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**Organising and protecting**

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**domestic workers in Europe**

# L'ombre shadows

**the role of trade unions**

# **Out of the Shadows**

**Organising and protecting  
domestic workers in Europe:  
the role of trade unions**

This report is based on the proceedings of a conference organised by the European Trade Union Confederation (ETUC), in collaboration with the International Restructuring Education Network Europe (IRENE) and the Platform for International Cooperation on Undocumented Migrants (PICUM):

**'Out of the Shadow: Organising Domestic Workers  
Towards a protective regulatory framework for domestic work'**

Brussels, 14-15 April 2005

The conference was attended by about one hundred participants from trade unions across Europe, as well as migrant workers' support groups, associations concerned with domestic workers, women's organisations and labour support NGOs.

The report was edited by **Celia Mather**, a freelance writer/editor based in the UK specialising in workers' rights in the global economy.

November 2005

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The views expressed herein are those of the participants of the seminar and can in no way be taken to reflect the official opinion of the European Commission. The European Commission is not liable for any use that may be made of the information contained in this report.

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# Out of the Shadows

## Organising and protecting domestic workers in Europe: the role of trade unions

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# Introduction

Domestic workers are a large but mostly invisible workforce in Europe, and they are extremely vulnerable to gross exploitation. They require any and every help the trade union movement can give them, and so we were very pleased to draw such a good attendance to this conference.

Domestic work is not a new phenomenon. I am myself quite familiar with working around the 'big houses' of the old days, as my father was a gardener for the Rothschild estate in the UK. When the Dowager drove through, every gardener had to hide in the bushes so that they would not spoil her view. It was an era that we thought was swept away by the Second World War and the social democratic reforms that followed.

Now, however, there is a big increase in domestic work. In fact, it is one of the fastest growing economic sectors in Europe. Employing a domestic worker is becoming a big feature in the lives of professional and middle class people in our countries many of whom need help in order to combine work and family life. Increasingly, it is also becoming an important issue for the sick and the elderly from the working classes, who in many countries are dependent on homecare by domestic workers. We know that many that they employ are women, many of them migrant workers, many of them 'illegal' or undocumented.

Organising such workers is not easy. How do unions reach out to workers not all working on the same site, not in large numbers? But it can be done, however difficult or different a task for us it may be. In the USA in early April 2005, the Service Employees International Union (SEIU) announced a huge election victory in the state of Illinois. There, more than 49,000 home child care providers voted to join SEIU Local 880, and the SEIU hopes this will be the catalyst for more than half a million family child care providers across America to unite in the union. But let's also not forget that in Italy there has been a collective agreement for domestic work in private households since the 1970s, and today it covers over 600,000 domestic workers. In the pages that follow there are reports of good practice from many EU countries.

The ETUC has an honourable record in helping vulnerable workers such as part-timers and those on temporary contracts. We are currently working hard on getting a Directive on Temporary Work Contracts. Unions should not just look after the workers who are in the usual places, but seek out the isolated and dispersed, help them to organise, and see that they are offered protection. Domestic workers should be recognised for what they do, and not be treated with disrespect, as we know they all too often are.

We intend to feed the results of this conference into the mainstream work of the ETUC in order to make Europe a fairer, more just place for all workers.

**John Monks**

General Secretary

ETUC

# Why the ETUC organised this conference

In April 2005, the ETUC organised an international conference to examine organising and policy-making initiatives regarding a specific part of the informal economy: the provision of domestic services by increasing millions of (mostly female) workers - many of them from a migrant or ethnic minority background - working for private households in a situation of almost total absence of any (statutory or collectively agreed) protective framework.

The conference addressed the growing interdependence between the formal and informal economy - and those performing formal or informal work - and the challenges that arise from this for trade unions. It particularly focussed on the need to develop innovative ways to reach out to workers in the 'shadow' of the formal economy, especially those providing domestic services in private households, as well as the need to develop a protective framework, by collective bargaining and/or legislative means, for the provision of household services in general.

The ETUC initiative aimed at:

- 1** increasing awareness among trade unions of the situations and needs of the millions of invisible workers who are providing indispensable services to a growing number of EU citizens who need support: families with children, those with disabilities, the elderly and others;
- 2** highlighting the link between the growing needs of European households for domestic services and the feminisation of migration (within the EU and acceding countries in central and eastern Europe, as well as from developing countries); also identifying bad practices such as the trafficking of women and girls to provide these services - a form of 'modern slavery' - and the need to address this issue in the context of globalisation;
- 3** addressing the need to organise domestic and household services in a more sustainable way, that provides those in need of domestic support with appropriate services, and those who perform those services with proper employment opportunities and protection;
- 4** developing and improving strategies and methods regarding the organisation of these workers, within the context of the need for trade unions to reach out to new and 'atypical' groups of workers on the labour market;
- 5** exchanging good practices and experiences of organising and of protecting/promoting the interests of domestic workers by trade unions and specific NGOs;
- 6** developing and improving trade union tools, such as innovative ways of collective bargaining, to provide domestic workers with basic employment protection and social security coverage;
- 7** exchanging information about existing labour law and social security regulations in EU Member States that already include domestic workers, as well as providing an overview of international standards that can be used to strengthen the position of domestic workers (ILO, Council of Europe, EU);
- 8** developing a list of demands vis-à-vis national and European policymakers about how to provide basic protection to domestic workers, including irregular migrant workers;
- 9** offering participants an opportunity to gather information and inspiration on how to organise workers in the informal economy in general and domestic workers in particular, and how to develop methods and strategies to provide them with basic protection,

Because of the complexity of the issue, and the lack of great trade union experience in this area, the ETUC worked closely with two NGOs that are respectively very active in the field of the informal economy (IRENE) and of undocumented migrant workers in Europe (PICUM). They provided the ETUC with very valuable background material, links with their contacts among key people and organisations who work in this field (including trade unionists active at grassroots level, organisations of domestic workers, experts, researchers, other NGOs, etc.) and made good practice available and accessible.

# Why this issue is of great importance to the trade union movement

*"Domestic work is an issue of major importance, but one which is not always well understood in the trade union movement. However, we should not limit ourselves to addressing only the questions of how to organise domestic workers and offer them protection. It is also about how we are to organise household services in a more sustainable way.*

*When I was a student and needed money, I assisted elderly people as a home-help. In those days, the Netherlands had public institutions which organised this. I was a 'worker' but the people I assisted were also working class people. I was employed by a public institution, that made me available to them, and I was properly covered by labour law and social security. Then they realised they could save a lot of money by no longer directly employing these home-helps but by instead reducing the role of this public institution to an information and contact point about how to find a home-help. So today's students and other home-helps are formally employed by the sick and elderly who do not see themselves as employers. We may need to go back to old structures, or create new ones in order that these workers get the protection, social security and documentation they need.*

*"There is nothing new about having proper contracts for domestic work. Labour contracts among servants and masters are some of the oldest written labour contracts that exist in the Netherlands. One contract, from the days when salmon (from the river Rhine....!) was the cheapest and most available food, says 'I cannot be made to eat salmon every day'."*

**Catelene Passchier, ETUC**

*When discussing important EU policy issues like the Lisbon agenda for employment and growth, or the urgent problems related to demographic change and ageing populations, we cannot continue to avoid the invisible part of the story. Increasingly low-paid, mostly migrant, women are paying the price to allow other women (and men!) to participate in the labour market, by providing them with the necessary childcare, elderly care and household services, often under exploitative working conditions.*

*At the same time, it is interesting to see the differences between EU Member States. When we sent out a questionnaire to our ETUC affiliated trade unions to find out about their experiences with domestic workers, most of our Nordic colleagues replied: "We do not know this phenomenon". Meanwhile many of our Southern European colleagues sent in extensive reports about the existence of and increase in domestic work - often by undocumented migrant women - to deal with the absence of public support systems in home-help for the sick and the elderly.*

*The problems of the under- or non-recognition of domestic workers, their services, and their rights, existed before there was significant migration into Europe of people (largely women) to fill these roles. Now, however, the domestic workforce especially in Western and Southern Europe, is largely migrant and therefore migration policies and migrant workers' rights have to be integral to our discussions.*

*When discussing the issue of organising domestic workers in the context of them as workers in the informal sector, we face two forms of seemingly contradictory paralysis:*

- *"The issues are too complicated and it is too difficult to reach these workers"*
- *"What if we do indeed gain a lot of these workers as members; how will we cope with all their needs for support?"*

*Yet the union movement is declining in its traditional industries, and meanwhile many forms of 'informal' work are on the increase - homeworking, bogus 'self-employment', undocumented migrant labour, etc. In fact, one could say that these workers are the new proletariat.*

*Under this pressure, the union movement has a choice: to become increasingly defensive and only protect a diminishing group of traditional standard workers, or to innovate and reach out to all those new groups on the labour market. Let us innovate! Let us go back to basics, organise, become a movement again, share stories and songs, and understand that we will not always be paid in money but that it is our numbers and our solidarity that counts. Among women, in migrant communities, there is new blood, new enthusiasms.*

*But we do not need to start from scratch: there is a lot of good practice developed by some of our affiliates and other organisations, and we were able to exchange information on this through the conference, and now through this report. So this provides an opportunity to make these issues, which have been rather neglected by trade unions until now, more visible and create some new dynamics for them. It was an important step to hold the conference in the International Trade Union House, the main union building, not marginal, not elsewhere, but in the heart of the European trade union movement.*

*After this conference there will be discussions within the ETUC Women's Committee and our Migration and Integration Working Group on how to follow up the issues raised during the conference. As the issues raised by domestic workers and their representatives are at the heart of many debates, we want them put onto the mainstream agenda of the ETUC.*

*We have already included a reference to the feminisation of migration and the need to address the position of migrant domestic workers in our response to the European Commission's Green Paper on economic migration. ([www.etuc.org/a/1159](http://www.etuc.org/a/1159))*

*We must - together with the European Federation of Public Service Unions (EPSU) and UNI-Europa (the European regional body of the Global Union Federation UNI) - engage strongly in the debates on the future of public social services and the sustainable organisation and financing of domestic and household services.*

*We can also raise the subject of how domestic workers' rights impact on the EU's cooperation with third countries, both the neighbouring countries of East and Central Europe, and of the Third World.*

*At the ILO, we must work in cooperation with the International Confederation of Free Trade Unions (ICFTU) and WCL (World Congress of Labour) to restart the debate on achieving a Domestic Work Convention and/or other instruments of the International Labour Organisation (ILO) to provide domestic workers worldwide with basic protection, an issue that was first raised back in the 1960s! The 2006 debate at the ILO conference on the scope of the employment relationship (dealing with the issue of how to better include new forms of work in labour law protection) and the 2007 ILO discussions on gender equality will also be important in this regard. And we need the ILO to include Europe in its field of research on domestic work.*

*Let's also not forget that the European Parliament in November 2000 adopted an interesting and important report and resolution on the need to regulate domestic help in the informal sector (see further in Section 4 of this report), under the leadership of Miet Smet (PPE) as rapporteur. The resolution, among other things, calls for work of this kind to be recognised as an occupation in its own right, to improve the image and the status of domestic workers, and measures to be taken by Member States and the EU to provide these workers with adequate protection. At EU level, we should take up the challenge and build on this valuable preparatory work.*

*But it will only be possible to draw attention to the need for recognition and regulation if we, as trade unions, start to give domestic work and the millions of workers involved the visibility they deserve in the world of work and the trade union movement. That is the big challenge ahead."*

**Catelene Passchier**

Confederal Secretary  
ETUC



## International Restructuring Education Network Europe (IRENE)

IRENE is an international network of labour support NGOs, women workers' organisations, trade unions, consumer groups, human rights organisations, lawyers, academics and others concerned with the global economy and workers' rights. The network extends throughout Europe (West, Central and Eastern) and to numerous developing countries. The key aim of IRENE is to foster international workers' solidarity from a development perspective.

IRENE has been working on the 'informalisation' of the economy for a long time, Deregulation policies connected with globalisation have led to an erosion of labour conditions and workers' rights while few policies to protect workers in the informal economy have been developed, let alone implemented. In early 2003, IRENE collaborated with the Dutch FNV union centre in organising the conference 'From Marginal Work to Core Business: European trade unions organising in the informal economy'.

IRENE staff member **Anneke van Luijken** says, *"Within the informal economy all over the world, domestic workers are a particularly non-recognised and exploited workforce. This is despite the fact that they function as the 'oil' that keeps the wheels of the formal economy running, freeing up the energy of others to work in paid jobs. But there has been some level of self-interest among all parties in the formal economy not to 'hinder what functions'.*

*The silence has been broken by organisations of domestic workers going public about the problems they face. Many are migrant workers, whether within their own countries or across borders. Within the EU, there is great need to be clear about 'our' contribution to the worldwide exploitation of domestic workers, particularly but not only those who are migrants.*

*Simply recognising domestic work as 'work', and making domestic workers visible, are key first steps. The ultimate aims must be to protect domestic workers, give them equal rights, and recognise the great contribution they make to the economy and to society at large. Alongside this, a core issue for trade unions, as well as citizens organisations and governments, must be to find collective solutions to care and household services.*

*IRENE's dream is to work with partners towards a global network on domestic work. Giving domestic workers rights and a decent job is a litmus test for a civilised future."*

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## Platform for International Cooperation on Undocumented Migrants (PICUM)

PICUM is a network of individuals and organisations, with a secretariat in Brussels, which aims to promote respect for the human rights of 'undocumented' migrants, that is to say those without residence permits, in Europe. Their rights include those to healthcare, housing, education and training, and to family life, as well legal aid. PICUM promotes the regularisation of those who are undocumented and the fair treatment of those who are returned home involuntarily.

PICUM also focuses on the rights of undocumented migrants as workers - their rights to organise and to fair labour conditions. In May 2003, PICUM held a one-day conference at the European Parliament on this subject, the report of which is available. In May 2005, PICUM is publishing a further report on good practice in Europe and the USA in regulating undocumented workers, including trade union activities in this field. In 2006, PICUM will hold a conference which will look in more detail on the methodology of working with 'irregular' workers, including migrants working as domestic workers in private homes.

**Serge Ducrocq** from PICUM urged the ETUC conference participants to ensure that undocumented migrant workers are included in the development of social policy in Europe, and to find more ways of taking their views on board.

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### 'Undocumented Migrant Workers in Europe'

By Michele LeVoy, Nele Verbruggen and Johan Wets, PICUM and HIVA, Leuven, 2004.

### 'Ten Ways to Protect Undocumented Migrant Workers'

By Michele LeVoy and Nele Verbruggen, PICUM, Leuven, 2005

# 1

## The nature of domestic work in Europe

When it comes to solid facts and figures on the nature and extent of domestic work in the 25 countries of the European Union, they are hard to come by. There are estimates for individual countries such as Italy and France but often these are disputed on the grounds, for example, that they only cover certain categories of work. It is also true that official data-gathering will miss many domestic workers precisely because they are 'invisible', especially the undocumented migrants among them.

What is clear is that there is a growing demand for domestic services in the home. Out of a total population in Europe of 450 million, there are 80 million elderly people. Life expectancy is increasing and so the population is ageing. According to **Luigina di Santis**, General Secretary of the **European Pensioners' Union (FERPA, belonging to ETUC)**, about 50 million elderly Europeans today cannot look after themselves. Many are women on very low incomes. There are not enough places in old-age homes, even if they want to move there.

Similarly, not enough places are provided for childcare and health care. School systems are organised in such a way that childcare is needed between the end of the school day and the end of the working day, so that many working families have no option but to employ someone to look after their children for part of the day.

So there is a growing and unmet demand for more domestic help at home. Meanwhile, many governments see meeting this demand also as a way of soaking up high levels of unemployment, particularly among so-called 'unskilled' women.

Indeed, the workforce is largely comprised of women, whose domestic skills continue to go unrecognised. There has been very little shift in the division of domestic labour between men and women in Europe, despite the demands of the women's movement over the past few decades.

It is also clear that a very high proportion of those doing this work are migrant workers, women who have come from outside Europe to seek a better living for their families at home. Domestic work is a sector where they can get work, and importantly also accommodation. But, with domestic work so poorly recognised as 'work', weak work permit schemes often push these workers out of the formal employment systems and into the twilight zone of the undocumented where they are extremely vulnerable to high levels of abuse and exploitation. No-one can clearly quantify how many workers exist in this situation in Europe.

This section takes a look at these broad themes.

## Trends in the growth of household services

In 2001, the **European Foundation for the Improvement of Living and Working Conditions**, based in Dublin, Ireland, carried out a survey in eight countries (Germany, Austria, Finland, France, Italy, the Netherlands, Portugal and the UK), and published the findings in a report entitled 'Employment in Household Services'. If union policy and action is to develop, however, a much larger knowledge base is needed, according to the Foundation's **Robert Anderson**. Here, he gives an overview of the known trends.

*"In EU labour force policy discussions, 'household services' has for the past decade been seen as a way of creating jobs for relatively 'unskilled' workers among the unemployed. But in reality the picture is complicated, and we need much more clarity about definitions, concepts, and the wide range of jobs and relationships involved.*

*Historically, household services have primarily involved unpaid housework/care work done by women for their family. There is no simple progression from this situation to domestic labour as paid work done by others formally employed from outside the household.*

*Some domestic work does turn into formal, paid jobs with permanent employment contracts and social insurance such as pensions. Such workers might include live-in housekeepers employed by private individuals, or childcare workers employed by state agencies.*

*Others are hired in through private agencies, on a range of contracts, including part-time and temporary ones. They may include, for example, home-helpers who do the cleaning, shopping, cooking and social care for elderly people or those with health problems/disabilities. Here, each worker may attend to the needs of a number of clients each week.*

*Yet others are hired directly by individual households, many of them on an informal basis, where their work remains undeclared to the authorities. They include 'self-employed' people; or volunteers who get reimbursed for expenses; or family members who are given cash benefits; and so on.*

*Also, there is a huge range of jobs entailed. As well as cleaning, shopping and cooking, there is laundry, gardening, and home repairs, plus childcare (during the day or after school), respite care (relieving relatives from their care work for a while) and day care for the elderly or those with disabilities or poor health.*

*What is clear is that more and more unpaid work in the family or household is being transformed into paid jobs, and this is because of a range of demographic, social, and employment trends.*

- **Demographic developments**

*A growing number of older people in Europe live on their own. Also, linked to the growing rates of divorce and separation, there are more and more single-person and single-parent households. In parallel, the number of households containing several generations is on the decline.*

- **Changing patterns of employment and income**

*The growing proportion of women working outside the home has stepped up the need for help with household services, child-minding and care for the elderly and disabled. At the same time, the fact that they earn a wage makes it possible for these women - or the household where there is a double-wage - to pay for such services. Also, the increasing demands of modern working life have triggered social and cultural changes in the mutual networks of family and community, and this may be reducing the scope for people to find support services on an unpaid basis.*

*Meanwhile, there is also an increasing number of households where all the adult members are unemployed or earn only very low wages. The women of such households may have little choice but to offer themselves as domestic workers at low prices. Even so, overall, the number of people who might provide such services is actually falling relative to the increase in the aged population in Europe.*

- **Policy incentives**

*Welfare reforms in many countries of the EU mean that there is less provision of household services by the State. The need for domestic labour is being picked up by a growing market of private care service agencies and individual workers, and this is being stimulated by policy measures.*

*The public authorities in all eight of the countries in our study have introduced fiscal measures relating to the hiring of home-help, including homecare allowances, service vouchers, tax credit schemes and allowing services to be tax-deductible. There are also schemes to promote access to domestic employment by groups with lower employability such as older women, immigrant workers and the long-term unemployed. There are measures to boost female enterprises, training in entrepreneurship, and start-up grants for providers of household services. Despite these measures, however, there is a growing gap between demand for and supply of domestic labour. There are, for example, vacancies for an estimated 200,000 jobs in personal services in Germany, and nearly 500,000 jobs in community services in France.*

*Overall, though, we do not have adequate data to know the full picture. Undeclared work is widespread. Some estimate that 70-80% of jobs in the sector are undeclared, perhaps even more. The number of undeclared employees in Austrian households has been estimated as up to 300,000, whereas only 5,000 are registered with the authorities there. In France, a 1997 study found five undeclared workers for every declared worker in household services. In Italy, the estimate is 3:1.*

*What we do know is that the quality of the jobs is low. Low wages are associated with the over-representation of certain groups such as women and workers willing to accept precarious jobs (e.g. students and immigrants). Part-time working is common. Given the low hourly wages, many workers see part-time work as a limitation rather than a choice. Those who are able to choose the hours they work tend to take on several jobs, often at the expense of their own family and social life. Career prospects in household services tend to be poor, mainly because there are no formal routes offering career progression. The skills gained through experience or training tend to receive little recognition. Few opportunities exist to move from a less qualified to a more qualified job.*

*It is clear that the vast majority of this work is done by women. Promoting men's entry into the sector is widely canvassed by the European Commission but has not generated much action in equal opportunities programmes. The low status of family care and domestic work is part of a deeply entrenched social situation that is difficult to change.*

*The widespread employment of immigrant workers in the sector is also a key issue. In some countries, many of the less skilled jobs in household services are performed by non-EU immigrants. These workers find it particularly difficult to obtain more qualified jobs because of language difficulties, restrictions on residency and work permits, and the lack of recognition for their educational qualifications.*

*Improving social protection is key. Our research revealed a division between some relatively well protected workers (mostly those working in the government and 'third sector' social enterprises especially in child care and, to a lesser extent, in elder care) on the one hand, and workers with little or no protection (mainly self-employed workers across the whole household services sector) on the other.*

*The situation raises many issues for unions and for public policy across Europe. There is a great need to raise awareness of the nature of household services employment, to raise its standards and status, and improve protection. But this highlights some dilemmas. If a main way to raise status is through training and qualifications, this may conflict with a policy of using domestic services as a route to job entry for unqualified workers. Also, many users of household services appear to prefer to hire directly lower paid, lower qualified, and undeclared domestic labour.*

*It will be important to find effective ways of monitoring quality and improving standards even where the workers have low qualifications. Yet the multi-tasking that is needed - from cleaning and cooking to care services for older people - has interesting implications for training and accreditation. It is clear that different EU countries have very different demands for the training and qualification of workers in childcare and elder care.*

*We also need to understand better the views and preferences of domestic workers themselves."*

[www.eurofound.eu.int](http://www.eurofound.eu.int)

## **Employment in Household Services**

By A. Cancedda, European Foundation for the Improvement of Living and Working Conditions, Office for Official Publications of the European Communities, 2001.

## Domestic work = women's work (still)

In France, as elsewhere in the European Union, the provision of services directly to households is encouraged by the State. It is seen as an important source of job creation to absorb certain types of unemployed people. The French Employment Minister has said it is possible to increase employment by 500,000 in this sector. Yet many of the jobs are precarious and badly paid. **Annie Dussuet**, a sociologist from the **University of Nantes, France**, analyses how closely tied domestic work (paid or unpaid) is to questions of gender.

*“The sense of ‘who we are’ is largely got from outside the home. Time is now given, for example, to analysing women’s role in the productive workforce. Meanwhile, the discussion of domestic labour is largely forgotten. Yet it is this which makes us human beings. We must make this shift in thinking about the ‘work-life’ balance.”*

**Bridget Anderson, COMPAS,  
Oxford University**

*“First of all, this is an important issue for the relationships between men and women in our societies. There is in effect an ambiguity in the term ‘domestic work’ because it encompasses two very different situations. On the one hand, there are women carrying out tasks in their own homes, unpaid, for their own families (80% of household work is done by women). On the other, there are women paid to do these same tasks in the homes of others who are strangers to them (in France some 97-98% of declared domestic workers are women). So, even where domestic work is undergoing transformation, it is still women’s work. There is still a strong sexual division of labour when it comes to domestic work.*

*There is a link between the two types of domestic work, unpaid and paid. This is because, for the most part, it is women’s access to paid work outside the home that has caused paid domestic work inside homes to grow. During the 1960s it was thought that domestic work and maids would disappear, to be replaced by domestic appliances and industrial services. But this did not happen. On the contrary, there has been an increase in paid, domestic work which allows women to have a paid career in the men’s world of work. Many of us are able to advance in our professional careers thanks to the domestic worker we have at home.*

*“When it comes to undeclared domestic work, the report ‘Undeclared Work in an Enlarged Union’ prepared for the European Commission broadly distinguishes between two models of society. There are those with a Nordic Welfare State model, where the State or municipality takes on much of the responsibility for care provisions for all its citizens, including childcare and care for the elderly. In other societies, typically in southern Europe and some eastern European countries, the notion of the ‘male breadwinner’ and ‘female housewife’ is still quite dominant. Here, care and household tasks are seen as a responsibility of the women of the family, and remain uncompensated work within the family or are provided through informal and undeclared work arrangements.”*

**Finn Ola Jølstad, Directorate General  
for Employment, Social Affairs and  
Equal Opportunities,**

*The employment contracts between a family or a private individual and a domestic worker are ‘atypical’. Women who employ other women to do their domestic work are not ‘employers’ as such because in another context they are themselves ‘employees’. They are also often old people. These new ‘employers’ are not the old bourgeoisie who always had servants but people of modest means who have little experience of the rules of employment. This has a negative impact on the working terms and conditions of domestic workers. Their right to decent hours of work is not respected. When an ‘employer’ moves house or goes into hospital, they lose their job.*

*One domestic worker may attend to the needs of several employers/clients. This means that some jobs are very, very part-time - each employer wanting just a couple of hours. In France, 30% of declared domestic workers work fewer than 15 hours per week. The median pay is only 457 Euros a month. Women’s wages are often still formally declared as a ‘wife’s earnings’, that is to say they presuppose other sources of income. This kind of thinking provides excuses for low pay.*

*Also their skills are under-recognised. ‘Everyone knows how to do this’, it is said. No training or diplomas are required. The worker has the ability to do the job by virtue of her own personal qualities and her gender. This view blocks raising the job’s status and qualifications.*

*So, this work takes place in a private sphere in which a different type of logic functions. If household work is done properly, no-one notices it. It is only visible if it is not done properly.*

*It is work that has never been defined clearly. What does it mean to look after children or run a household? Is it work? Is it love? When a woman does these tasks for her*

family, she is not really 'working' but 'caring'. So, what about when it is done by a paid worker? She is not giving love, but her time and energy. And yet it is a type of giving and caring too. Many domestic workers and employers establish a relationship which is strong in emotional terms. Especially where the elderly are involved, the link between the person helped and the one giving help is very important.

So, there is confusion about the private sphere in which the work is being done and the public nature of the person coming from outside the family to do it. We need to ensure a public 'space' for this work, even though it is done in private homes. We must recognise this as 'work'; it is 'social work'. This recognition is essential for the pay, working hours, and status of domestic workers. And it is qualified work - even though many women come to it experienced only by work in their own homes, this ability and qualification for the job must be recognised.

There need to be more places where isolated workers can go to share their experiences and help to make their work become professionally recognised. This often needs a mediator, a body that can stand between the domestic employers and employees. In France, this is usually done by a not-for-profit organisation in the social economy. Such organisations could provide a strong role to obtain the recognition that this sector deserves."

*"The lack of prestige attached to domestic work and the continuing gender imbalance of labour in the home are major political failures in Europe."*

**Brid Brennan, Transnational Institute,  
Netherlands**

## Europe's migrant domestic workforce

Many - thousands, millions - of jobs in household services in Europe are done by migrant workers from outside the European Union. Very often, any discussion about their role focuses on their immigration status, whether or not they have the right to stay in our countries. The issues relating to the service they are providing, their working conditions and employment relations, their human rights and gender all too often become lost.

**Bridget Anderson**, a senior researcher and programme head at the **Centre on Migration, Policy and Society (COMPAS), University of Oxford, UK**, explores how, for migrant domestic workers in Europe, our private homes become a workplace that is open to abuse and discrimination.

*"There are several policy conundrums behind the growth of migrant domestic work in Europe today. Migration policy is economically driven. But it is not clear how economic policy-makers value the contribution of domestic work that then frees up labour (especially of women) to leave the house and enter the paid labour force; or how they value the reproduction of the labour force that migrant domestic workers enable. What about the tasks carried out which are not economically necessary, such as ironing? Or those which are not economically related, such as the care of the aged?"*

Then there is the relationship between immigration regulations and employment regulations. There is a tendency to focus on immigration laws and practice when it comes to managing migrant domestic workers. This is encouraged by the fact that domestic workers in general are usually omitted or even excluded from employment regulations, or subject to discriminatory provision.

*"The UK needs migration for economic reasons. There are gaps in our labour market that cannot be filled by the domestic workforce."*

**'Controlling Our Borders: Making migration work for Britain'**, Five-Year Strategy for Asylum and Immigration, UK Government, February 2005

Across Europe, states are responding to an ageing population plus an increase in the numbers of elderly people living alone. Promoting the empowerment of the elderly and people with disabilities, they are moving towards personal care budgets. This is giving rise to a demand for domestic labour in an unregulated market for care. Individuals who employ domestic workers are given no training in their responsibilities as employers.

Meanwhile, the private home is not only a 'refuge from the market' (an arena of love, supposedly governed by 'natural' relations) but also from the State. This means that public bodies and other institutions, including trade unions, have very limited access. (However, this depends on class too; immigration authorities do enter the private homes of migrants, for example, whereas they rarely enter middle-class homes.)

*"It's very risky to say this... I think that white people look cleaner. Maybe it's silly to say that just because they are black, it doesn't mean they are dirty, but it seems to me that in many ways they are more untidy. Dark people, right, not just black people, dark people are not so clean, not so careful with things and it makes me feel, if I had a chance to employ white people or dark skin, I will employ white people, and I trust them more as well."*

**48 year old former Personal Assistant, now housewife, UK**

*"When I interview, I smell (sniffs). I smell them as well. Don't worry. It's the Indians and the ones from Nepal that smell because of their spicy food... So when I interview I do it like that, and sniff, sniff, sniff. Employers like that. It is a highly personalised service."*

**Director of an employment agency supplying domestic workers, UK**

*"It's difficult having someone working for you from the same race because we have this idea of social class in our minds, don't we?... Whereas when it's somebody from, you know, a different country, you don't have all that baggage that goes with it... There's none of that middle-class, working-class, upper-class thing... (laughs) It's nothing, you know, it's just a different race."*

**British employer, female, teacher**

*Largely, then, the private home as a workplace is open to abuse and discrimination, not only sexual but racist. In the UK, domestic workers are excluded from the Race Relations Act, and so racial discrimination is legal in private homes.*

*As for employment agencies, there is a hierarchy of employment where race, nationality and religion counts.*

*The immigration status of domestic workers affects this situation. There is a range of legal possibilities for entering different European states as a domestic worker. There are systems where domestic workers are not constructed as 'workers' even though they are doing this work. In the UK, this includes granting visas to be an 'au pair', 'working holidaymaker', or 'volunteer'. The familial or emotional relationship is the focus; it is not identified as 'proper work'.*

*Nor is there any clear-cut division between what is 'regular' or 'irregular' in immigration status. In the UK, work permit holders are not allowed to do work below the status of their visa. For example, someone on a work permit for a nurse is not allowed to do domestic work. Meanwhile student permits do not allow someone to do paid work for more than 20 hours per week in term-time. Those on 'au pair' visas are allowed 'pocket-money' of up to £55 (80 Euros) per week. Anyone who infringes such limits automatically becomes an irregular domestic worker. This means that there is a lot of slippage from regularity to irregularity, a large grey area, rather than a neat transition. Even so, there are many straightforwardly irregular migrant workers in the sector too.*

*There are many advantages for migrants to work in private households. It is work that is accessible through informal networks, by word-of-mouth. The 'home' can be a refuge from the State and other authorities, or from other individuals and groups. It can provide accommodation - which is of crucial importance to understanding the demand and supply of migrant labour in many sectors.*

*In one survey, employers said migrant workers tend to be more 'hardworking' than citizens, more 'willing and cooperative', and 'prepared to work more flexible hours'. Many that said, for a range of reasons, it is much easier to manage if the worker is a 'foreigner'.*

*So these are very complex relationships. It might seem at first sight that there is a coincidence of interests between those who employ migrant workers and the workers. They both avoid state control; there is informality between them; the one gains flexibility while the other gains accommodation. But it is often not such a win-win situation, as our research with the Kalayaan organisation for domestic workers in the UK shows (see page 16).*

*The household is imagined as a space of moral and reciprocal relations, unsullied by the self-interest of the market, and one that is to be protected from intrusion by the State. The impact on domestic workers, especially those that live in, is the power their employers have over them. They have the power to withdraw accommodation or access to hot water, for example, or even the right to stay in the country, or to provide protection if the domestic worker is picked up by the police or falls ill. It is this kind of power that is largely unacknowledged and not captured adequately by employment regulations.*

*It creates a heavy dependence by migrant domestic workers on their employers. They are also far from home; they have left their family and children behind. Perhaps the main person they have to talk to is their employer. For this reason, many agree to low wages if the employer is simply 'nice'.*

*There are some other important points to remember:*

- > Many parliamentarians, diplomats, and others in powerful positions in society are themselves the employers of migrant domestic workers, and not always good employers either. We need to be transparent about this.*
- > There is a hierarchy of employment between different nationalities; this experience may enable certain nationalities to organise themselves more easily than others.*
- > Not all migrant domestic workers are women. In Kalayaan, about 10% are men. So we have to be careful not to exclude them.*
- > Migrant workers do organise themselves. This may not be easily visible, and we may need to seek them out. The self-organisation of migrants needs respect and recognition.*
- > We do need to establish systems of secure immigration status which is not dependent on employers. There is a specific need to release migrant domestic workers from dependency on their employers for their visas.*

*Most employers do not want to think of themselves as monsters. However, it is they who have the power to be nice or not, and this must change."*

[www.compas.ox.ac.uk](http://www.compas.ox.ac.uk)

**'Doing the Dirty Work? The Global Politics of Domestic Labour'**

By Bridget Anderson

Zed Books, London, January 2000

**For more on trade union action to improve the situation of migrant domestic workers in Europe, see Section 3.**



## "Because they desperately need the money"

In research organised by **Kalayaan**, the organisation for domestic workers in the UK, the experiences of 755 workers were recorded. The **average** they worked each day was **17.2 hours**.

<b>Abuses suffered by domestic workers in the UK</b>	<b>%</b>
<b>Denial of time off from duties</b>	91
<b>Psychological abuse</b> Threats, name calling, shouting, insults	88
<b>Not paid regularly and/or paid less than agreed in contract</b>	82
<b>Passport withheld</b> And not obtainable on departure from employment	63
<b>No regular food</b> Left-overs or otherwise regularly denied food	61
<b>No bedroom</b> Forced to sleep in hallway, kitchen, bathroom	51
<b>No bed</b>	43
<b>Physical abuse</b> Hitting, spitting, beating, kicking	38
<b>Denied freedom of movement</b> Forced to stay in house, or allowed out only if accompanied	34
<b>Sexual assault or rape</b> including attempted or threatened	11

Meanwhile, employers of migrant domestic workers in the UK said:

*"They're foreign, illegal and very, very small. They're absolutely terrified."*

*"And if they are going to come over here, they know the score. I mean, I'm not saying it's right that they should be exploited but, you know, I think they would know what they would be letting themselves in for."*

*"They have a greater incentive to work because they desperately need the money... She's dependent for money, so I think it's a circle that works well so that I can keep her."*

*"When they're poor it's better because they need to work... It's flexible hours and they need the money and it's cash-in-hand."*

*"The whole idea of getting a migrant worker is that you're not getting into paid maternity leave and all that stuff."*

**'Kalayaan' comes from the Filipino word for freedom.**

[ourworld.compuserve.com/homepages/kalayaan/home.htm](http://ourworld.compuserve.com/homepages/kalayaan/home.htm)

# 2

## Regularising domestic work: a complex picture

In this section, we look at the wide range of attempts in different EU Member States to regularise household services and the employment situation of the workers that provide them.

It should be noted that currently most of the information about trade union activities and research about domestic work comes from the 'old' 15 EU countries. Increasingly, the domestic workers in the old 15 are migrants from the 'new' EU-10 or accession countries. But also in the new Member States similar patterns of need for household services and provision of care at home are visible: there are young parents who work for an income and struggle with lacking childcare facilities (who used to be there, but often have been abolished or reduced after the changes); there are adult children migrating leaving their old parents behind. Increasing numbers of unemployed workers do work as domestic workers, but also a growing number of domestic workers comes from countries further East (Ukrainians working in Poland or Byelorussians in Lithuania).

In some of the EU-15, particularly the Nordic countries, the welfare state is still the main provider of care for children, the elderly, the sick and disabled, and the workers so employed have recognised work and working conditions. In most countries, however, public provision has been severely cut back, and household services is another sector that has been taken over by private enterprise. In some, such as **Denmark**, it has been promoted as a way of generating micro- and small enterprises. Many governments promote the sector as a way of mopping up unemployment, particularly of 'low-skilled' women. Such schemes include the 'Mini-Job' scheme in **Germany**.

While a lot of domestic work is now provided by private service agencies, there are also millions of domestic workers who find their own employment in one-to-one arrangements with individual households. Some governments are attempting to regularise such privatised arrangements. For example, in **Belgium** and **France** there are 'service voucher' systems.

In three municipalities of the province of Cataluña, **Spain**, there is an interesting new project that brings together local authorities, trade unions, domestic workers' associations, employers, university researchers, and women's groups. They are testing out new ways to regularise and professionalise household services.

The extent to which domestic workers are protected by employment law also varies enormously between the Member States. Research by **Wibke Düvel** of the European Trade Union Institute for Research, Education and Health and Safety (**ETUI-REHS**) shows that in thirteen European countries domestic workers fall under the scope of employment laws in some way (see Table 1). However, as she warns, "*It is not necessarily positive legislation. Sometimes it is actually negative for domestic workers*".

In some countries, there are national-level negotiations between trade unions and employers that have produced collective bargaining agreements. These include **Belgium, Italy, Germany** and **France**. However, in a situation where the majority of employers are thousands of individuals, finding an appropriate employers' association with whom to negotiate is always a problem. In some countries, there is both legislation and collective bargaining. In other countries, there is one or the other. In some countries, there is none at all.

Trade unions vary greatly as to the extent that they take up the issues of domestic workers. Some are active in encouraging membership. In the **Netherlands**, for example, the unions are open to domestic workers to join, although in practice virtually none have done so. Others encourage the self-organisation of domestic workers. In **Portugal** there is a special union for domestic workers although, as in many other countries, there is no employers' association with whom the union can negotiate. The picture is complicated by the fact that so many domestic workers are migrant workers, and among them many are undocumented, as is discussed in Section 3.

**Table 1: Laws and/or Collective Agreements relating to Domestic Workers in Europe**

Country	Collective Agreement	Legislation
Austria	(no data)	X
Belgium	X	X
Czech Republic	–	– general law
Denmark	–	X
Finland	–	X
France	X	X
Germany	X	–
Greece	(no data)	– social security
Hungary	(no data)	X
Iceland	X	–
Ireland	–	X
Italy	X	X
Latvia	–	–
Lithuania	–	–
Malta	(no data)	X
Netherlands	X / –	X / –
Portugal	–	X
Romania	–	– labour code
Spain	–	X
Sweden	–	X
Switzerland	X Geneva only	–

## Union activity on domestic workers' issues

Prior to the conference, the ETUC circulated a questionnaire to its affiliates in each European country to find out about their activities relating to domestic workers, where there are collective bargaining agreements and labour law provisions, the level of organisation, and so on. Altogether, trade unions in 16 European countries responded and Wiebke Düvel of the ETUI analysed the responses.

On the basis of the replies, it seems as if in six European countries trade unions are rather active on the subject of domestic work (affiliates in Belgium, Ireland, Italy, Netherlands, Spain and Switzerland reported quite some activity). In four countries, the issue is of some concern (Czech republic, Finland, Germany, Portugal). And replies from six countries said that trade unions in those countries were not active on the issue (Denmark, Iceland, Lithuania, Latvia, Romania, Sweden).

As Wiebke noted, the results are based on the definitions chosen for the questionnaire and so in some cases they vary with the content of presentations at the conference. A prime example of this is Denmark where, as the presentation from the 3F union federation shows (see later in this Section), the unions are actually very active.

## Spain: The ‘Emergim’ project

In Spain, there are no collective agreements governing domestic work. The sector is instead governed by law. Moreover, there is a distinction made between caregivers and domestic workers. There are regulations for caregivers, whereas domestic workers have a different and worse status, under a Royal Decree of 1977. For example, dismissal of domestic workers is much easier.

**Fernando de León Columbo** is Head of the Labour Department of the **Municipal Authority in Vilafranca del Penedes**. Here, he speaks about the Emergim project which has brought together four municipalities in the north-eastern region of Catalunya, plus two trade union federations, an employers’ organisation, a professional organisation, a local university, women workers’ groups and domestic workers’ associations. The project is testing out ways to regularise and professionalise domestic work in households in the region.

*“The Emergim project developed in the framework of a European initiative called ‘Equal’ that ran from late 2001 to late 2004 called ‘Equal’. This aimed to combat segregation and discrimination, and to promote equal opportunities in the informal economy, specifically undeclared work in cleaning and household services.*

*What we found is that household work that is generally considered as ‘men’s work’ (repairs and maintenance, decorating, etc.) is more likely to be systematised, with employment contracts, regular pay, and so on. But domestic work which women carry out is more likely to be done without contracts or billing or any official documentation. This is what made us decide that the focus of the next phase, Emergim, would be regularisation and professionalisation of this work. We are trying to find formulas to change the ‘informal’ into the ‘formal’.*

*We have various strategies within Emergim. First, we have to get to know the situation better. The university and research groups are assessing the size and scope of cleaning and household work, and we now think that 85% of it is informal. There are four cities of 200,000 people covered by the project. We believe that in these four cities there are 3,500 employed in the sector, but only 500 of these are declared officially. This does not include those who are ‘illegal’ and so the figure is much greater in reality. Assuming average wages and hours worked, the work is worth 37 million Euros annually. So it is not marginal, economically speaking.*

*A second strategy is to develop Emergim agencies - with the support of the trade unions - in each of the four cities. These provide advice and support on legal questions, tax, employment, health, social services, and so on. We are trying to stimulate people into making their situation legal. Already we have had over 1,000 workers receive advice. Some 214 have had their situation regularised. 238 women and 6 men have received training.*

*Third, we want to increase recognition for the value of this work among the population at large. We are doing this through awareness-raising, posters, regular communications in the local media, and strong campaigns that highlight the problems that exist and the solutions we are trying out. We want people to understand why this sector needs special treatment.*

*We want to stimulate the workers concerned to join associations and trade unions, to professionalise themselves through skills training. We want to stimulate measures which lead to work contracts and other forms of official recognition such as service vouchers. Above all, we want a reform of legislative measures to incorporate the basic rights of women domestic workers with those that exist for other workers, for example in social security measures, employment laws, and health and safety at work regulations.*

*“In Spain, we have the ‘home help’ sector regulated. It is mostly part-time work but we can build on this in terms of collective bargaining.*

*Meanwhile, we also have some 180,000 people registered as involved in cleaning, not just in private households. Some special regulations have been in place for them since 1969 and the CCOO is working to bring them into the general system.*

*But then there are the migrant, often women workers who are without the necessary documentation. We can only help them with the assistance of social economy organisations.”*

**Victoria Pumar Carron,  
Comisiones Obreras (CCOO), Spain**

*As far as we know, this is pioneering activity in Spain, and so we are also holding meetings to explain our experiences to other municipalities, job centres, social security offices, employment agencies, trade unions, employers associations, neighbourhood groups, and so on. We will also need to transfer the results and make proposals to the Catalunya region as a whole.*

*This is a silent, invisible set of issues, socially and economically, with a great lack of public policies. The major component of the workforce comprises migrant workers who have little power to stimulate change. Also traditional gender divisions are involved. So, these are our attempts to find ways to bring this work out into the open and have it recognised and treated fairly.”*

## **Belgium: “Difficult but not impossible”**

In **Belgium**, as in many other countries, domestic workers have special, weaker status under labour law and social security provisions. However, as **Bart Vannetelbosch**, Head of Research of the **CSC Food and Services** trade union, describes, the unions have been very active in recent years. Through public awareness-raising campaigns, they have built pressure and made some significant gains.

*“In Belgium, domestic workers come under a special chapter in the labour laws. There is no regulation on the maximum hours of work, wages, or paid overtime. There is no guarantee for time off for sickness. The notice period before dismissal is very different. The rights and duties of employers and employees are very poorly defined. A household domestic worker working for less than 24 hours a week is not obliged to make provision for social security or pensions, and nor is her employer.*

*Unlike for all other categories of worker, there has been no social consultation, no parity commissions. They exist on paper but have never functioned because no employers wanted to take part.*

*This leads to a lack of respect, very precarious jobs, and a lot of clandestine work, especially for people from outside Europe. So they have an even greater dependency on their employers. They are afraid to seek help from the unions, or to go to the labour courts.*

*The rate of membership by domestic workers in Belgian unions is very low. We have 7-800 members out of 100,000 domestic workers in Belgium. Those that are members can get legal aid and we take up cases to defend them against employer’s abuse, even those who have been a member for less than six months. However, the general lack of membership in this sector also weakens the power of the unions.*

*“Whatever unions can do for regular workers will always be affected by the treatment of irregular workers, those who can be most exploited. It is not always possible to regularise ‘irregular’ workers. In **Belgium**, labour law does apply to migrant domestic workers, but it is very hard to apply because it is hard to prove that you work for a certain employer.”*

**Woman from a Belgian migrant workers’ association**

*But to say it is difficult does not mean it is impossible. We turned to public campaigns and awareness-raising to inform the general public as well as domestic workers. In 1978, we held street actions, using the title ‘Upstairs - Downstairs’ from the British TV series to attract public attention. Through this we won unemployment benefit for domestic workers.*

*More recently, in 2001, we developed collaboration with Wereldsolidaritet, the development education NGO connected to CSC-ACV in Belgium, on the situation of migrant domestic workers. Our activities included:*

- > An action at the Labour Ministry where we washed the building’s windows, with workers wearing masks to highlight their ‘illegal’ situation.*
- > A petition in the form of a ‘Passport of the World Community’ - demanding the legal right to stay and recognition/appreciation for the work of migrant domestic workers - which gained 17,000 signatures.*
- > Distribution of information to domestic workers about their rights. Information sessions for NGOs, for immigration offices, and associations and clubs of migrant workers. Brochures detailing legal developments.*
- > A set of demands to government on the employment and immigration status of migrant domestic workers, including the provision of safe places for domestic workers to go if they are in difficulties.*
- > Distribution of a model contract for use in private households.*

*As a result of this campaigning, we have achieved a number of successes:*

- > A parity commission for domestic work, where we have reached agreement with an employers’ body on a number of points, including a working week of 38 hours.*
- > Engagement with the Labour Ministry.*
- > In-depth study on the domestic labour market, including clandestine work, in Belgium, which led to legislative proposals.*

*Meanwhile, the Government has introduced a ‘service voucher’ system. A private individual can buy vouchers, which are tax deductible, to give to the domestic worker for each hour worked in their home. The worker then submits the*

*voucher to the agency hiring them (e.g. cleaning companies and temporary employment agencies), and receives wages per hour worked. This provides the worker with an employer and legal employment status. It also makes it easier for the unions to organise the workers employed by the agencies, and bargain collectively. Nearly 11,000 domestic workers and 137,000 private individuals are now in this scheme, with more than 8 million service vouchers issued in 2004. However, we feel it is too soon yet to evaluate the system and its impact on domestic workers who are employed in the more traditional fashion, directly by the household rather than through an intermediary company.*

*Meanwhile, we are continuing to carry out information campaigns, now focussing on the employers of domestic workers. This includes information on work permits, targeted at diplomats who employ domestic workers.*

[csc-alimentation-service.csc-en-ligne.be](http://csc-alimentation-service.csc-en-ligne.be)

**International Huispersoneel, Achtergronddossier**

By T. Vanempten, E.R. Boon and R. Vandeloos, Wereldsolidariteit, Lentecampagne 2002.

[www.wereldsolidariteit.be/campagnes/2002/achtergronddossier.htm](http://www.wereldsolidariteit.be/campagnes/2002/achtergronddossier.htm)

**Le Personnel Domestique International en Belgique, Etude Exploratoire**

By G. Vermeulen (ed.), Institute for International Research on Criminal Policy, University of Ghent, January 2003

[www.kbs-frb.be/code/page.cfm?id\\_page=125&ID=454](http://www.kbs-frb.be/code/page.cfm?id_page=125&ID=454)

*“It looks like the measures adopted in **Belgium**, where we have tried to transform ‘black’ work into ‘white’ through the service vouchers scheme, are the most advanced. But this only concerns those who are already ‘legal’.”*

**Filipino migrant worker**

## France: A service voucher system

In France, a 'service voucher' system for household services was introduced by central government in 1995. According to **Valter Surian**, Federal Secretary with responsibility for International Relations and Social Dialogue of the **CFDT Services** union, it was this that laid the foundation a few years later for a collective bargaining agreement between the social partners. He says that the voucher system serves a number of useful purposes in the fight against undeclared work.

*"Service vouchers assist certain workers by giving them official status and recognition by the State, so helping to prevent the existence of non-regular work. They are considered as a type of employment contract which can be used, for example, if a worker is unfairly dismissed. Under the voucher system domestic workers get social insurance cover, although there are some restrictions on the minimum number of working hours needed to qualify.*

*The voucher system also helps individual families to have their needs for assistance met. The system frees these individual employers from having to calculate the domestic worker's social security contributions, plus they get tax incentives for using the system. They only have to fill in a form and this enables an automatic deduction from their bank account. The vouchers provide a flexible system as they can be used for temporary assistance on a fixed-term basis or they can be used for long-term help, where the worker has a contract without a date limit.*

*Up to the end of 1999, this service sector in France was largely governed only by labour law. An existing agreement was not implemented, and wages were agreed between each employer and domestic worker. This changed in November 1999 when the trade unions negotiated the first collective bargaining agreement with **FEPEM** (Federation Nationales des Particuliers Employeurs, National Federation of Individual Family Employers). The agreement, which is renegotiated each year, includes provisions and annexes concerning wages, working hours, paid annual leave and public holidays, medical examinations, maternity leave, accommodation, and training. It applies to part-time workers as well as full-time.*

*Meanwhile, there is a different Collective Bargaining Agreement with the employment agencies in the country that supply domestic workers. These workers are paid through the agency rather than through the service voucher system."*

*"In France, it is very difficult to get data about domestic workers who are employed on an individual basis. None of the national government bodies gather data which allow disaggregation. My own calculations from the 2002 official figures showed 430,000 employees. By contrast, the figure usually talked of is 700,000. Perhaps this is because many workers are working several households, and they may be counted several times, but I cannot be sure. And none of this data in any case includes undeclared domestic work."*

**Annie Dussuet, University of Nantes**

### More Information:

The **Service Voucher** system in France is explained on the French Government website:  
[www.travail.gouv.fr/infos\\_pratiques/ch\\_emploi-service.html](http://www.travail.gouv.fr/infos_pratiques/ch_emploi-service.html) (French).



## Germany: the ‘Mini-Jobs’ scheme

About 3.8 million households in Germany employ a cleaner or other domestic worker. These workers get some protection from the Collective Agreements that have been reached for workers in private households and employed by service agencies. However, as **Birgit Pitsch**, Head of Department for Women’s Issues and Migration of the NGG-DGB food and allied industries union explains, many come under the ‘Mini-Jobs’ scheme of low-income earners which started in April 2003, and this has not helped to improve their situation.

*“In Germany, we distinguish between ‘undeclared’ and ‘illegal’ work situations. Undeclared work done by people with legal status is not difficult to regularise and the unions can easily represent people who are doing this. However, ‘illegal’ workers are more difficult for the unions. One of our sister unions helped to set up a union specifically for migrant workers, largely in construction. As for the NGG, we are monitoring the situation and realise that we do need to do more for domestic workers and hotel workers who are technically ‘illegal.’”*

**Birgit Pitsch, NGG-DGB, Germany**

*“We have a Collective Agreement at national level that lays down standards such as a 38.5 hour working week, two days off per week and two free weekends per month, and holidays of 26-30 days a year. We also have a Remuneration Agreement concerning wages, Christmas bonuses, etc., which is reached at regional level.*

*These agreements are negotiated with the German Housewives’ Association (DHB). This is not a ‘normal’ employers’ body. However, because the 1952 law on minimum working conditions did not apply to domestic workers, a partner was sought for negotiations for a Collective Bargaining Agreement, and they were turned to. We reached our first agreement with them in 1955, and have continued since then, though it is a somewhat different body today, since opening up their association to men and service agencies.*

*Although the Remuneration Agreement only covers the parties to the agreement, uniquely in Germany the wage levels it sets are used as a guideline and any wage paid less than this is illegal; any domestic worker, whether a union member or not, can go to court for the*

*minimum wage. The same applies to pension rights. This does not only cover full-timers but also part-time workers, ‘mini-jobbers’ and trainees.*

*Training is available for domestic workers. There is a three-year diploma course, plus higher training, and a special course on the care of the elderly. Those who have these qualifications receive better wages.*

*There are some provisions, however, which do not apply to domestic workers. Though they have the right to a period of notice, the same protections against dismissal do not apply, for example if they get pregnant. There are waivers which mean they can be asked to work on Sundays and holidays.*

*“In Germany, it is not possible for irregular migrant workers to regularise themselves. Not at all. But it is possible to go to court to fight cases on labour rights. For example, a Polish group in Berlin defended irregular migrant workers in court and won, as did the construction workers’ union. No-one has mentioned the UN Convention on the Rights of Migrant Workers. We are running a campaign to sign Germany up to this Convention. Yet the unions are not openly supporting the campaign. They could be raising awareness on this.”*

**A participant from Germany**

*Social insurance contributions are also reduced for domestic workers. The unions have criticised this because this means that they - largely women - are not able to build up their protection plans.*

*The legislators thought that bringing in the ‘mini-job’ system - which refers to workers who get less than 400 Euros a month - would bring more people into employment and help to regularise undeclared work. However, even as levels of ‘mini-jobs’ have been rising, we still have high levels of unemployment. So we believe that in fact it is permanent jobs that are being reduced to ‘mini-jobs’.*

*By June 2004, there were 67,400 legally declared domestic workers in ‘mini-jobs’, which means of course that many more remained undeclared. And, since only 13.3% of those declared were migrants, there must be large numbers of migrant domestic workers who remain unregistered.*

*We have also noticed that, of the 'mini-jobbers' in domestic work, no less than one-third are aged over 55 years. In fact, over 10% are over 65 years. This indicates a shocking increase in the poverty of older women in Germany.*

*It is clear that, as far as domestic workers in private households are concerned, the 'mini-job' system has not transformed the quality of their employment or social protection. It has not even led to the regularisation of those without documents. The system has come under a lot of criticism from the unions."*

## **France: New efforts to organise domestic workers**

**Jean Marc Olivier**, Federal Secretary of the Commerce and Services section of the **CGT, France**, describes new initiatives that his union is taking to reach out to unorganised domestic workers.

*"Officially, there are about 1.6 million paid domestic workers in France. But these are the official figures, and all observers estimate that at least of 50% of the work is undeclared. What is more, there are more employers in this sector than there are employees - we know, for example, of one domestic worker getting pay from 13 different employers each month. Furthermore, there are very few firms operating in the sector.*

*So trade union organisation and application of the labour code are very hard to achieve. There are two collective agreements for the sector: one for 'household workers' and a separate one for 'maternal assistants' who look after other people's children in their own homes, employed by the parents. But both these agreements need much improvement and this is one of our main goals.*

*The CGT has taken the political decision to organise these precarious and isolated workers. We have recently started a newsletter ('Trait d'Union') which is distributed through our union structures and other organisations. We have been encouraging our branches and departments to hold local meetings to attract domestic workers, especially in the evenings when these workers are more likely to attend.*

*The results are modest but encouraging. We have registered about 500 new members. This is not many out of a total membership of 1.5 million but it helps to build links into this sector. Fifteen special union structures have been set up in the regions, at branch, department or sector level. In several cases, there are new branches that did not exist before.*

*Many domestic workers simply do not realise what rights they do have. Many are migrant workers from North Africa or the Philippines, and are working in conditions of 'slavery'. It is not easy to meet up with those that are clandestine, but we do intend to organise them and help them get their papers. We have been successful in getting a certain number regularised and so helped them to come 'out of the shadows'.*

*It is in our interest as trade unionists to be concerned about these issues. There are not enough crèches for our children and, in France as elsewhere in Europe, there is an aging population with not enough old-age homes. Recently, the Government Minister for Social Cohesion, Mr. Borloo, presented to the national parliament a plan to create 500,000 paid jobs in this sector in the coming months. But, the question is, what type of jobs is he talking about?"*

*"After the Second World War in France a service was created of 'family workers' (travailleuses familiales) where there was no mother present in a family, or when she was ill. This still exists today. These 'family workers' are well qualified and have good working conditions and in 1999 they obtained recognition as 'social carers'. They have had a collective agreement since 1957, signed with their employers which are not-for-profit organisations."*

**Annie Dussuet, University of Nantes**

## Denmark: the 'Home Services' scheme

In Denmark, a country of five million inhabitants, the labour market is not primarily regulated by law but by collective agreements. Some 80% of workers are trade union members and it is also through the unions that unemployment benefits are delivered. The public welfare system provides for care of children, the elderly, and sick people. Women are about as equally represented in the labour force as men, even when they have small children.

In the early 1990s, a scheme was developed for 'Home Services' in the country, designed to reduce unemployment, develop regulated jobs and reduce undeclared work in the service sector, and stimulate small enterprises. **Kirsten Moller**, International Advisor to the **Women Workers' Union (KAD)** of the **United Federation of Danish Workers (3F)** describes how the scheme worked until the recent election of a Liberal Government, which then started to dismantle it.

*"Because of the general public provision of care services in my country, the need for private domestic help is less than in those countries where the public sector is not so active. However, in the mid-1990s, a Welfare Commission review found there was a demand within households for help with cleaning, gardening, etc., and that the home service sector could provide opportunities for creating jobs, reducing the informal economy, and expanding entrepreneurship.*

*The trade unions were active in these discussions. We saw it as a way of shifting undeclared into declared work, and creating new jobs with regulated, decent and recognised work. We argued for professionalisation of the sector so that domestic workers would get training, status and better wages. Plus we saw it as a way of providing new kinds of home services for working women.*

*Meanwhile, the Government was clear that the scheme must be financially 'neutral' to the State. A formula was developed whereby state spending on the necessary subsidies plus losses in VAT and income taxes from other jobs would be offset by income from VAT and income tax revenues from the new jobs plus savings in unemployment benefit. It was an argument that no politician could reject. The result was the 'Home Service Scheme' that was first piloted for two years and then brought in under regulation in 1997.*

*The kinds of tasks offered under the scheme included grocery shopping, cleaning of windows and gutters, cooking and dish-washing, clothes washing, ironing and minor mending jobs, snow clearing, sweeping and simple gardening, and packing of household goods for moving house. It did not include caring, because this is the responsibility of the public sector. This is one of the reasons why we pay relatively high taxes in Denmark, because we want the State and municipalities to be responsible for providing such services to all citizens, no matter the size of their wallet.*

*As a result of the scheme, many new, small and micro- enterprises sprang up. The relationship between the provider and the receiver of the services changed into a more professional one. It was no longer a question of 'household employers' employing 'domestic workers', but 'home service providers' offering services to 'customers'. The state subsidies were for the benefit of the customer, worth 50% of the costs, to a maximum of 7,500 Euros a year per family. Working conditions and wages were regulated; and there had to be transparency in the development of prices. Each new enterprise had to be registered with the local and VAT authorities and insured for personal injury and damage. The local authority could examine and ensure compliance with the regulations.*

*By 1999 there were just over 4,100 such enterprises. Over 63% were single-person enterprises. 20% employed just one other person, and 15% up to five others. Some came from our own ranks. We even helped some of our members with advice because it was a chance to start up on their own.*

*There continued to be many challenges. We found that many of the new entrepreneurs were unprofessional as employers, with poor working conditions and wages. There were problems of tax evasion and other elements of business administration. Within the first period we found a need to strengthen the regulations and principles behind the scheme.*

*Of course, the unions wanted these new employers to be bound by collective agreement. Many companies did sign a collective agreement and became members of an employers' association. However, 1,800 did not respond to our letters inviting them to reach a collective agreement. So, just before the new Act was passed in 1996, we had a strike. We used*

*the local media to 'name and shame'. After several months on strike, we got agreements with 570 of the new enterprises, and we ended up with about 50% organisation, which is about the average within the service sector in general in Denmark.*

*We did not achieve all that we wanted through the scheme but we did achieve a new recognition of the value of domestic work, and a new profession with regulated working conditions and associated training programmes. The sector still needed to be developed, but the union felt in general that the scheme was worthwhile.*

*Our strategy has been to put these jobs into the mainstream, to see that they are recognised, given their dignity, and regulated. But we still need state subsidies until the sector is fully developed. We anticipate there could be 10,000 jobs in the sector, or even more if we develop its full potential. That would take ten more years.*

*Now, however, we have a Liberal (conservative) Government in power. They do not want to subsidise home services, and have closed the Home Service Scheme down. When we get rid of the Liberal Government, we will see that it is introduced again.*

*We will also fight to make sure that care remains an obligation of the public sector, despite worldwide pressure to privatise.”*

## **Netherlands: Imaginative use of the Internet**

In 2005, the Netherlands Trade Union Confederation FNV engaged in a number of activities to promote the interests of domestic workers.

For quite some time, the FNV has been urging the Dutch Parliament and the Government to **improve the legal position** of domestic workers by putting an end to the legal exclusions that apply to them. Currently domestic workers employed by a family for fewer than three days a week have only limited protection. They are only entitled to the legal minimum wage, and the legal minimum paid holidays. They also fall outside the normal protections against dismissal, and they only have the right to a maximum of six weeks paid sick leave instead of the usual one year. Moreover, private employers do not have to pay taxes and social security premiums for them. In practice, these exemptions apply to the great majority of the domestic workers in the Netherlands.

The FNV believes a win-win situation could be achieved, however, by offering tax reductions to those employers who offer domestic workers full legal protection and pay taxes and premiums for them, and by simplifying the administrative burden that often comes with this. This could also help to combat undeclared labour in this sector.

According to the FNV, the most important thing - as a first step - is to make domestic workers and their employers more aware of the legal rights and obligations that do already apply, since many people in the Netherlands think that domestic workers fall outside any social protection. This situation was confirmed by an **internet survey** in 2005 among domestic workers and their employers, an initiative which gained significant media coverage for the FNV.

**To inform domestic workers about their rights**, the FNV published a small brochure, also available on the FNV website. It includes a model employment contract, along with an explanation of each of its articles.

However, the observation of basic legal obligations is the minimum to achieve. To make domestic work 'decent work', much more is needed. In the domestic service sector it is obviously difficult to achieve improvements through collective bargaining. However, the FNV is convinced that many private families/employers can be called upon to offer decent working conditions to their domestic workers. Therefore the model contract includes not only minimum legal obligations (which are few) but also additional conditions to be negotiated, for example travel expenses. As for wages, the FNV gives information on the rates set out in collective agreements for similar work in the homecare sector.

[www.fnv.nl/vrouwen](http://www.fnv.nl/vrouwen)

## Italy: A comprehensive national agreement

In Italy, there have been regulations covering domestic workers since 1958, and a negotiated National Collective Agreement since 1974 which covers privately employed domestic workers. **Ramona Campari**, national leader of **FILCAMS-CGIL**, a union in the commerce, tourism and services sectors, has responsibility for national bargaining for domestic workers. Here she explains the negotiated protections that exist in Italy, possibly better than any in other EU Member States.

*“In Italy, out of an estimated 1.3 million domestic household workers, only 600,000 are declared to the social security system. About 80% are migrants; about 90% are women. (These figures do not include cleaners or care workers who do not work in private households, for whom other collective agreements apply.)*

*In 1958 the right of domestic workers to paid holidays was recognised by Regulation No.339. Then, in 1973, domestic workers were included in rights to health protection during pregnancy and, in the same year, they were included in social security protection, with rights to old age benefits, etc. Since then, both employers and workers are expected to pay contributions, though the provisions are based on wage-levels and so domestic workers do get a lower level of protection than other workers.*

*The main instrument protecting domestic workers is the National Collective Bargaining Agreement. It was first agreed in 1974 and is revised every four years. Wage levels are renegotiated every year. The negotiations are held with two national federations (FIDALDO and DOMINA) which are both federations of private householders, mostly women and families, who employ domestic workers. The agreement is recognized by the Ministry of Labour and thereby has become part of Italian collective labour law. In practice, it is respected by most families employing a domestic worker. The courts regard the wages and other conditions laid down in this agreement as the reference point, for example in deciding the ‘just wage’ that is guaranteed to every worker by the Italian Constitution. Among its other provisions, a domestic worker cannot be dismissed during pregnancy. She also gets sick pay, overtime pay, and a 13<sup>th</sup> month bonus.*

*We recognise that migrant workers have special needs. So we obtained special provisions such as the right to accumulate holidays over a two-year period so that they can use this to visit their families at home. A summary of the agreement is translated into nine languages of use to migrant workers: Albanian, Arabic, Eritrean, Tagalog (Philippines), French, English, Polish, Russian and Spanish.*

*Since March this year we, along with the other unions, have been negotiating a new agreement. We are asking for greater recognition of the value of domestic work. For example, because of the heavy workload involved, especially in the care of the elderly, we want to reduce the working week to a maximum of 48 hours for in-house workers, and 40 hours for live-out workers. We want remuneration in line with the professional nature of the services offered.*

*We have also been asking for recognition of the need for training. In the last agreement, we asked for 40 hours of training for those who wanted it, with a bilateral body to oversee training. We want training as a right, and to promote training including cookery, laws, and language training, both for better integration of migrant workers into our host country and for career progression, so that domestic workers can use this work as a credit towards furthering their career.*

*The national agreement applies to all workers, whether they are members of a union or not. We have offices all over the country where they can seek help, and we have doubled the number of members in this sector in recent years, although we are still under-represented. Even an ‘illegal’ or undocumented worker can turn to the union to get the agreement applied to their situation.*

*Much research shows that domestic workers need access to healthcare and psychological support too. Many are foreigners who face a hostile environment. They are called pejorative names even though they are offering help to our citizens. Also, they need support when, for example, the person they are caring for dies.*

*So, we believe that trade unions at all levels should try to create synergies between all players, including the local authorities who are devolving the burden of care onto individual families. Unions need to bring ‘out of the shadows’ issues such as the tax incentives for employers which exist but are not well known. We should work for such things as the opportunity for migrant workers to bring with them any social security contributions they have paid in their home countries.”*

[www.filcams.cgil.it](http://www.filcams.cgil.it)

## Discussion

### → **What are the best ways for unions to negotiate agreed working terms and conditions for domestic workers?**

Domestic workers are employed in many different ways, and each employment situation may require a different solution. Conference participants made various proposals:

**Where care services are provided by the public sector:** local authorities are the employers, and here there must be well-negotiated collective bargaining agreements.

**Where domestic workers are employed through supply agencies:** this is another clear field for union representation and negotiation. Many bigger agencies have European Works Councils where the unions operate, and/or are represented in national employer federations.

**Where domestic workers are in isolated individual situations:** trade unions should use the laws that do exist and try to defend them with legal services when, for example, their contract is breached. Promoting contracts is seen as very useful.

Unions can also raise awareness among their members and in public debates about 'being a good employer' of a domestic worker. In unions, attention should also be given to combating racism towards domestic workers who are from migrant and ethnic minority backgrounds.

### → **Who are the employers' federations with whom trade unions can negotiate?**

In a situation where the employers are thousands or even millions of private individuals, there is a problem in finding an employers' body with whom unions can negotiate.

In **France**, FEPEM, (Fédération Nationale des Particuliers Employeurs, National Federation of Individual Family Employers) was founded in 1948 to provide a legal basis for the relationship between employers who are private individuals and their workers. Today it represents some two million such employers and reaches collective bargaining agreements on their behalf with the trade unions. It also provides information on the employment relationship to the general public. The Federation includes agencies that supply domestic workers, and social organisations which help to insert people into work. [www.fepem.fr](http://www.fepem.fr)

In **Belgium**, there was no employers' body with whom the unions could negotiate. However, there was an existing parity commission for building caretakers. So, according to **Bart Vannetelbosch**, the unions asked for this body to take domestic work into its remit. "As a union, it is most important that we have some employer that we can deal with", he commented.

Similarly in **Italy**, the unions turned to the creation of a new body that could play the role of an employers' organisation and with whom a collective agreement could be reached. "We could not find a partner on the employers' side and so we invented one. In 1974, we entered into negotiations with the federation of professional women housekeepers (Federcasalinghe). Since then this organisation has also been recognised as an employers' association by the Italian authorities."

However, others felt that unions should not spend their time creating an artificial body where the workers in question - in this case, domestic workers in private homes - are not represented.

Collective bargaining negotiations are not the only way to bring pressure on employers. In the experience of **Bridget Anderson** of Oxford University, peer pressure on employers can play a significant role. Most of them want to be seen to be doing the 'right thing', what is socially acceptable, she says. Public campaigns to educate individual employers about their duties could help to create a better social climate.

*"People often like to employ domestic workers directly rather than go through agencies. Yet unions like to organise where there is a large employer or an employer's federation. We need to find ways to reconcile this."*

**Fabrice Warneck,**  
**UNI-Europa**

*“We are encouraging domestic workers to keep a diary which can be used as evidence in court if needed.”*

**Bart Vannetelbosch, CSC-ACV,**

*“I have heard of cases in Italy and Spain where, even after regularisation, domestic workers do not receive the wages that they should. Wage levels may fall when employers have to pay tax and social security contributions. So we need to explore this issue more.”*

**Gloria Moreno-Fontes Chammartin,**  
**MIGRANT, ILO**

*“Financial support through service voucher or tax schemes is important but often only offers short-term support. Very often it is the children of the elderly who pay for domestic support for their parents. This is not good enough. Let us work to improve public services. We must construct a future with a strong public pillar, based on solidarity to defend the rights of all ‘non-autonomous’ people. We see domestic help for the elderly as an essential service, alongside pensions and health. It should not be seen as just work done to replace the public services that are lacking.”*

**Luigina di Santis, General Secretary,**  
**European Pensioners' Union (FERPA)**

*“We must ask why the State is leaving all this economic burden to individuals and families. We should demand that the State does more, not less. The way things are organised, many families cannot do otherwise than to have a domestic helper.”*

**Gloria Moreno-Fontes Chammartin,**  
**MIGRANT, ILO**

Also, it is possible to devise information systems about individual employers that domestic workers can share. At the turn of the last century in the USA, there was a large organisation of domestic workers which ran a system of references of the employers of domestic workers, so that the workers identified for each other who were decent employers and who were not.

→ **What type of monitoring/inspection systems can be used to ensure that working terms and conditions laid down in collective agreements or law are properly implemented in private homes?**

It is of course very difficult to gain access to private homes to check, for example, on actual working hours done by domestic workers. It is particularly difficult to find out where and when serious abuse happens because very vulnerable workers are too scared to report to the authorities.

→ **What are the best methods to regularise ‘irregular’ workers?**

**Where domestic workers are ‘undeclared’ workers:** There is not one, single method for transforming undeclared domestic workers into regular employees, because they are in this situation for a variety of reasons. So, a mix of different policy initiatives is needed.

**Fiscal incentives:** One reason for not declaring domestic work is that individual employers want to avoid responsibility for making social security contributions for their domestic worker. This leads to proposals to reduce the tax burden or make other fiscal incentives available to individual employers of domestic workers. But such steps do not necessarily lead to better employment conditions for the workers.

**Migration regulation:** Quota policies often underestimate the labour market needs for domestic workers; and restrictive practices can lead to trafficking. There is a need for clear systems that allow in the workers to do the work that is needed.

→ **How well do ‘service voucher’ systems help provide protection for domestic workers?**

Certainly, the voucher system can provide individual domestic workers with a record of their employment, which many do not otherwise have. They are therefore a step forward in making domestic employment visible and officially recognised.

However, the voucher system seems generally to apply only to workers who are already formally recognised. In particular, there seems little success in integrating migrant workers into the voucher systems operating in **Belgium** and **France**, even if they have work permits. So, the systems do not seem to provide a route for moving undocumented migrant workers out of a clandestine situation.

Moreover, some participants questioned whether service vouchers can be seen as a reflection of the breakdown of care as a public service. After all, under the system, both the employers and their domestic workers are acting as individuals in a private relationship.

How easy is it for elderly, disabled, or sick people to register as employers? How readily do they identify themselves as employers? Such questions caused **Carolina Cardenas**, of the **CGIL** in Turin, **Italy**, to question whether the service voucher system might actually contribute to a growth in irregular work. Others also issued a word of caution and argued for stronger demands for public provision.

# 3

## Migrant domestic workers and trade union action

It is, as the ETUC's Catelene Passchier noted, a disgrace to have millions of people on our territory who are treated as if they are not there, or abused with racist insults and/or bad employment practices, at the same time as they are carrying out the most fundamental tasks of running households or looking after our most vulnerable people - the young, elderly, sick or disabled. Yet this is too often the reality.

What are needed first and foremost are some drastic changes in migration and integration policies. In its recent resolution on economic migration (**ETUC response to the European Commission's Green Paper on a EU approach to managing economic migration, March 2005**) the ETUC called for a more pro-active EU policy on migration and integration, based on the recognition of fundamental social rights of current citizens as well as newcomers, and embedded in strong employment and development policies.

In this resolution, the ETUC criticised the Commission's Green Paper for its lack of gender awareness, because it did not pay any attention to the fact that increasingly labour migrants are women, working in public healthcare, nursing homes or private households, and providing care for children, the sick and the elderly. This should be explicitly taken into account when discussing the opening up of possibilities for economic migration.

In this resolution, the ETUC also - among other things - called for:

- > investing in the capacities and qualifications of unemployed or underemployed EU citizens including those from a migrant and ethnic minority background to tackle labour market shortages;
- > increase efforts to combat racism and xenophobia, and promoting full integration of immigrants, whilst respecting cultural diversity and recognizing their positive contribution and potential;
- > attribute social and political citizenship rights to migrant workers and their family members;
- > open up possibilities for the admission of economic migrants, based on an assessment of real labour market needs, and not only favouring migration of high skilled workers but also giving access and rights to semi- and low skilled workers;
- > be tough on employers using exploitative employment conditions, instead of penalizing the workers who are their victims;
- > create bridges out of irregular situations for undocumented workers and their families;
- > promote cooperation and partnership with the countries of origin, especially developing countries.

This section looks at various attempts - within the difficult framework of often very restrictive migration policies - to organise migrant domestic workers in unions, to give them voice, visibility, support and protection.

What migrant domestic workers need, as a very first step, is to be recognised as persons and workers, and to be listened to when they express their needs and concerns. So, the ETUC was very grateful that some migrant domestic workers themselves had the courage to speak out during the conference, and share with participants their - often very painful - experiences.



## The right to say 'Yes' all the time

**Raquel** (not her real name) is a Filipina domestic worker in **Belgium**. So is her mother, who has spent the past fifteen years living and working with Belgium families so that she could support her own at home. All that time she has been undocumented, technically 'illegal'. Today, her daughter Raquel is Secretary of **Samahan**, an organisation of Filipino domestic workers in Belgium. Here, Raquel tells their moving story, one that is typical of thousands of others.

*"My mother came here in May 1990, a bit apprehensive but full of hope and courage. Before that, she had never heard of Belgium. It was a friend of hers, who worked here but was on holidays in the Philippines, who told her that working in this country was easy and you earned good money. My mother believed her and decided to try her luck, because the family was facing hardships as the Philippine economy was deteriorating. The family business - a gasoline station - had to be closed down, and there was no money to continue the schooling of the five children. I would like to tell you how important education is regarded in my country; it is not unusual for families to go deeply into debt in order for children to have a good education.*

*My mother told only a few members of the family about her plans to go to Belgium for work, as she did not want people to be anxious. But in order to pay the expenses for her trip, our house and land were mortgaged through a money lender who demanded a very high interest rate.*

*On arrival in Belgium, my mother discovered that life here was not what her friend described. As she had entered the country as a tourist, her visa soon expired and she joined the ranks of the 'undocumented'. Jobs were not easy to find; only part-time, irregular work was available. And her living condition was terrible! She lived in a small apartment with thirteen persons. 'We were like sardines in a can', was how she described it. Even the bathroom had been converted into a bedroom at night: a wooden plank was put on top of the bathtub for two men to sleep on. There were cockroaches everywhere. As no-one had enough money, food was rationed.*

*Fortunately, after a few months, my mother got a permanent, live-in job as a full-time nanny. Her wages, though low, enabled her to start sending money to the family on a regular basis. Over the last fifteen years, she has had several employers. To this day, she remains undocumented, even though a few employers promised her assistance to obtain papers.*

*My mother would call us twice a month and talk, for nearly an hour, to all of us. She said that hearing our voices was enough to make her happy and to give her the courage to go on. She never told us about the hardships, but would tell us only good things. She would remind us to love each other, study well, pray always, and be respectful to our elders, especially our grandparents. She would always end by saying that soon she would come home.*

*After twelve years of not seeing my mother, I came to visit her. She was longing to see her children and we were longing to see her. She saved money to pay for my fare and for other costs, such as my passport. My visa was made possible through an invitation from a friend of my mother who was a permanent resident in Belgium.*

*We were full of emotion when we saw each other. I was full of joy at seeing my mother, but also very sad as she had changed so much. Physically, she had shrunk. After a while, she was able to save money for my brother to visit too. She recounted to us her experiences - good and bad. We, her children, realised fully how much she had sacrificed for us. Of course, we had all finished college; one with a degree in nursing, another in medicine, myself in accounting. But what a price she had paid.*

*My mother confessed that being away from her family was very painful; for the first two years, she cried every night. She said that it was her faith which sustained her and the thought that her children would have a better life than she.*

*Of the good experiences, my mother pointed out that she was lucky that many of her employers were good people, who appreciated her work, treated her well, and paid her decent wages. Others, however, were unpleasant, even racist. She said that 'As long as they need you and you say 'yes' to everything they want, they are good to you. The moment they don't need you any more, they get rid of you, like garbage.'*

*From her experiences as an undocumented worker, my mother has made a list of her 'rights':*

- > Right to say 'yes' all the time
- > Right to be cheerful always
- > Right to be dismissed at any time

*Her 'no rights' list is longer:*

- > No right to get sick
- > No right to be without money
- > No right to be without work
- > No right to have papers
- > No right to question the employer
- > No right to be sad or have a long face
- > No right to be tired.

*And she also has a list of 'do's and don'ts', some of which are:*

- > Do take care of your health
- > Do get a minute's rest
- > Do eat well - otherwise you will fall over
- > Do perform your tasks to the best of your ability
- > Do dress well and in a discreet fashion - so that you are not noticed by the police!

*As for me, I decided to stay her for a few years, for two reasons. First, I want to be with my mother, who is not ready to go home yet, even if we - her children - are urging her to stop working and to go home. She says that having spent all her earnings for her family, she has no savings. In fact, we lost the mortgage on our house and land as her earnings were enough only to cover the family's expenses and the children's education. I also think that to be economically dependent - even on her own children - would now be difficult for her.*

*Given the present economic situation in my country, my mother is right in being anxious, as there will be no means of making a decent living there today, especially for older people. And this is the other reason why I decided to stay. In the Philippines, I was earning 10,000 pesos per month as an accountant (after four years of higher studies). That is equivalent to 147 Euros, certainly not enough to cover the ever-rising cost of living. As a domestic worker here, I earn an average of 8 Euros an hour and, if I can find 8 hours' work per day, 5 days a week, I can make as much as 1,280 Euros a month. Even with the high cost of living here, by living frugally I can send money home. Of course, the average salary of an accountant here is much higher. It is for this reason that I am learning French. My hope is that I will be able to practice my profession here, after obtaining my papers of course!*

*In the meantime, I am a domestic worker. I must confess that at the beginning I was full of self-pity, thinking that the sacrifices of my mother were in vain, for she did not go through all these hardships for her daughter to be a domestic worker like her. I remember one morning sitting down and crying when I had to clean three dirty toilets, change so many beddings, polish so many pairs of shoes, and being overwhelmed by the tasks of cleaning this big house. But I've accepted the fact that this is how I am earning my bread, helping my family, being a burden to no-one... and it is honest work. I am a domestic worker but I have dignity.*

*I owe this outlook to my mother, of course, and to the organisation I joined shortly after arriving in Brussels: the Samahan ng mga Manggagawang Pilipino (the Association of Philippine Migrant Workers). Through active participation in the work of the Samahan, I have been able to avoid what we Filipinos term as 'bobofication' (from the word 'bobo', meaning 'dumb'). This is an ever present danger, given that domestic work is hard, tiring and repetitive, not requiring much mental exercise. It does not offer opportunities for conversation or sharing of thoughts with anyone. The Samahan*

*"Filipino migrant workers are modern-day heroes. They are the biggest contributors to the Philippines economy, and the best ambassadors for Philippines culture. There are some 6-8,000 in Belgium alone. As an Embassy, we realise that we should not be just a 'multilateral*

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*bilateral' diplomatic service. We must care for our Filipino workers abroad."*

**Anamarie A. Morales, Minister,  
Embassy of the Philippines, Belgium**

*provides this opportunity, not only through its education and training activities but also in our regular monthly discussions on issues which concern migrant workers and their rights.*

*I am proud to say that at present I am Secretary of the Samahan. The majority of our members take pride too in being union members. Being in the Samahan has made me realise how important it is to belong to an organisation, to feel that you are not alone and that you matter and, most of all, that you have your rights - even if you are undocumented - that you have to fight to defend and promote them.*

*Thank you for giving me this opportunity to share with you our story. It is the story not only of my mother and me, but that of the hundreds of thousands of Filipino workers deployed abroad. They left their country for a better life for themselves and their families. They are now taking care of other people's homes, children and elder relatives. They are migrant workers. They are not parasites. They deserve respect.*

*Merci beaucoup for your solidarity and support.”*

## Samahan = Unity

The **Samahan ng mga Manggagawang Pilipino**, or Association of Philippine Migrant Workers, was founded by a group of migrant workers in **Belgium** in 1983. Samahan means 'unity'. **Elsa Ramos-Carbone**, who is now Director of Equality and Youth at the **International Confederation of Free Trade Unions (ICFTU)**, explains how Samahan serves the interests of Filipino workers and their families in Belgium:

*"At first a missionary gave us a house - with a kitchen! - where at least we could gather and eat together. We realised that Belgians knew little about Filipino culture and so we set up a cultural group. In 1984 we presented a cultural show 'Filipiniana', which was featured in all the newspapers. Since then we have gone on to organise many different kinds of activities.*

*One area we focus on is skills training. Many migrant domestic workers are in fact high school and university graduates but in their daily lives they have few others to talk to; they work so hard that they are too tired to read or study. We do worry about 'bobofication' (from the word 'bobo', meaning dim-witted). So we make it a point to have an education activity every month.*

*Our first study weekend in 1993 analysed our situation as migrant workers, debated gender issues, and discussed the future direction of Samahan. Since then, we have continued to provide skills training in computer literacy, managing household budgets, leading discussions, and the like. In 1998, we established a cooperative scheme for savings, pensions, etc. In 2005 we will run a study weekend on how the next generations can help to secure a better future than their parents in Belgium.*

*We also organise information campaigns for the community. During 1990-92, we focussed on the European Single Market and the implications of the Schengen Agreement for migrant workers. In 1999, during the regularisation drive, we worked with the Philippine Chaplaincy and others, assisting applicants to fill in forms, etc. Also, with other Philippine migrant organisations all over the world, Samahan campaigned - successfully - for the right of overseas Filipinos to vote in the Philippines elections, the first being in May 2004.*

*Samahan is of the strong view that the issues of undocumented workers should be taken up by the trade unions. In August 2000, we organised a symposium 'Trade Unions and the Prospects for Membership of Undocumented Filipino Migrants'. It was attended by the two largest Belgian trade unions, the FGTB and CSC. Both unions have opened up membership to undocumented workers, and since then about 600 migrant Filipinos - both documented and undocumented - have joined the FGTB, and 50 the CSC. We know that membership helps give undocumented workers an identity, a feeling of belonging to an organisation that has a voice in the country. For many, the union card also gives some form of 'legal personality', given that an individual's survival in Belgium is dependent on an identity card.*

*We also believe that trade unions are better equipped to take issues up at a governmental level, and assist migrants with judicial and social matters. Samahan has built a network of lawyers and doctors, and even made special arrangements for undocumented workers with a private medical insurance company. We have achieved a lot through self-help and self-reliance. However, we are also aware that we do have basic rights as workers, as enshrined by the United Nations and ILO. These shared rights mean that we should get to know each other better, join forces and create synergy - at all levels. Last year's General Discussion on Migrant Workers at the ILO Conference was a very important opportunity for this."*

### **Samahan ng mga Manggagawang Pilipino sa Belgium**

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## Switzerland: Success in the canton of Geneva

In the Canton of Geneva, **Switzerland**, the trade unions took a decision at the end of the 1990s to do much more to support the struggle of undocumented migrant workers. **Ismail Türker**, Secretary of the Interprofessional Workers' Union SIT (Syndicat Interprofessionnel des Travailleurs et Travailleuses) in Geneva, explains the campaign and the considerable successes it has led to.

*"We estimate that in the 1970s there were just several thousand domestic workers in Switzerland. Today, based on census data, we think there are some 100,000. In the Canton of Geneva alone, with a population of 410,000 inhabitants, a recent study by Prof. Flückiger of the University of Geneva assessed there were 9,250 full-time equivalent domestic jobs out of a total of 217,000 employed in 2004. This makes domestic services the fifth most important economic sector in the Canton.*

*Out of the 9,250 full-time equivalents, however, only 1,500 people were declared by their employers for social insurance purposes. We have calculated that some 4-5,000 are undocumented workers. So, the domestic work sector is at the heart of the problem of undeclared and undocumented labour.*

*The SIT had been interested in this question for some thirty years, but we kept coming up against obstacles in dealing with it. Who exactly are the employers? Who are the employees? As far as we are concerned, the whole domestic work sector is 'in the shadows'.*

*This is not in any way to confuse it with criminal work. Much legal work is being done by undocumented workers. There is also a lot of legal work being done by workers who are documented but they do it 'on the side', i.e. work that is voluntarily undeclared. Our term for this is 'black work' (travail au noir). In Switzerland, perhaps unlike other countries, we also have some undocumented workers paying taxes and social insurance contributions. They have no permit to work, but the State takes taxes from them! Our term for this is 'grey work' (travail au gris). This is why we have the slogan: 'One Job - One Permit to Stay!'*

*The workers concerned are extremely vulnerable and we have to be careful how we intervene on their behalf. 90% are immigrants, and 90% are women; 10% comprise men who do such jobs as gardening. They are generally not organised and do not know their rights, and so employers have the freedom to exploit them - in both their working and living conditions.*

*Those without documentation are in the worst situation. Everyone knows these jobs are done by workers without protection - they are in my doctor's house, in my hairdresser's house, in my trade union leader's house, in my own house. They have no legal status. The employer simply employs someone, unofficially. Even the authorities know what is going on. It is close to slavery, in a post industrial society.*

*So, for the past five years, we in the SIT in Geneva have been very active in trying to find solutions. We tried to collect information on the employers, but they are largely 'underground', undocumented as employers, and uncounted. They are in all social categories, Swiss citizens and those from other countries. They may be single-parent households. They may be older people who do not wish to or cannot go into an old people's home because of a shortage of spaces, and so they remain in their own homes and turn to people without work permits. It is very difficult to create an employers' organisation out of such a diverse population with whom the unions can reach a collective agreement. It is also difficult to group the workers. They come from many language groups and cultures. They have numerous workplaces. They work long hours - often 60-70 hours a week, seven days a week. Their wage levels are rarely respected. There are many reports of forced labour and abuse.*

*We decided that this is a special economic sector which has its own needs. So, twice a week the SIT has a place where any undocumented workers can come for advice and help. Here we welcome those who are lacking any defence and try to help defend them. We do not ask them to become SIT members. We provide information on their rights and they can express their difficulties. Each one is given the opportunity to know that their rights will be defended, for example against police action to expel them. We encourage those who are undocumented but paying taxes to register themselves. Where employers are violating minimum standards, we take their cases to the industrial tribunal. We have recouped*

*more than a million Swiss francs in back pay, holidays, extra hours, etc., and obliged employers to declare their workers to the social insurance authorities.*

*But we also have to help to develop a collective logic and strength by building solidarity. This is not a personalised situation to be taken up only on a case-by-case basis. It is a general one which must be dealt with collectively. We do this through regular meetings and we have even had meetings that have attracted 1,500 people, virtually all undocumented workers. Each one has been invited to open up a dossier on their experiences. Through this we have built up data and statistics.*

*We have also combined together within the Support Collective for Undocumented Workers (Collective de Soutien aux Sans-Papiers) which groups together trade unions, NGOs, church bodies, women's groups, lawyers, left-wing political parties, and so on. This has put significant pressure on the Canton authorities, and they have been forced to take notice of the significance of clandestine work.*

*As a result, the Canton is now obliging any employers of domestic workers to conform to minimum working conditions laid down in a Model Contract (Contrat Type). It includes working hours, holidays, wages, sick pay, and so on. Plus the Canton authorities have brought in a service voucher system which makes it easier for employers to conform to the system. Also they have made approaches to the federal government for permits to stay and work for undocumented workers. And we have seen an end to forced expulsions. So, after five years of action, we have had some considerable successes.*

*It is worth mentioning too that since the mid-1980s, all undocumented workers have access to care and education services. For example, there is a roving health service which takes care of anyone who is in a precarious situation, documented or not.*

*When it comes to each individual's migration status, those without papers must battle for themselves, but we provide all possible means so that they can take up their cases. We cannot provide any guarantees against expulsion, however, and so we cannot assure them of the ultimate defence of their rights.*

*To oversee the union's policies with regard to the campaign and immigration matters in general, we have created an SIT Immigration Committee.*

*Once this sector leaves the shadows, we can make more progress. The Canton of Geneva has had to recognise domestic work as an important economic sector. The trade union movement has come to recognise that, although this is not our usual sphere of activity, we must bring this sector into the day-light.*

*Without protection, these people are in totally precarious situation. We must do away with the hypocrisy that exists, and ensure that the domestic work sector is a recognised economic sector with work and stay permits that are linked.*

*And we also say that 'One Permit = Social Rights'. For this is also a struggle for social insurance and collective public resources. In Geneva alone, the public purse loses some 38 million Swiss francs a year from undeclared work in the domestic sector. There must be rule of law that allows workers in this sector to defend their dignity. Without this, slavery triumphs over trade union rights."*

**[www.sit-syndicat.ch](http://www.sit-syndicat.ch) and [www.sans-papiers.ch/geneve](http://www.sans-papiers.ch/geneve)**

## Italy: Special action in Turin

In Italy it is estimated that nine out of ten of the estimated million domestic workers are immigrants. For decades, the only way into Italy was via a work permit for domestic work. Many others came in undocumented and became legalised over time. Many remain undocumented.

**Carolina Cardenas** is originally from Peru and considers herself very lucky to have been able to enter Italy with a permit. She works as an adviser to the CGIL trade union confederation on the immigrants' help desk of the city of Turin. She speaks about their activities to promote the rights of migrant domestic workers in the city.

*“Unlike elsewhere in Italy, there is strong organisation among migrant domestic workers in Turin. Some 35,000 domestic workers are estimated to work in the city, of whom about 90% are immigrants, the majority women, and mostly of good educational background.*

*For a long time, the migrant workers have received support from voluntary Catholic organisations as well as secular ones, and over time they have formed their own associations. Today 35 migrant workers' groups have joined together with trade unions and the local authority in the city to form what is known as the ‘Turin Platform’.*

*The Platform provides an information point for the migrant workers, a place to answer their queries on a range of issues. They can also get work placements through the Platform. In fact, more get work this way than through the official jobs service.*

*However, we have noticed a recent decline in the use of our services. Many workers are on three-month contracts and have problems with their residence permits. It is so limited where and when they can go to regularise their contracts. Or, in some cases where they do have contracts, their family employers do not respect those contracts. Also the migrant workers ask for things which the unions cannot always get for them, for example their holiday rights or the 13th month bonus. It is a very complicated situation.*

*The unions concentrated on getting employment contracts for the migrant workers and the terms of those contracts. But the workers have a much greater range of issues to answer, for example whether or not they will get accommodation, or the extent to which they are dependent on the employer, or their job security - they can very quickly lose their job even after many years working in it - and of course discrimination and lack of recognition for their high educational levels.*

*In fact, many employers are pensioners who are also union members. So, within the unions themselves, many issues concerning domestic workers are not easy to handle.*

*The CGIL approach has changed over time. From the early 1990s, we recognised that many migrant workers do not want to be working as domestic workers, and we tried to help them move into formal employment. In the first project, working with an organisation called AlmaLavoro whose aim was the social inclusion of women domestic workers, we succeeded in getting twelve migrant women workers trained and taken into jobs in banks. This led to further discussions with the local authorities and we developed further projects with various companies to take on migrant women workers. Gradually we were able to create synergy with migrant workers' groups, local government offices, and other unions (some of whom were hostile at first).*

*We believed it to be a good thing to help shift migrant women into formal employment. However, we found that companies would not automatically employ them unless we put them forward. We wanted to see a more spontaneous take-up by employers, but it did not happen. Indeed, only 50 in total were taken on through these projects whereas there are 35,000 migrant domestic workers in the city.*

*So, now we realise that we need to focus on the domestic work itself. We are discussing how to raise its profile, to gather more understanding for the significance of this work of looking after our children and elderly. It needs professional recognition, but also we need to improve wages and access to social provision, to improve the quality of these workers' lives. This means looking at political choices that have so far not been made in Italy.”*

## **'Beyond Borders'**

Beyond Borders is an association in Italy that was formed in 1989 by the CISL but is independent of the union federation. According to **Liliana Ocmin Alvarez** of Beyond Borders, the union felt it necessary to create a special body to provide services for migrant workers, and to raise awareness among them about unions in Italy. She says:

*"There is a lot more that we can and should do, but in 16 years the organisation has matured and borne fruit. We have raised awareness; offered access to union services; run multicultural education sessions for Italian and migrant workers; and so on.*

*We hope one day there will be no need for such an organisation and that migrant workers will have full representation within the union, but today we are still in that process."*



## **Ireland: A new union focus on migrant domestic workers**

For the trade unions in Ireland, engagement with the problems faced by migrant domestic workers in the country is relatively new. **Esther Lynch**, Legislation and Public Affairs Officer of the **Irish Congress of Trade Unions (ICTU)**, describes how the federation became involved, and how this has raised some difficult issues for trade unionists who are themselves employers of domestic workers.

*“The ICTU only started committing resources to this question in 2004. So we have not yet done as much as some others, and we still have more questions than answers.*

*The ICTU met with the Migrants Rights Centre in Dublin and they told us about the level of abuse they were finding. We could not offer her any solutions and in fact we found some resistance at government level and even within the unions to the idea that there are migrant domestic workers in Ireland. So we asked the Centre to begin documenting cases. They soon set out twenty cases describing the everyday reality for domestic workers in Ireland.*

*This led them to ask me what happens if it is union members who are employing migrant domestic workers. How are unions to bring integrity to this question? Perhaps one way to find employers is indeed to look inside the unions. Many years ago, I used to be an employer of a domestic worker. When my son was ten years old, I gave a woman money every week to look after him after school and cook his dinner. I paid her but I did not have any insurance cover in case she had an accident at work.*

*There is a need to distinguish, then, between those who knowingly and deliberately exploit others on the one hand, and those who merely think they are ‘doing someone a favour’, on the other. And we must have this dialogue within the unions.*

*In the Centre’s study, in many of the cases, they found that it gives an employer status to employ a domestic worker. The workers are given uniforms to wear; they are sent to neighbour’s houses as a way of showing them off. It makes for angry reading. The worst is actually where people are treated as if they are ‘a member of the family’. In Ireland there is a reluctance to accept domestic workers as workers.*

*So, we want to establish the practice of work contracts. The ICTU is publishing a model contract which sets out what domestic workers have told us they want:*

- > A maximum set for deductions for board and lodging*
- > Maximum hours of work (even if this makes it difficult to fit in all the tasks demanded)*
- > No deductions for breakages*
- > Tax and social insurance deductions to be made (though, as the administrative hurdles are high, perhaps there should be an intermediary standard)*
- > Privacy rights.*

*We also intend to build the capacity of the unions. The challenging question, though, is: **why would a domestic worker want to pay money to join a union when the reason they are working in Ireland is to send as much money home as possible?***

*Perhaps we have to return to our roots and remember where we came from. We should provide support for those who are fleeing from abuse. We need to consider practical initiatives that we can take, such as setting up a safe house.*

*We perhaps ought to consider calling for an amnesty for undocumented workers. The Irish unions have never yet supported such a move. However, if it has worked elsewhere, we need this information for us to consider.*

*So, the campaign has got underway. Our campaign document ‘Promoting the Rights and Dignity of Domestic Workers in Ireland’ sets out the ICTU demands for improvements to the employment standards for domestic workers. We are following this up with awareness-raising among the members of the ICTU as well as a new information pamphlet for domestic workers about their rights.*

*This subject reminds us why we joined trade unions, to stand up for workers whose rights are not being respected. Our union members are saying 'Yes, we do want to take part in this' and we are gathering a head of steam."*

[www.ictu.ie](http://www.ictu.ie)

**'Homes and Workplaces: The rights of domestic workers'**

ICTU, Dublin, Ireland, July 2005 (in English and French) [www.ictu.ie/html/publications/ictu/domestic\\_english.pdf](http://www.ictu.ie/html/publications/ictu/domestic_english.pdf)

**'Private Homes: A Public Concern: The experience of twenty migrant women employed in the private home in Ireland'**

Migrant Rights Centre, Dublin, Ireland, December 2004

[www.mrci.ie](http://www.mrci.ie)

## Joint Labour Committee for Domestic Workers

In December 2004, the Irish Congress of Trade Unions asked the Minister for Labour Affairs to set up a **Joint Labour Committee (JLC) for Domestic Workers** which would establish the minimum rates of pay and working conditions for domestic workers.

The Irish Industrial Relations Acts provide that Joint Labour Committees may be set up by the Labour Court, on application of the Minister for Enterprise, Trade and Employment. The establishment of a JLC does not require the prior approval of any employers' organisation. JLCs normally operate in areas where collective bargaining is not well established.

The main areas to be set out in such a JLC for domestic workers or 'workers in the private home' are:

- Rates of pay
- Calculation of working time (on call and adequate breaks)
- Holidays
- Maximum deduction from wages for room and board
- Minimum facilities (sleeping and living quarters)
- Minimum notice periods

The ICTU asked for special attention to be paid to ensuring enforcement because, in the particular case of domestic work, the place of work is also a private home.

The ICTU also called on the Government to allow **work permits** to be issued **specifically for domestic workers**. They proposed too an amendment to the Employment Permits Bill 2005 to allow for:

- the refusal of employment permits where the wages or conditions proposed are below those set out in employment regulation orders (EROs) and registered employment agreements (ERAs):
- the preparation and establishment of (Statutory) Codes of Practice/Conduct.

Such an amendment would bring existing statutory employment rights into the context of the private home.

## **UK: “We found out what they wanted”**

In the UK, the **Transport and General Workers’ Union (T&G)** has developed strong links with migrant workers’ groups. **Diana Holland**, National Organiser for Women, Race and Equalities, describes how the union has discovered what support it can best give by asking the workers, and also how much it has gained from the relationship.

*“I first became involved in these issues when I was a regional union official in London and the South-East of England with responsibility for women and equality issues. I then took them with me when I became a national officer in the early 1990s.*

*Migrant workers in the UK had already organised themselves during the 1980s, building such associations as Kalayaan, an organisation of migrant domestic workers, and Waling-Waling for undocumented workers. There were also church links. One Sunday in 1990, they invited the T&G to a major social event where there were plays, songs and presentations which showed the terrible situation they were in. I was asked what the T&G would do to help, and I pledged to do all I could, personally and through the T&G.*

*We knew what the problems were as a result of Kalayaan’s research (see Section 1 of this report). But what help the union could provide was not obvious. Thinking strategically about individual workers within households was not top of the union list of priorities. Many of the workers had left abusive employers and so had become undocumented. There was no formal employers’ body. Domestic workers were not covered by existing employment laws.*

*But it was also important to find out what the migrant domestic workers wanted from the union, rather than to presume. We found out that they wanted:*

- > *A union card; this helped to give them an identity and status; for some, the card was the only document they had in the UK with their name on it, and this was worth a lot to them.*
- > *An opportunity to tell their story to many more people.*
- > *To benefit from the louder voice of a large trade union that is linked to the whole labour movement, including the Labour Party and a future government.*

*Working with Kalayaan and Waling-Waling, some 600 migrant domestic workers joined the T&G. We campaigned with the Labour Party in opposition. For example, we held fringe meetings at the annual Party conference, chaired by a range of union people. I remember, for example, the Chair of a T&G Regional Committee who was a victimised docker breaking down in tears when he heard the stories. Our then General Secretary was Bill Morris, originally from Jamaica, and he was very sympathetic. We built personal contacts and relationships. Labour MPs and Shadow Ministers committed themselves; we had it on tape and in transcripts to remind them later of their pledges.*

*Until 1979 in the UK, work permits were granted directly to migrant domestic workers. In 1980, the Conservative Government introduced a Concession which was outside the immigration rules: domestic workers could be brought in to work but they had no status as a worker. So they had no opportunity to change their employer if they experienced abuse. This directly led to them being in a state of ‘slavery’. After the Labour Government was elected in May 1997, the status of migrant domestic workers was restored in July 1998. A big thanksgiving ceremony was held. As one T&G officer later said:*

***‘I would say that the legal rights issue has given domestic workers more confidence to challenge their employers.’***

*But of course they continued to look to the union for support. So the T&G:*

- > *Spoke at the Sunday afternoon meetings of migrant domestic workers; sometimes hundreds would attend and it was very inspiring.*
- > *Arranged trade union education sessions.*
- > *Translated leaflets about union membership.*
- > *Produced model contracts (which the domestic workers said they wanted rather than information leaflets)*
- > *Provided rooms and food for events.*

- > Arranged for migrant domestic workers to speak out at European and international trade union movement events.
- > Jointly lobbied new Labour Ministers, providing the migrant workers with that extra opportunity to state their case.

*We also told migrant workers that they could be more forceful in their demands. We urged them to shout out that these things must not happen. But it is hard for people who have been made 'illegal'. So we do take up individual cases. For one member, we won an award worth 50,000 Euros.*

*Meanwhile, we campaign on such issues as the Minimum Wage regulations, and the Working Time regulations to get paid holiday leave for domestic workers. We have also incorporated migrant domestic workers into our 'Union Learning Representatives' scheme, and ten have been presented with 'Learning Reps' certificates.*

*The most important factors identified by Kalayaan members as helping their situation are:*

- > Having a strong organisation of migrant domestic workers.
- > Highlighting the issue in the EU Parliament.
- > Documenting the abuses suffered.
- > Providing an effective support service for domestic workers in need.
- > Having a close and consistent working relationship with a strong trade union.

*It is also very important to recognise **what the union has gained** from being involved in these issues:*

- > The benefit of a campaign victory - to the morale of all at a time when unions are often suffering losses.
- > The political significance of activities that are visibly led by women and ethnic minority members, the T&G Women's Committee and the Women's Officer.
- > New members.
- > Stronger community links.
- > Stronger European and international links.
- > The opportunity to end terrible abuse.

*In sum, at a time when morale can be low, the engagement of the T&G in support of migrant domestic workers has been an inspiration to many in the union in Britain."*

[www.tgwu.org.uk](http://www.tgwu.org.uk)

## A Charter of Rights for Migrant Domestic Workers in Europe

In 1999, **RESPECT**, a network of migrant domestic workers' organisations and supporters, produced a 'Charter of Rights for Migrant Domestic Workers in Europe'. This says:

*"Domestic work in private households is important to European family life, to European economies and to European support systems.*

*It is demanding work, which requires a variety of skills and is often done by women who have migrated to Europe.*

*Many have left their families and children in an attempt to find a way out of poverty.*

*Migrant domestic workers are part of the fabric of European society.  
Their dignity and their rights as people and workers must be protected."*

The full text of the Charter can be found at: [www.solidar.org/Document.asp?DocID=162&tod=42958](http://www.solidar.org/Document.asp?DocID=162&tod=42958)

### **"They cannot get out from the dark without you"**

**Clifton Pascua** is Chair of the **Grand Ilocandia**, a Filipino migrant workers' organisation in **Belgium**. In a hard-hitting statement to the conference, he urged a much stronger response by the European trade union movement against the modern-day 'slavery' that is the lot of most Third World migrant domestic workers in Europe.

*"Excluding to some extent the presentations from the UK and Belgium, all that we heard are mostly restrictions - inability to do this, impossible to do that. After all the colonial banditries of stealing the resources of our countries, with all due respect, until we see concrete and political recognition for the domestic workers here in Europe, I call it a sham.*

*We all heard the story of Raquel. Some wept for her predicament. Her story is almost the same for almost all Third World migrant workers. We come here to your countries to share the benefits of the riches you stole from us centuries ago. We are here being enslaved to get our meagre share of the benefits your multinational companies are now bleeding out from our helpless economies.*

*If the trade unions would really like to help these people, then let us do it without any reservation. Let us not look for their weaknesses - their deficiencies. You are the only lobbying body that can represent them to the government. They cannot do it alone. They cannot get out from the dark without you.*

*And by doing so, you will also help to bring Europe out of the grips of this medieval hypocrisy - for, whether you like it or not, you still need a domestic worker to look after your dogs and cats that you care so much about."*

## Discussion

### → **What are the best ways for unions to reach out to migrant domestic workers, including 'undocumented' ones?**

It is important to recognise that many who are employed in domestic work are unfamiliar with what unions are and can do, says Bridget Anderson from Oxford University, UK. She also advises that it is necessary to be more creative and 'fun' than is usual with union meetings. If workers have only one day off then they do not want to sit in meetings. Migrant workers' groups such as Kalayaan in the UK make progress through such activities as drama and social get-togethers, in her experience.

*"It would be progress if unions in many countries would simply speak out clearly that 'this is not acceptable' and enter into a dialogue with migrant workers. Migrant workers are actually at the centre of seeking solutions to the problems they face, and it is very important to recognise this."*

**Brid Brennan, Transnationals Institute, Netherlands**

### → **What services and protection can unions offer migrant domestic workers?**

Obviously, unions are good at providing employment information. However, access to advice on immigration regulations, gaining documentation, etc. is also essential for migrant workers. There is still debate within unions about to what extent and how to do this.

*"There is a dilemma when trying to help 'illegal' workers. We can fight for their unpaid wages, take cases to court, etc., even when they are not union members. But then they are exposed and will be expelled. Sometimes workers from, say, Poland, will take a decision to fight in the courts and then go home. But we cannot take this route when they themselves do not want to be sent home."*

**Kirsten Moller, United Federation of Danish Workers (3F)**

*"In France we have serious cases of police action against undocumented workers, and this does not solve the problem. "Illegal" workers are concentrated in the big cities and they get expelled. So our efforts are to help people obtain documents and we have established legal aid offices for this purpose. Then after a period of time they can regularise their own situation."*

**Jean Marc Olivier, CGT, France**

As well as concrete advice and information, trade unionists can help to make the issues public through joint campaigns and publicity-raising. They can also offer less tangible forms of solidarity that make a huge difference to migrant workers' well-being.

*"Taking up employment disputes can be done, but most important is psychological support. For example, even symbolic membership of unions can boost the morale of migrant workers."*

**Carolina Cardenas, CGIL, Italy**

*"Many migrant workers are highly educated but their qualifications are not recognised and so they are forced to work in low-skilled jobs. We need to turn their foreign diplomas into diplomas which are recognised in our countries. We must challenge stereotyping and build respect for each other's cultures."*

**Anneli Palm, LO, Sweden**

Many domestic workers are brought in by foreign diplomats who enjoy special immunities from the law. These workers are in a particularly difficult situation. Trade unions could lobby governments to have the international diplomatic protocols changed to end immunity for bad employment practices.

### → **What changes are necessary in union organisation, strategy and policy?**

Many unions are used to having long-term, even lifetime, members who are mostly drawn from a permanent workforce in large workplaces. They are used to negotiating with large companies or employers' associations. For them, organising domestic workers, especially undocumented migrant workers, is particularly challenging. New structures and a change in thinking may be necessary in order to recruit a shifting population of migrant workers.

Some unions may need to do more awareness-raising among their own members about the distinction between 'undocumented' workers and 'illegal work'. There are many 'undocumented' workers who do not have the right immigration status but are carrying out legitimate, and indeed vital, work in our communities.

*"You have to get used to having 500 new members this year, of whom only ten remain next year because the rest have moved or left the country. Their employers are large numbers of individual people, who are elderly or sick or one-parent families. It throws up many questions about how unions represent these kinds of workers, and we have to find creative solutions."*

**Carolina Cardenas, CGIL, Italy**

*"I have been a trade unionist since the beginning of my working life, mostly working on a voluntary basis. I think there's a need to change the culture within the trade unions. The situation has changed. Industrial sectors are declining but the majority of union members are still from these sectors. We should address ourselves more to workers who need more help, even if these new members contribute little, in terms of money, to the organisation. Trade unions also have to rethink how to distribute scarce resources. We attract people when we share ideas."*

**Karin Pape, WIEGO (Women in the Informal Economy, Globalising and Organising) and Global Labour Institute, Geneva**

### → **How can unions benefit from alliances with migrant workers' groups and other social NGOs?**

A number of conference participants said that unions have to be prepared to see this as investment and cannot expect to get back in materials terms what is put in, especially in the short-term. Rather, as the examples from Switzerland, Italy and the UK show, trade unions can benefit from a renewed energy and momentum that is created when by the political clout of unions meets the creativity of migrant workers' associations. The benefit can, as in the British case, be re-invigorated activities and a boost to morale that comes from successfully supporting the most vulnerable workers.

#### **Migration: Here to stay**

*"One thing is certain: migration is here to stay. Yet unions are in the rearguard on migration. Unions tend to have rigid structures and find it difficult to think of creative ways to get in touch with workers outside big workplaces. And there is racism within our ranks, just as there is sexism. Even within migrant workers' associations there can be racism between different groups. This must be part of our education programmes."*

*There are good examples on which to draw. The AFL-CIO union centre in the USA did a 180 degree about-turn in their policy on Mexican migrant workers and actually strengthened their unions in the process.*

*'Like Organises Like': I am a Filipina and so I organise Filipinas. We have to find places in our structures for this, while not putting migrant workers into a ghetto in our unions. The key is solidarity through alliance-building and trade union/community organising."*

**Elsa Ramos, Director of Equality and Youth, ICFTU**

# 4

## Towards an international regulatory framework for domestic workers

This Section looks at the various initiatives at global and European levels to develop policies and regulatory frameworks to provide domestic workers with basic protection. It starts with the International Labour Organisation (ILO) which put the issue of domestic work onto its agenda as early as 1951. The ILO is a tripartite body in which the trade unions play an important role in setting the agenda and can bring issues forward. So there is good scope for further action.

The European Commission and the European Parliament have also addressed the issue of domestic workers, both in the context of employment policies and combatting undeclared labour, as well as gender and migration policies. Recently too, the Council of Europe has developed some very useful recommendations. However, it seems clear that the European institutions and Member States need to be convinced of the need for urgent action.

### The ILO and domestic work

For four decades, the **International Labour Organisation (ILO)** has been looking at how to strengthen domestic workers' rights without so far reaching any common policy or developing a specific international Convention. There has been considerable research on legislative provisions in member countries, and statements made by the ILO Committee of Experts. There have been workshops, largely focussing on developing countries and protection from the worst forms of abuse such as forced labour trafficking and child labour. These activities have come up with many recommendations that need the support of trade unions in 'receiving' countries as well as 'sending' countries, as **Gloria Moreno-Fontes Chammartin** from the **International Migration Programme (MIGRANT)** of the ILO explains.

*"In 1965, the ILO passed a Resolution concerning the Conditions of Employment of Domestic Workers. Member States were urged to introduce 'protective measures' and workers' training wherever practicable, in accordance with international labour standards. The ILO recognised that this protection needed to cover in-country as well as foreign domestic workers. There were discussions about producing a Convention, and the 1965 Resolution called for further research with that in mind. That same year an ILO survey stated that domestic workers were "particularly devoid of legal and social protection", "singularly subject to exploitation" and that their "legitimate interests and welfare had long been neglected in most countries".*

*However, there has never been enough support for the adoption of a Convention specifically to protect the rights of domestic workers, and it was not until 1996 that the ILO commissioned a new report: 'Making Domestic Work Visible: the case for specific regulation' by Adelle Blackett. This showed that much domestic work is performed by women workers who are internal or international migrants, and that most women domestic workers remain excluded from the scope of labour legislation.*

*Domestic workers' employment situation is considered not to 'fit' the general framework of existing employment laws. This is because most work done by them is generally invisible, done in houses (not considered as workplaces) of private persons (not considered as employers). So, domestic workers are not normally considered as employees, their work is undervalued, and their working conditions remain, in essence, unregulated. In fact, some countries not only do not*

#### **The ILO's legal definition of a domestic worker:**

**"[a] wage-earner working in a [private] household, under whatever method and period of remuneration, who maybe employed by one or several employers who receive no pecuniary gain from this work."**

A domestic worker (household helper or domestic aid) includes any person employed in or about a private residence either wholly or partly in any of the following capacities - cook, house servant, waiter, butler, nurse, baby sitter, personal servant, bar attendant, footman, chauffeur, groom, gardener, launderer or watch keeper.

#### **The status and conditions of employment of domestic workers**

International Labour Organisation, Meeting of Experts, Geneva, 2-6 July 1951, Report, Document MDW/8, paragraph 3



consider household helpers as workers and exclude them from protection under their national labour codes, they do not provide them with protection under any other national law. In some countries they are denied the right to organise in trade unions. This of course leaves them vulnerable to abuse.

Some say that these failures at national and international level may be because many decision-makers are themselves employers of domestic workers. So we certainly need the support of the unions if we are to move forward in the protection of domestic workers.

Since the late-1990s, various parts of the ILO have undertaken a range of activities with regard to domestic workers. A Regional Workshop in the Caribbean in 1997 looked at the status, terms and conditions of work of domestic workers in that region and produced many recommendations. That same year, the ILO supported the publication of two handbooks produced in Manila for Filipino domestic workers going to work in the Middle East.

Research activities in Asia followed, and a regional trade union meeting was held in 1999 which came up with recommendations for unions in countries of origin, such as:

- > Negotiations for internationally recognised standard employment contracts.
- > Lobbying to abolish recruitment fees.
- > Providing migrants with trade union contact names and addresses.
- > Providing referral services for migrants suffering from abuse.

Among their suggestions for unions in receiving countries were:

- > Lobbying for legislation on equal treatment on employment conditions, social security, non-discrimination, etc.
- > Training on the rights of migrant workers.
- > Repeal of any provisions discouraging migrant workers from joining trade unions.
- > Include migrants in collective bargaining agreements.
- > Cooperation in identifying abusive employment agencies.
- > Help to identify those involved in trafficking.
- > Establish migrant workers' rights committees.

In 2002 my own branch of the ILO, MIGRANT, produced studies on migrant domestic workers in four countries of the Middle East, together with the Gender Promotion Programme (GENPROM). GENPROM has also produced an 'Information Guide on Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers' aimed at government officials such as immigration officers, as well as workers' and employers' organisations.

Also in 2002, research by José Maria Ramirez-Machado for the ILO's Conditions of Work Branch (CONDIT) compared the legislation concerning domestic workers in 70 countries (including 11 EU countries). This confirmed that the majority of domestic workers in private households are exposed to adverse conditions of employment and unfair work practices in terms of hours of work, rest periods, and overtime.

In early 2003, the Special Action Programme to Combat Forced Labour (SAP-FL), in conjunction with Anti-Slavery International and the Asian Migrants Centre, held a consultation in Hong Kong which looked at how ILO Standards on forced labour and trafficking can be used to help protect domestic workers. A project is now underway in Indonesia and the Philippines, with some training also in Malaysia and Hong Kong, which includes activities in law and policy, advocacy, research, outreach and capacity-building.

Meanwhile, the International Programme for the Elimination of Child Labour (IPEC) has over 80 Action Programmes on reducing child domestic work in Africa, Asia and Latin America. In September 2005, there will be a workshop with the national trade unions of the Mercosur and Andean countries of Latin America.

It is important to recognise how important labour market demand in the receiving countries is for foreign domestic workers. There are a number of factors behind this growth. We have not been able to achieve gender equality in domestic work in the home. In many countries, the domestic sector has been abandoned by nationals who are in any case not sufficient in number to do the work. Lower public expenditure means that there are not enough crèches, old-age homes, or places for people with disabilities. So, the industrialised and middle-income countries in particular are relying more and more on migrant domestic workers.

Women migrant domestic workers suffer from three levels of discrimination:

- > As women workers.
- > As undocumented workers - many Western European countries, for example, have closed their doors to regulated migrant worker programmes except for some quotas for agricultural or construction workers; this means that, except for nurses, there are more possibilities for male migrant workers to be documented than for women.
- > As a special category of worker, working within a household that no labour inspector or any other service can monitor.

Policies adopted can really make a difference to the situation of women migrant workers. Some countries, like Italy and Spain, accept that they have a real demand for this labour and have brought in regularisation schemes and/or annual quotas for migrants to work in this sector. Some other countries are ignoring the situation or hypocritically closing their eyes to the reality in their labour markets.

Where there are no regularisation schemes, there can be great human or social costs, such as long-term separation from their families, poverty wages, and abusive and exploitative work situations. Workers accepted into a regulated labour market, on the other hand, can visit their families regularly and send a larger share of money home. They can earn proper wages, get social security and save better, perhaps to start their own business or buy a house back home.

In this regard, there exist very valuable **policy and legislative recommendations for the governments in receiving countries:**

**Immigration policy:** recognise the labour market demand for domestic workers and open up legal channels for the migration of these workers; forbid the withholding of identity documents; increase the ability of domestic workers who experience abuse to change their employers without facing imprisonment/deportation.

**Employment legislation:** ensure that the national labour code provides the same rights and protection to domestic workers as to any other worker, and does not include any discriminatory clauses; establish some kind of monitoring of working conditions in the workplace, even though this is very difficult (see box 'Labour Inspection in Private Homes'); enforce prosecution of recruitment agents and employers/sponsors who violate their contractual obligations to workers and/or commit abuse.

As a **minimum**, domestic workers should have legal protection on:

- Clearly defined daily hours of work and rest periods.
- Clear-cut standards on night-work and overtime, including adequate compensation.
- Clearly defined weekly rest and leave periods.
- At least minimum wage levels, and payment of wages.
- Standards on termination of employment.
- Social security protection.

## Labour Inspection in Private Homes?

"Normally, labour inspection regulations of general application are, unless otherwise stated by the law, also applicable to domestic workers. However, two fundamental rights collide here: namely, the right and the duty of the State to protect the basic labour rights of domestic workers through the supervisory function of labour inspection, and the employers' basic right to the protection of their privacy and that of their families.

In Vietnam, where the law specifically applies to domestic workers, the Labour Code states that 'inspectors shall be empowered to inspect and investigate any place liable to inspection within their competence, at any time without advance notice'. However, without a complaint by one of the parties, or eventually a third party (i.e. a neighbour), it is unrealistic to imagine labour inspectors supervising in a systematic way hundreds or thousands of private homes."

From: **'Domestic Work, Conditions of Work and Employment: A Legal Perspective'** By Jose Maria Ramirez-Machado  
International Labour Organisation, Conditions of Work and Employment Series, No. 7, Geneva, 2003  
[www.ilo.org/public/english/protection/condtrav/publ/7cwe.htm](http://www.ilo.org/public/english/protection/condtrav/publ/7cwe.htm)

## ILO Conventions and Domestic Workers

It is important to re-state that **all fundamental ILO Conventions** - on freedom of association and collective bargaining, freedom from forced labour, the worst forms of child labour, and from discrimination, and the right to equal remuneration, etc. - **apply to domestic workers, irrespective of their migration status.**

Also applying to domestic workers:

### ILO Conventions on migrant labour:

- Migration for Employment (Revised) Convention No.97 (1949)
- Equality of Treatment (Social Security) Convention No.118 (1962)
- Migrant Workers (Supplementary Provisions) Convention No.143 (1975)
- Maintenance of Social Security Rights Convention No.157 (1982)
- Private Employment Agencies Convention No.181 (1997)

### ILO Conventions on occupational safety and health, equality, conditions of work, etc:

- Forty-Hour Week Convention No.47 (1935)
- Protection of Wages Convention No.95 (1949)
- Employment Injury Benefits Convention No.121 (1964)
- Occupational Safety and Health Convention No.155 (1981)
- Workers with Family Responsibilities Convention No.156 (1981)
- Termination of Employment Convention No.158 (1982)
- Night Work Convention No.171 (1990)
- Part-Time Work Convention No.175 (1994)
- Maternity Protection Convention No.183 (2000)

### Exclusions

Some of these Conventions (Nos. 171, 181 and 183) allow certain categories of workers to be excluded where a government can argue there are "special problems of a substantial nature".

Also, the Protection of Wages Convention No.95 (1949) allows the explicit exclusion of domestic workers.

Such exclusions can only be done, however, after consultation with workers' and employers' organisations, and the government has to justify the exclusion in its reports to the ILO.

So, trade unions have an important role to play in trying to ensure that domestic workers are **not** excluded from the protection of these Conventions.

### **'Making Domestic Work Visible: the Case for Specific Regulation'**

By Adelle Blackett

International Labour Organisation, Labour Law and Labour Relations Programme Working Paper, No.2, Geneva, 1998

[www.ilo.org/public/english/dialogue/ifpdial/publ/infocus/domestic/1\\_1.htm](http://www.ilo.org/public/english/dialogue/ifpdial/publ/infocus/domestic/1_1.htm)

### **'An Information Guide - Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers'**

International Labour Organisation, Gender Promotion Programme (GENPROM),

[www.ilo.org/public/english/employment/gems/advocacy/protect.htm](http://www.ilo.org/public/english/employment/gems/advocacy/protect.htm)

## European Union: some good initiatives waiting for proper follow up

*“Cleaning ladies are the forgotten workers of our society”*

So said **Miet Smet**, former **MEP** (EPP-ED, Belgium) and former Belgian Minister for Women’s Rights, at a hearing on regulating domestic help in the informal sector organised by the Women’s Rights and Equal Opportunities Committee of the European Parliament in September 2000.

Ms. Smet was due to give an opening address to the ‘Out of the Shadows’ conference but was unfortunately unable to attend, and nor could anyone else from the European Parliament.

On 17 October 2000, Ms. Smet presented her full report on ‘regulating domestic help in the informal sector’ to the European Parliament.

Then, on 30 November 2000, the Parliament adopted a resolution on this issue, calling on the EU and Member States for:

- a European definition of domestic work;
- statistics on undeclared domestic work;
- recognition of this kind of work as an occupation;
- recognition that the domestic sector falls within the scope of existing directives on employment and occupations and should be covered by future guidelines - to be included in the employment guidelines - with a view to establishing European rules on the social rights of workers, the adjustment of supply and demand in the sector, access to training, and co-funding of contributions by public authorities;
- taking due account of the specific work situations and employment relationships of domestic workers, including their isolation and their atypical relationship with their employer when drawing up forms of regulation;
- involving the social partners closely in the development and implementation of guidelines for the domestic sector;
- improving the image and status of domestic work by the setting of minimum standards, notably with regard to maximum working hours and minimum social security coverage, professional training, reception facilities to promote integration, and information campaigns to inform workers and employers concerning their rights and duties;
- structuring the market for domestic work by organising frameworks for businesses and agencies providing domestic services;
- developing social dialogue at sectoral level;
- bringing domestic work within the scope of labour legislation and collective agreements;
- setting up specialised reception centres for female migrant workers who are suffering from abuses, and provide them with assistance to regularise their situation and help with legal actions against their oppressors
- considering possibilities to grant regular work permits for domestic work;
- ink the issuing of visas for domestic employees working for diplomats to a guaranteed minimum level of working conditions.

Unfortunately, there has been no follow up to this valuable work so far, neither by the European Parliament, nor by the European Commission.

However, the conference provided an opportunity to hear how the Commission is currently dealing with undeclared work, by implication including undeclared domestic work, and to review the status of other European instruments which have a bearing on domestic workers’ rights.

### More information:

#### **‘Resolution on regulating domestic help in the informal economy’,**

30 November 2000, EP A5-0301/2000; Official Journal of the EC 13.8.2001, C228/193  
[europa.eu.int/eur-lex/pri/en/oj/dat/2001/c\\_228/c\\_22820010813en01930195.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2001/c_228/c_22820010813en01930195.pdf)

## Transforming undeclared work into regular employment

**Finn Ola Jølstad** from the Directorate General for Employment Social Affairs and Equal Opportunities of the **European Commission** summarises recent developments at the European level on transforming undeclared work into regular employment.

*“Different EU Member States identify ‘undeclared work’ in different ways, and so the Commission set out a working definition in 1998:*

*“Any paid activities that are lawful as regards their nature but not declared to the public authorities.”*

*So, ‘undeclared work’ does not refer either to criminal activities or to work which does not have to be declared according to regulations (‘non-declared work’). What it does cover are:*

- *Undeclared hours as part of a regular job (e.g. ‘envelope’ wages.)*
- *Undeclared secondary jobs done by a regular worker.*
- *An undeclared job, including work of few hours per week/month.*

*By implication, this definition of undeclared work includes the kind of domestic work that ought to be declared to the public authorities.*

*By its very nature, it is difficult to measure undeclared work. A recent study estimated it varies from 1-2% to over 20% of GDP in different Member States, though more research is being done on better ways to measure undeclared work.*

*The sectors where undeclared work is prevalent - agriculture, building and construction, hotels/restaurants, and domestic services - also vary between Member States. The differences are due to the different regulatory environments (tax and social security, labour market, employment, etc.), varying cultural and economic ways of life (including distrust of the State, and cultural acceptance of undeclared work), and the scale of illegal immigration - the supply of undeclared workers.*

*The aim of reducing undeclared work has been an important aspect of the European Employment Strategy since 2001. In a communication on Immigration, Integration and Employment of 3 June 2003, the Commission stressed the need to combat undeclared work and reduce the informal economy with a broad mix of policy instruments. Moreover, according to the 2003/2004 Employment Guidelines, Member States are committed to transform undeclared work into regular employment. Guideline No.9 states:*

*“Member States should develop and implement broad actions and measures to eliminate undeclared work, which combine simplification of the business environment, removing disincentives and providing appropriate incentives in the tax benefits system, improved law enforcement and the application of sanctions. They should undertake the necessary efforts at national and EU level to measure the extent of the problem and progress achieved at national level.”*

*In October 2003, the European Council also adopted a resolution on transforming undeclared work into regular employment. It calls for the Commission to highlight developments in the Member States through the exchange of information and good practice, as well as explore how better to describe and monitor progress in tackling the problems. Trade unions might like to note that the 2003 Council resolution calls for:*

*“the active participation by the social partners, at all stages, from designing policies to their implementation”.*

*Now, this year, following conclusions reached at the European Council meeting of Spring 2005, the Commission is making further proposals for the 2005 Employment Guidelines. Within a broader framework of promoting flexibility combined with employment security and reduced labour market segmentation, the Commission is proposing a text that asks Member States to:*

*“take decisive action to transform undeclared work into regular employment”.*

*The policy framework at the European level also has an impact on how undeclared work is transformed within the EU. The Social Agenda adopted in February 2005 for the next five years includes, for example, a Green Paper on the development of labour law. And as I speak, consultation is closing on another Green Paper on an EU approach to managing economic migration of third country nationals. The Commission will present a policy plan on legal migration by the end of 2005.*

*Meanwhile, the European Economic and Social Committee (which comprises representatives of civil society and has a mandate to advise the Council, Commission and Parliament of the EU) on 7 April 2005 adopted an own-initiative opinion on 'The role of civil society in helping to prevent undeclared work'. This notes that women are often in a vulnerable position when it comes to low-paid, undeclared work. It also refers to the role that social partners and industry can play in spreading information about the negative effects of undeclared work."*

*All this activity at various levels in the EU is leading to some success. Undeclared work is now on the agenda for all Member States and they now have to report each year about the initiatives they are taking. There is a consensus that we need to move more people into regularised, good quality employment where social security systems are maintained. The debate is how and to what extent regulations can help in achieving this."*

#### **'Undeclared Work in an Enlarged Union'**

By Piet Renoy, Staffan Ivarsson, Olga van der Wusten-Gritsai and Emco Meijer,  
European Commission, Directorate General for Employment and Social Affairs, May 2004  
[europa.eu.int/comm/employment\\_social/employment\\_analysis/work\\_enlarg\\_en.htm](http://europa.eu.int/comm/employment_social/employment_analysis/work_enlarg_en.htm)

## Europe: Fragmented elements for legal protection

In the preparation for the conference, **Wiebke Düvel**, a labour law researcher from the European Trade Union Institute (**ETUI-REHS**), examined the legal situation of domestic work at the European level and also in the individual Member States.

As she said, legally, domestic workers in EU countries today are often excluded from the law, or have only special, lower protection. Sometimes, the laws are simply silent on the topic. This legal situation is rooted in the past, when domestic work in households fell under family law, if at all. It has only slowly started to shift to labour law, and there is still a very long way to go.

Domestic workers are often referred to as a workforce which does not know its rights. But do we know what rights they have?

*“The first thing to say is that there is no definition of a domestic worker at European level. Nor is there a common definition throughout the Member States. A definition at the EU level could be useful, depending on the purpose for which it is made. For instance, we have to be cautious about making it too narrow which would exclude many workers. It might even be better to consider including domestic workers in the normal definitions of worker and employee, and focus on lifting current exclusions and restrictions regarding domestic work from Directives and labour law provisions.*

*Some protections that may be applied to domestic workers are found in the following instruments of the Council of Europe:*

- > **European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)**
  - Article 4.1 prohibits slavery and servitude
  - Article 14 prohibits discrimination
- > **European Convention on the Legal Status of Migrant Workers (1977)**
- > **European Agreement on ‘Au Pair’ Placement (1969)**

*Meanwhile European Union Directives in the field of labour/social law:*

- > **Are silent** with regard to domestic workers on issues including parental leave, part-time work, fixed-term work, and non-discrimination; this, however, can be interpreted as meaning that they are covered as long as they are considered to be workers or employees as defined in the Directive and/or by Member States;
- > **Exclude** domestic workers from the scope of all Health and Safety Directives and the Working Time Directive, because Framework Directive 89/391 Article 3 a) states that a worker is ‘any person employed by an employer, including trainees and apprentices **but excluding domestic servants**’.

*Therefore, there is certainly a need to do more work at the European level to improve the explicit protection of domestic workers.*

*Some progress was made when the Council of Europe issued Recommendation 1663 (2004) on Domestic Slavery: Servitude, au pairs and mail order brides and called for a Charter of Rights for domestic workers, including:*

- > Recognition as ‘real work’ with full employment rights
- > A legally enforceable contract of employment
- > Health Insurance
- > Right to family life
- > Leisure and personal time
- > Immigration status independent of any employer.

*Although this is only a Recommendation and does not lead to legally binding legislation, it can be used in further action, for example to encourage Member States to bring in new or better legislation. The Council of Europe has already adopted recommendations and made reports and opinions on domestic slavery (see Recommendation 1523 - 2001).”*

**Catelene Passchier** of the **ETUC** commented:

*"The ETUC has asked for non-standard forms of work (at EU level often called 'atypical' forms of work), including domestic work, to be included in the debate that started during the Dutch presidency of the EU in 2004, and will be continued in 2006 on the basis of a Green Paper of the European Commission on the future of labour law. The Commission has announced that it wants to review the essential elements of the systems of labour law and collective agreements to make sure that they are relevant to the modern organisation of work. In the view of the ETUC, it will be important to include the protection of new groups of workers who at the moment are often outside the scope of labour law or collective agreements. However, we have not heard yet whether or not the Commission will take this up.*

*Another important moment to discuss how to ensure that labour law covers all forms of economically dependent labour, such as domestic work, will occur during the International Labour Conference of 2006, when a draft Recommendation on 'The scope of the employment relationship' is on the agenda. It is also important that we ensure that the debates at EU level and in the ILO are linked to each other, to prevent re-inventing the wheel ...*

*It is clear that the issue of domestic work and how to provide appropriate protection to domestic workers has to be taken up in various different debates. For instance, in our response to the European Commission's Green Paper on an EU approach to managing economic migration, we pointed out that it did not show any gender perspective and was lacking any reference to the growth of women's economic migration and the work that they do in public healthcare, nursing homes or private households, providing care for children, the sick and the elderly. Nor did the Green Paper include any references to the perspective of migrant workers and their families themselves, their rights, needs or wishes. We demanded a more pro-active approach, and listed the most important elements of such an approach.*

*Also, when responding to the European Commission's Green Paper on demographic change, the ETUC pointed, among other things, to the need to develop a quality perspective to women's employment, the need to develop policies for the reconciliation of work and family life, and the importance of developing care infrastructures for the care of children, the sick and the elderly, and to develop innovative ways of providing essential household services.*

*Another opportunity to discuss the issue of domestic work is within the framework of the European social dialogue, where we recently started to discuss with employers at European level possible actions to combat undeclared labour.*

*It is important to note that these discussions are taking place in different Directorate Generals of the Commission. But we cannot deal with domestic work or migrant women providing these services as separate from employment policies, or gender policies, or migration policies. These discussions must be brought together.*

*Moreover, it is not enough for the EC to report neutrally on the different systems in Member States. We need the EC actively to promote some solutions as better than others - for example, the public provision of care and household services, and the better quality of women's employment it entails found in the Nordic countries. However, if the Commission will not do it, then the trade unions should, and this is a challenge for the ETUC."*

## **More Information**

### **ETUC Response to the Commission's Green Paper on a EU approach to managing economic migration, COM (2004) 811 final. Towards a pro-active EU policy on migration and integration,**

Resolution adopted by the ETUC Executive Committee, Brussels, 15-16 March 2005  
[www.etuc.org/a/1159](http://www.etuc.org/a/1159)

### **Confronting demographic change: a new solidarity between the generations.**

#### **ETUC contribution to the debate started by the Commission's Green Paper on demographic change.**

Resolution adopted by the ETUC Executive Committee, Brussels, 14-15 June 2005  
[www.etuc.org/a/1427](http://www.etuc.org/a/1427)



# 5

## Suggestions for trade union action

The conference did not draw up and approve a set of recommendations for ETUC work on the rights of domestic workers in Europe. However, throughout the conference and in working groups, participants were encouraged to come up with suggestions for action which the ETUC and their own national unions can undertake.

### • ETUC

- > Help to build a vision for a better Europe, stating clearly that it is not acceptable to have such a large group of vulnerable workers in the European Union whose rights are not respected.

*“We should be saying what kind of society we would like to see in 20-30 years’ time. We want a social contract between citizens and government - we supply their money through our taxes and so we are entitled to say what we expect from them. The State tends to say what it can and cannot afford. Employers do the same. We have to say what are our priorities, that this is not an issue of cost but of investment for the future.”*

**Danuta Wojdat, Solidarnosc, Poland**

- > Create an ETUC committee or working group on domestic work, with members drawn from national affiliates that have responsibility for domestic workers, plus the relevant European industry union federations; such a committee needs to be organised through the ETUC because different unions are affiliated to different European industry federations.

*“We heard about some good examples of the collaboration between NGOs and trade unions working together in the field of domestic workers, especially migrant domestic workers. It would be nice if these activities could be coordinated in a network at the European level, and if there was a person committed to do this job.”*

**Karin Pape, WIEGO / GLI, Geneva**

- > Undertake more research to produce more exact data and comparisons on domestic workers’ rights between European Member States.
- > Circulate among affiliated unions more information and concrete examples of:
  - how national unions can find an employers’ body with whom to negotiate at national level.
  - union partnerships with migrant workers’ associations and support NGOs, including ideas for how such partnerships can be developed.
- > Encourage cross-border union activities which help migrant workers into Europe to be aware of laws, negotiated agreements, and organisations (unions and migrants’ self-organisation) in their countries of destination.

*“Since so many domestic workers come from other countries, there is a striking lack of cross-border activity by unions, except for Italy”.*

**Wiebke Düvel, ETUI-REHS**

*“In the construction sector, the union IG Bouw in Germany has established a new organisation for migrant workers in that country. It has links to the countries of origin of many migrant construction workers in East and Central Europe, and provides assistance to the unions in those countries. They explain what is in the German collective bargaining agreements, so that people are informed before they leave for Germany. This is a model that could be replicated for domestic workers, and the ETUC could help to organise this through the European sector federations and national centres.”*

**Ioanis Parteniotis, Podkrepa, Bulgaria**

- > Pursue the idea of international union membership which is transferable across borders.
- > Develop educational opportunities on domestic workers' rights through ETUCO.

### ***Within the institutions of Europe***

- > Engage more with the European Parliament and Commission to put domestic workers centre-stage, including their rights as migrant workers and women.
- > Make interventions on, for example, re-orientation of the Social Fund towards the services sector rather than the current over-focus on agriculture.
- > Make a link to the Lisbon agenda and other relevant discussions such as those on demographic change.

### ***Within the International Labour Organisation***

- > Reiterate strongly that domestic workers are covered by the fundamental ILO Conventions.
- > Work with the ICFTU to re-start discussions for the 'missing' ILO Convention on domestic work. Encourage affiliated unions to develop, along with migrant workers' groups, their lobbying capacity towards governments on this.

### ***With employers***

- > Try to find counterpart employers' organisations at the European level with whom the ETUC can negotiate about conditions in the domestic work sector.

*“Brussels has the biggest diplomatic corps in the world and most of them employ domestic workers. The Vienna Convention on Diplomatic Relations, adopted by the United Nations in 1961, needs to be amended to include how diplomats behave as employers.”*

**A Filipino migrant worker**

## • National unions

- > Think in a more integrated way about domestic work in society and the workers who do it, and build this into union structures; even where unions are active, it tends to be separated off into either 'migrant' or 'women's' issues.
- > Try to use existing labour law provisions for domestic workers and undocumented workers. This can bring unexpected results, especially in all situations in which they are not explicitly excluded.
- > Promote more strongly the need to strengthen public provision of care services, rather than market-driven solutions which places the burden on individual families and the individual workers they employ.

*“The role played by the public sector is fundamental, both in regulating services and in regulating the conditions under which these workers are contracted. But the little Welfare State that did exist is being dismantled. Even the regional authorities in Italy who do want to run these services have had their funds cut. We need to find solutions that combine the private and the public. We must raise our voice and demand that the regional authorities get more involved in this process.”*

**Ramona Campari, CGIL-Filcams, Italy**

- > Develop stronger policies towards the nature of employment today, particularly the demands on workers for 'flexible' work arrangements which are not 'family-friendly' and therefore increase the need for after-school childcare, for example.
- > Build respect for the notion that work in private households is 'proper' work and that it is skilled work; promote access to training, qualifications and career progression.

*“Where domestic workers have no formal qualifications, but do the work by virtue of their gendered upbringing, I prefer the term ‘informally trained’. Such a term might help gain recognition for the work they do.”*

**Bridget Anderson, COMPAS, Oxford University**

- > Challenge the division of labour concerning domestic work and the treatment of those who undertake it (unpaid and/or paid) in the homes of trade unionists too.

*“Recognition of work in the household is an important issue for trade unionists. There is domestic work going on in their own homes too. They should be considering how it is being shared out between the different people in their house, and not just that which involves paid domestic workers.”*

**Collette de Troy, European Women's Lobby**

- > Produce and make widely available model employment contracts for use between private individuals and the domestic worker they hire; promote information/training of private individuals on their duties as well as rights as employers; link this to employers' incentives schemes where these exist.

*“I think that a written employment contract is the most important thing to achieve. The trade unions should provide a standard employment contract and make it easily available.”*

**Wiebke Düvel, ETUI-REHS**

- > Be proactive in the issue of regularising undocumented workers and the nature of immigration law; stress that undocumented workers are not 'illegal' in a criminal sense; in particular, gain momentum for the idea that work permits or immigration status should be awarded independent of particular employers; where necessary, lobby for work permits to be specifically issued for domestic work, which will significantly help regularise domestic workers.

*“During the ILO Conference in 2005, when an action plan on migration was discussed, the Worker’s Group clearly stated that it was not going to tell nation States exactly how to regulate access by migrant workers, as that is the responsibility of each State. However, one thing is clear. Once a person enters a country and starts working, he/she is a worker, no matter what the status of that person is. So trade unions must be able to represent that worker, even though this is prohibited by law in some countries.”*

**Karin Pape, WIEGO / GLI, Geneva**

- > Build collaboration with migrant workers’ associations, and support NGOs. Raise public awareness of the role of these associations, their social support and training activities; combat racism at all times.

*“We know that unions have many needs to address. But, even though many migrant workers are undocumented, they are active for their own future. They have organisations and address their own needs. Unions can come in to help with what they can do.*

*Let us find out what each can do.”*

**Grace Punongbayan, Migrante Europe, Netherlands**

- > Lobby governments to support efforts in the ILO for a Convention on Domestic Work
- > Support ETUC efforts at a European level on domestic workers’ rights.
- > Think imaginatively about how to find or help establish an employers’ federation with whom to bargain collectively on domestic workers’ terms and conditions.
- > Undertake more efforts to increase membership among migrant workers, even where the ‘return’ on the investment is not immediately clear to the union; recognise the psychological impact that this also has for migrant workers; increase efforts for more migrant workers to become union leaders.

*“We should find leaders within the unions who are immigrants. For instance, in the construction sector in Italy over 60% of the workers are immigrant, but the union leaders of this sector are all Italians!”*

**CGIL, Italy**

*“We in the unions are often good at saying what we cannot do. But it is important to recognise what we can do, or find out what we need to change in order to make things possible. We can all list what is possible in our own city or town, region, country, the EU, tripartite bodies like the ILO, etc. We can work on changing the legislation about domestic workers’ status even if we do not organise the individual workers. We must stand up for all workers, not just our own members.”*

**Anneke van Luijken, IRENE, Netherlands**

# Annex 1 Model employment contract for domestic work

*Domestic workers must be given a written statement of employment, according to the European Information Directive (Directive 91/533/EEC of 14-10-1991 on the obligation of employers to inform workers about the conditions applicable to their contract). This should contain the minimum employment conditions such as the kind of work, wages, working hours, etc.*

*This model employment contract is for the provision of domestic services in a private household. It can also be used for the provision of other personal services, such as childcare, home-help for the elderly, etc.*

---

## The parties to this contract are:

**Name** .....

Address .....

Telephone number .....

### Hereafter called the 'Employer'.

And

**Name** .....

Born in (City, Country) ..... on (Day, Month) ..... 19.....

Address .....

Telephone number .....

### Hereafter called the 'Employee'.

---

## The parties have agreed the following:

### 1. Starting date of employment

The Employee will start to work for the Employer on ..... (Date)

### 2. Kind of services / activities, and place of work

a. The Employee will provide domestic services in the private house of the Employer:

*(Preferably specify the services in more detail below)*

.....

The Employer will request the Employee to carry out only such duties as can be reasonably considered to be falling within the remit of the above mentioned activities. All additional duties shall be by prior agreement only and shall attract an agreed additional payment.

b. The Employee will / will not live in. *(Delete whichever is not appropriate)*

### 3. Volume of work, working hours, irregular hours and rest breaks

- a. The Employee will work on a weekly basis a total of ..... hours, and not more than 48 hours per week including overtime.

Working hours will be on Monday / Tuesday / Wednesday / Thursday / Friday  
(Delete as appropriate)

From ..... (Time) to ..... (Time)

For overtime hours, an additional payment of the sum of .....per hour applies.

- b. If the Employee has to work during the weekend as well, the following conditions will apply:
- The Employee will have at least once a week a rest period of 35 continuous hours.
  - For working hours during the weekend / Sunday / or ..... (delete or specify as appropriate), an additional payment of the sum of ..... per hour applies.
- c. The Employee has a right to a minimum rest break of ..... (for example, half an hour, or whatever is customary for the sector or region) per 6 hours of continuous service.
- d. In the case of on-call work or flexible working hours, the minimum period to announce working hours will be ..... (for instance: 4 days in advance in the case of flexible scheduling of working hours, or 12 hours in advance for on-call hours). When these minimum periods are not observed, the Employee will receive the sum of ..... as an additional payment for irregularity.

*(Note: On the basis of the European Working Time Directive (Directive 2003/88/EC of 4-11-2003 concerning the organisation of working time), working hours can be no longer than 13 hours per day and 48 hours per week (including overtime!) on average, taking into account a 4 month reference period. The minimum rest per 7 days is 35 hours continuous rest (a 24 hour period plus the minimum nightly rest of 11 hours), and as soon as the working day is longer than 6 hours a minimum rest break needs to be given, the details of which will have to be regulated at national level by law or collective agreement.)*

### 4. Wages

From commencement of the employment period, the wage paid to the Employee will be the sum of:  
..... gross (i.e. including taxes) per week.

*(Note: The wage should be at least the legal minimum wage, and/or based on the collectively agreed minimum wage for similar work, and/or based on the customary wage that is paid for similar work in the city/region where the work is done.)*

The wage will be paid to the Employee weekly in cash / once a month into the bank account of the Employee. (Delete whichever is not appropriate.)

The Employer will supply **detailed pay slips** to the Employee which set out:

- Payment intervals (weekly, fortnightly or monthly).
- Rate of pay per hour.
- Details of overtime payments in respect of all hours above the agreed norm.
- Details of all tax or social security deductions.
- Details of other deductions from pay (which can only be made after prior agreement).

## 5. Holidays

The Employee has a right to paid holidays of a minimum of ..... weeks a year. *(Note: the minimum, based on the European Working Time Directive, is 4 weeks; more should be specified where this is customary in the sector and or region concerned).* The Employee has in addition the right to paid public holidays.

The exact periods of holidays will be agreed between the Employee and Employer, taking into account the interests of both parties. The Employee will enjoy a minimum continuous period of holiday of at least ..... *(for instance, 2 weeks)* per year.

The Employee also has a right to additional holiday pay of ..... per cent *(if this is normally applicable to similar Employees in the country concerned according to law, collective agreements, or practice).*

## 6. Sickness

In the case of sickness the Employee will announce his/her absence before 09.00 of the scheduled day of work by a phone call to the Employer, giving the reason for the absence.

The Employee will have a right to a minimum of ..... weeks of paid sickness leave, *(based on the legal minimum in the country and/or the collectively agreed minimum for similar work, and/or based on the customary minimum in the city/region where the work is done for similar work).*

## 7. Pregnancy and maternity

The Employee has a right to pregnancy and maternity leave of ....., *(according to at least the legal minimum for a Employee in the country concerned. Note: the minimum maternity leave according to EU regulations is 14 weeks in total, to be taken starting at least 2 weeks before confinement.)*

## 8. Additional rights / conditions / facilities

The Employee has a right to / the Employer is obliged to provide the following:  
*(Insert/delete as appropriate from the following)*

- a. .... in cash to provide for travel costs *(a weekly/monthly sum, or the actual costs);*
- b. .... % of the gross salary i.e. the sum of ..... per year to save for old age / pension;
- c. .... % of the gross salary / the sum of ..... per ..... to pay for sickness insurance;
- d. .... % of the gross salary to be paid at the end of each calendar year as a bonus;
- e. In the case of living-in: a maximum deduction of ..... per ..... for room and board.
- f. The Employee cannot be charged for breakages or other small accidents that happen during the normal work routine. In case of exceptional damages, a maximum of ..... percent of the wage can be charged, not exceeding a maximum that can be considered fair and reasonable having regard to all reasonable circumstances.
- g. The Employer will ensure that at all times the Employee is fully insured in respect of all activities connected to her/his employment.
- h. Travel to other places of work (for example to holiday homes, accompanying family on vacation, etc.) shall be only on the basis of prior, voluntary agreement and such periods will be regarded as paid employment attracting remuneration (basic and premium pay, as appropriate) and reimbursement of costs incurred.
- i. The Employer shall ensure that the Employee is promptly reimbursed for all out-of-pocket expenditure incurred during the course of his/her employment (for example travel fares, purchases for children or those under his/her care, entrance charges, etc.).
- j. The Employer will respect the privacy and personal dignity of the Employee. In the case of living-in domestic Employees, this entails provision of separate, adequate accommodation (i.e. private room[s]) to which no-one else shall have access save with the permission of the Employee.
- k. The Employer will facilitate the Employee in the free exercise of personal pursuits including leisure and sports activities, participation in religious services, meeting friends, participating in social events, etc.

I. The Employer shall take all reasonable steps (for example by provision of explanatory booklets and leaflets, etc.) to ensure that the Employee is aware of his/her statutory entitlements as an Employee and shall facilitate the Employee in seeking information and advice concerning such rights from a trade union, advocacy agency, etc. In accordance with international and national law, the Employer will not restrict in any way the Employee's right to trade union membership and representation.

**9. Duration and ending of the employment contract**

This employment contract is agreed for an indefinite duration / for a fixed term of ..... (*Delete as appropriate.*)

Either the Employee or the Employer can end the contract, taking into account the minimum legal or collectively agreed provisions for ending labour contracts which normally apply to Employees doing similar work. This means that the Employee will have a minimum notice period of ..... and the Employer will have a minimum notice period of .....

**10. Identity documents**

The Employee has sufficiently proved his/her identity to the Employer by showing his/her passport or other identity document (*if so desired*).

The Employer does not have the right to withhold any personal documentation belonging to the Employee (such as passport, visa, identity cards, etc.).

---

**This employment contract is agreed between the parties as signed below, and made in two originals.**

**In** ..... (Place)

**On** ..... (Date)

**Signature of the Employer**

**Signature of the Employee**



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## Annex 3 Useful resources

### INTERNATIONAL LABOUR ORGANISATION / UNITED NATIONS

- **ILO**

**'Domestic Work, Conditions of Work and Employment: a legal perspective'**

By J.M. Ramirez-Machado

Conditions of Work and Employment Series No.7, 2003

[www.ilo.org/public/english/protection/condtrav/publ/7cwe.htm](http://www.ilo.org/public/english/protection/condtrav/publ/7cwe.htm)

A global report on the legislation in 60 countries, 11 of which are EU countries.

**'An Information Guide - Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers'**

International Labour Organisation, Gender Promotion Programme (GENPROM)

[www.ilo.org/public/english/employment/gems/advocacy/protect.htm](http://www.ilo.org/public/english/employment/gems/advocacy/protect.htm)

**'Making Domestic Work Visible: the case for specific regulation'**

By Adelle Blackett

Labour Law and Labour Relations Programme Working Paper, No.2, Geneva, 1998

[www.ilo.org/public/english/dialogue/ifpdial/publ/infocus/domestic/1\\_1.htm](http://www.ilo.org/public/english/dialogue/ifpdial/publ/infocus/domestic/1_1.htm)

**ILO fundamental principles at work:**

[www.ilo.org/dyn/declaris/DECLARATIONWEB.INDEXPAGE](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.INDEXPAGE)

**Domestic labour and migration:**

[www.ilo.org/public/english/protection/migrant/projects/domestic/index.htm](http://www.ilo.org/public/english/protection/migrant/projects/domestic/index.htm)

**Migration**

[www.ilo.org/public/english/protection/migrant/index.htm](http://www.ilo.org/public/english/protection/migrant/index.htm)

**Migration and gender**

[www.ilo.org/public/english/protection/migrant/projects/gender/index.htm](http://www.ilo.org/public/english/protection/migrant/projects/gender/index.htm)

**Informal economy**

[www.ilo.org/public/english/employment/infeco/ilc2002.htm](http://www.ilo.org/public/english/employment/infeco/ilc2002.htm)

**'Women and Men in the Informal Economy: A Statistical Picture', 2002**

[www.ilo.org/public/english/employment/gems/download/women.pdf](http://www.ilo.org/public/english/employment/gems/download/women.pdf)

**ILO resolution concerning decent work and the informal economy**

[www.ilo.org/public/english/standards/relm/ilc/ilc90/pdf/pr-25res.pdf](http://www.ilo.org/public/english/standards/relm/ilc/ilc90/pdf/pr-25res.pdf)

**ILO campaign against trafficking**

[www.ilo.org/public/english/protection/migrant/projects/traffick/index.htm](http://www.ilo.org/public/english/protection/migrant/projects/traffick/index.htm)

- **United Nations Human Rights Commission**

**'The Human Rights of Migrant Domestic Workers'**

Report for the Special Rapporteur of the Commission on Human Rights, June 2003.

[www.unhchr.ch/Huridocda/Huridoca.nsf/0/0032d58d2667f0b9c1256e700050f77f/\\$FILE/G0410237.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/0032d58d2667f0b9c1256e700050f77f/$FILE/G0410237.pdf)

## EUROPE

### • European Commission

#### **'Undeclared Work in an Enlarged Union'**

May 2004

[europa.eu.int/comm/employment\\_social/employment\\_analysis/work\\_enlarg\\_en.htm](http://europa.eu.int/comm/employment_social/employment_analysis/work_enlarg_en.htm)

[europa.eu.int/comm/employment\\_social/employment\\_analysis/work/undecl\\_work\\_final\\_en.pdf](http://europa.eu.int/comm/employment_social/employment_analysis/work/undecl_work_final_en.pdf)

#### **Resumé in French:**

[europa.eu.int/comm/employment\\_social/employment\\_analysis/work/und\\_labour\\_resume1\\_fr.pdf](http://europa.eu.int/comm/employment_social/employment_analysis/work/und_labour_resume1_fr.pdf)

#### **Resumé in German:**

[europa.eu.int/comm/employment\\_social/employment\\_analysis/work/und\\_labour\\_resume1\\_de.pdf](http://europa.eu.int/comm/employment_social/employment_analysis/work/und_labour_resume1_de.pdf)

#### **'The Role of Domestic Service in Europe'**

By S. Pasleau and I. Schopp, University of Liege, paper presented at the seminar 'Informal/Undeclared Work: Research on its changing nature and policy strategies in an enlarged Europe', jointly organised by the DG Research and DG Employment and Social Affairs, Brussels, 21 May 2003.

In French: [ftp://ftp.cordis.lu/pub/improving/docs/conf\\_work\\_pasleau.pdf](ftp://ftp.cordis.lu/pub/improving/docs/conf_work_pasleau.pdf)

#### **'Employment in Household Services'**

By A. Cancedda, European Foundation for the Improvement of Living and Working Conditions, Office for Official Publications of the European Communities, 2001

[www.eurofound.eu.int/publications/files/EF0113EN.pdf](http://www.eurofound.eu.int/publications/files/EF0113EN.pdf)

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*“Domestic work is an issue of major importance, but one which is not always well understood in the trade union movement. However, we should not limit ourselves to addressing only the questions of how to organise domestic workers and offer them protection. It is also about how we are to organise household services in a more sustainable way.”*

**Catelene Passchier, ETUC**

