

Domestic Workers: From Modern-Day Slavery to Equal Rights



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A Policy Briefing written in the framework of the SOLIDAR project “Decent Work for All! Making Migration work for Development”. This is a three-year project (2010-2012) which aims to raise awareness among European citizens and policy-makers about the links between development, migration and decent work; as well as the need to guarantee equal basic rights for all workers in the EU, irrespective of their origin of legal status.

SOLIDAR is carrying out this project with seven member organisations: ADO SAH ROM (Romania), Czech Council on Foreign Relations (Czech Republic), ISCOD (Spain), ISCOS (Italy), Solidarité Laïque (France), Pour la Solidarité (Belgium) and Progetto Sviluppo (Italy).

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SOLIDAR is a European network of 52 NGOs working to advance social justice in Europe and worldwide.

SOLIDAR lobbies the EU and international institutions in three primary areas: social affairs, international cooperation and education.

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FOREWORD

Since 1999, when the concept of Decent Work was launched by the International Labour Organisation (ILO), SOLIDAR has been working to promote Decent Work for a Decent Life for all.

All workers, irrespective of their origin or gender, are entitled to decent work, including fair wages, 8-hour standard working time, equal treatment with regard to social protection, social bargaining and dialogue.

The focus of this briefing is to raise awareness on the rights of (migrant) domestic workers and their important contribution to the wellbeing of our societies. Domestic work is work. It should be recognised and valued as regular work giving equal treatment to the workers, irrespective of their migration status or gender.

That is why SOLIDAR, together with our partners in the Global Network, is actively campaigning for the rights of (migrant) domestic workers to be respected. A key element to making progress on this issue is to make sure that the ILO Convention on Domestic Workers, which is due to be put to the vote in the International Labour Conference taking place in June 2011, is adopted and implemented.

The Convention would recognise domestic work as regular work with the same rights for domestic workers as for other workers. Many domestic workers have joined national and regional trade unions and are mobilised in the global campaign for the adoption of this Convention.

Let's make this Convention a reality!

Conny Reuter
SOLIDAR Secretary General

RECOMMENDATIONS

The examples in this briefing from the different global regions: Africa, Asia, Latin America and the European Union, show that there is an urgent need for global action to formalise domestic work by creating a binding international framework with minimum standards through an International Labour Organisation Convention on Domestic Work.

Improving the employment conditions, skills training and recognition of domestic workers, including migrant domestic workers, will benefit both the workers and recipients of domestic and care services. Both the care giver and care taker have the right to a life lived in dignity where they can reconcile private and professional life. Migrant domestic workers are not merely economic units but human beings and only a rights-based and gender-sensitive approach can truly ensure the social cohesion and well-being of our societies.

Recommendations to National Governments Worldwide:

- Recognise domestic work as formal work by giving equal rights to all (migrant) domestic workers.
- Support the ratification of a strong ILO Convention on Decent Work for Domestic Workers at the 100th International Labour Conference in June 2011.
- Support trade unions and civil society organisations in organising domestic workers, informing both employers and workers about their rights and obligations.
- Exchange good practice examples at national level in view of reinforcing the rights of domestic workers.
- Promote the ratification and implementation of the principal international conventions protecting migrant workers rights, namely the UN Convention on the Protection of the Rights of Migrant Workers and Their Families, ILO Convention 97 on Migration for Employment and ILO Convention 143 on Migrant Workers.

Recommendations to Members of the European Parliament:

- Support the EP resolution¹ on the ILO Convention on Domestic Work.

Recommendations to the European Union:

- Improve the coherence between immigration and labour policies to avoid that overly restrictive immigration regulations curtail equal treatment for migrant domestic workers and encourage informal work.
- Amend current national and EU legislation to ensure the inclusion of domestic workers. For example, Council Directive 89/391/EEC on occupational health and safety and Directive 2000/78/EC on equal treatment in employment and occupation².

Specific Recommendations on Migrant Care Workers in the EU:

- Include specific measures in local welfare systems to provide for domestic care work and domestic helpers to better support families in meeting the cost of this growing need (see next point).
- Raise tax deductions or rebates for social security contributions paid by households employing family assistants. They should cover more than two thirds of the cost of social

¹ European Parliament (2011). Motion for a Resolution [PE460.609v01-00]
http://www.europarl.europa.eu/meetdocs/2009_2014/documents/empl/dv/empl_re_ilo_858752_/empl_re_ilo_858752_en.pdf

² Ibid.

- security contributions for lower income families. Alternatively a tax credit could be introduced.
- Increase the number of “window offices” to match demand with supply and encourage registration of accredited family assistants. This should only be done as part of a comprehensive system, with clear links to social services and to employment offices/services.
 - Measures to regularise more irregular workers are needed. Care vouchers, for instance, can encourage the regularisation of illegal workers when they offer a clear economic benefit. The numbers benefiting from these would be further increased if they were linked to additional services that public authorities can provide such as job matching, long term support and protection, and the integration of social and health services.
 - Promote vocational training for family assistants who have to care for elderly people.
 - Provide counselling services for family assistants so that they can share their concerns and the pressures of their job.
 - Inform migrant workers in this sector about their rights, particularly those covered by Collective Agreements on Domestic Work.

OVERVIEW

According to the International Labour Organisation's (ILO), domestic work is defined as work performed in or for a household or households; a domestic worker is a person who earns a living in domestic work within an employment relationship. This includes a variety of tasks, commonly involving cleaning and housekeeping as well as caretaking tasks.³

In the 21st century, domestic work around the world is still mainly informal and characterised by widespread violations of human and labour rights, ranging from the worst forms of child labour and bondage⁴ to the 'invisibility' of the work provided, which results in many domestic workers accepting precarious and irregular employment relations and a life lived at or under the poverty threshold.

Due to various factors linked to the globalisation of economies and increased workers' mobility, there is a growing demand for domestic work, for example in industrialising countries in Asia, but also in Europe where changing patterns in (female) employment and demography have caused a need for foreign domestic workers.

Women represent over half of all international migrants in search of a decent job, and many of them end up doing domestic work irrespective of their qualifications. They are often exposed to "double or multiple discrimination"⁵ for being a migrant and a woman, which makes them a particularly vulnerable group of workers.⁶ The lack of awareness and recognition of the rights of domestic workers by governments, employers and domestic workers themselves further contribute to their exploitation.

Since the 1980s, domestic workers in the South and North have organised themselves to advocate for their rights. Through its partners in the Global Network⁷, SOLIDAR also supports workers' movements and civil society organisations campaigning for the ratification of the ILO Convention on the Rights for Domestic Workers.

Since 2009, the ILO has solicited countries throughout the world to adopt an ILO Convention on Domestic Work. The Convention would recognise domestic work as regular work with the same rights for domestic workers as for other workers. Many domestic workers have joined national and regional trade unions and are mobilised in the global campaign towards advocating for the adoption of this Convention in June 2011 at the 100th International Labour Conference.

³ ILO (2011). Report ILC/100/IV/2B: Decent work for domestic workers. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_152576.pdf

⁴ Most child domestic workers are between 12 and 17 but some are as young as five or six. The ILO estimates that domestic service is the single largest source of employment for girls under 16 around the world - around 90%. ITUC (2010) Action Guide: Decent work, decent life for domestic workers. http://www.ituc-csi.org/IMG/pdf/ITUC_dwd_AnglaisWEB.pdf

⁵ ILO (2009) International Migration Paper No.96. Maria Gallotti: The gender dimension of domestic work in Western Europe. <http://www.ilo.org/public/english/protection/migrant/download/imp/imp96.pdf>

⁶ SOLIDAR (2011) Report: International Migration: The search for decent work. http://cms.horus.be/files/99931/MediaArchive/Migration_report_web.pdf

⁷ For more information, see: www.theglobalnetwork.net

REGIONAL PERSPECTIVES

A. AFRICA

Within the informal economy that dominates employment in most countries in sub-Saharan Africa, domestic workers are particularly invisible and vulnerable. Working mainly in private homes, many domestic workers experience lower wages, excessive working hours, risks of violence, a lack of adequate health insurance and pensions and a lack of enforced legal employment protection. Despite being among the most vulnerable workers in many countries, domestic workers have, until recently, been omitted from international labour standards.

In order to identify the impact of advocacy and campaigns around domestic work and to map out strategies for strengthening future advocacy and planning, the Global Network⁸ carried out studies on domestic workers in different African countries including Ghana and South Africa.

Law and Practise: the case of Ghana

The official figures state that only 0.2 % of workers are engaged in domestic work. This tendency to underestimate is due to perceptions of what domestic work is. 20.4 % of workers are classed as 'contributing family workers' who do not earn any wages. Many of these family workers are likely to be engaged in domestic work.

Although the Labour Act (2003) requires employers to provide social security including pensions, maternity leave, sickness and severance pay to employees, compliance is low; and most domestic workers do not know they have the right to social security benefits and those who request this are often fired.

While some moves have been made to address the social protection needs of informal workers such as domestic workers,

a majority of domestic workers are still excluded:

- In 2008 a new Pensions Act was passed to improve pension benefits and extend coverage to the informal economy. The three-tier scheme, open to all workers including those in the informal economy, came into operation in January 2010. This consists of a provident fund and personal schemes that accept varying contributions from members on a daily, weekly, monthly or seasonal basis.
- The National Health Insurance Scheme (NHIS) was established in 2004 with premium payment exemptions for those who are poor. However, none of the domestic workers interviewed as part of the study had registered for the scheme as the upfront payments for medical care, even reduced, are unaffordable to them.
- Ghana's Labour Law of 2003 provides for 40 working hours per week. Any extra hours worked must be paid for as overtime and every worker should have a daily 30-minute break. However, the Act exempts domestic workers in private homes from these provisions. The law also provides for daily rest of not less than 12 hours and a rest period of 48 consecutive hours in every 7 days. However, domestic workers interviewed as part of the study stated that although they are entitled to one day-off per week in principle, most of the employers fail to grant this.

Domestic workers have little knowledge of their rights and rely on the goodwill of employers. Although most respondents have suffered and continue to suffer unfair labour

⁸ For more information, see: www.theglobalnetwork.net

practices including violence, none had reported such abuses because they did not know where to get help from.

According to the Industrial and Commercial Workers Union (ICU), empowering domestic workers is made more difficult by an interpretation of the Labour Act that *'two or more people in the same undertaking can form or join a trade union'*. The Labour Department had argued that domestic workers belong to individual employers and thus are *'not in the same undertaking'*.

The life of a domestic worker: Justina's story

Justina Donnawun is a 31-year old divorcee with a 9-year-old child. She secured employment as a domestic cook through the Public Recruitment Centre of the Department for Labour. Her employer offered accommodation, three meals a day and a salary of GH150 (70 Euros) per month. Although her employer said she would pay her social security contribution on her behalf, Justine explained that she had lost her ID card and the employer never followed up.

'The family travelled a lot, but whenever they were around I could be awake by 5am and retire to bed as late as 1am. On my days off, I was not allowed to go out from 6am to 6pm. I was not allowed to sleep out even though it is my day off.'

In addition to long and irregular hours, Justine lived in poorly ventilated and mosquito infected accommodation. Although hired as a cook, Justine found herself compelled to do all of the household chores as well as running errands for the family. After six months, a dog belonging to the house went missing. Her employer valued the dog at GH500 and refused to pay Justine her wages that month. After the intervention of the Public Recruitment Centre the employer complied but then fired her.

Justine is now looking for a new job *'I can't afford to be unemployed'* she explains. *'The*

economic situation in Accra is not easy. Besides, I have a responsibility to remit [money] to my parents back home in addition to taking care of my child.'

Successfully organising workers in South Africa:

There are 888,000 domestic workers in South Africa, which represents 7% of total formal employment⁹. *'We believe most workers would like to join the unions but they do not know about us because they are isolated'*, explains Myrtle Witbooi Secretary General of the South African Domestic Services and Allied Workers Union (SADSAWU).

Set up in 2000, SADSAWU aims to tackle the isolation of domestic workers by empowering them to step out from the backyards of their employers' homes and to find and effectively use their collective voice and bargaining power to fight for their rights and input into the drafting of future labour legislation. *'Only domestic workers know their needs and therefore should be involved in any talks about social benefits programmes and social laws'* says Myrtle Witbooi.

SADSAWU has actively led a number of campaigns. Since June 2001 it has made submissions to the Department of Labour on minimum wages for domestic workers. The results of this concerted effort to increase the minimum wage has seen an increase between 2002 and 2010 from R800 (83 Euros) to R1,442.86 (150 Euros) in urban areas and from R650 (66 Euros) to R1,197.78 (120 Euros) in rural areas. While such success is tempered by the low starting base of wages for domestic workers, it illustrates the ability of a strengthened collective voice for domestic workers to create real and impactful change¹⁰.

⁹ Know Your Rights: a basic guide for domestic workers in South Africa", Global Network Africa, LRS and SADSAWA (Labour Force Survey, May 2010)

¹⁰ "Realising Decent Work and Social Protection for All: How civil society organisations are creating change", The Global Network, 2011

B. ASIA

An estimated 4 million migrant domestic workers are working within Asia and 1.5 million Asian domestic workers work outside Asia, a majority of whom are women¹¹. For Asian women from more developed economies or the newly industrialising countries who participate in the world of work, they need domestic workers to take care of their household.

Migrant domestic workers mostly come from a number of populous countries like India, Sri Lanka, Bangladesh, Indonesia and the Philippines. They are mostly women, usually around their 40s, and have a large number of children, especially in South Asia. While the majority are documented, a significant number is undocumented or irregular. But even those who are documented may find themselves irregular due to contract substitution, failure of employer to renew their work permits or visas, running away from various human rights violations, illegal recruitment and trafficking.

They have mostly a low educational background, but although some have reached and even finished college, they do not have decent jobs at home and look for better opportunities outside. They send remittances home to their children and other relatives as well as to pay back their creditors¹².

Some figures:

- Asia employs about 60% of child domestic workers with 1.5 million in Indonesia, 1 million in the Philippines and 100,000 in Sri Lanka.
- In India 90% of households prefer to hire young domestic workers between 10-12 years old because

they can pay lower wages and they are easier to manage.

- In Pakistan 71% of domestic workers never went to school; in China 83% of them stopped at primary or mid-school; in Taiwan many have a university degree.

Solidarity between migrant domestic workers in Hong Kong¹³

In Hong Kong, there are around 300,000 domestic workers (9% of the population), the majority of whom are from Indonesia, the Philippines, Thailand and Nepal. In principle, migrant workers are protected by the same labour laws as all workers in Hong Kong, but, in reality, immigration laws hinder them from having full coverage.

The Hong Kong Confederation of Trade Unions (HKCTU) has been working with domestic workers for two decades and has focused very much on the importance of solidarity between workers as a lever to ensure decent work for all: 'We have to do away with "migrant workers"', explains Elizabeth Tang, Chief Executive of the HKCTU. With the onset of the financial crisis, conflict between national and non-national workers has become a problem in many countries, both developed and developing. HKCTU has managed to use the basic principle of worker solidarity – all workers working together for their rights and for decent work – to shift the power struggle from one between national and non-national worker, to one between worker and the barriers that stand in the way of accessing decent work for all.

Building practical foundations on the concept of worker solidarity, in November 2010, HKCTU supported the creation of the Federation of Asian Domestic Workers' Union (FADWU). FADWU has brought together domestic workers from Hong Kong, Nepal, the Philippines, Indonesia and Thailand.

¹¹ "Baseline research on Domestic Workers in Asia and the Middle East", Center for Migrant Advocacy, GN Asia.

¹² It is common practice to pay a high fee to agencies or even relatives who organise the travel, visa, work permit or job for the person who wishes to migrate. This means that the migrants have debts upon their arrival, which they often struggle to pay back for years. It also prevents them from saving or sending money home while it is a source of income for the intermediaries.

¹³ "Realising Decent Work and Social Protection for All: How civil society organisations are creating change", The Global Network, 2011

The life of a domestic worker in the Philippines

"I began working when I was 9 years old so that I could support my studies and my family despite the arduous tasks I did. In one of my first jobs, I had to care for two toddlers aged 2 and 5 years old; I was still a child and I did not know how to take care of the children. My employer would hit me if I did something wrong. I was barely receiving any salary, only one peso per day. At times, I would skip classes on the instruction of my teacher-employer to go home and take care of her children." Milaluna Tibubos' Story.

Today Mila is the elected head of Samahang Ugnayan ng mga Manggagawang Pangtahanan sa Pilipinas (SUMAPI), the only domestic workers' organisation in the Philippines which receives support from the ILO's DOMWORK project.¹⁴

¹⁴ ILO's Regional Project on Mobilizing Action for the Protection of Domestic Workers from Forced Labour and Trafficking. http://www.ilo.org/wow/Articles/lang-en/WCMS_081383/index.htm

C. LATIN AMERICA

In Latin America, paid domestic labour is mostly done by women, who number 14 million and represent 14 % of the region's female workers.¹⁵ Indigenous women, and those of African descent, make up the majority of Latin American's domestic workers.

While the number of domestic workers has grown since 1990, the number of live-in maids has shrunk, as hiring "daily help" has become more common. But alongside this trend, unacceptable forms of semi-slavery and child labour persist. Lack of regulation of domestic workers' rights has also traditionally been widespread in the region.

Domestic workers tend to work longer hours than other workers and in many countries annual vacations or maternity leave are not regulated.

In nearly every Latin American country there is a minimum wage for paid domestic workers, but it tends to be lower than the minimum wage for other workers. Domestic employees also lose out on coverage for health, retirement and unemployment benefits, owing to gaps or loopholes in the law or non-compliance by employers.

Few domestic workers have labour contracts or social protection¹⁶:

- 20 % of domestic workers have a labour contract compared to 58% of the total urban workforce.
- 44 % of domestic workers contribute to pension and/or health schemes compared to 64% of the total urban workforce.

Child domestic labour is another of the region's shortcomings: it is estimated that almost 2 million children below the age of 14, mainly girls, work in domestic service in Latin America.¹⁷

¹⁵ Inter Press Service. Article by Daniela Estrada (27 Sept 2009): Strides and Setbacks for Domestic and Rural Workers.

<http://ipsnews.net/news.asp?idnews=48613>

¹⁶ <http://ipsnews.net/news.asp?idnews=48613>

¹⁷ *Latin America's domestic workers – The ones Decent Work forgot*, by María Elena Valenzuela and Marta Rangel, Labour Education 2007/3-4 No. 148-149,

Nothing about us without us: organising domestic workers in Bolivia

In order to break the isolation in which domestic workers work (and often live) and to ensure they are recognised as workers, since early 1980s efforts have been to build up workers organisations. In many countries in Latin America, thanks to the work of these organisations, legislations have been adopted that recognise domestic workers as workers, allowing them to access to those rights ensured to all other workers.

In Bolivia, since 1992, the National Federation of Domestic Workers (FENATRAHOB), has been leading the fight for a national bill on domestic workers aimed at eliminating existing racial barriers in the area of domestic work and ensuring respect for the principles of equality and non-discrimination enshrined in the state constitution. Thanks to their action, on 9 April 2003, domestic workers won approval of the Law Regulating Paid Domestic Workers (Law No. 2450). This law defends workers' rights and sets out duties, obligations and working conditions based on the principles of fairness, non-discrimination, equality, respect and social justice. Moreover, the 30 March has been declared National Day of Paid Domestic Workers.

The law established the right to

- eight-hour working day (against the previously allowed 16 hours) raised to ten-hour working day for those who live in their employer's house;
- rest days, the payment of bonuses, access to schools compatible with workers' shifts and all rights as set out in the General Labour Law.

Nevertheless, the Law does not deal with work performed without set hours or performed intermittently, as it considers this a matter of civil contract and social security and pensions are still pending as they require specific regulations.

www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_111439.pdf

At regional level, the Latin American and Caribbean Confederation for Domestic Workers (CONLACTRAHO), a non-profit organisation which gathers together Latin American and Caribbean organisations which promote and defend the rights of domestic workers, was created in March 1998. CONLACTRAHO's current members includes organisations in Mexico, Guatemala, Dominican Republic, Costa Rica, Colombia, Paraguay, Brazil, Argentina, Ecuador, Peru, Chile, Bolivia and Uruguay.

The life of a domestic worker in Bolivia

Juliana Maydana is an ex-domestic worker from the Sopocachi region of La Paz in Bolivia. Originally from Tiahuanaco, Juliana formed the first trade union of domestic workers in Sopocachi. Juliana is one of the founders of the National Federation of Domestic Workers (FENATRAHOB) and the Latin American and Caribbean Confederation for Domestic Workers (CONLACTRAHO).

- 1) What change has been observed in the sector since the approval of the Law Regulating paid Domestic Workers?

The fact that work colleagues can come to the union and denounce mistreatment suffered at the hands of their employers. Although, many are still unaware that the law exists and are still being paid only Bs. 400 (40 euros) a month, they work more than 10 hours a day, they have no insurance - they put up with all of this as they need to support their family.

- 2) What has to change in terms of social protection in this sector from the Government's side?

The Government should support us in ensuring that Law 2450 is fully implemented and to have long-term insurance. It is not only workers who should be aware of this law; employers, everyone should be made aware of it. Everyone should be aware of their rights, such as working for no longer than 10 hours per day, even though analysing it, it should only be 8 hours, to earn the national minimum wage of Bs. 680

(67 euros), health insurance, holidays, rest days and a pension.

Some steps in the right direction:

> Uruguay passed its legislation on domestic employment in 2006. It puts domestic workers' rights on an equal footing with those of the rest of the country's labour force.

> In Paraguay, social security health coverage was extended to all domestic employees around the nation, a benefit that previously applied only in the capital, Asunción.

The package includes insurance coverage for sickness (whether work-related or not), maternity leave, accidents at work, medical, surgical and dental care, medicines, hospitalisation and a cash grant to compensate for lost wages.

> Argentina, Decree 485 (2000). Regulation on the special social security regime for domestic staff. This requires anyone employing domestic workers for six hours or more per week to pay contributions for them.

D. EUROPEAN UNION

In the European Union, there is a steady and increasing demand for domestic work in both housekeeping and caretaking jobs, which cannot be met with local work force alone. "In industrialised countries, domestic work accounts for between 5 and 9 % of all employment, with the vast majority of these workers being women".¹⁸

Three major reasons are behind this development:

- 1) the "increasing labour force participation of women, which translated into growing demand for paid care services"¹⁹;
- 2) the ageing of our societies - around 50% of Europe's population, 250 million people, will be dependent on some form of long-term care in their lifetime;
- 3) the privatisation and liberalisation of social services and the diminished role of the State.

Of course, changing social norms also play a role in those growing segments of society, from middle class households to diplomats, who can afford domestic services. Consequently, many families are turning to foreign family assistants to care for their children and elderly relatives and provide domestic help (maids). Hence, families become employers. While some domestic workers do enjoy a good relationship with their employer, far too many find themselves in a situation deprived of vital human and labour rights, including the right to privacy and family life, collective bargaining, living wages and social protection.

The vast majority of migrant workers providing domestic services are women. Most of them came to Europe with the motivation to escape a difficult economic situation at home. Ironically, while freeing European women to remain in the labour market after motherhood, in order to send

money home, these migrant women and men are often unable to be with their own children who they leave behind with other relatives.²⁰

For such reasons and especially when migrants do not have a valid residence or work permit or when they do not speak the country language, a significant number of migrants are prepared to accept an unprotected job as a seeming solution to their needs, and will give up contractual protection in exchange for a higher net income. The long working hours and the difficult demands of the job, for which the workers may have no training can lead to isolation, loneliness, and depression.

Moreover, irrespective of their education and skills levels, very few women find opportunities for upward mobility, which is a "brain waste".²¹ Highly skilled migrant women are on average twice as likely to be employed in low-skilled jobs as compared to EU nationals with the same level of education.²²

To avoid the considerable costs related to care many thousands of families prefer to look for carers on the black market because they can find a more immediate and flexible response to their needs. As a result, domestic workers are increasingly employed informally. EU Member States should therefore create and strengthen existing measures to encourage employers to regularise their workers, such as care vouchers and tax benefits (see more in recommendations section).

For SOLIDAR, applying double standards by hiring undocumented workers with less rights for this much needed service cannot be the option. The disrespect of the rights of domestic workers and their discrimination is

¹⁸ European Parliament (2011). Motion for a Resolution [PE460.609v01-00] http://www.europarl.europa.eu/meetdocs/2009_2014/documents/empl/dv/empl_re_ilo_858752_/empl_re_ilo_858752_en.pdf

¹⁹ ILO (2010/4): International Labour Review. Volume 149. Special Issue: Workers in the care economy.

²⁰ SOLIDAR (2011) Report: International Migration: The search for decent work.

http://cms.horus.be/files/99931/MediaArchive/Migration_report_web.pdf

²¹ SOLIDAR (2010) Case studies: Through the eyes of migrants: the search for decent work. http://cms.horus.be/files/99931/MediaArchive/Migration_CaseStudies_web.pdf

²² European Institute for Gender Equality (2011). 100 Inequalities remain. <http://www.eige.europa.eu/100-international-womens-day-100-inequalities-remain>

inacceptable and will be to the detriment of the quality of the services provided.

European Policy

At European level, there is often a gap between the rights that migrant domestic workers have in theory and in practice, as a consequence of incoherent policies: "In the case of migrant workers, employment and migration regimes are intimately linked and gender and ethnicity dynamics mutually reinforcing. Even where national labour legislation guarantees equality of treatment of migrant and national domestic workers, immigration laws might de facto have primacy over labour regulations and indirectly void equality and non-discrimination provision of the latter and limit migrant worker's full enjoyment of their rights, indirectly encouraging informal working arrangements."²³

We need a European framework based on fundamental principles and rights and Member States will have to assume their responsibility to organise and finance quality welfare services. Even the European Commission accepts that a social insurance or tax-based system is more efficient than a system left entirely to private initiatives. Yet in order to achieve quality services, quality jobs need to be created starting with the formalisation of labour relations, decent wages and permanent contracts. SOLIDAR is convinced that improving the employment conditions, skills training and recognition of migrant domestic workers will benefit both the workers and recipients of domestic and care services. Only a rights-based and gender-sensitive approach can truly ensure the social cohesion and well-being of our societies.

In May 2011, Members of the European Parliament will be called to vote on a EP resolution²⁴ on the ILO Convention on

Domestic Work. SOLIDAR calls on MEPs to vote in support of the Convention. Recognising domestic work as regular work would be an important message to all citizens, migrant workers and governments.

Good practice examples from around Europe on empowering and organising migrant domestic workers

Europewide – R.E.S.P.E.C.T

R.E.S.P.E.C.T²⁵ is the Europe-wide campaign network for migrant domestic workers present in 11 countries; founded with the support of SOLIDAR in 1998. They are the European partner in a Global Alliance that is campaigning for the new ILO Convention in June 2011.

Italy – introduction of a national collective agreement

Italy's ageing population and the limited supply of home care services have led to the creation of a system of private welfare. Research by the Associazione Nazionale Oltre Le Frontiere (ANOLF) Piemonte has revealed a weakly protected sector with irregular contracts being widespread and many workers still in an illegal situation. In 2007 the social partners came together to negotiate a national collective agreement for all domestic workers and family assistants, regardless of their union membership, giving them a legally recognised professional status. The minimum wage for family assistants has since increased by an average of 30%. In 2007, there were 700,000 people in the sector, mainly women from Eastern Europe, South America and Africa. By September 2009, that number had risen to 1 million. However, a significant minority of these undocumented migrants are still in an illegal situation.²⁶

²³ ILO (2009) International Migration Paper No.96. Maria Gallotti: The gender dimension of domestic work in Western Europe. <http://www.ilo.org/public/english/protection/migrant/download/imp/imp96.pdf>

²⁴ European Parliament (2011). Motion for a Resolution [PE460.609v01-00] http://www.europarl.europa.eu/meetdocs/2009_2014/doc

[cuments/empl/dv/empl_re_ilo_858752_/empl_re_ilo_858752_en.pdf](http://www.respectnetworkeu.org/)

²⁵ R.E.S.P.E.C.T Network:

<http://www.respectnetworkeu.org/>, Global Campaign: <http://www.respectnetworkeu.org/a-call-to-action>

²⁶ SOLIDAR 2010. Briefing #18. Private welfare: challenges to decent work for migrant care workers. http://cms.horus.be/files/99931/MediaArchive/18_Solidar_BrochItaly_Domestic.pdf

The Netherlands – FNV union:

FNV Bongenoten²⁷, with more than 477,000 members, is the largest labour union of domestic workers and cleaners in the Netherlands. They offer membership and free advice and legal support for documented and undocumented domestic workers and train union activists. They strive to achieve the recognition of domestic work as regular workers, covered by a collective labour agreement.

Belgium – OR.C.A

Since 2003, this grassroot organisation proactively reaches out to undocumented workers, many of whom are female domestic workers, to help them know and enforce their rights.²⁸ Undocumented workers rarely find their way to organisations that could defend their rights, such as the trade unions, hence OR.C.A facilitates that contact.

²⁷ FNV Bongenoten: <http://www.fnvbondgenoten.nl/>, Migrant Domestic Workers Campaign newsletter: <http://us2.campaign-archive2.com/?u=3e50ad66baab066cd22951647&id=4f1b3170f2>

²⁸ OR.C.A (2010). Guide to Rights for Undocumented Workers (EN, ES, FR, NL). <http://www.orcasite.be>