

Domestic workers & migration: Presentation of the issues at stake and concrete proposals

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**Lilana Keith
PICUM Senior Advocacy Officer
(Labour rights and labour migration)**

Key issues at stake

Gender inequalities, lack of recognition of domestic and care work as work, limited services and service cuts

→ gaps in labour law and social protection, undeclared work, enforcement gaps, challenges around digital platforms
== specific issues for migrant workers + discrimination due to gender, migration status and work esp. inability to exercise their rights

→ lack of adequate regular pathways for migration or very restrictive ones

Lack of recognition in labour migration pathways

- ❑ Focus of labour migration pathways = jobs with high income or very specific occupations
- ❑ Mapping 17 European countries (exc. diplomatic households)
- ❑ **In nearly half (8)** domestic work is **not eligible** for permit: [Denmark](#), [Switzerland](#), [UK](#) unless previously employment outside country) or not excluded but **impossible in practice - labour market tests + income thresholds:**
 - [Austria](#) – min. income threshold too high and points-based system
 - [Belgium](#) – labour market test blocks aside exception for live-in care workers in Brussels region + only for nationals of 9 countries
 - [Ireland](#) – min. income threshold too high, exc. health care professionals in home based care or is long-standing carer
 - [Netherlands](#) – labour market test blocks
 - [Spain](#) - not on shortage occupation list + labour market test blocks

Lack of recognition in labour migration pathways

□ In **five (5)** it is **possible for some but major practical barriers:**

- **Czech** – only for nationals of 9 countries with quota per country + hard to get a contract
- **Greece** – hard to get a contract + quotas too low
- **Germany** – only for nationals of 6 countries + labour market test very arbitrary – have to show position of trust
- **Italy** – hard to get a contract + quotas too low
- **Sweden** – complicated for employers to meet requirements (ref: applicable CBAs)

□ In a **four (4)** it is possible: **Cyprus, Malta, Poland, Portugal**

- Highly complex labour migration system for workers and employers to navigate, particularly when the employer is an individual or private household
- Many working undeclared and undocumented (not possible or too complicated)
- Misuse of au pair systems

Policy failures lead to exploitation

- ❑ In most countries, major challenges to change employer or regularise status once undocumented
- ❑ Inability to enforce rights as workers and as victims (despite legal rights):
 - Risk being deported if they lodge a complaint about labour violations, exploitation or violence
 - Challenges around recognition & proof of working relationship and underpayment
- ➔ High level of dependence on employers and lack of choices and power
- ➔ Risks of falling into irregularity (nb. Brexit)
- ➔ Unequal treatment in terms of working time, leave, health coverage, health and safety at work, training and certification, access to social security and basic services
- ➔ Additional risks working in the home esp. if live-in: restricted movement, isolation, lack of privacy & personal space, food deprivation, violence and harassment

Recommendations

- Apply and enforce labour standards for all workers, regardless of their status : **effective complaints mechanisms** that enable workers to file a complaint and access remedies without immigration enforcement consequences (esp. domestic workers)
- Ensure access to **services, protection and justice** for all undocumented migrants, esp. workers who have suffered exploitation and violence
- **Invest in sector** and meaningfully include domestic and care sectors in **general work permit schemes** and ensure **decent work permits & rights**
- Improve regulation of the employment of domestic workers in **diplomatic households**, and of **recruitment agencies and au pair agencies**.



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Thank you for your attention!

Contact:

Lilana Keith

lilana@picum.org

Facebook: Platform for
International Cooperation on
Undocumented Migrants

Twitter: PICUM_Post
lilana.keith@picum.org

www.picum.org