioned as main field of intervention by eight trade unions.

Looking at concrete activities in the sector of domestic work, ten trade unions state to be somehow engaged in organising domestic workers. These are the Belgian ACV-CSC, the Danish LO, the French Syntex-SPE/FO-CGT, the German Ver.di, the Irish SIPTU, the Italian CGIL-Filcams, the Dutch FNV Bongenoten, the Spanish CCOO and UGT, and the British Unite. Partly, these organising strategies are limited to simple membership campaigns. But sometimes, they also aim at mobilising domestic workers to act collectively and claim their rights. For this purpose, for example, assemblies for the dissemination of information and for discussion, specific working groups, regular meetings of domestic workers or virtual forms of interaction and communication (such as Facebook groups), joint participation at trade union manifestations or other public actions and campaigns are organised. Given the high share of migrants among domestic workers, a particular focus of such organising is put on this group and activities often are carried out together with migrants' associations. This is the case particularly for the Dutch FNV who cooperates with several national migrants' associations, the Irish SIPTU who collaborates with the Migrants Rights Centre Ireland (MRCI) and the Domestic Workers Action Group (DWAG), the British Unite who works together with Justice for Domestic Workers, and the German Ver.di with the migrant domestic workers' support group called Respect.

Together with such collective organising, another important strategy for trade unions to get into contact with domestic workers and to defend their rights is individual legal support offered to them. Commitment to such individual support can be found for nearly all confederations and federations involved in organising (besides the Belgium ACV-CSC), as well as for the Bulgarian Podkrepa, the Italian UIL-Uiltucs and the Portuguese CGTP-IN. Some of these trade unions have established specific support structures for (migrant) domestic workers while in others domestic workers are attended together with other workers by trade unions' general legal support teams. Besides legal counselling, part of the support given to domestic workers also consists in information and education. Many trade unions publish specific information materials for domestic workers, especially on labour rights and social protection as well as on the ILO Convention 189, mostly as printed leaflets and brochures and/or as online resources. Often, these materials are also translated in migrant domestic workers' native languages. In addition, some trade unions offer professional training to domestic workers. The trade unions most active also on these issues, according to survey responses, are the already mentioned Dutch, French, Italian and Spanish ones as well as the German DGB and the Romanian Cartel Alfa.

In addition to direct interaction with domestic workers, public awareness-raising appears as important form of intervention for many of the observed trade unions, which reflects the above-mentioned

priority setting. Besides the Dutch FNV and the Spanish UGT, also the Finish SAK, the Romanian Cartel Alfa, the Lithuanian LPSS/K and the Polish NSZZ Solidarnosc are engaged in public awareness raising campaigns comprising, among other, the production of information materials and press releases, but also public actions, petitions or else. Such public awareness-raising appears as one core element in trade unions' campaigning and lobbying for domestic workers' rights. Public campaigning and political lobbying are currently mostly focused on pushing for the ratification of the ILO Convention 189. Nearly all of the considered trade unions are in one way or the other involved in such lobbying and/or campaigning. Some, moreover, engage in research on the development of domestic work, its working and employment conditions and its regulation to gather information and support their lobbying activities. This is the case for example for the Dutch FNV Bongenoten, the Italian CGIL-Filcams, the Belgium ACV-CSC and FGVB, and the Polish NSZZ Solidarnosc.

Only the Latvian LBAS and the Swedish LO seem not to have developed any specific activities in this sector of domestic work or at least no information was transmitted on these, besides, of course, the involvement in collective bargaining in the Swedish case. In fact, a major role of trade unions also in this sector is collective bargaining, at least in all those countries where collective agreements exist for domestic work (Austria, Belgium, France, Germany, Italy and Sweden). But, also the struggle for establishing collective bargaining in this sector can be a central element in trade unions' activities in this sector, such as for the Dutch FNV Bongenoten and the British Unite.

Within trade unions, the responsibilities for dealing with domestic work are usually divided between the national centres and the sectoral federations. Direct interaction with domestic workers, be it in form of organising, individual legal support, information and/or education, as well as public awareness raising and collective bargaining are most often taken in charge by the sectoral trade union structures. The activities of the national confederations are mostly focused on political lobbying and campaigning for the ratification of the ILO Convention 189, and sometimes also on the production of information materials. Within the national confederations, usually the trade union officials in charge of gender issues and/or of migration are responsible for these activities. At the sectoral level, mostly there are no specific subsections for domestic work, but these workers are integrated in the trade union structure in related sectors (such as industrial cleaning, catering etc.) or regrouped together with others under a subsection of "special services".

Both at the level of political lobbying and campaigning for the Convention 189 as well as organising and direct interaction with domestic workers, cooperation with migrants associations and sometimes also other NGOs (for examples women's associations) results as important for a relevant number of the observed trade unions. Besides for the four ones indicated above with regard to organising, such interaction was explicitly mentioned also by the Belgian FGVB, the Italian CGIL-Filcams and UIL-Uiltucs, the Portuguese CGTP-IN and the Spanish UGT. However, there are also cases where this is rejected as a possibility and/or considered little efficient.

The major challenges for future trade union work mentioned in the survey and the country reports first of all regard domestic workers' real and full access to labour rights and protections, and thus the improvement of existing regulations, but above-all their effective application and enforcement. Closely

linked to this issue are the social (and sometimes also legal) recognition of domestic work as work and the regularisation of informal domestic employment. The following emerged as further important topics: the low and in some cases even shrinking wages of domestic workers, the professionalisation of domestic work, and the specific situation of migrant domestic workers. This latter issue touches upon migration as well as labour policies, the access to residence permits, labour rights as well as social protection, and beyond this also the effects of migration on sending countries and workers' families. A more specific topic in this respect is to abuse of au-pair work, as a particularly vulnerable and exploited form of migrants' work, which is often not even recognised as such. Moreover, the development of the wider socio-economic and political context throughout Europe is seen as a crucial issue for the future of domestic work, particularly in the light of the current crisis and austerity policies which have accelerated the trends of labour market flexibilisation and precarisation, as well as the privatisation and retrenchment of social services.

As regards trade union strategies, particular stress is put on the challenge of reorganising trade union structures, in order to allow for more effective organising strategies, to gain more visibility and voice for domestic workers as well as to reinforce trade unions' strength more general. Moreover, the need for developing new strategies of struggle is underlined. These particularly would need to take into account and reduce the strong vulnerability of domestic workers and their resulting difficulties to engage in the protection of individual or collective interest. One element of such a strategic renewal could be increased networking which is in fact seen as crucial to advance domestic workers' rights and protections by many respondents. Such networking regards at least two levels: cross-country cooperation between sending and hosting countries, and the organisation of larger support from civil society for domestic workers' struggles. Cross-country cooperation is mentioned as a possible strategy for facilitating trade unions' access to domestic workers. But, it is also seen as a way to increase scarce resources (for example through joint fundraising in form of EU-projects) which is itself named as another priority. Networking with civil society is considered as a part of public awareness-raising and a way of enhancing domestic workers' visibility and voice. More in general, investing in public awareness raising, but also in further political lobbying, are mentioned as central elements of trade unions' activities in this sector also for the future.

3.2 Lobbying for the ratification of ILO Convention 189

Lobbying for the ratification of the ILO Convention 189 on decent work for domestic workers, which was approved by the International Labour Conference in June 2011, currently is one of central areas of intervention for trade unions in this sector. Though until autumn 2012 no European country had yet ratified the Convention, there are a range of countries in which ratification seems quite probable within the next one or two years. According to the responses to the on-line survey, these are Belgium, Bulgaria, Denmark, France, Germany, Italy and Ireland. Among these, in Denmark, Germany, Ireland and Bulgaria no major legislative changes are expected to be necessary in order to make national laws compatible with the convention. Nevertheless, migration politics are named as potentially contentious correlated field for Germany and the relation between collective bargaining and the Convention is still discussed in

Denmark. In Belgium and Italy single changes will be required to insure domestic workers' full access to maternity and parental leave schemes and in Belgium it will be also necessary to end the exclusion of domestic workers working few working hours for the same employer from Social Security. Despite the already advanced existing regulation in France, the new government's attitude towards ratification was still unknown to survey respondents by the time of data collection. The issues that would require re-regulation here regard informal and migrants' work, forced labour as well as protection against discrimination. With the exception of Bulgaria, where information on this issue is missing, in all these countries some formal or at least informal consultation of the social partners by government is currently taking place. This holds true also for Austria, the Netherlands, Romania and the UK. Yet, in Austria and Romania ratification appears more difficult due to some important but contentious necessary legislative changes. In Romania these regard domestic workers' rights to freedom of association and organising in trade unions as well as the implementation of social dialogue in this sector. In Austria as well as in the UK the problematic issues are the re-regulation of working hours and the possibility of inspections in private homes. In Finland a wide range of issues seem to require re-regulation, but further information on these as well as on the state of consultation is lacking.

The UK, moreover, is one of the countries where ratification is difficult not only due to the necessary legislative changes, but above all because of the negative attitude of the current right-wing government towards the Convention 189. Also in Lithuania, the Netherlands, Poland, Romania and Spain governments' negative attitudes or lacking interest appear as major obstacles. While in the Netherlands survey respondents express some hope that the new government might demonstrate a different attitude, in Spain government's disinterest in ratification is in clear contrast to the very advanced and recently reformed national legislation which, technically speaking, would make ratification very easy. In the past, social dialogue on the new Spanish law on domestic work and the preparation of the new ILO Convention had stimulated and enforced each other mutually. But, with the new right-wing government, this process seems to have become blocked. In Poland the most important reason why government is reluctant to ratify C189 is the currently lacking coverage of domestic workers by social security. However, thanks to lobbying by trade unions, the compatibility between national laws and C189 is now officially evaluated. In Latvia, in turn, uncertain prospects of ratification do not result from legislative changes, but the lacking priority given to this issue, as existing regulations are considered already sufficient. Information on the probability of ratification is missing for Portugal and Sweden. However, for Portugal the regulation of working hours, dismissal protections and work of young people below 18 years are indicated as areas which would require re-regulation in order to comply with the Convention 189.

From the survey and the country reports trade union commitment to promoting the Convention 189 results as important throughout Europe. In 16 out of the 18 observed countries trade unions have developed diverse activities to push for ratification. In the remaining two countries, Lithuania and Portugal, no information has been obtained on such activities. In Austria, Denmark, Finland, France, Germany, Poland, Spain, Sweden and the UK, the focus lies on lobbying governments and parliament. Especially in Belgium, Bulgaria, Ireland, Italy, the Netherlands and Romania, apart from such lobbying, also public awareness raising campaigns have been launched, most often under the roof of the ITUC 12by12 campaign. In fact, by June 2012, in all but one of the here considered countries 12by12

campaign teams have been created. The only exception is Latvia. In many cases, also migrants' associations or other NGOs are engaged in lobbying and/or campaigning for C189 (such as for example in Austria, Belgium, Bulgaria, Italy, Ireland, the Netherlands, Spain, in the UK), and there is strong cooperation between these and the trade unions also on this issue. In contrast, social partner initiatives with some commitment also of employers' associations have been mentioned only for Austria and Latvia. Yet, for Latvia information is contradicting, on the one hand indicating such social partner initiatives in support of C189, on the other insisting on the fact that trade unions would have other priorities.

There is some debate on how relevant a probable ratification of Convention 189 would be in countries where this does not require any major legislative changes and thus would not improve domestic workers' formal rights and protections. Yet, most survey and seminar participants highlight the high value of the Convention also in such legally advanced cases as a means of agenda setting and awareness raising within the public debate, at the political level, but also within trade unions themselves. For, as seen above, also relatively good existing regulations do not necessarily translate into decent real working and living conditions for domestic workers given the big problems of enforcement and the high share of informal work in this sector.

3.3 Best practices in supporting and organising domestic workers

In the following chapter, activities of six trade unions in five countries are compared that appeared as particularly involved in establishing direct interaction with domestic workers. Taking into account all the collected survey, seminar and interview material, the Dutch FNV Bongenoten, the German Ver.di, the Irish SIPTU, the Italian CGIL-Filcams and the Spanish UGT and CCOO - Actividades Diversas are used as examples in order to outline some major experiences and challenges in supporting and organising domestic workers³⁶.

In all these cases, one key strategy to get into contact with domestic workers is to offer them individual legal support. Such practices are particularly pronounced in the case of the Spanish UGT and the Italian CGIL-Filcams who both have established specific support structures for domestic and/or migrant workers. In case of the UGT, this support regards not only domestic but migrant workers in general. Since 1991 "centros de informacion a trabajadores extranjeros" (information centres for migrant workers) have been opened all across Spain and also in some sending countries (such as Ecuador, Bolivia or Colombia). These centres offer information about migration as well as the labour law. Among others, they give assistance to migrant workers also on how to get regularised, renew residence permits or

³⁶ Most of these examples refer to activities of sectoral federations, besides for the Spanish UGT where information is given by representatives from the national confederation. Ver.di is the German trade union federation for services and the Italian CGIL-Filcams covers trade, tourism and services. CCOO - Actividades Diversas is a federation of Comisiones Obreras representing workers in cleaning, home help, gardening, private security, urban reconstruction and cleansing, corporate services and other small service branches. Covering in contrast a wider range of sectors, SIPTU stands for the Irish Services, Industrial, Professional and Technical Union and the FNV Bondgenoten represents workers in the retail, services, industrial, metal, agricultural, technique, temporary agency work and transport sectors in the Netherlands.

bring their families to Spain. Moreover, the centres organise professional training courses, support workers in case of conflicts and are involved in public awareness raising campaigns.

In Italy, CGIL-Filcams has similar support centres in several towns dedicated specifically to domestic workers. These are called “sportelli colf” (domestic workers’ desks). Investing in such support structures is part of a recently reinforced commitment of CGIL-Filcams to territorial work on the issue of domestic work. In 2012 eight new territorial projects have been initiated which include, apart from the “sportelli”, also various other organising, public awareness raising and lobbying initiatives. These are coordinated by one paid union officer each, specifically assigned to these projects. Both in the Italian and the Spanish example these information and support activities are realised in close cooperation with local migrants’ associations. One aim of the territorial approach precisely is to facilitate interaction with locally relevant actors from civil society, political parties and public administration in order to promote decent work for domestic workers, to build social relations and to get involved with domestic workers and their everyday working and living realities.

Also in Germany, similar support structures exist. In Berlin an information and help desk for undocumented migrant workers is in place which is organised by the Ver.di “Working group for undocumented work”.³⁷ Differently from the two other examples, the concrete work of the help desk is not carried out by trade unionists but by unpaid activists of the migrant domestic workers’ support group Respect. It was Respect, too, who took the initiative to create the Verdi working group in Berlin in a first place, in order to increase organising possibilities for domestic workers within trade unions. Given these limited resources, the support desk in this case offers legal support only twice a month.

However, legal support and targeted information is not the only way in which trade unions try to get into contact and interact with domestic workers. In fact, such legal counselling has some important limits. First of all, it usually remains on an individual level without necessarily enhancing collective capacities and mobilisation for collective interest struggles. Second, domestic workers often only search such trade union support once their employment relation has been interrupted, not least because before they are too vulnerable to dare to claim their rights. Third, as already seen above, enforcing labour rights through legal action is especially difficult for undocumented migrant workers, as they may well claim their rights in front of a judge, but doing so also risk deportation. Therefore, further strategies for interaction, mobilisation and interest defence are needed. For this purpose, the six trade unions considered here organise various assemblies, meetings and actions in which they try to involve domestic workers. These could for example be topical assemblies or round tables organised by the trade unions and involving further actors such as politicians, researchers, migrant associations. The Spanish CCOO and again the UGT and the Italian CGIL-Filcams are particularly involved in such assemblies. Their major functions, however, seem to be lobbying and public awareness raising; though particularly the CCOO also uses them to mobilise domestic workers for public actions and manifestations, such as a specific domestic workers’ block at the 2012 Mayday demonstration, in order to enhance their visibility in the public debate.

³⁷ Similar information and help desks also exist in Frankfurt, Hamburg, Cologne and Munich, but information obtained for this report is limited to the Berlin example.

More relevant in terms of mobilising and organising domestic workers appear to be specific grass-roots meetings for domestic workers themselves which give room for sharing experiences, creating mutual support and elaborating ideas for collective action. Such a creation of collective spaces is particularly important in a sector with such a high workforce fragmentation and isolation as domestic work. The Spanish UGT, for example, is involved in such regular meetings with domestic workers as part of its membership campaigns. The CCOO, instead, tries to tackle the problem of missing shop stewards at domestic work places by having trade union secretaries taking over some of their functions such as giving support to and keeping contact with workers.

Two further examples for establishing direct interaction with domestic workers are the organising efforts of the Dutch FNV Bongenoten and the support given by the Irish SIPTU to domestic workers' self-organisation in the "Domestic Workers Action Group" (DWAG). In the Irish case, though SIPTU does not have an organising campaign of its own for the sector of domestic work, there is however one trade union organiser who works among other issues on this sector and who is in direct contact with the DWAG. Initiated by the "Migrants Rights Centre Ireland" (MRCI), the DWAG for example organises regular meetings of domestic workers in Dublin. In these self-organised meetings, occasionally, also SIPTU organisers participate.³⁸ Cooperation between SIPTU, MRCI and DWAG is an already rather longstanding practice which entails a specific division of work. The DWAG is a tool of self-organisation of domestic workers and the regular domestic workers meetings serve to create the collective space just mentioned above: to create social relations, organise mutual support, collective struggles, campaigns and public actions etc. The MRCI tries to support this self-organisation among others by offering knowhow, infrastructures and also political support. It is involved in public campaigns, political lobbying and networking, as for example with trade unions and SIPTU in particular. SIPTU, in turn, brings in its legal support structures, its expertise on labour rights and organising (transmitted also through particular training sessions with domestic workers), but also its lobbying power within the industrial relations system.

Representatives of both MRCI and SIPTU underline the learning process their cooperation underwent over time. One outcome of this learning process is the recognition that a clear and specific work agenda is needed, indicating the most appropriate issues for cooperation as well as its goals. As most efficient fields of collaboration thus result activities of lobbying parliament (particularly regarding the ILO Convention 189), public awareness raising campaigns as well as efforts to increase visibility: visibility of domestic workers in the society on the one hand, and of trade unions for domestic workers on the other. Another topic of successful collaboration is the problem of forced labour, on which a joint framework for action has been agreed upon in June 2011. Moreover, some particular challenges of organising domestic workers have become clear from this example. SIPTU's commitment to organising in general is an outcome of a larger restructuring process which has regarded the federation as a whole in the last years and which has brought an active organising approach to the forefront, changing both the federation's strategies and structures. Yet, organising domestic workers is particularly challenging for

³⁸ A similar practice exists also in the UK, involving the trade union Unite and the association "Justice for domestic workers". Unfortunately, the number of case studies for this report has been limited and getting into details on this experience would exceed its scope.

trade unions as there are no collective workplaces where to meet workers and times for possible meetings generally lie outside usual working times (also of trade union officers) and often even on weekends. Thus, in the experience of SIPTU organisers, pushing the issue of domestic work and getting involved in organising domestic workers also relies on individual trade union officers' personal commitment and their readiness to learn about a new world. Good personal relations between trade unionists and MRCI activists have been equally important to facilitate this process and to ease the contact between domestic workers and the trade union.

As regards the FNV Bongenoten, domestic workers that were already organised outside the trade union within several national migrant associations (among others very active associations of Philippine workers) pushed for entering the trade union and at the same time for establishing a more organising oriented trade union approach. FNV Bongenoten started organising domestic workers in 2006 and up to now has gained 300 new members among mostly undocumented migrant domestic workers.³⁹ However, membership numbers only partly reflect the relevance and effects of this organising process. On the one hand, an important evolution took place also within the trade union, resulting in the recognition of domestic workers as workers with equal rights, irrespective of their legal residence status, and as active trade union members instead of passive victims. On the other, relevant public awareness-raising campaigns and struggles for domestic workers' rights have been initiated. One major struggle regarded the inclusion of domestic work into the collective agreement of the industrial cleaning sector. This aim has not been achieved yet, due to government's refusal to accept such a solution. But, for the first time in Dutch history, domestic workers collectively participated in strike action, supporting a particularly long cleaners' strike of 105 days, and thus gained public visibility as well as collective experiences and established solidarity relations with industrial cleaners.

The example of the FNV Bongenoten highlights some further important challenges for organising domestic workers. First of all, once again there is the crucial relevance of resources, made available in this case in form of one paid organiser and a part-time secretary position dedicated to this sector. Second, the importance of adapting trade unions' administrative procedures to the specific needs of domestic workers becomes clear. Concretely speaking, this regards for example the possibility to pay membership fees in cash, as undocumented migrant domestic workers have no access to bank accounts; or also the relevance of having a photo on the trade union membership card which then can serve as an alternative document for identification in other administrative procedures and facilitate migrants' interaction with public authorities. A third important point is the integration of domestic workers into the sectoral trade union structures and the room given for their self-organisation within these trade union structures. In the FNV Bongenoten, domestic workers are included into the cleaning sector. This choice reflects the strategic aim of getting access to that sector's collective bargaining, but also of fostering solidarity between industrial cleaners and domestic workers. At the same time, the organisation of domestic workers also within the trade union is strongly based on previously existing structures of self-organisation. National or ethnic migrant workers' associations have become trade

³⁹ FNV Bongenoten is the only trade union in the sample that was able to provide data on membership numbers among domestic workers.

union members and take an active role also in the organising committee. Moreover, there is room given for direct democratic participation in trade union decisions through a so-called “cleaners’ parliament” to which both industrial cleaners and domestic workers elect representatives.

A fourth aspect regards the FNV’s efforts to develop new strategies for struggles and strengthen domestic workers’ participation in these. Specific attention is paid to fluent and horizontal ways of communication (through sms bees, mailing lists, webpages and facebook groups), as well as to strengthening social interaction and relation building (for example through cultural events). Beyond individual legal support, also trainings to enhance workers’ negotiation skills in front of employers and respective mutual support strategies are offered. At the occasion of the cleaners strike, a specific strike tactic was experimented to take account of domestic workers’ particular vulnerability and lacking protection against dismissal. Thus, one fixed strike day per week was chosen in order to reduce the risk of dismissal to only one of the usually many employers of each single domestic worker. Last but not least, also in this case, stress is put on networking and alliance building as a basis for public awareness raising. The organising committee is cooperating for example with churches, political parties and artists and undertakes sensibilisation work also towards the police.

Looking again at the German example of Ver.di and Respect, also within the Ver.di “Working group for undocumented work” the activists from Respect try to support migrant workers’ self-organisation and are moreover engaged in lobbying for domestic workers’ voice also within the trade union. Yet, in this case, they underline above all the difficulties of organising domestic workers in this context, starting from the lacking resources, the bureaucratic obstacles and the still prevailing marginalisation of domestic workers within the trade union. Further problems result from the lack of a common language among different migrant workers, the consideration of domestic work as an only temporary job by many domestic workers themselves, the high risks of deportation for undocumented migrant workers who try to claim their rights⁴⁰, and the thus only limited and highly fluctuating participation in collective activities.

In a word, supporting and organising domestic workers is not an easy task. It takes a clear commitment and determined efforts to mobilise this particularly vulnerable group of workers, to engage with their everyday working realities and to adapt trade union approaches to their specific situation, needs and interests. However, the given examples of some best practices around Europe show that trade unions’ activities can make a difference and that organising is possible even in this difficult and often invisible sector.

⁴⁰ In Germany, public administrations and institutions (courts for example) are obliged to inform the police in case they come across people with lacking residence permits. One major claim of Respect is to abolish this obligation and instead to prohibit any such notification.

4. Conclusions

Reconsidering the different forms of regulation of domestic work in the observed 18 EU countries some distinct regional patterns can be distinguished. In most of the Western Member States, particularly the Central and Southern ones, domestic work is regulated by means of particular laws and/or collective bargaining. In the Central Eastern European Countries in the sample, instead, no such specific regulations exist and domestic work is instead covered by general labour law. This is the case also in the UK and Denmark, while in Sweden, the second Scandinavian country in the sample, collective bargaining is in place. Ireland is a particular case as, in addition to general labour law, an important though legally not binding social dialogue agreement has been established. Also Poland is different, as in this case domestic work is not considered under labour but civil law which means that domestic workers are not recognised as workers. Across the different countries, two further fields of regulation emerged as particularly relevant for the sector of domestic work, given its high share of both migrant workers and informal employment. These are migration policies, particularly the regulation of work and residence permits, as well as the regularisation of informal labour, for example by means of various service check and minor employment schemes.

Analysis showed that domestic workers are affected by important discrimination regarding the level of the rights and protection they enjoy if compared to a country's general standards, especially where domestic work is regulated through specific legislation and/or collective bargaining instead of being simply covered by general labour law. At the same time, however, in the absence of any more particular rules and regulation only by general labour law, important specific aspects of this sector risk to remain unregulated, such as the conditions of in-house employment arrangements. Apart from the generally very low wages, the most important forms of discrimination regard domestic workers' limited coverage by social security, (particularly unemployment benefits, sickness and accident pays as well as maternity, parental and other care leaves), their frequent exclusion from dismissal protection and a more flexible regulation of working time (above all for times of presence and on-call labour). Whether or not formal discrimination exists, the major problem in all cases remains the effective enforcement of existing rules. Formal rights and protection might be as good as possible, but in a context where the large majority of domestic work is carried out as informal work and most often by undocumented female migrant workers, real working conditions are usually far from meeting these standards which are hard to claim for such a highly precarious workforce. Nonetheless, insisting on the improvement of existing regulations and an end of prevailing discrimination can be an important tool of political agenda setting - within society, politics as well as trade unions themselves.

Regarding future challenges for trade unions, the achievement of real and full access to labour rights and social protection for all domestic workers thus emerged as a priority from the collected material. To achieve this goal, the regularisation of informal domestic work is put on top of the agenda. Moreover, three major strategies are underlined by the survey and seminar participants: pushing for the ratification of ILO Convention 189, awareness raising and organising. Regarding Convention 189, the major requirements of reregulation in the different countries largely coincide with the prevailing major forms of discrimination mentioned above. While the major obstacles to ratification relate to cases

where these necessities of adjustment are particularly contentious or to generally negative attitudes of some right-wing governments, good probabilities of ratification within the next one or two years have been pointed out for at least six out of the 18 covered EU countries (Belgium, Bulgaria, France, Germany, Italy and Ireland).

Awareness raising, in turn, regards domestic workers themselves as well as the general public and the political sphere. Information, education and legal support, public campaigns and also political lobbying (such as in the case of C189) are used as its tools. Beyond individual awareness raising and counselling, organising is seen as a way of empowering domestic workers to collectively stand up for their rights and thus also as a crucial tool to build trade union strength for effectively advancing and enforcing decent working conditions in this sector. But, organising also constitutes a challenge for trade unions, as it most often requires important internal restructuring with regard to bureaucratic practices and democratic participation, priorities of resource allocation, new strategies of conflict and networking.

In conclusion, the struggle for decent work for domestic workers is all the more central as domestic work can be expected to experience further growth, pushed by the current crisis politics of austerity and the thereby reinforced trends of labour market flexibilisation, privatisation and retrenchment of social services. In this, the current working and living conditions of domestic workers are a focalised expression of a new, but still highly unequal global gender-based division of labour.

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