



EUROPEAN FEDERATION OF FOOD, AGRICULTURE AND TOURISM TRADE UNIONS



Domestic workers in Europe Getting Organised!



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POR EL DERECHO A COBRAR DEL PARO

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Te esperamos!

Ani
Entered the UK from Indonesia with her diplomat employer.
"For five months I received no salary and had to sleep in utility room."
"I was forced to eat with my plate placed on a tray of shoes in the kitchen floor."
www.uniteunion.org
www.j4dw.org

Bose
Came in the UK from Nigeria with her employer via Overseas domestic worker visa route.
"For four years I was locked in the household and received no salary."
"Every time my employer left the house, they would lock me inside."
www.uniteunion.org
www.j4dw.org

Reema
Entered the UK from Qatar under Domestic worker visa in a private household.
"I was not paid for three months and no day off. I was only allowed to eat when I did with no rest period during my 20 hour shift."
www.uniteunion.org
www.j4dw.org

Yarni
Was brought in by her Abu Dhabi employer.
"I wasn't given any proper food and only a sandwich for 22 hours of work in three hours named by my employer and their family."
"My employers claim they can abuse the law and work for 1 hour without a salary but I never get paid."
www.uniteunion.org
www.j4dw.org



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Domestic Workers in Europe: Getting Organised!

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“Looking up at the building of Unite the Union, the question I had was, ‘What can the union do for me, as an individual worker?’ Along the way I found the answer.

Together with fellow domestic workers, we organised J4DW, and the knowledge and skills we learnt from union courses empowered us to defend and assert our rights. This support from our union, along with our own organising, freed us from our vulnerable work conditions to become collective and strong.”

Marissa Begonia, Coordinator Justice for Domestic Workers (J4DW), UK

“Domestic workers do vital work for us all. But they are only just starting to get the respect and recognition that they deserve, or the rights as workers to which they are entitled.

We in the union movement in Europe need to do more to help improve their working and living conditions. This will benefit not just them, but also the families they work for, and all of society – a clear ‘win-win’ situation for everyone.”



Therese Guovelin, President, HRF, Sweden, and President of EFFAT

1 Gaining Visibility / Winning Rights

Ignored, undervalued, and indeed often exploited or abused, over the centuries, domestic workers across the world are now organising themselves and winning huge support, especially from the trade union movement. They have finally gained recognition as workers, with the fundamental rights of other workers, and now they are demanding that these rights are respected.

We in the trade unions of Europe can do much more to help this process, and it is worth it because – as we have shown at the international level – we can win!

However, if we are to gain real improvements in the living and working situations of those who do our domestic work, there is still much to learn and share, both within and across borders. So this booklet looks at:

- Who are the domestic workers of Europe?
- How are they organised as workers, and who is supporting them to gain collective strength? How are the trade unions across Europe responding to their needs and demands?
- What is the legal situation governing their employment in the different countries, such as their hours of work and rights to paid time off?
- Are they getting access that other workers have to social security, such as unemployment or sickness benefits, or maternity leave?
- How are their organisations negotiating with the employers of domestic workers?
- Above all, what can we in the trade unions do better to support them in their long fight for justice?

“The support of the union is extremely important. After so many years of struggle, all domestic worker groups can finally be united under one umbrella.”

Yasmine Soraya, Secretary General, Indonesian Migrant Workers' Union, Netherlands (IMWU-NL)



Who is a 'domestic worker'?

According to the international convention ILO C189 (see page 6), a domestic worker is any person engaged in domestic work within an employment relationship, whether for one or more households, and regardless of their immigration status. It includes those who are doing jobs such as cooking, washing, ironing, and cleaning, as well as gardeners, 'care' workers, and those on an 'au pair' visa who are in reality domestic workers.

A huge and vital workforce

Domestic workers, working in the private homes of others, have always been largely invisible and isolated. Even today, in many places, their economic and social contribution is simply ignored. Their labours are not recognised as ‘work’, just something that ‘women do’. It is well-known that domestic work is also one of the main locations in the world of slavery and child labour.

In fact, until recently, few had ever tried to count how many domestic workers there might be. Now we know that worldwide there are some 400 million people doing this work. For Europe, official (Eurostat) figures estimate 26 million. However, much domestic employment is not officially registered, and so there will be far more than this. Some research estimates a further one million undocumented (often migrant) workers are doing this work in Europe alone.

Most domestic workers are women. They are cleaning, washing, ironing, cooking, looking after children, the sick and the elderly, taking care of pets, and so on. There are men domestic workers too, often allocated jobs such as gardening and driving. Altogether, it is their work which enables others

– particularly women – to have jobs, to be economically and socially active beyond the household.

The pattern of domestic work is complicated. Some domestic workers work full-time in one household, while others work for a few hours each per week in multiple households. Some continue to live in their own homes, while others live in the homes of their employers.

One aspect that is very significant in today’s world is the huge quantity of people, particularly women, who are migrating for this work. Some move from their rural communities to work in cities. But millions also leave their own countries, often to work in very distant places. The world has never seen such huge migration of women to earn a living far away from their own loved ones.

In Italy, for example, the number of domestic workers is thought to have more than tripled since 1998, by far the majority being migrant workers. Of these, nearly two-thirds today are from countries of Eastern Europe.

“The only way for many Italian women to join the workforce is thanks to the migrant women who do the domestic work for them.”

Giuliana Mesina, National Secretary, FILCAMS-CGIL, Italy, and Vice-President of the EFFAT Women’s Committee, and member of the Executive Committee of the International Domestic Workers Federation (IDWF)

Across Europe, there are probably several hundred thousand migrant domestic workers working in an ‘undeclared’ situation because of discriminatory work permit systems. This leaves them highly vulnerable to exploitation and even slavery by private householders and unscrupulous labour agencies.

Whether migrant or nationals, many domestic workers in Europe – in many countries probably the majority – are employed in the informal economy, hired on a one-to-one basis by individual households or via under-regulated labour supply agencies. Often this ‘informality’ is by mutual agreement. But it means that the worker may well earn poverty-level wages and have no access to even the basic rights of other workers – the minimum wage, regulated hours of work, paid maternity leave, sick leave, holidays or social security benefits. Despite all their hard and vital work, they remain among the poorest members of society, they and their contribution under-valued. And until recently these workers were off the radar for the trade unions in many countries.



In some other countries of Europe, however, domestic work has become part of the 'official', formal economy. It is recognised through employment laws, social security provisions, and so on, though, it has to be said, often at a lower level than for other workers. Here, the trade unions have organised at least some domestic workers, and been proactive in winning those rights. In a few countries, they have even helped to establish special state-funded schemes to promote the domestic work sector.

Altogether, what we know about domestic workers in Europe is still somewhat patchy. Until recently, there was not much substantial data, and even now there are many gaps. Where in Europe are unions supporting and encouraging domestic workers to organise themselves and be part of the union movement? What strategies work best to achieve this? Where are the best labour laws which protect domestic workers from abuse? What do these laws say? Where are there collective agreements with employers' bodies which recognise that both domestic workers and their employers have rights and responsibilities?

To find out more about these important questions, EFFAT commissioned research in 2014 by the German researcher Anna Basten. It is upon her research that much of this booklet is based, and much more information can be found there.

In Europe, this already large sector is likely to grow even more. As more people live longer, there is a need for more elderly care. As more women enter the paid workforce, they need others to care for their children and do their domestic chores.

How can these workers, who provide us all with such vital services, be better recognised and valued, be protected from abuse or exploitation by unscrupulous employers, and have access to the basic rights that other workers have?

It is the aim of this booklet to encourage the trade union movement across Europe to learn more from each other about how best to organise domestic workers and win the rights and recognition that they still so badly need.



Anna Basten, 'Promote Industrial Relations in the Domestic Work Sector in Europe' EFFAT, 2015:

www.effat.org/en/node/13824

And this is just France...

3.6
MILLION

Household Employers

17%

of all jobs created
each year in France

1.7
MILLION

employees

10.4
BILLION

Euros of gross annual
wages and 6 billion
Euros of paid social
contributions

559
MILLION

hours worked (not
including childcare
assistants)

Source: FEPEM Observatory for Household Employers, France

'Domestic' / 'care' work

Another factor complicating the picture in Europe is the distinction between 'domestic' and 'care' work. As the public sector developed, the supply of care workers to households to support the sick, the disabled, and the elderly, became a public service, run by the government. These workers therefore became formally employed, and integrated into the public sector trade unions.

Recent years have seen widespread privatisation of the public sector, with a significant growth in private companies supplying care workers to households. In some countries, this has caused a return to more informal employment, with agencies employing care workers on very poor terms such as 'zero hours' contracts. And yet, elsewhere in Europe, the public sector has retained, and in some cases widened, this work.

What is more, this distinction between 'care' and 'domestic' work is often as not clear as it may seem. Tasks performed by the workers may well include both household chores and personal care, particularly for older people. This has implications for those countries where unions are organised according to what have been seen as different sectors.

Who this booklet is for and why

- EFFAT affiliated unions, not just at the national level but to reach out also to regions and local branches, asking the question: what more can we do to help domestic workers achieve and enjoy their rights?
- Domestic workers' associations and support groups in Europe, asking the question: how can we become a stronger movement by working better with and within the wider labour movement?
- Domestic workers' employers and their associations in Europe, asking the question: how can we help improve the wider social and employment context for domestic workers, to the benefit also of our own families - a win-win situation?

An important note: Many trade unionists are employers of domestic workers. Unionists are not used to considering ourselves as 'employers'. But in this situation, we are! We therefore also have a duty to employ our domestic workers properly.

With EFFAT support

EFFAT is the European trade union federation that brings together trade unions across Europe in the food, agriculture and tourism sectors. It has 120 national trade unions affiliated, from 38 European countries, representing over 2.6 million members.

EFFAT, and the global union federation IUF of which it is part, have long supported the organisation of domestic workers. However, they recognise that much more still needs to be done.

So, at its Congress in Vienna, Austria, in November 2014, EFFAT committed itself to support its affiliated unions and the wider domestic workers' movement in Europe, by:

- taking up with the European Union and its member governments the need to put the contents of ILO Convention No.189 into national laws ('ratify'), to amend any EU Directives which conflict with C189, and then to ensure that those standards are properly implemented.
- encouraging member unions to get active with their own governments, and to reach out to more domestic workers and their self-organisations where they exist.



Yes they did it!

In June 2011, the world's governments, employers and trade unions, meeting at the International Labour Organisation (ILO) in Geneva, Switzerland, agreed a ground-breaking international Convention, known as C189 Decent Work for Domestic Workers. C189 confirms that domestic workers worldwide have the same basic labour rights as other workers, including:

- Similar working hours as for other workers in that country
- Weekly rest of at least 24 consecutive hours
- A limit on in-kind payment
- Clear information on the terms and conditions of employment
- Freedom of association and the right to collective bargaining.

Alongside the Convention is a Recommendation, R201, which contains further guidance on what governments can and should do to improve the standards of employment in domestic work.

C189 is something whose time was long overdue, and it could never have been achieved without the full involvement of trade unions, even those which until then had never organised domestic workers, or barely taken up their issues and demands. In Europe, EFFAT encouraged its member unions to work hard on this. Unions got in touch with others, especially domestic workers' self-organisations and support groups, lobbied governments to fulfil their part of the process, and made sure the right information got to the right places at the right time. The unions were also urged to include domestic workers' leaders in the official Workers Delegations to the ILO, to be part of negotiating with the governments and employers.

In some cases, domestic workers' leaders even had the right to vote in the final decision, which was a truly historic moment.

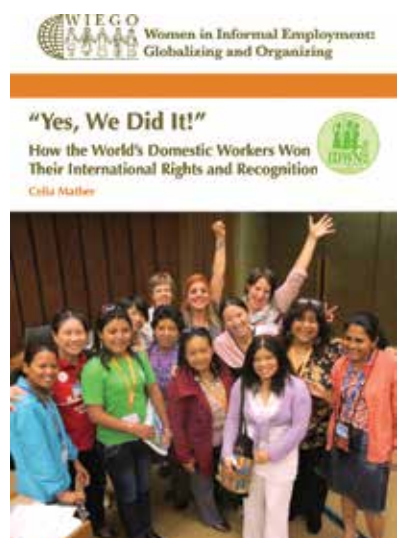
“It was extraordinary to see how unions took it to their hearts, and how they put domestic workers at the forefront, letting them take the lead.”

Diana Holland, Equalities Officer, Unite the Union, and former Chair of the Women's Committee of the International Trade Union Confederation (ITUC): www.iuf.org/w/?q=node/1542

The fight for C189 brought the situation of domestic workers to worldwide public attention too, with many newspaper articles, TV programmes, and flows of information through social media. Now, far more of the general public understand and support the right of domestic workers to a better life.

At the time of writing, 17 countries worldwide have ratified C189. 'Ratification' means agreeing to make sure that national laws conform to what the Convention says. Those 17 include 5 in Europe: Italy, Germany, Ireland, Switzerland and Finland. More pressure is needed on others to do the same. In most countries, the legal framework is already sufficient to ratify C189. The European Commission also says there should be no hindrance to this in any European member State (see page 27). Meanwhile, even if not yet ratifying, other countries across the world have been improving their laws.

As unions know only too well, even good laws need implementing. The ILO has a strict reporting system, starting after 2 years of ratification, where countries have to account for their actual laws and practice. Using this can be part of union strategy to ensure that good laws mean something for the workers concerned.





... for more information

ILO Convention No.189 (2011) on Decent Work for Domestic Workers:

www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:2551460:NO

ILO Recommendation No.201 (2011) on Decent Work for Domestic Workers:

www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R201

'Yes We Did It! How the World's Domestic Workers Won Their International Rights and Recognition', Celia Mather, WIEGO, 2013:

wiego.org/sites/wiego.org/files/resources/files/Mather_Yes%20we%20did%20it!_2013.pdf

'C189: Conventional Wisdom', film by Jennifer Fish and Sisi Soujourner on winning ILO Convention C189, 21 minutes:

wiego.org/resources/video-c189-conventional-wisdom

ITUC: '12 x 12' campaign:

www.ituc-csi.org/domestic-workers-12-by-12

'Introduction to ILO Convention No. 189 on decent work for domestic workers', training material, IDWF, December 2014:

www.idwfed.org/en/resources/introduction-to-ilo-convention-no-189-on-decent-work-for-domestic-workers



2 From Isolation to Organisation

- What are the key needs and demands of domestic workers in Europe?
- Why should European trade unions do more to organize domestic workers? What are the mutual benefits?
- How can unions best support the organizing and rights of domestic workers?

Challenges of organising

Improvements are best achieved when domestic workers themselves are organised, and are supported by the trade union movement to do this. However, the challenges are many:

- They are isolated in the private homes of others, far away from their own loved ones, their communities, and other workers like themselves.
- They are often afraid to contact the unions for fear of losing their jobs.
- Undocumented migrant workers may be reluctant to 'come out of the shadows' not only because they fear losing their jobs but also because they fear imprisonment and/or deportation.
- They may well have little knowledge of experience of unions generally, or of the employment systems operating in their host country.
- On low pay and with little time off, they find it difficult to take part in union activities or pay union fees on a regular basis.
- There are many different situations in which they work, and different types of domestic workers: full / part-time, working for single / multiple households, employed by individual households / companies, of migrant / national origin, and so on.
- The way in which domestic work is organised varies widely from country-to-country. Often 'care' work was – and may still be – in the public sector, with the workers organised by public sector unions. Meanwhile, 'domestic' work remained in the private sector, with those workers generally supported by other unions. This distinction in union organising can mean there is little shared/common strategy.

- In some countries, this work is still not generally viewed as 'work' and so an informal employment relationship is taken as 'normal'. If these workers are not viewed as 'workers', some unions question how they can become unionised.

So, how can we overcome such challenges? This is already happening in many countries of Europe, and there are many lessons to share.



“Being part of the IDWF means we can share and learn lessons about organising and strengthening domestic workers’ rights across the world. We are improving the lives of domestic workers everywhere – including in Europe. I encourage other European trade unions to join us.”

Giuliana Messina, National Secretary, FILCAMS-CGIL, Italy, and Vice-President of the EFFAT Women’s Committee, and member of the Executive Committee of the International Domestic Workers (IDWF)



Some organising history

Until relatively recently, in many European countries there was little union action to organise domestic workers. Many saw it as too hard to do so. They were much more used to organising at workplaces, and the services they offered would probably not match the needs of domestic workers. Many domestic workers would be unlikely to pay regular membership dues. In a situation of low resources, existing members’ needs would have to come first. Care workers in the public sector were represented by public sector unions, but those who clean, wash clothes, cook, etc., were largely outside the union movement.

In some countries concerned citizens, for example religious groups, saw the gap and reached out to domestic workers, helping to bring them into the union movement (*see, for example, Belgium on page 21*). Slowly, some rights were won for them. But nowhere did they get the full rights of other workers.



Then, from the 1980s onwards, there was a significant rise in the numbers of migrant domestic workers coming to Europe, from such countries as the Philippines and from Eastern Europe after the collapse of the Soviet Union. This led to migrant support networks getting more active too, which also started making contact with the union movement.

It was in this context that the first ever conference to look at how domestic work is organised across Europe and Scandinavia was held in April 2005. Called ‘Out of the Shadows’, it was hosted by the European Trade Union Confederation (ETUC) in Brussels, in collaboration with the International Restructuring Education Network Europe (IRENE) and the Platform for International Cooperation on Undocumented Migrants (PICUM). It was a chance to learn more across the continent, though it did not lead to a lot of concrete action.

What we in Europe knew about domestic workers’ organising in other parts of the world was at that time very little. So, a global conference was held, again the first ever on this theme. Called ‘Respect and Rights’, it was hosted by the Dutch union federation FNV, in Amsterdam in November 2006. There, we in Europe learned how much, for example, the domestic workers of Latin America had achieved, with already a regional confederation of organisations for several decades.

It was at this conference that it was decided to build a global movement of and for domestic workers, and to fight for an international ILO Convention to establish their basic rights and recognition as workers. The moment was seized and by 2009 the International Domestic Workers Network (IDWN) was born. With huge support from the global trade union movement, and many others, in mid-2011 the Convention was won (*see page 6*).

In October 2013, at a founding Congress in Uruguay, the IDWN turned itself into a global union federation, the International Domestic Workers Federation (IDWF). At the time of writing, six European trade unions are members: ACV-CSC (Belgium), FILCAMS-CGIL (Italy), FNV (Netherlands), NGG (Germany), SIT and UNIA (Switzerland). It is hoped that more will soon join, for mutual benefit.

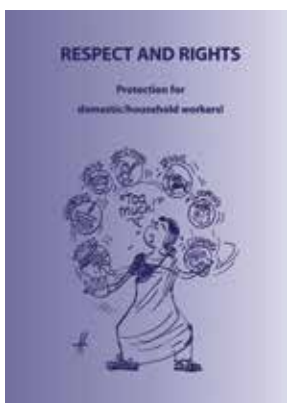


... for more information



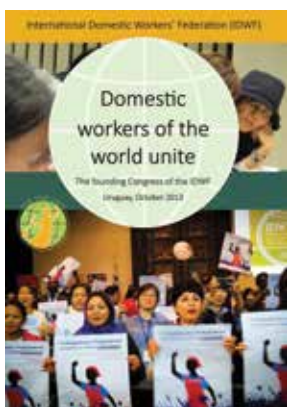
'Out of the Shadows Conference: Organising and protecting domestic workers in Europe: The role of trade unions', ETUC, Brussels, November 2005:

www.etuc.org/report-out-shadows-conference%C2%A0organising-and-protecting-domestic-workers-europe-role-trade-unions



'Respect and Rights: Protection for Domestic Workers', report of the global conference, Amsterdam, Netherlands, November 2006:

www.idwfed.org/en/resources/report-of-the-international-conference-respect-and-rights-protection-for-domestic-workers



'Domestic Workers of the World Unite', Report of the Founding Conference of the International Domestic Workers Federation (IDWF), Uruguay, October 2013:

www.idwfed.org/en/resources/domestic-workers-of-the-world-unite



Reaching out to domestic workers

A first step is of course to produce Information awareness-raising materials. This may include printed materials such as newsletters, leaflets and flyers.

Many domestic workers have smart-phones, and are users of social media. So websites, YouTube videos, Facebook pages and text/sms which they can share amongst each other are important, especially to reach those who are alone in the homes of their employers.

They need information on such things as what a trade union is and does, and how it can help them, as well as the relevant laws, regulations and collective agreements that exist in the country, model employment contracts, and so on.

But personal contact is highly important too, particularly for these isolated workers. This means going to where the workers meet up, such as in churches and other religious places, or in the local parks on a Sunday, and spending time with them to build their trust. To reach those who rarely, if ever, attend meetings, it means getting in touch on an individual basis, through personal contacts. Asking union members to think about the domestic workers whom they know could be a first step.

Unions which have for a long time been focussed on collective, workplace organising, find they have to 'return to their roots' of being out in the community, and working at an inter-personal level.

“Domestic workers are not in a factory. They are in individual houses.

So we have to reach out in the places where they gather.”

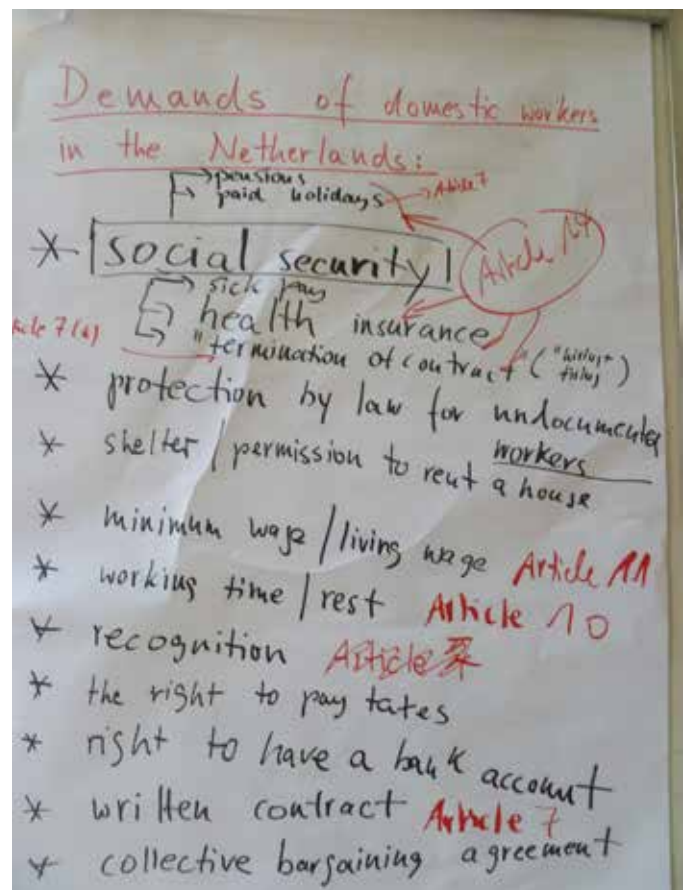
Rebecca Pabon, former domestic workers' organiser, FNV, Netherlands

SWEDEN

The Kommunal union branch in the city of Gothenburg has been busy organising domestic workers. Out of the 100 employees of one household services company there, for example, only 22 were union members, with just one workplace representative.

So a union organiser started meeting up with the workers, on an individual basis. She won their trust, and they gave her the mobile phone numbers of others to follow up.

As a result, 94 workers joined the union, 18 became active, with 5 new workplace representatives elected. Among other things, they got the employer to comply with the collective agreement (*see page 29*) when it comes to disclosing the work schedule. It should be given out 7 days before it is due to start, but the workers were only getting 3-4 days' notice, making it very difficult to plan their lives. Now they can.



Persuading domestic workers to become union members is not an easy task, however. They may well be wary, asking themselves what benefit there is in joining a union. They often cannot pay fees in the normal way: their income is too low and/or they do not have a bank account to pay by direct debit. They may well be scared of the repercussions should their employer find out, especially as they work in isolation, not somewhere where they can build solidarity with fellow workers. Many unions find that migrant workers in particular come and go, perhaps join for a while and then leave again.

One tactic used by many unions – in Belgium, France, Italy, Spain, Sweden, and Switzerland, for example – is to offer domestic workers free services, at first and occasionally over a longer-term. This usually involves giving information and advice, but it can also mean personal counselling for those who are distressed.

How to resource this work is a question many unions have to ask of themselves. They often rely a lot on volunteers. But it does also have to come out of general union funds. This means persuading other union members that this is an important use of the dues they pay: a true act of solidarity. In fact, unions often find members are happy to subsidise the organising of these most vulnerable workers.

SWITZERLAND

Solidarity from other union members

SIT is a small union which exists only in the Canton of Geneva. Its Congress took a decision to focus particularly on undocumented migrant domestic workers, and it has a special General Assembly specifically for them (*see more on page 26*).

SIT does not require these workers to join before they get information and advice, which is provided in a range of languages and includes personal counselling. For other services, workers do have to join but only for a very low fee.

As a result, SIT has recruited 600 domestic workers as members, and reports that they are very active. This work absorbs a lot of union resources but SIT says that its higher paid members accept this as part of union solidarity.

ITALY

Advice for free

Across Italy, there are ‘welfare centres’ (*patronati*) which provide free advice and assistance in such issues as pensions and welfare rights. They are partly funded by the government but are run by other organisations, including trade unions such as FILCAMS-CGIL, FISASCAT-CISL, and UILTuCS.

For the unions, the centres are a way of being in touch with those who need such advice and information. If then someone wishes to take up a particular case – a problem with immigration status, or non-payment of wages, or an accident at work, for example – the union can help, but probably asks them to join the union first.

As well as running ‘*patronati*’, FILCAMS has its own offices in every city and small town which are well-known as a meeting point for workers and their families. However, given that most domestic workers in Italy today are migrants, the union is also doing a lot of information campaigns, with leaflets in many different languages, and it is organising meetings on Sundays near the churches, sometimes in public gardens. It currently has some 10,000 domestic worker members.

ITALY FILCAMS

currently has 10,000
domestic worker members





Migrant workers organising

The ever-growing need for domestic workers in Europe, alongside the increasing informality of the sector, are attracting an unprecedented flow of migrants, particularly women, to do this work. At first, they came from Asia and Africa, but more now are from Eastern Europe. Many are highly educated; they just can't find work at home.

Some come under a visa/work permit system, though these systems can be poorly organised and discriminatory. But many others are 'undocumented', without the proper permits to work. This is rarely by choice. Sometimes it is the result of an unscrupulous labour agency in their home country, charging high fees for a supposed job which turns out not to have a valid work permit. Sometimes they have run away from an abusive employer and their visa gives them no right to work elsewhere. Being undocumented places them even at more risk of exploitation and abuse, particularly if they live in the house where they work.

"The union is a strong tool to educate domestic workers about their rights, and to protect their rights and their welfare."

Clearly, getting information to them about their rights and where they can turn to for support is very important, though difficult, given their isolation. It needs to be in various languages, and through media to which they might have access, including social media and radio.

SWEDEN

The website of the Kommunal union has information in Estonian, Latvian, Lithuanian, Polish and Thai about the laws and collective bargaining agreements which govern the sector there (see pages 24 and 29):

 www.kommunal.se/Kommunal/Branscher-och-yrken/Kok-och-stad/Languages/

Migrant workers do, though, also often organise themselves. They seek out others from their own country to break through the isolation and find friends. They may be helped to get together by a religious organisation, or a group involved in migrants' rights or other human rights. It is to these gatherings that trade unions can and do reach out.

**"When Our Rights and Life are Violated,
United We Stand and Fight!"**

Justice for Domestic Workers (J4DW), UK



Jean Gocotano, Au Pair Network/
FOA, Denmark

SWITZERLAND

Migrant care workers get union support

In the city of Basel, many live-in care workers looking after elderly people are employed by agencies. Many come from Poland. One, Bozena Domanska, bravely took her own case to court and won the back wages owed to her. Her story attracted a filmmaker, which gained public attention and, as the news spread via Facebook and the Polish church in Basel, other workers started to gather. They formed a group called Respekt, which meets once a month on a Sunday.

Respekt is now supported by the local branch of the VPOD public sector union. VPOD employs Bozena as an organiser one day a week (other days, she is still a domestic worker). Members of Respekt become VPOD members, but with special conditions. If they have problems, say, with their employment agency or immigration authorities, they can get immediate union support, rather than having to wait for 3 months after applying for membership, as others do. Plus they have special, very low membership fees.

Meanwhile, Respekt is an autonomous structure. At monthly gatherings, held in the union building, they break out of their isolation by eating together and socialising. They share knowledge about their rights as workers, and develop strategies to empower themselves. At the time of writing, they are planning a campaign for the weekly day off which their employment contract says they should have.

They also pay a lawyer from their own contributions to take cases to court. One case concerned wage levels and non-payment of working hours. In the contract between the agency and the householder, it specifically says that the householder should not discuss wages with the worker. But one worker told the person she was caring for that she wanted to go to court to claim a proper wage. When he realised that only one-third of the fee he was paying the agency went in wages to the worker, he supported her case against the agency.



respekt-vpod.ch



Mach mit bei Respekt!

Das Netzwerk für Betreuerinnen in Privathaushalten und Angestellte bei privaten Spitexfirmen

- für fairen Lohn, Freizeit, Respekt...
- Beratung
- Vernetzung mit Kolleginnen
- Deutschkurse

Kontakt: Bozena Domanska, 076 266 59 50, bozena.domanska@bluewin.ch
 Marianne Meyer, 061 685 98 98, marianne.meyer@vpod-basel.ch

Nächstes Treffen: Sonntag, 15. Dezember 2013, ab 14 Uhr
 Rebgasse 1, Basel, 1. OG links

vpod region basel

vpod region basel, Rebgasse 1, 4058 Basel, 061 685 98 98, www.vpod-basel.ch

Ja, ich mache

Ich trete Respekt bei

Wie hoch ist der Beitrag?
 Fr. 10.10 bei einem
 Fr. 17.85 bei einem

Name

Vorname

Strasse, Nr.

Plz

Mobile

Email

Geburtsdatum

Nationalität

Arbeitsort

Arbeitgeber

weniger als Fr. 22'400.-

mehr als Fr. 22'400.-

Ich verdiene

weniger als Fr. 22'400.-

monatlich

Zahlung

1/2jährlich

1/4jährlich

monatlich

Eintritt per: _____

Monat _____

Jahr _____

Ort, Datum

Unterschrift



NETHERLANDS

Nationality-based migrant groups under a union umbrella

Here, 'services in the home' have long been treated as not part of the formal economy. Most domestic workers are employed part-time. They are not included in the social security system, and other laws give them lower legal rights too. All this has made the sector informal, and so an area for many undocumented migrant workers to find work.

Over the years, workers of particular nationalities, such as Filipinas, got together in their own groups, often with the support of migrant rights' and religious bodies. Gradually, relationships with unions were built, but it wasn't easy. Then, in the late 2000s, the FNV union took the issue up with more energy. It reached out to migrant groups and helped other small ones to strengthen themselves. The idea here is that a shared nationality and culture helps to build solidarity.

Now these various nationality-based groups of migrant workers are organised within the cleaning workers' branch of the FNV. They include the Filipino group United Migrant Domestic Workers and the Indonesian Migrant Workers Union (IMWU-NL, see below), as well as others from West Africa and Latin America. They meet regularly in a joint Organising Committee, hosted by the union.

Here they exchange experiences and build their common campaigns. One issue, for example, is how undocumented workers can get access to the Dutch health system.

At the same time as organising within their own groups, individual domestic workers also become union members, part of the cleaners' section. They can do this regardless of their legal residency status in the Netherlands.



'Schoon Genoeg!' (Clean Enough!) campaign:

www.schoongenoeig.nu

NETHERLANDS

Indonesian Migrant Workers Union

Founded in January 2011, IMWU-NL today has about 400 members. It is for all Indonesian migrant workers to the Netherlands, including domestic workers. Activities include training on Dutch employment standards and rights, how to communicate better with employers, repatriation procedures, and more. They also have a focus on exposing the fraudulent labour agencies in Indonesia which cause workers coming to Europe to be undocumented. Their use of social media to express their situation and build solidarity is very imaginative, including working with an artist on short films in the style of a traditional Indonesian 'shadow play' (see page 34).

"The support of the union is extremely important. After so many years of struggle, all domestic worker groups can finally be united under one umbrella. As the biggest union in the Netherlands, the FNV can support us in our campaign for recognition and respect for our rights. It can approach the Government and the employers, as well as gain international solidarity. Our movement is stronger and we can achieve more."

Yasmine Soraya, Secretary General, Indonesian Migrant Workers' Union, Netherlands (IMWU-NL)



www.imwu-nl.com



'LEGALISE OUR WORK! 100,000 FAMILIES TRUST US.'
UNDOCUMENTED MIGRANT WORKERS DEMONSTRATE OUTSIDE
THE DUTCH PARLIAMENT ON 19 NOVEMBER 2014.

UNITED KINGDOM

“The most active group of workers”

Migrant workers’ self-organisation began in London in the 1980s, supported by Catholic priests and nuns, and it was the domestic workers who reached out to a union (then the TGWU, now Unite) for support. Today, Justice for Domestic Workers (J4DW) has over 1,000 members, from countries such as the Philippines, Indonesia, India, Sri Lanka, Morocco and Nigeria. It is London-based but is now expanding to the city of Leeds.

Migrant domestic workers are particularly discriminated against in UK visa regulations. Unlike other migrant workers, they are tied to the one employer. So, if they flee abuse, they immediately become undocumented, unable to work legally elsewhere. A report by Human Rights Watch in 2014 documented the results: exploitation, forced labour, physical and psychological abuse, confinement, withholding of passports, and so on.

J4DW and its supporters, including Unite the Union and the advocacy/support body Kalayaan, are campaigning hard against these injustices. On International Human Rights Day on 10 December 2014, they held yet another demonstration outside the Houses of Parliament. Marissa Begonia, Coordinator of J4DW, said, **“For this government to facilitate and tolerate slavery in the UK is an unforgivable crime.”**



Unite supports J4DW in many ways. It provides meeting rooms on Sundays for social gatherings, cultural events, arts/craft work to produce campaign materials, and courses on such topics as IT/computers, English language, and managing an organisation. There is training for J4DW members to become occupational health and safety representatives, and to take cases to court. Also, the union headquarters in central London are permanently open, so that any domestic worker can find refuge until help arrives.

As well as join J4DW, the workers are encouraged to become members of Unite. However, **“It is difficult to explain to them the benefit of being in a union”**, says

Nuraeni from Indonesia. **“Many are afraid. Many appear and disappear: join, leave and rejoin”**. Many come only when they need support. Plus, many do not understand the need to pay regular union dues. The best J4DW can do is collect cash from them and pass it on to Unite, with J4DW getting 10%. These practices sit poorly, however, with Unite’s rules where membership lapses if

there is no payment for 3 months.

Nevertheless, many appreciate the support which Unite provides. Nuraeni says, **“I only have Sunday off, but I come to learn and get experience about how to help other domestic workers.”** Marissa adds how grateful they are for the flexibility that Unite has shown to help these vulnerable workers. For its part, Unite acknowledges that the vibrancy of J4DW brings a lot to the union.

 **Justice for Domestic Workers (J4DW)**

www.j4dw.com

 **Kalayaan, domestic workers’ policy/advocacy and support body**

www.kalayaan.org.uk

 **‘Hidden Away: Abuses Against Migrant Domestic Workers in the UK’, Human Rights Watch, March 2014**

www.hrw.org/news/2014/03/31/uk-migrant-domestic-workers-face-serious-abuse



'Au pairs' are often actually domestic workers

The 'au pair' system is where a young person gets a visa to a country specifically to learn a language, and pays for the experience by working for a family. The visa is usually tied to working for a named family. For families, it is a way to get childcare, for example. However, it is being increasingly used and abused by employers in many countries to find a cheap, live-in domestic worker. It is important to note, however, that where this happens these 'students' are included in the ILO definition of who is a 'domestic worker' (see page 2), irrespective of their visa.

DENMARK

Reaching out to 'au pairs'

The FOA (Fag og Arbejde, Trade and Labour) union is one of the largest in Denmark. It has been organising domestic workers since its founding in 1899 and over the years has won many employment standards for them. In the case of au pairs, for example, they are not legally allowed to work for more than 30 hours per week, and have the right to one day off per week. If the contract is terminated, the au pair is allowed to look for a new host family (though if they can't find one they must leave the country, and those from outside the EU have to go within 14 days).

Recently, Denmark has been experiencing a surge of domestic workers coming in on au pair visas. Many are from the Philippines. Household employers are taking advantage of the fact that these workers, as well educated as they may be, do not know their rights there, and are scared of losing their jobs. The FOA union says the au pair system is much like a migrant worker programme for domestic workers. It is undermining the standards that have been won and the

tax credit system that was introduced in the 1990s to create jobs and prevent undeclared work (see page 23).

So the FOA has been focussing on reaching out to au pairs. Jean Gocotano, herself a Filipina, is Coordinator of these activities. Prior to coming to Denmark, she was a domestic worker in Hong Kong where she helped organise domestic workers. She then came to Denmark on an au pair visa, and now works for the Au Pair Network, run by the FOA in collaboration with two Catholic bodies, Caritas and KIT. Jean says:

"We work together with churches to provide help and to reach the au pairs. We offer counselling and assistance. Plus I volunteer at a local radio station: it's called 'The Au Pair's Voice', so I can talk about the issues and give information. I work on this 20 hours a week, but I also have a phone where people can call me any time."

As well as Jean, there are contact persons in 12 towns across the country, and information in leaflets and on websites and Facebook in English. Membership of the FOA costs under €3.5 per month and includes life insurance. As a result, the FOA has recruited some 200+ to the union, though the number fluctuates a lot as migrant workers come and go. Jean says that in 2013 alone the union dealt with over 2,600 cases and enquiries about excessive working hours, unfair dismissal, immigration status, and so on. Most are settled out of court, but union lawyers do take some to court and win compensation. The FOA is meanwhile lobbying the Danish Ministry of Labour to review the au pair system, to end the injustices and stop the undercutting.



FOA: www.foa.dk/aupair

Au Pair Network: www.aupairnetwork.dk

Slavery in Europe

We have to give a special mention to those domestic workers who are employed by diplomats. They usually enter a country on a different work permit from other migrant domestic workers, specifically to work for that diplomatic household or mission.

Under the Vienna Convention on Diplomatic Relations, it is the duty of diplomatic delegations to respect the laws and regulations of their host State, including labour law. But far too often they like - and are allowed by the host government - to act with impunity.

This means that these workers are often in conditions of slavery. The employer may withhold their passport. The worker may not be allowed out, even if they have a day off, which many don't. Accessing support is extremely difficult. Their only option is to run away, when the door is unlocked, but that takes them onto the streets with nothing to live on and they are truly 'undocumented'.

Slowly, the scandal is getting public attention, with unions and migrant support groups taking it up. There have been some successful court cases. However, much more needs to be done. Campaigning for better, fairer migration polices and immigration laws must be part of the union agenda to end such exploitation of migrant domestic workers in Europe.

IRELAND

In late 2014, three domestic workers from the Philippines, supported by the Migrants Rights Centre Ireland (MRCI), took a case against their employer, the Ambassador of the United Arab Emirates to Ireland. They were awarded compensation worth €240,000. However, he has appealed and at the time of writing they have received nothing yet.

One of the workers, Jennifer Villaranda, told the press:

“We worked for the Ambassador 15 hours a day, seven days a week and we were only paid only €170 per month – less than €2 per hour. We were constantly on call, our passports were taken and we never had a day off”



www.independent.ie/irish-news/courts/domestic-workers-awarded-240000-after-earning-just-2-an-hour-for-ambassador-30774631.html



BELGIUM

The ACV union took up the case of a woman who had been working for an official of the European Commission. When her employer heard about it, he summarily fired her. So the union summonsed him, explained that they knew what his position was, and said how shameful it was for a person in his position to behave in this way. Via his lawyer, he arranged for the worker to leave with pay.



‘Upstairs Downstairs’, video on how domestic workers became organised in the ACV unions and gradually won their rights, Van Mile Productions for ACV-CSC, Belgium, 2011:

<https://www.youtube.com/watch?v=H81VYdwWlfs>

UNITED KINGDOM



‘Exposure: ‘Britain’s Secret Slaves’, documentary film, ITV, 19 January 2015:

www.itv.com/news/2015-01-19/exposure-the-truth-about-britains-secret-slaves/

3 Better Laws and state-led systems



In most countries of Europe, general labour laws do or should cover domestic work. Some countries also have specific legislation for the sector, or for sub-groups within the sector such for (health) care workers.

However, in reality many domestic workers in Europe are only weakly protected by law, especially if they are only informally employed, if they do not have a proper employment contract, for example.

Sometimes, they are excluded from specific areas of legislation. Occupational health and safety regulations is an example of this where, even until now, some governments do not accept that there can be labour inspection of private homes to enforce such laws.

Also there can be a conflict with other laws, such as those relating to immigration, which can hamper the enforcement of employment laws.

Plus of course, even when in a formal employment relationship, it can be very difficult for such isolated, vulnerable workers to bring a case against a bad employer in a labour tribunal and or through the courts, or even to approach a union or lawyer in the first place.

However, there are countries in Europe which do have better or even good regulations covering domestic workers, and policies and systems to put them into practice. These can provide unions in other countries with examples to win improvements.

In **Austria, Iceland, Italy, Spain, Sweden** and **Switzerland**, there is specific legislation for domestic work. For example:

AUSTRIA

The Law on Home Help and Domestic Work (Hausgehilfen und Hausangestelltengesetz, HGHAngG) of 1962 includes pay, working time, daily and weekly rest, holidays, notice period, and social security insurance for domestic workers.

Also, general employment law includes areas which apply to domestic workers, such as maternity leave, health insurance, and protection against violence and abuse.

ITALY

Law No.339 on Domestic Work dates from 1958. Amongst others, it includes working time, weekly rest and holidays. The unions say it made an important contribution to recognising paid domestic work as 'work'.

However, this law did not treat domestic workers as equal to other workers in such issues as maternity leave or protection from unfair dismissal. These are covered instead by a national collective agreement (*see page 29*). However, this too has lower entitlements for domestic workers than for other workers in such areas as protection from dismissal after giving birth, and occupational health and safety. The unions are currently lobbying the government for improvements in these areas.

1962

AUSTRIA

law passed setting out pay, working hours, access to social security, etc.

SPAIN

Progress (and set-backs)

Until just a few years ago, domestic work in Spain was defined as a “special employment relationship” which effectively excluded domestic workers from the rights and entitlements of other workers, including social security coverage.

The process of change started in 1995 when the ‘Toledo Pact’, an agreement between the main political parties, employers and unions, recommended some rights for domestic workers as part of reforms to the social security system. However, it was limited to those workers who worked more than 80 hours per month for the same employer, which meant that the majority were excluded.

In 2006, the unions and employers reached an agreement on social security. This included calling for domestic workers to be integrated into the general system, and for social protection against occupational accidents and disease, including for part-time domestic workers. By 2011, the Monitoring and Assessment Commission of

the Toledo Pact Agreements was also recommending the special social security regime for domestic workers be integrated into the general system.

The year 2011 proved to be a milestone in Spain. Social security reform was being debated again in Parliament, and civil society, including the UGT and CCOO unions, migrant rights networks, feminist groups, and other organisations such as Caritas and the Red Cross, campaigned hard. They held protests, petitions, and conferences, and encouraged newspaper articles to raise awareness of the exploitative situation of domestic workers there. This was at the same time as the global movement for an international standard for the rights of domestic workers was coming to fruition (see page 9). Happily, the unions succeeded in convincing the Government, then led by the Socialist Workers Party (PSOE) which historically is closely linked to the UGT.

As a result, Royal Decree 1620/2011 was passed, introducing new legislation on labour rights for domestic workers. It covers those employed by private households to carry out household tasks, including gardening, driving family cars and some care work. (A different law applies to professional care workers and, notably, au pairs are not included in the 2011 law.) It governs employment contracts, wages, working time and working conditions, giving domestic workers essentially the same labour rights as other workers. However, protection against unfair dismissal is not included: employers are not obliged to say why when they dismiss a domestic worker.

That same year, Law 27/2011 was passed to progressively include domestic workers into the general social security system. This requires employers to register domestic workers – including those working part-time – with the social security system, from the first hour of work. It gives domestic workers the same access as other workers to paid sick leave, accident cover, and maternity leave. It does not, however, include unemployment insurance.

Sadly, the new Government that came into power in December 2011, led by the Peoples Party (PP), soon introduced a new law, Royal Decree 29/2012, changing some of the social security coverage. For example, the responsibility to pay contributions has gone back to the domestic workers if they work for fewer than 60 hours per month. The unions see this as a serious

Eres Trabajadora del Hogar? Te Interesa...

En España, existe una clara discriminación con el resto de las trabajadoras y trabajadores, ya que no tienes los mismos derechos, como el desempleo, cotización por salarios reales, te pueden despedir por desistimiento, etc.

POR EL DERECHO A COBRAR DEL PARO

Desde CCOO estamos llevando a cabo a lo largo y ancho del Estado, una campaña de recogida de firmas que instan al Gobierno ratificar el Convenio 189 de la OIT para conseguir condiciones igualitarias y unos salarios dignos. Por ello, te invitamos a una **ASAMBLEA DE TRABAJADORAS DEL HOGAR EL**, es gratuita,

Domingo 22 de Marzo - 10:00 en CCOO PV Plaza Nápoles y Sicilia, 5 - 46003 Valencia

Tu participación es el primer paso...

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Llama al 963882123 - 618257950
trabajadoradelhogar@pv.ccoo.es
Facebook: <https://www.facebook.com/trabajadoraDelHogar>

Te esperamos!

Making domestic employment 'official'

As well as improving laws to protect domestic workers, in recent years the governments of some countries of Europe and Scandinavia have worked in social partnership with employers and trade unions to regularise the domestic work sector. They have established systems, underwritten by substantial state support and subsidies, to bring it out of the 'informality' in which it has existed over the centuries. These governments have understood that this is beneficial to the workers, to the households they work for, and to society at large.

These systems vary widely from country to country. However, they show that governments can be proactive and bring in positive developments.

Service/voucher schemes

One method is through a service/voucher scheme. Such schemes, all very different from each other, exist in Austria, Belgium, France, Germany, Italy, and the Cantons of Geneva and Vaud, Switzerland. The one in Belgium is the most extensive. Meanwhile, the one in Geneva is remarkable because it specifically includes undocumented migrant workers (see page 26).

BELGIUM

A very successful State scheme

Domestic workers in Belgium were first helped to organise by the Young Christian Workers (YCW) organisation from the 1950s onwards. Together, they approached the unions and in 1955 the Christian union, ACV, took domestic workers under its wing. Some 25 years later, they won the first legal statute applying to domestic workers. However, it was very limited. Then in 1982 they won access to unemployment benefit for full-time domestic workers. However, part-time domestic workers were still excluded and they remained in a grey area.

In 2004, the unions won a huge breakthrough - the service cheque/voucher (titre service) scheme. The government of the time agreed that such a scheme would help combat the prolific 'moonlighting' (undeclared work) in the sector, create new jobs, and enable more households where both adults go out to work to afford a domestic worker and thereby have a better work-life balance. It would particularly enable more women to join the labour force.

In this system, domestic workers are employed by private supply companies registered within the scheme. Each household hires its worker from one of these companies. This regularises the work, making it clear who are the employers with the rights and duties of employers, and registering domestic workers as workers with the rights and duties that apply to them. Employment standards are according to a collective agreement, and there is a standard work contract. **"It has ended the one-to-one, 'master-servant' relationship"**, says ACV President, Pia Stalpaert.

Each householder gives the domestic worker vouchers, which s/he buys from Sodexo, the company that administers the voucher system. S/he fills them in and signs them according to the hours worked, The worker then submits the vouchers to the company that employs her, and receives wages accordingly.





So as to make it affordable for households with average incomes, the system is heavily subsidised by the Belgian Government. For example, the sum that the household pays for a voucher is less than the money that the company pays the worker in exchange for it. The Government pays the difference, plus the contributions to social protection schemes. Also, the householder is entitled to a tax reduction for the amount that s/he spends on service vouchers in one year. Though it is a big cost to the Government, the scheme has been a huge success, on many levels.

Originally, it was thought it might create some 25,000 domestic sector jobs. By 2012, over 151,000 workers were registered under the scheme.

Being registered and recognised as part of the official Belgian workforce has also helped to integrate domestic workers better into the trade union movement. Here, they can access the unemployment and sickness benefits which the unions administer on behalf of the Government. The ACV-CSC has some 30,000 domestic workers as members, the FGTB-ABVV HORVAL a further 3,700, and the AC several thousand more. In the ACV structures, there is now a specific section for domestic workers, and this is encouraging them to be active in collective bargaining and other activities relating to their own employment standards.

Also, the employers within the scheme have become better organised, and this has led to collective bargaining with the unions. There is a joint committee which has reached agreements on such issues as minimum wages and pay

levels, working time (a maximum of 38 hours per week), stand-by time, daily and weekly rest times, as well as access to additional pensions and social security, and training.

There are still, however, many domestic workers who are directly hired by private householders and do not come within the scheme. Many migrant workers are employed in this way, often not knowing their rights. So the unions continue to campaign for better working conditions for them too. Even though there is no specific employer body for private householders, there is a joint committee that oversees this area and it has concluded some collective agreements. One major victory is that, from 1 October 2014, all domestic workers in Belgium are now entitled to social security.

A separate joint committee exists for those employed by care companies. Here, trade unions and employers' organisations negotiate specific conditions appropriate to that sector.

“The service voucher system now covers most domestic workers in Belgium. It has really helped us advance union work for domestic workers.”

Inge Gielis, Research Department officer, ACV-CSC union, Belgium, and Deputy President of the EFFAT Youth Committee



‘Upstairs Downstairs’, ACV-CSC video on the history of organising domestic workers in Belgium and how they won the service cheque/voucher system.

www.youtube.com/watch?v=H8IVYdwWlfs

FRANCE

Here too there is an official scheme for the employment of domestic workers. Called the 'universal service employment cheque' (chèque emploi service universel, CESU), it was established in 2006, and is for domestic workers hired directly by private households as well as via a service company.

The workers are paid with a service cheque which the householder gets from a bank registered within the system or the National Agency for Personal Services (Agence Nationale des Services à la Personne, ANSP).

The system includes tax reductions for private employers and tax credits for service cheque firms. Employers are obliged to give pay slips to the workers showing hours worked, wages, and bonuses/allowances.

AUSTRIA

A service voucher scheme (Dienstleistungsscheck) has been operating here since 2006, for domestic workers employed by individuals/households on a temporary basis and below a certain earnings threshold.

The employer buys vouchers from newsagents, post offices, on-line, or from the organisation that manages the system, VAEB. S/he fills in both social security numbers, and the day/time worked, and sends it off to the VAEB or a health insurance company. The VAEB transfers the money to the worker's bank account. The worker is covered by accident insurance, though not unemployment benefits.

Tax credit/deduction schemes

Another way in which governments have tried to stimulate formal employment in the domestic work sector is through taxes.

For example, households can claim tax deductions on part of the costs incurred for domestic services. Again, this has the benefit of officially registering who are employing domestic workers. Such schemes exist in Denmark, Sweden and Finland.

In some other countries, such as Belgium, France, Germany, there are both tax credits and voucher systems.

There are also some tax credit schemes for domestic workers. In Austria, provided the worker has completed some minimum training, a domestic worker's own childcare expenses can be deducted from her taxes.

A focus on migration law and practice

We are now in a situation where the growing labour shortage for domestic/care work is being filled by migrants. In some countries, existing laws and regulations on migration, work permits, au pair visas, etc., are leading to their gross exploitation.

Discussion on migration can be a difficult one for some trade unions. However, as well as focussing on employment standards, trade unions do need to take up migration policy, laws and practice to protect these workers and to stop the undercutting of standards for all.

2006

FRANCE

'universal service employment cheque' (chèque emploi service universel, CESU) established

2006

AUSTRIA

a service voucher scheme for domestic workers employed by individuals/households on a temporary basis and below a certain earnings threshold

2014

BELGIUM

all domestic workers entitled to social security



Even good laws need implementing!

Laws are of course worth little unless they can be put into practice, and for more than just a few workers. But ensuring compliance with the law for domestic workers is a major challenge because their workplace is the private home.

In some countries, such as the UK and Italy, there is still great resistance to allowing labour inspectors to visit private homes. In Italy, for example, inspectors can only check documents such as registration and contributions to the social protection schemes, and only if the worker gives the union a mandate to take the issue there.

However, in other countries, including Austria, Finland, France, Ireland, Netherlands, Spain and Sweden, labour inspectors can do inspections, at least to some extent.

SPAIN

Labour inspection in private homes

In 2012, the labour inspectorate carried out a campaign to combat irregular employment in the domestic work sector. In 8 months, they carried out 566 inspections. 160 cases taken to court resulted in fines for the employers.

If labour inspectors find that a worker has been employed for over 6 months without a proper contract, they have the authority to prepare a document confirming the existence of an employment relationship. This can help migrant workers regularise their migration status and obtain a work permit.



SWEDEN

The first law here was the Maids Act of 1944. In 1970, it was replaced by the Domestic Work Act, which largely regulates working time for those employed by private households, and mostly covers those who provide care for the elderly and those with special needs. Notably, it also applies to au pairs (*see page 17*).

Today, however, domestic work in Sweden is covered by general labour laws. This includes the Environment Act of 2009, which stipulates that the employers of those who do cleaning, maintenance, and laundry services in private households must ensure a healthy and safe environment for the workers. It applies whether the employer is a company or a private household. This is overseen by the Working Environment Authority, which includes working hours, overtime, and daily/weekly rest in its standards for a healthy work environment.

2012

SPAIN

domestic employment inspection campaign by the labour inspectorate

1944

SWEDEN

the first law here was the Maids Act of 1944



IRELAND

Not only the householder has the right to privacy

Working conditions and employment rights for domestic workers are covered in a statutory Code of Practice, which was negotiated by the social partners in 2007.

Under the Code, domestic workers are entitled, amongst others, to a written employment contract, minimum wage, a pay slip, a maximum working week of 48 hours and at least 4 weeks paid leave per year plus paid public holidays. Both employers and workers should pay social security contributions. The Code also states that the employer should “respect the dignity and privacy of the employee”.

The Domestic Workers Action Group (DWAG) and the Migrant Rights Centre Ireland (MRCI) took part with the unions in consultations leading up to the Code. They say the process brought about a significant shift in public perception of domestic workers as workers, with employment rights.

In 2011, the labour inspectorate started inspections of the domestic work sector. The National Employment Rights Authority (NERA) writes a letter and telephones the householder first to request a visit. Those who refuse (reportedly about a third) have to attend an interview and provide relevant documents. The inspector meets separately with the domestic worker.

FINLAND

According to Annika Rönni-Sällinen, former Chief Negotiator of the PAM (Palvelualojen Ammattiliitto) services union, most domestic workers there are hired via cleaning or care companies, very few directly by private households. PAM organises those in the cleaning sector, while care workers are still public employees, organised by public sector unions.

All employers are responsible for providing documentation to the health and safety authority on such matters as the work schedule, including rest periods and overtime. A worker or their representative may request a report on these records. The labour inspectorate has a general mandate for this sector, like other sectors.

Justice through the courts

Taking cases to labour courts is also very important, not only to achieve justice for the individual workers concerned but for a wider impact too.

SWITZERLAND

Domestic workers have the right to at least the national minimum wage, and the UNIA union has been taking cases of low pay to court. Winning large sums in compensation has proved to be an incentive to more domestic workers to join the union, and to employers to comply with the laws.



‘Employment Rights of Domestic Workers in Ireland’, NERA leaflet:

www.workplacerelations.ie/en/Publications_Forms/Domestic_Workers_Rights_A4_size_.pdf

2007

IRELAND

new Code of Practice agreed

Including everyone

A big challenge to these official systems is the unprecedented wave of migrants now coming to work as domestic workers in Europe. Many have little or no knowledge of the laws and practice in their host country, including the voucher and tax systems. Or, those who are undocumented may well not be included anyway. This makes them very vulnerable to abuse, and has the potential to undermine the situation for other workers.

Getting access to the courts to claim their legal rights is a challenge for all low-paid workers and under-resourced workers' groups. Many workers fear losing their job if they take up a case. Migrant workers have additional risks to face. Some have little knowledge of the host country's language. For some, their visa stipulates that they must leave the country soon after leaving an abusive employer. Those who are undocumented find it particularly difficult to access the courts because they have no legal identity in the country.

Many migrant workers' groups are trying to address these problems. Some provide legal training for their members, for example.

UNITED KINGDOM

Justice for Domestic Workers (*see page 16*) does not have the funds to pay for court fees or legal support, and Unite the Union can only help where the worker has been a union member for at least six months. So, J4DW is providing training for domestic workers to defend themselves or others in court, at least where the case is relatively simple.

Also, unions in some countries are now working hard to ensure that migrant domestic workers do know about the legal systems and are integrated into them. In a few cases, they are even managing to get undocumented workers included.

SWITZERLAND

Even undocumented migrant workers

In the Canton of Geneva, the local government is aware of the significant role that migrant workers play there. Geneva is host to many of the world's intergovernmental bodies, with large numbers of foreign officials and diplomats living

there. Many of them employ a domestic worker, mostly migrants, of whom many are undocumented.

Political decisions taken by the Canton government mean that all workers - including undocumented ones - have access to the social security scheme. Employers must register them within the standard system, or under the 'service cheque' (*chèque service*) scheme there (*see page 21*). To be registered, the domestic worker has to provide an identity document. However, notably, they do not have to show a residency or work permit. Nor is there any connection between the social security and the immigration authorities. What is more, legal cases on behalf of undocumented workers can be taken to court without any risk of them being expelled.

Nevertheless, both documented and undocumented migrant domestic workers do have lower rights, being not entitled to unemployment benefit or sick pay.



Action at the European level

At their Congress on 20-21 November 2014, EFFAT member unions decided to put more pressure on at the European Union level too for domestic workers' rights.

In 2013, the European Parliament and Commission agreed to encourage EU member states to ratify ILO Convention 189 (see page 6) and implement it properly. But progress is slow, with still only five ratifications by European countries at the time of writing.

So EFFAT and its unions intend to put more pressure on European MEPs and the European Commission, as well as labour ministries at national level, to get more countries to ratify C189 so that their laws meet the standards of the Convention as a minimum, and hopefully surpass them.

Meanwhile, there are also EU Directives that need revising, to remove discrimination in them against domestic workers. The Occupational Health and Safety Directive 89/391/EEC of 1989, for example, specifically excludes domestic workers:

Article 3a defines a worker as: "any person employed by an employer, including trainees and apprentices but excluding domestic servants".

All unions and other groups supporting domestic workers in Europe can and should take action to help bring about these improvements. This will not only benefit us in Europe, it will also be an example to the rest of the world and help accelerate the process of ratification of C189 by more countries. That in turn will help promote gender equality and the reduction of poverty worldwide.

At the time of writing, the Committee on Women's Rights and Gender Equality of the European Parliament has just started to investigate the situation of women domestic workers and carers in the EU, to which EFFAT and the IDWF are contributing. Hopefully this too will add more voices calling for a better situation for domestic workers across Europe.



4 Collective Agreements with Employers

Collective bargaining with those who employ domestic workers, whether individual companies or associations of employers, is an important activity by trade unions. Any agreements reached become legal documents. Even though domestic workers face many problems getting them enforced, they set out what the standards should be on such issues as working hours and overtime, rates of pay, sick leave, annual holidays, accident insurance, and access to social security schemes.

So who are the employers of domestic workers with whom the unions can and do negotiate these CBAs? Here too, the pattern varies widely across Europe. It is up to the unions in each country to check out what is possible for them.

In some countries, such as the **UK**, **Netherlands**, and **Malta**, it is mostly private households who directly hire the domestic workers they need, on a one-to-one basis. Here, there are seemingly no associations to represent these household employers. However, in some other countries there are.

- There is collective bargaining between the unions and associations representing private household employers in **Italy** and **France** (see *opposite*) and **Germany** (see *page 30*).

Meanwhile, there and across Europe there are also companies which employ workers and supply them to households. Some of these companies specialise in a particular sector such as cleaning or care. In **Finland** and **Belgium**, for example, virtually all hiring of domestic workers is via such companies rather than on an individual basis.

- In **Finland**, **Belgium** and the **UK**, there is collective bargaining between unions and individual companies supplying workers to households. Unions negotiate agreements with those companies on a one-to-one basis.

Elsewhere, such companies may well be members of an employers' association with whom the unions can negotiate. For example:

- In **Belgium**, **France**, **Germany**, **Sweden** and **Italy** there are associations of companies which are specifically employers of domestic workers.
- In **Finland**, there is an association of companies in the cleaning sector which supply workers to private households.
- In **Denmark** and **Switzerland** there are associations of companies in the care sector which supply workers to private households.
- In **Austria**, **Ireland**, **Spain** and the **UK**, the employers' associations with whom the unions negotiate are large organisations, involving many sectors including domestic care/cleaning.

Some of this negotiating involves just the two parties (bipartite), and some also involves government (tripartite). Most is at national level, and some is at regional or local level.



SWEDEN

“A regular job like any other”

Kommunal (the Swedish municipal workers' union) has collective agreements with two bodies which represent companies supplying domestic workers to households: Almega for private companies, and KFO for cooperatives and not-for-profit entities.

The agreements cover minimum wages, overtime, daily and weekly rest periods, holidays, and provisions for pension entitlements, as well as sick leave and accident insurance. Domestic workers in Sweden have the same access to maternity leave and social security as other workers.

“For us there is no difference between working in this sector and in any other sector. Our laws and social insurance system apply to anyone who has a job, and we have collective bargaining agreements for this industry as for other industries. So it's a regular job like any other job.”

Anita Lundberg, National Officer, Kommunal, Sweden

FRANCE

Several national collective agreements exist here:

- One negotiated in 1999 covers workers employed directly by households.
- A second, which came into force in 2012, applies to workers employed by non-profit agencies.
- A third, which came into force in November 2014, covers those employed by a private company.

These CBAs apply to all domestic employers and workers, whether or not they are members of an employers' association or a trade union.

1999

FRANCE

collective agreement reached for workers directly employed by households

ITALY

“It took 70 years of hard work!”

So says Elena-Maria Vanelli, Women's Officer of the FISASCAT-CISL union, which also represents workers in hotels, restaurants, catering and commerce.

It was in the 1940s that the first regulation was passed in Italy giving domestic workers some rights - a Civil Code giving access to health insurance. In 1958 came the first legal definition of who is a domestic worker. Then in 1974 the first national collective agreement was reached. In 2007 a new CBA was agreed, renegotiated in 2013. Those negotiating it were four unions (FILCAMS, FISASCAT, UILTuCS and FEDERCOLF) and the two employer associations in the sector (FIDALDO and DOMINA).

The agreement covers many issues, including pay, daily and weekly rest times, on-call and stand-by time, paid holidays, sick pay, and severance pay. A Commission under the Italian Labour Ministry governs the agreement, including deciding on pay increases. The worker is only covered where there is an employment contract. Importantly, however, it specifically includes undocumented and non-Italian workers as well as Italian nationals. It has been translated into English, Spanish, French, Russian, and Romanian to make it available to as many domestic workers as possible, though at the time of writing is only available on the Internet in Italian:



www.filcams.cgil.it/lavoro-domestico-ccnl-1-07-2013-31-12-2016

There is also a health insurance fund, to which both the employer and worker can pay contributions, which gives the worker free access to some medical services.



‘Domestic workers ask for respect’, video, FILCAMS-CGIL, 2014, in Italian with English subtitles:

www.youtube.com/watch?v=DS4XIoNEGqw

1940s

ITALY

the first regulation passed giving domestic workers some rights - a Civil Code giving access to health insurance

GERMANY

A good model for others to use

Here, there is a long tradition of collective bargaining between the trade union NGG and the employer organisation DHB NetzwerkHaushalt (Household Network), going back to the 1950s.



'Die Unsichtbaren - Hausangestellte in Deutschland' ('The Invisible Ones: Domestic Workers in Germany'), video, NGG, Germany, 2013:

www.youtube.com/watch?v=8EAsad73Qd0

They have agreements at a federal State level which cover such conditions as working time (see extract below), rest periods, and holidays. There are also agreements at a regional level on pay related to qualifications.

These agreements only apply to the members of the DHB and the NGG, which is a relatively small number of domestic workers. However, they are a model for others to use, and are referred to in court cases.

Collective Framework Agreement between the NGG union and DHB NetzwerkHaushalt (Household Network), 2001

Extract

§ 4 Working Time

1. Regular Working Time

a) Duration of working time

Regular working time is 38,5 hours per week. This is equal to an average working time of 167 hours per month.

b) Distribution of working time per week

The weekly working time must be distributed over 5 days per week, preferably from Monday to Friday.

The daily working time is a maximum of 8 hours.

If working time is needed on a Saturday and/or Sunday, there must be an equivalent amount of free time during the same week.

In total, there must be two weekends (Saturday and Sunday) off per month.

c) Overtime allowance

Overtime work which exceeds the regular working time must be compensated for by time off within the following 4 weeks. If this is not possible, the worker is entitled to 1/167 of the gross monthly salary plus a 25% premium for every hour of overtime worked.

If free time is taken, the 25% premium must still be paid.

Any work performed outside the regular working time is considered to be overtime and must be settled according to Paragraph 1.

1950s

GERMANY

collective bargaining starts between a trade union and a household employers' body

Publicising collective agreements

Often, such collective agreements apply to all domestic workers/employers in that country/region. Or, they should. The difficulty is making these agreements and the standards they contain known to individual domestic workers and their employers, and getting them respected. This is particularly the case for migrant domestic workers. Unions often need to translate the agreements into several languages, as they have done in **Italy**, for example (see page 29).

Collective agreements can also be used more widely, to push more employers into negotiations, to persuade governments to improve the legal situation, to produce as evidence in court cases, and to widen public awareness.

NETHERLANDS

The FNV has a model employment contract on its website, for situations where the domestic/care worker works for up to 3 days per week. Guidance is given about what should be in such a contract, according to law and good practice:

Model employment contracts

This is a sector where many workers are employed by individuals who are not in employers' bodies. Very often there is no employment contract at all or only a brief letter. Indeed many domestic workers and householders may well not know what should be in an employment contract. So, another area of support that unions can provide is to promote their use, through model employment contracts available through the Internet or printed brochures. Unions can also lobby an appropriate government body to do this.

SWITZERLAND

The Labour Department (SECO) has two model employment contracts for domestic workers on-line, one for those paid monthly and one for those paid hourly:



www.seco.admin.ch/keine-schwarzarbeit/04306/04478/index.html?lang=fr

Model Employment Contract for Domestic Workers, FNV, Netherlands

Extract

Vacation Allowance

5. Employee is entitled to a vacation allowance of 8 percent of the gross wages.

The vacation allowance is paid out in the month of

OR: The vacation allowance is paid out weekly as allowance on top of the wages*.

Vacation

6. Employee is entitled to paid vacation hours per vacation year, which runs from 1st of June up to and including the 31st of May. The vacation is taken after and in consultation with the employer.

Employee is entitled to an uninterrupted period of vacation of weeks.

Sickness

7. In case of sickness employee gives notice thereof to employer before 9.00 AM.

Employee is entitled to continued payment of wages during the first 6 weeks of sickness.

Pregnancy Leave

8. Employee is - with respect to giving birth - entitled to pregnancy leave.



http://fbg-ms1.sentia.nl/site/branches/zakelijke_diensten/schoonmaak/downloadblokken/42814

Some employers do the 'right' thing

There are employers who understand the benefit to themselves and their families – and society as a whole – of employing domestic workers properly. There are also companies in the sector who want to run a professional service, gain recognition for the sector, and not be undercut by unscrupulous agencies. In a number of European countries, trade unions have been able to engage with them and reach some useful collective agreements.

In the 2014 EFFAT survey on domestic work, a number of employers interviewed said that they welcomed more social dialogue with the trade unions on this.

SWITZERLAND

In the German-speaking part of the country, the trade union UNIA and the employers' association zu Hause leben (Living at Home) negotiated a collective agreement in 2014. It is to apply to non-medical workers who are placed by care companies in households to do tasks for elderly people.

There had been a lot of public debate in the country about the employment of migrants, especially from the new EU member states, on very low conditions which were undermining labour and social security standards. One case of 24-hour care workers who were not even on the minimum wage got a lot of media coverage. The unions campaigned hard against such practices.

There were also some placement agencies, like those in zu Hause leben, which wanted the undercutting to end, so as to run a professional service. After 1.5 years of negotiations, they and UNIA came up with the agreement. It is for live-in domestic workers and those employed on an hourly basis. It includes pay levels, rest time, sick leave, accident insurance, maternity leave, social security, decent working and living conditions for live-in workers, protection against abuse and violence, notice period, and protection against unfair dismissal. It notably includes a model for regulating working time for live-in domestic workers, taking into account on-call duty and stand-by time.

REMINDER

Domestic work is an unusual sector. In this one, huge numbers of us, trade unionists included, are likely to be employers of domestic workers at some points in our lives. With an ageing population, for example, we need them to help care for our elderly relatives. More women going out to work means more help with childcare. There are responsibilities on all of us as employers to 'do the right thing'.

UNIA and zu Hause leben want this to become a sector-wide agreement. However, some other employers are very resistant. Christine Micher, Equalities Officer at UNIA, says, "There are employers who think that providing better home care services depends also on having regulated working conditions, and they are willing to live up to these standards. But others have come up with a pseudo-agreement, concluded among themselves without any unions involved, so as to block our organising rights". At the time of writing, she is hopeful that by getting the tripartite Commission and the Labour Ministry involved they can succeed.

FRANCE

FEPEM (Fédération des Particuliers Employeurs de France) is an organisation which represents private householders who directly employ a domestic worker. It has a collective agreement with the union federations CFDT, CGT, CFTC and FO dating back to 1999, and was instrumental in creating the CESU voucher scheme (see page 23).

FEPEM promotes a model based on a professional service and social responsibility including respect for human dignity and for "each party's rights and responsibilities".



www.fepem.fr



5 What Unions Can and Should Do

Reach out to domestic workers

Find any domestic workers' self-organisations or support organisations that exist in your country/region. Think about how the union can collaborate, support and help develop their organisation, and bring them into the union movement, as individuals and as organisations.

Be prepared to organise at a personal one-to-one level. Support organisers to seek out individual domestic workers in public spaces such as parks and markets, and through personal contacts, including union members.

Find out more

Learn more about the reality of domestic work in your country, and about how it is organised elsewhere. This will help you know what is possible, and refute the arguments of those who resist change for the better.

Lobby government

Put pressure on your government, where needed, to recognise that domestic work is a significant part of the economy, that domestic workers play a vital role in the country's well-being, and so the sector should be formalised. Call on them to:

- ratify ILO C189 (if they have not done so already) and implement it and its accompanying R201 (*see page 6*)
- continue to improve national laws and ensure they are respected
- revise regulations on work permits and immigration where they discriminate against migrant domestic workers and drive down employment standards for all; include 'au pair' visas which are now being widely used for this purpose, and domestic workers employed by diplomatic missions/households
- consider public investment in a system that formalises domestic employment, such as a voucher system
- support changes that are needed in European Directives to include domestic workers.



Seek out employers who want to do it right

Encourage those companies which wish to operate a professional service to collaborate with unions so as to end undercutting by unscrupulous ones. Support the principle that quality employment = quality standards of care = a win-win situation for households as well as domestic workers.

Raise awareness among union members that many of us too are employers of domestic workers. This is a speciality of this struggle - to understand our own responsibilities as employers of domestic workers, as well as fighting as trade unionists for their rights.

Raise public awareness

Get more of the general public to acknowledge domestic work as an important part of their lives, especially as the population ages and more women go out to work. So they should support the struggle of domestic workers for respect and rights.

Organise and support demonstrations and other public actions for domestic workers' rights, for example on:

| INTERNATIONAL DAYS OF ACTION | |
|------------------------------|-------------------------------------|
| 16 June | International Domestic Workers' Day |
| 8 March | International Women's Day |
| 1 May | International Workers' Day |
| 7 October | International Day for Decent Work |
| 18 December | International Migrants' Day |

Encourage journalists to produce newspaper articles and TV documentaries. Fund TV adverts.

SWEDEN



'Hemfrid-Tusse' ('Think about what you pay'), TV advert:

<https://vimeo.com/72183276>

Publicise these issues through social media produced by the union and domestic workers' groups.

NETHERLANDS

Working with a video artist, migrant domestic workers have produced videos, such as, 'I will not ask anything about you. You will not ask anything about me', 2012:



www.youtube.com/watch?v=ftizilGp-WQ



Help strengthen international networks

Support the initiatives by EFFAT at the European level (see page 27).

Promote these issues also through the global union federation, IUF (see page 5).

Become active members of the International Domestic Workers' Federation, IDWF (see page 9).



“Domestic workers need their employment regularised, and their rights as workers respected. Such improvements are essential not only for the welfare of the workers themselves but for European society as a whole.

Domestic workers play the vital role of caring for our children, our sick and our elderly. They look after not just our well-being but also our property, and they enable many others – particularly women – to join the workforce, thus enhancing our economies.

Regularising their situation would be an important step in the reduction of poverty across Europe. It would give a clear signal to the millions of Europeans who want a better life for all.”

Pia Stalpaert, President, ACV-CSC, Belgium, and former President of the EFFAT Women's Committee

6 Other Useful Resources

Resources such as publications, videos, and websites are given throughout the booklet. Here are some more:

Videos

'12 by 12: Decent Work for Domestic Workers! - Launch of the international campaign', ETUC, December 2011:

www.youtube.com/watch?v=2H9fIK_lyU0&index=14&list=PLnWtP2Shjryld-fkQuenPWPS4LJlgOY

'No Work, No Pay', Domestic Workers Netherlands, 2012:

www.youtube.com/watch?v=IArb2zDRLes

'Migrant Domestic Workers in Europe: Graciela's story', ILO, 2012:

www.youtube.com/watch?v=W6tJaQugmuo

'Migrant Domestic Workers in Europe: Coring's story', ILO, 2012:

www.youtube.com/watch?v=rFcw7l1RtY&list=PLnWtP2Shjryld-fkQuenPWPS4LJlgOY&index=37

'Dringend Gesucht - Anerkennung Nicht Vorgesehen' ('Urgently Needed - The Recognition They Don't Yet Have'), film by Anne Frisius and Mónica Orjeda, Germany, 2014: www.kiezfilme.de/dringend/

Research

C. Karls, 'Decent Work for Domestic Workers: The state of labour rights, social protection and trade union initiatives in Europe', with case studies from Italy, Spain, Germany and Ireland, ACTRAV/ILO-ITC, ETUC and EFFAT, 2012

http://www.etuc.org/sites/www.etuc.org/files/Decent_Work_for_Domestic_Workers_FINAL.pdf

'Regional Knowledge-Sharing Forum: Labour inspection and the domestic work sector', ILO, Lisbon, 11-12 October 2012:

http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/meetingdocument/wcms_202400.pdf

Organisations

International Labour Organisation (ILO) on domestic workers:

www.ilo.org/global/topics/domestic-workers/lang--en/index.htm

WIEGO (Women in Informal Employment Globalising and Organising) on domestic workers:

wiego.org/informal-economy/occupational-groups/domestic-workers

Anti Slavery International:

www.antislavery.org



Who we are

EFFAT: European Federation of Food, Agriculture and Tourism Trade Unions

EFFAT brings together 120 national trade unions from 38 European countries, with a total of over 2.6 million members.

EFFAT represents these trade unions and their members at the European level, towards European institutions, and in negotiations with employers' associations and transnational companies.

It is the European regional organisation of the International Union of Food and Allied Workers (IUF).

EFFAT is also a member body of the European Trade Union Confederation (ETUC), which is the European regional organisation of the International Trade Union Confederation (ITUC).

IDWF: International Domestic Workers Federation

The IDWF is a membership-based global organization of domestic and household workers.

It grew out of the International Domestic Workers Network (IDWN), and was formally established at an international Congress in Montevideo, Uruguay, in October 2013.

As of January 2014, it had 47 affiliates from 43 countries. Most of these are trade unions, along with associations and workers' co-operatives. They include six trade unions in Europe: ACV-CSC (Belgium), FILCAMS-CGIL (Italy), FNV (Netherlands), NGG (Germany), SIT and UNIA (Switzerland).

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EFFAT

About this booklet

Domestic workers in Europe: millions of them, working hard for us all, looking after our families and our homes.

But what are their rights as workers? What are the trade unions doing to help protect them from exploitation and abuse? What more could be done to get them the fair and decent employment to which they are entitled?

The situation varies widely from country to country. This booklet helps unravel a complicated story, but one that is essential to a just society.

