

Opinion of the European Economic and Social Committee on 'The professionalisation of domestic work' (additional opinion)

(2011/C 21/07)

Rapporteur: Ms OUIIN

On 16 February 2010, the European Economic and Social Committee, acting under Rule 29(a) of the Implementing Provisions of the Rules of Procedure, decided to draw up an additional opinion on

The professionalisation of domestic work.

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 5 May 2010.

At its 463rd plenary session, held on 26 and 27 May 2010 (meeting of 26 May), the European Economic and Social Committee adopted the following opinion by 133 votes to 7, with 11 abstentions.

1. Recommendations

At its 301st session, held in March 2008, the ILO Governing Body decided to put 'Decent work for domestic workers' on the agenda of the 99th Session of the International Labour Conference (due to take place in June 2010) in order to have a double discussion on the phenomenon. The aim is to identify the best way of securing the rights and proper working conditions of this category of worker. The ILO has already opened discussions with the Member States and the social partners on the most appropriate instrument for this purpose. The EESC would also like to see an effective instrument adopted that reflects the specific features of this type of work. The Committee also calls on all European stakeholders, Member States and social partners to:

1.1 Carry out further research in order to obtain more precise data on the regulations, working, employment conditions and social protection of domestic workers and the application of these rights in EU Member States. Existing studies are limited in scope and do not allow for Europe-wide comparisons, whereas situations vary considerably.

1.2 Introduce legal solutions in the Member States including provisions in the areas of tax, social insurance, labour law and civil law, increasing the motivation of households to employ registered domestic workers, and potential domestic workers to take on work based on a legal contract.

1.3 Draw up advice and recommendations for private individuals who are employers and the domestic workers they employ and make them commonly available. Promote information/training on the obligations and rights of employers and workers, especially where schemes exist to provide subsidies or tax deductions for employers.

1.4 Further develop existing reference guides, describing the tasks and responsibilities, qualities and skills needed to perform

high-quality domestic and family work and draw comparisons between the situations in the different Member States. Encourage European sectoral dialogue on these activities.

1.5 Compare the different types of organisation (public services, businesses, associations, cooperatives, direct employment, etc.) in terms of workers' rights and the quality of the service provided.

1.6 Move towards a form of labour organisation that allows for replacements at the homes of employers or clients (without such arrangements, rights to leave, sick pay, maternity leave and training will remain a pipe-dream) and include payment for travelling time between two homes to be paid. There is also a need for all employees, both male and female, to be able to organise themselves to defend their rights, to come out of their isolation and to negotiate with their employers for rights equivalent to those enjoyed by employees of businesses and public authorities.

1.7 Provide for the certification of experience and lifelong learning to ensure that the value of this work is recognised and that employers or clients have guarantees of the professional abilities of all employees, both male and female.

1.8 Facilitate innovation in the way in which this sector is organised by supporting experimentation with new ideas and developing new forms of organisation and partnerships in order to make implementation more effective and more useful.

1.9 Identify, reduce and prevent work-related risks inherent to domestic work, guarantee conditions that are no less favourable than those enjoyed by other workers in terms of health and safety at work and social security benefits, including maternity leave and retirement pensions.

1.10 Combat the considerable amount of illegal work in this sector and protect migrant women who are in irregular circumstances and suffer abuse: eliminate the double penalty affecting women when, if they complain to the police that they have suffered violence and even sexual abuse or not been paid or, are sent back to their country of origin. International conventions should be applied and should afford them protection⁽¹⁾.

2. General comments

2.1 Observations

2.1.1 Cleaner, childminder, carer, home help – these are all jobs done only by women and are not yet considered to be real careers, one reason for which is that housewives do this work for free. At a time when the International Labour Organization is studying the issue of ‘Decent work for domestic workers’, the European Economic and Social Committee wished to further sound out the approaches referred to in the opinion adopted in October 2009 on the links between gender equality, economic growth and the employment rate⁽²⁾: this opinion highlighted the importance to equality between men and women and to economic growth of professionalising jobs providing services to individuals.

2.1.2 Europe’s Member States view services to individuals as a source of employment that cannot be relocated. Many offer tax breaks or subsidies aimed at legalising unofficial work and encouraging the creation of new jobs by helping beneficiaries to better reconcile work and family life.

2.1.3 According to the ILO report drawn up for the conference to be held in June 2010⁽³⁾, in industrialised countries, domestic work accounts for between 5 % and 9 % of all employment. The report’s introduction states that *‘paid domestic work remains virtually invisible as a form of employment in many countries. Domestic work does not take place in a factory or an office, but in the home. The employees are not male breadwinners, but overwhelmingly women. They do not work alongside other co-workers, but in isolation behind closed doors. Their work is not aimed at producing added value, but at providing care to millions of households. Domestic work typically entails the otherwise unpaid labour traditionally performed in the household by women. This explains why domestic work is undervalued in monetary terms and is often informal and undocumented. It tends to be perceived as something other than regular employment, as not fitting the general framework of existing labour laws despite the fact that its origins go back to the “master-servant” relationship. As a result, the domestic*

employment relationship is not specifically addressed in many legislative enactments, thus rendering domestic workers vulnerable to unequal, unfair and often abusive treatment’⁽⁴⁾.

2.1.4 It adds: *‘Reports of mistreatment and abuse, including sexual violence and even slavery, especially amongst migrant domestic workers living with their employer, appear often in the media’*. Although the number of people employed in this sector is constantly increasing, domestic work is still the most insecure, underpaid and least protected form of employment and is one of the most dangerous. Because this specific form of employment is not covered by international regulations, since 1948, the ILO has endeavoured to ensure that regulations are appropriate and up-to-date.

2.1.5 This opinion is concerned with paid domestic work carried out in private homes, including household tasks, childcare and other services to individuals. It does not address the issues of social services or private businesses, but rather the work situation of domestic workers employed by private individuals. Because this work concerns an increasing number of people, both those working in the field and those benefiting from it and because of its specific features, a legislative framework that reflects these features should be established.

2.1.6 In Europe, most domestic workers, both male and female, have a number of employers. Only a small number of women, often migrants, live with their employer. The work is very often informal. Domestic workers are often vulnerable women who are unaware of their rights, coming from the countryside, with few qualifications, or migrant women with a poor command of their host-country’s language.

2.1.7 Whatever the legislative situation, labour law was designed for businesses and in practice does not usually cover work carried out in a private home where inspections are limited, if not non-existent. Furthermore, the rules governing gainful, profit-generating activities do not apply either. Adam Smith⁽⁵⁾ described this work as ‘non-productive’. Its value is not recognised, although it is essential for society to be able to function.

2.1.8 ‘Because they often have no clear status under modern labour legislation, domestic workers tend to be excluded de facto from formal regulations and their enforcement⁽⁶⁾’. In the EU Member States, although the law does not exclude domestic workers from general labour law provisions, in practice these provisions are very rarely applied to them. Private employers are poorly informed as regards their obligations and responsibilities. Domestic workers operate in isolation and thus do not find it easy to organise collectively.

⁽¹⁾ See the European Convention on the Legal Status of Migrant Workers and the Council of Europe Convention on Action against Trafficking in Human Beings.

⁽²⁾ EESC opinion of 1.10.2009, (OJ C 318, 23.12.2009, p. 15).

⁽³⁾ See the ILO document *Decent work for domestic workers*, IV Report to the International Labour Conference, 99th session, 2010, at: http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_104700.pdf.

⁽⁴⁾ Idem, p. 1.

⁽⁵⁾ ILO report on *‘Decent work for domestic workers’*, p. 11: <http://www.ilo.org>.

⁽⁶⁾ Idem.

2.2 Defining professionalisation

2.2.1 Tasks covered by the term 'domestic and family work' have for generations been passed on informally within the family. This learning process varies from one generation to the next. In Europe, spinning and feeding the animals have been replaced by washing machine cycles and the selection of food that is not out-of-date in the supermarket's fresh food aisle. This informal learning should be recognised and the content of the necessary knowledge and skills defined. Lifelong learning should also be introduced. Advantage should be taken of technological innovation in this sector as in others and new nutritional knowledge and new environmental protection requirements should be incorporated.

2.2.2 Better conditions for such work requires a detailed description of the tasks to be performed, the responsibilities that must be taken on and the requisite skills, together with formal training in the skills needed to perform these tasks correctly for any client or validation of prior experience. Studies and experience should be supported by a certificate of competence. It is in the interest of employers or clients to be able to rely on people with certified skills.

2.2.3 Professionalisation means enabling employees to have rights and protection that are equivalent to those held by employees working in offices or factories, including: a decent wage that also covers travelling time between employers' homes, set weekly hours, the right to paid leave, respect for health and safety rules, a decent pension, maternity protection⁽⁷⁾, paid sick leave, compensation in the event of invalidity, rules covering dismissal or termination of the employment contract, means of redress in the event of abuse and real access to vocational training and career development, as exist for other professions. Making contracts standard practice would help protect both employee and employer.

2.2.4 Professionalisation means turning such jobs into careers and combating the stereotypes that today suggest this is only women's work. Progress on professionalisation can be measured against progress on gender balance.

2.3 Defining domestic work

2.3.1 The main feature characterising domestic work is its invisibility. The tasks and especially the responsibilities taken on by domestic workers, both male and female, are rarely spelled out or listed. Employers entrust their home and children to

people whose abilities they cannot check⁽⁸⁾. Studies⁽⁹⁾ on the value of work carried out in homes to facilitate family life (time budget) emphasise that society cannot function unless this work is done. This value should be recognised.

2.3.2 Domestic and family work covers activity carried out by individuals employed by public social services, associations supported by public authorities, private businesses and by domestic workers via private arrangements, either declared or undeclared, if the employer is a private individual. Although in all cases, domestic work is performed almost solely by women, working and employment conditions are generally better in public social services and in businesses in which employees can organise themselves, the social partners negotiate collective agreements and official inspections are possible.

2.3.3 According to the ILO report⁽¹⁰⁾, *The ILO's International Standard Classification of Occupations (ISCO) recognizes domestic work under two broad classification groupings (5 and 9) and identifies associated tasks and the corresponding skill levels. Classification 5 addresses commercial establishments, institutions and private households. It covers two key categories: housekeeping (minor group 512), which includes housekeepers and related workers and cooks; personal care and related workers, including childcare workers and home-based personal care workers (minor group 513). Housekeeping foreseen under 5121 emphasizes the supervisory work of the housekeeper. Classification 5131 defines childcare workers as those who "take care of employers' children and oversee their daily activities" and considers that the tasks include:*

- assisting children to bath, dress and feed themselves;
- taking children to and from school or outdoors for recreation;
- playing games with children, or entertaining children by reading or storytelling;
- maintaining order in children's bedrooms and playrooms;
- taking care of schoolchildren at lunch or other school breaks;
- taking care of schoolchildren on excursions, museum visits and similar outings;
- performing related tasks;
- supervising other workers.

Similarly, *home-based personal care workers under classification 5133 "attend to various personal needs and in general provide personal care for persons in need of such care at their own homes because of physical or mental illness or disability or because of impairment due to old age". Tasks of this category, an example of which is a "home nursing aid", include:*

⁽⁸⁾ See the EESC opinion of 13.5.2009 (OJ C 277, 17 November 2009, p. 102).

⁽⁹⁾ *Housework: priceless or valueless?* by Marianne A. Ferber and Bonnie G. Birnbaum (1977) <http://www.roiw.org/1980/387.pdf>; *Time Use in Child Care and Housework and the Total Cost of Children*, by Björn Gustafsson and Urban Kjulin © 1994 Springer <http://www.jstor.org/pss/20007438>.

⁽¹⁰⁾ See footnote 3, pp. 31 and 32.

⁽⁷⁾ The revision of the directive on maternity leave (Council Directive 92/85/EEC of 19 October 1992) gives domestic workers the right to this leave.

- assisting persons in getting into and out of bed and making the appropriate change in dress;
- changing bed linen and helping persons with their bath and toilet;
- serving food – prepared by them or others – and feeding persons needing help;
- giving or ensuring that persons take the necessary medicaments;
- watching for any sign of deterioration in the person's health and informing the relevant medical doctor or social services;
- performing related tasks;
- supervising other workers.

Classification 913 speaks specifically of “domestic and related helpers, cleaners and launderers”. It covers private households, hotels, offices, hospitals and other establishments, as well as a variety of vehicles to keep interiors and fixtures clean. The classification includes domestic helpers and cleaners, as well as hand-launderers and pressers. Under classification 9131, domestic helpers and cleaners “sweep, vacuum, clean, wash and polish, take care of household linen, purchase household supplies, prepare food, serve meals and perform various other domestic duties”.

2.3.4 Whilst domestic work does not cover the provision of medical care, a home help or childminder must be able to ensure that the individuals under their care take their medication and to react if a sudden event occurs threatening the life of individuals under their care. Such workers must be trained in performing such tasks.

2.3.5 Persons carrying out these tasks, in the absence of the employer or when the employer is in a state of dependence, must be independent and able to organise their time and must inspire confidence, as they are entrusted with house keys, babies, elderly parents, in short, what people hold most dear. They must also be responsible, show initiative, be discreet and when they have full responsibility for children or dependents, they must be able to multitask, be vigilant, attentive, persuasive, patient, even-tempered, be able to remain focused, listen, show authority, and know what to do in the event of an accident. They must demonstrate empathy and have some knowledge of psychology, nutrition and hygiene.

2.4 Characteristics of domestic work

Domestic work is insecure and poorly paid because its value is not recognised, given that it is also carried out free of charge by housewives; employers are private individuals who cannot or do not want to pay more; it is carried out by women working alone, usually in the homes of a number of different employers; unlike employees of businesses, they cannot organise themselves collectively, strike, or block production in support of their demands; stereotypes affecting the perception of these jobs

and the image of women and mothers hide the reality of the skills needed to perform them; the workplace is a private home that cannot be inspected and is often carried out by immigrants in an irregular situation and without rights.

2.4.1 Insecurity is inherent to these activities, and reflects with household needs; children grow older and become independent, elderly dependents die, and when household resources fall, as a result of unemployment, for example, employing someone in the home is no longer possible.

3. Specific comments

3.1 Aims of professionalisation

3.1.1 A better work-life balance

3.1.1.1 Paid work for women, which is a prerequisite for gender equality, has required services to be set up to replace the work that women used to do at home. It has also given families greater financial means, which enables some of them to use these services, which in turn creates jobs.

3.1.1.2 These services have developed because people need them in order to strike a balance between family life and working life. Men and women should be able to commit themselves to their professional life without harming their family and personal life, in which case they need to entrust some of the domestic and family tasks to other people.

3.1.1.3 To achieve balanced gender participation in the labour market and to take account of the new needs created by the ageing of the population, these services will have to develop further in the future and will thus involve more workers.

3.1.2 High-quality jobs and services

3.1.2.1 To develop these services, it is important to ensure their quality, expand current training, introduce lifelong learning to incorporate developments and extend opportunities for checking skills. Professionalising these jobs means improving their quality for both clients and beneficiaries and workers. This is the best way of recruiting people in the future keen to work in this field.

3.1.3 Alleviating poverty

3.1.3.1 It is well known that in Europe, more women than men are affected by poverty. The low wages, job insecurity and undeclared work that are typical of domestic work are factors for social exclusion. In Europe, more undeclared work takes place in the domestic work sector than in any other, including construction and catering ⁽¹⁾.

⁽¹⁾ See *Undeclared work in the European Union*, Special Eurobarometer 284, wave 67, 3 October 2007, p. 21.

3.1.4 Combating informal work and irregular immigration

3.1.4.1 The cases of slavery reported in Europe concern irregular domestic workers, whose employers do not pay them, promising that legal papers will be forthcoming. These workers are the most vulnerable of all: they dare not complain about their mistreatment, violence and sexual abuse for fear of being thrown out of the country. Domestic work should be covered by the selective immigration, which today targets people who are highly qualified. Europe's demographic situation means that immigration must be used to meet needs, in particular those of elderly dependents.

3.1.4.2 Informal work deprives workers of their social protection and society as a whole of taxes and social security contributions. It tarnishes the image and perception of domestic work, making it a second-class job, which encourages stereotypes and drags the entire profession down. It also increases the likelihood of poverty.

3.1.4.3 The increase in the phenomenon of informal domestic work calls for a range of measures integrated into the legal systems of individual Member States – especially provisions in the areas of tax, social insurance, labour law and civil law. There are usually economic reasons for the tendency to employ informal workers and to take on informal work, as this kind of work is more favourable than registered work for both sides. Action by the Member States must aim to reduce the difference in these benefits and must also be backed up by action tailored to local social and cultural conditions (media campaigns, examples set by public figures, information about the risks associated with informal work).

3.2 Employment conditions

3.2.1 Organised employers and unionised employees have negotiated collective agreements. These developments must be used to improve the lot of domestic workers. Studies could be carried out on the collective agreements currently governing domestic work in Europe and the best practices could be adopted in order to disseminate their use. A comparison should also be made of the different types of organisation (businesses, associations, cooperatives, direct employment) in terms of workers' rights and the quality of service provided.

3.2.2 In a number of European countries, both employers who are private individuals and domestic workers are poorly informed regarding their rights and obligations. Employers do not view cleaners or childminders as employees who have rights. Due to stereotypes, employers see them as helpers, whom they are doing a favour by offering them a few hours of work. Often, the two parties do not sign a written employment contract, which means that the conditions of employment, pay, leave, working hours, job description, termination of the contract and redundancy pay are not clearly defined. Each party's rights and obligations must be made clearer, which would also provide protection for employers, who should be more aware of the dangers of taking on someone to work in their home (theft or accidents) and their responsibilities.

3.2.3 Health and safety: domestic work is wrongly considered to be risk-free. Burns, cuts, intoxication by household products, falls and electrocution by household appliances are common accidents, especially if employers are not aware that they have to obey safety rules and if employees are not told of the dangers and trained to avoid them.

3.2.4 Healthcare, maternity protection, retirement: maternity leave often means dismissal, because employers who need someone to do domestic work will take on another employee and will not feel obliged to take back the employee who has left to take maternity leave. The lack of any organisation providing temporary replacements makes it harder for legislation to be implemented and this consequently remains a theory. Social security and pension schemes are often inappropriate for a few hours of work at a number of different employers.

3.2.5 Qualifications and training: the required skills have for a long time been passed on through informal learning. For a number of years, the knowledge passed on within families has been in decline. Young mothers are unprepared for the birth of their first child and young parents no longer know how to cook balanced meals, preferring ready-cooked food, which is one cause of child obesity. Listing the relevant tasks and skills and teaching them would also help ensure they are more commonly practised, also by men.

Brussels, 26 May 2010.

The President
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