Parliamentary Assembly
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COUNCIL OF EUROPE
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Resolution 2167 (2017)[1]

The employment rights of domestic workers, especially women, in Europe

Parliamentary Assembly

1. Domestic workers represent a significant part of the European workforce and are essential to the smooth running of national economies. Nevertheless, the domestic work sector, known for its informality and stereotypes, is wrongly perceived as having low economic and social value. Domestic workers find themselves among the most vulnerable groups of workers: they perform activities in the privacy of households, often have only a precarious status, and are thus often invisible, underpaid and/or undeclared – and therefore not covered by labour legislation. There is an urgent need to recognise domestic work as "real work", and agree on a clear and common definition to be adopted across Europe.

2. Thousands of domestic workers, most of whom are migrant women, come to Europe every year in search of a better life for themselves and their families, but some of them find themselves trapped in exploitative or abusive work situations. It is high time for Europe to step up its efforts to protect this vulnerable category of workers by promoting social justice and combating the discrimination, social exclusion and mistreatment which can give rise to modern slavery and forced labour. All domestic workers should be treated equally and fairly, regardless of their origin, nationality, race, sex, religion or migrant status.

3. With regard to the legal framework, the Parliamentary Assembly thus calls on member States to:

3.1. put a stop to all forms of abuse of domestic workers and guarantee their social protection and labour rights, including by promptly ratifying and implementing, if they have not yet done so, the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), and applying its Domestic Workers Recommendation, 2011 (No. 201);

3.2. extend the scope of social and labour protection to domestic workers in accordance with the European Social Charter (revised) (ETS No. 163) and, by reviewing the legal frameworks, guarantee, *inter alia*, the right to dignity at work, normal working hours, periods of daily and weekly rest and annual leave, a minimum wage, social security protection, occupational safety and health and decent working and living conditions;

3.3. establish a platform for international exchange and co-operation on the basis of ILO and Council of Europe expertise, with a view to sharing best practices to ensure decent working conditions for domestic workers, and to undertaking further studies on the effects of legislative reforms in order to assess constraints encountered by domestic workers, as well as to comprehend the socio-economic behaviour and the decision-making processes of both employers and workers;

3.4. set up mechanisms to enforce the law, including:

3.4.1. multilingual labour inspectorate teams trained in the specificity of domestic work, collection of data and investigation techniques;

3.4.2. an affordable and easily accessible complaint mechanism, set up with careful consideration of domestic workers' needs;

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 30 May 2017 (see Doc. 14322, report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Viorel Riceard Badea).

3.4.3. legal assistance for domestic workers, including via diplomatic missions, as appropriate;

3.4.4. general awareness-raising campaigns on the importance of domestic work in order to stimulate formal arrangements, inform workers about their rights and the ways in which they can effectively assert their rights, and disseminate good practices among employers;

3.4.5. incentives and simplified procedures for households to formalise the employment of domestic workers, taking into account good practices already in place (for example, service employment cheques).

4. With regard to the high proportion of women in the domestic work sector, the Assembly calls on member States to:

4.1. take concrete measures to advance gender equality in the world of work and ensure women's equal rights and protection in national labour legislation;

4.2. guarantee the protection of female domestic workers against all forms of abuse, violence and harassment, by taking appropriate measures bearing in mind the specificity of their workplace and the challenges the labour inspectorates face while performing their supervisory duties;

4.3. extend maternity protection and work–family balance to the domestic work sphere, including paid maternity and parental leave, adequate rest periods, time for breastfeeding, childcare facilities and freedom from maternity-based discrimination and ensure that pregnant working women receive practical support during their pregnancies to safeguard their health and well-being and that of their unborn children; and that in no circumstances are pregnant working women put under pressure by their employers to terminate their pregnancies;

4.4. establish referral and support centres, with a view to disseminating information on domestic workers' rights and work safety and providing counselling, legal aid, psychological help, integration and family reunion services;

4.5. put in place accessible and affordable high-quality services at home or in reception facilities for children and elderly people in need of care, with a view to deterring households from turning to informal care service arrangements for lack of access to affordable alternatives.

5. Having regard to the considerable increase in demand for domestic services in Europe, the member States should recognise the considerable importance of the sector and its contribution to the socio-economic well-being of the host societies. The growing demand in this specific field is the result of the transformation from single to dual wage-earning families, together with a rapid increase of the ageing population and an increase in the cost of living in the home countries that pushes people to seek work abroad. Having acknowledged that highly qualified workers deliver better quality services, the member States should facilitate the integration of domestic workers by:

5.1. putting in place professionalisation policies for domestic workers, while ensuring their equal access to flexible vocational and professional training programmes and language courses;

5.2. establishing comprehensive and rapid procedures for recognition of foreign diplomas and acquired skills;

5.3. reconsidering "tied-visa" policies, with a view to regularising the situation of migrant workers who hold temporary residence permits and granting them freedom to change employers;

5.4. raising awareness among employers that keeping the identity and travel documents of their employees is an unacceptable practice that goes against the basic legal principles regulating any employment relationship.

6. Furthermore, member States should ensure the adequate participation of domestic workers in the social dialogue and uphold their right to create and join organisations of their own choosing. Trade unions should help domestic workers overcome social isolation and make their collective voice heard. Domestic workers' organisations should be encouraged to promote practical tools, which are available for workers and employers (model contracts, schedules of tasks, tools to record working time and breaks, etc.), facilitate employment negotiations and assist in the process of filing complaints.