

What can the EU do to improve domestic workers' conditions?

(August 2022)

EFFAT sets three proposals for action

Domestic workers provide for our well-being

Domestic workers are often behind our cleaned houses, cooked meals and the care of our beloved ones. They play a key role in ensuring the well-being of our households and allow us to achieve an improved work-life balance. However, despite their essential role, many domestic workers in Europe still lack recognition and have no access to fundamental workers' rights including collective bargaining, as well as to social security and social protection.

Moreover, during the COVID-19 pandemic, many domestic workers have lost their job or have suddenly become homeless, due to their precarious conditions and the fear of contagion. The pandemic meant for many of them also an increased exposure to sexual harassment and domestic violence.

Time has come to address their challenging conditions through targeted actions both at the EU and national level. Domestic workers deserve full recognition, valuation and professionalisation, which is also an European Parliament demand enshrined in the [Resolution](#) adopted on 5 July 2022: *Towards a common European action on care*.

Domestic Workers in Europe: Facts and figures

At EU level, domestic workers are defined under the term "Personal and Household Services (PHS) workers". According to the [European Commission](#), **there are about 9.5 million PHS workers in the EU 27, representing almost 5% of EU-27 total employment**. Among them:

- **6.3 million of EU-27 PHS workers are legally employed** while at least **3.1 million are working undeclared**, lacking recognition and access to fundamental workers' rights;
- **63% provide mainly direct care** (e.g., care for elderly, persons with disability and children) and **37% mainly household chores** such as cleaning, cooking, gardening, driving. Notably in personal and household services, care and non-care activities are highly intertwined with a vast proportion of workers performing both;
- **One out of three PHS workers are directly employed by the end-users** (direct employment relationship), but the share exceeds at least 50% if undeclared domestic workers are included;
- **90% of PHS workers are women** and a significant proportion are undocumented migrants.

EFFAT three proposals for action

As any other workers, domestic workers deserve to be treated with dignity and respect. Yet, the vast majority of EU Member States do not recognise their work activities as "real" jobs. This means that domestic workers cannot enjoy basic labour rights and are more exposed to labour exploitation and segregation. **The EU has a clear responsibility to act ensuring decent living and working conditions for domestic workers and promoting the recognition of their work across all Member States.**

There are three actions that the EU could immediately take to improve the conditions of domestic workers:

- 1. Extending the scope of Directive 89/391/EEC on Health and Safety and related individual directives to "domestic servants"**.
- 2. Calling on Member States to promptly ratify and implement [ILO Convention 189](#) on domestic workers.**
- 3. Promoting EU social dialogue in the Personal and Household Services (PHS) sectors.**

EFFAT calls on the European Institutions to support these three proposals for action.

1. Extending the scope of Directive 89/391/EEC on Health and Safety and related individual directives to “domestic servants”

The European Framework Directive on Safety and Health excludes domestic workers

The European Framework Directive on Safety and Health at Work (Directive 89/391/EEC) was a substantial milestone in improving safety and health at work across Europe. Article 3 of this Directive defines “worker” as any person employed by an employer, including trainees and apprentices. Yet, it excludes domestic servants.

With such exclusion, domestic workers are not protected by an important part of the EU Occupational Safety and Health (OSH) legislation, including relevant individual Directives that set out the principles and instruments of the Framework Directive with regards to specific hazards at work. Moreover, several Member States have also excluded domestic workers from the scope of the Working Time Directive (2003/88/EC), although such exclusions are not consistent with the requirements of the Directive itself.

The COVID-19 pandemic showed that work could be performed from private households and that labour law and workers’ rights should apply regardless of the workplace. The fact that the household is the place of work should not allow employers’ non-compliance with health and safety and risk prevention requirements. It must be clear that every domestic worker has the right to a safe and healthy working environment.

Health and Safety risks for domestic workers

Domestic work is dangerous. Workers are regularly exposed to harmful cleaning chemicals, ergonomic challenges and psychosocial risks. Domestic workers mainly work isolated in private spaces, confronted with wet floors, passages blocked by heavy objects, working at heights, and could be exposed to electric shocks or burns. Domestic pets might react in a protective and aggressive way towards domestic workers or entail other health risks. Domestic workers carry out repetitive actions that can lead to chronic injuries such as tendonitis, arthritis, muscle pain, discal hernia and other physical burden or damage. The use of cleaning products without training can lead to health risks, such as intoxication, allergies or respiratory problems.

Domestic workers are used to carrying out multiple tasks and activities (care and non-care), often working overtime and having little or no time off with clear difficulties to combine private life and work. Such conditions often generate stress, anxiety, systemic fatigue and even burnout.

Workplace privacy, combined with the lack of recognition and protection, exposes domestic workers to violence and harassment at work, including sexual harassment, more than other workers.

Extending the scope of Directive 89/391/EEC helps in achieving full recognition in all Member States

The European Parliament had already acknowledged the lack of health and safety protection for all domestic workers in the [Resolution](#) of 28 April 2016 on *women domestic workers and carers in the EU*. More recently, on 5 July 2022, the European Parliament adopted the [Resolution Towards a common European action on care](#) and called for a “targeted revision of Directive 89/391/EEC to ensure the inclusion of domestic workers within its scope”. The need to reform the scope of the Framework Directive was already identified in the European Commission [Ex-post evaluation of the EU occupational safety and health Directives](#) (10 January 2017) that states that “the exclusion of domestic servants from the Framework Directive might need to be reconsidered”.

Keeping the exclusion of domestic workers from a crucial part of the EU social *acquis* is not defensible and it is ethically unacceptable. Moreover, it is against the spirit of other directives in the social policy field.

EFFAT urges the Commission to propose the extension of the EU Framework Directive on Safety and Health and related individual directives to domestic servants. This would oblige Member States that have not yet extended health and safety protection to domestic workers to do so, and it would represent an additional push towards the recognition of these key workers. **Member States should also be required to adopt binding rules on how to carry out risk assessments in private households in the interest of domestic workers.**

EFFAT also calls on the European Commission to clarify through an official Communication that the Working Time Directive (2003/88/EC) applies to Domestic workers, and to start infringement procedures against non-compliant Member States.

2. Calling on Member States to ratify and implement ILO Convention 189 on domestic workers

C189: a crucial tool to drive domestic workers recognition at national level

Entered into force on 5 September 2013, the ILO C189 on decent work for domestic workers is a landmark treaty establishing a global legal framework for domestic workers' recognition and protection. The Convention requires national governments to extend basic labour rights to domestic workers, including freedom of association and collective bargaining, a safe and healthy work environment, decent living conditions (if workers live at the workplace), social security coverage, fair remuneration, easy access to complaint mechanisms as well as protection against abuse, harassment and violence. It also requires national governments to extend protection to migrant domestic workers and to tackle abusive practices by private employment agencies. The provisions of the Convention are to be implemented in consultation with the most representative trade unions and employers' organisations.

The more countries ratify and implement the Convention, the more likely domestic workers will be granted decent working and living conditions. The EU can play a crucial role in speeding up this process.

Many EU Members States are still far from ratification and fair implementation of C189

So far only eight countries have ratified the Convention in the EU: Italy, Ireland, Portugal, Belgium, Sweden, Germany, Malta and Finland. Unfortunately, none of these countries have fully implemented its principles.

In the vast majority of Member States, domestic work is still very much considered as part of the unpaid domestic and care work, typically carried out by women. The consequence is that domestic work continues to be among the most undervalued, under-compensated, and hyper-vulnerable jobs in Europe.

Today, a best practice example is represented by Belgium which features one of the most efficient implementations of C189 in the EU. Since 2004, the introduction of a well-functioning voucher system has contributed to tackle undeclared work and to create decent jobs in the domestic work sector by encouraging a higher demand for a set of domestic services through subsidised tariffs.

The EU must do more to promote C189 on domestic workers

On 28 January 2014, the EU's Council of Ministers adopted a [Decision](#) authorising Member States to ratify the ILO Convention 189, as proposed by the Commission in March 2013.

Since then, the EU has taken no relevant actions to support the ratification of ILO C189. An important call was made by Commissioner Nicolas Schmit at the occasion of the 10th anniversary of the Convention. He stressed the need of "renewed efforts to lift domestic work out of invisibility and unacceptable conditions into recognised, fair and decent work". This was welcome, but the EU can do much more to promote the ratification of C189.

EFFAT calls on the European Commission to urge non-compliant Member States to ratify and implement ILO Convention 189 on domestic workers. Moreover, EFFAT calls on the Commission to propose Council Recommendations to guide Member States in the ratification and full implementation of C189.

Such EU Council Recommendations should at least:

- Outline domestic workers' rights arising from EU employment law and ILO C189.
- Call on Member States to support capacity building of social partners in the domestic work sector with a view of improving conditions of domestic workers and the professionalisation of the sector.
- Provide for effective pathways for recognition, valuation and professionalisation of domestic workers.
- Define, on the basis of best practices, examples of employment schemes applicable to domestic work also outlining the obligations of the different actors involved. Proposed employment schemes should imply the full involvement of national social partners.
- Provide recommendations to Member States on how to tackle undeclared work in the sector as well as abuse, harassment and violence (including gender-based).

3. Promoting EU social dialogue in the Personal and Household Services (PHS) sectors

EFFAT, EFFE, EFSI and UNI-Europa have joined forces

In 2022, employers' organisations and trade unions in Personal and Household Services (PHS) – EFFE, EFFAT, EFSI and UNI Europa – have sealed their commitment towards increased recognition for the PHS sectors by mutually recognising each other as sectoral social partners at EU level.

This cooperation has brought together two European trade union federations, already recognised as EU social partner organisations in other sectors, and two growing employers' associations committed to social dialogue and collective bargaining.

The initiative paves the way towards increased value, recognition, and professionalisation of an ever-growing sector which – while employing a workforce of almost 10 million – features some of the most precarious working conditions of the labour market.

Social partners have identified common priorities and have agreed on a joint work programme which aims at strengthening the PHS sectors across Europe. The main objectives of such cooperation are the following:

- Fighting against undeclared work in the PHS sectors through the participation and engagement in the European Platform Tackling Undeclared Work and through the exchange of good practices.
- Building social partners capacity by strengthening participation of national affiliates in the meetings and ongoing work jointly carried out by EFFAT, EFFE, EFSI and UNI-Europa.
- Identifying common challenges for workers and employers in the PHS sectors and agreeing on joint position papers and statements to promote joint demands.
- Improving Occupational Health and Safety by collecting best practices, taking part in joint campaigns, and by strengthening synergies with relevant stakeholders and agencies (EU-OSHA).
- Fostering professionalisation of workers by including PHS sectors in the EU Skills Agenda and other similar initiatives.
- Ensuring the upcoming EU Care Strategy addresses the challenging working and employment conditions of all PHS workers and promotes their recognition.

Some national affiliates of EFFAT, EFFE, EFSI and UNI-Europa are regularly engaged in collective bargaining negotiations at national level. The mutual recognition and current cooperation between EFFAT, EFFE, EFSI and UNI-Europa provides them with a platform at European level where it is possible to exchange experiences engage in dialogue and agree on common strategies to strengthen the PHS sectors. This ongoing cooperation complements the role of collective bargaining at national level and has the potential to support the EU in the definition of specific policies targeting the PHS sectors.

The European Commission should support EU social dialogue in the PHS sectors

EFFAT, EFFE, EFSI and UNI-Europa are regularly engaged to improve the conditions of personal and household services workers in Europe as well as the image of the PHS sectors. However, without the support of the European Commission their joint effort is limited.

This is why EFFAT, together with EFFE, EFSI and UNI-Europa, demand structural support for EU social dialogue in the Personal and Household Services (PHS) sectors. Priority should be given to the joint submission of EU-funded projects in order to organize meetings with interpretation, as it is the case for other sectors.

EFFAT remains open to all discussions regarding a recognised EU sectoral social dialogue with all representative parties operating in the PHS sectors.

Under Article 151 TFEU, the promotion of dialogue between management and labour is recognised as a common objective of the EU and the Member States. This should be particularly the case in the domestic work sector which is featured by high levels of exploitation, precarious work and deplorable working conditions.