STATEMENT

16 June 2021

Dear Members of the European Parliament, the Committee of the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings, the Parliamentary Assembly of the Council of Europe and the OSCE Parliamentary Assembly,

Today, on International Domestic Workers Day, La Strada International – European NGO Platform against trafficking in human beings, its members and other organisations supporting domestic workers rights in Europe, would like to ask you to call upon your governments to ratify the ILO Domestic Workers Convention and to take measures to ensure better protection and access to rights for domestic workers.

On this day, exactly ten years ago, the International Labour Organisation (ILO) adopted the Domestic Workers Convention, 2011 (No. 189).[1] This Convention recognized that domestic workers should have access to the same rights as all other workers. It is an important step towards achieving decent working and living conditions, fulfilment of human rights and access to social protection for domestic workers.

The Convention has now been ratified by 32 countries worldwide but most European countries have still not ratified this important convention[2]. Only 9 European countries - Belgium, Finland, Germany, Ireland, Italy, Malta[3], Portugal, Switzerland and Sweden - have ratified it. Thus, the issue of improving domestic workers' rights remains more than ever a topical issue.

The majority of domestic workers in Europe and all over the world still lack access to labour rights including social security and disability insurance, as well as job security. This became very clear during the COVID-19 pandemic, when thousands of domestic workers lost their jobs overnight and were left without income. Working conditions for many have not improved in a decade and have been worsened by the COVID-19 pandemic, according to a new report published yesterday by the ILO. This report also reveals that at the height of the crisis, job losses among domestic workers ranged from 5 to 20 per cent in most European countries.[4]

The ILO estimates that there are currently at least 75.6 million domestic workers around the world (4.5 per cent of employees worldwide) and this number is increasing steadily in developed and developing countries. Domestic workers also comprise a significant part of the European workforce and make an important contribution to European societies and economies. Migrant domestic workers contribute significantly to the economic and social development both of their countries of residence and employment, and more often than not, their countries of origin.

Nevertheless, domestic work is economically and socially undervalued and domestic workers are a group of workers that are very vulnerable to exploitation. Many work in undeclared work and do not have a regular residence status or work permit.[5] Their poor legal position stems from gaps in national labour and employment legislation and the enforcement of such laws[6] as well as failures of labour migration policies to provide access to decent work permits to migrant domestic workers. Domestic workers regularly face underpayment with very low wages including in-kind deductions from their wage, excessively long hours with no guaranteed weekly day of rest. At times, they face physical, mental and sexual abuse or harassment, coercion, threats or use of force, restrictions on freedom, including withholding of documents, next to substandard or poor housing and living conditions. Due to unfamiliarity with national legislation and regulations, or due to not speaking the local language, in particular migrant domestic workers lack information about their rights or the possibility to seek help and access justice.

Vulnerability to exploitation increases when their residence status is linked to their employer and when they are not allowed to change employer. Many are housed by their employer, which increases their dependency on their employer, while the work in a private household also prevents labour inspections entirely or considerably limits their jurisdiction.

[1] C189 was adopted at the 100th ILC session (16 June 2011)
[2] See ratifications: https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:::NO
[3] Malta ratified on 14 May, the convention will enter into force in Malta in 2022
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:2551460:NO
[4] Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention, 2011 (No. 189)International Labour Office – Geneva: ILO, June 2021

Particular issues around accountability arise when employed in diplomatic households. These combined practical and institutional factors make domestic workers particularly at risk of exploitation and abuse. With little contact with others and working in isolation, they remain largely hidden workers in Europe without access to adequate information and assistance.

A substantial number of the identified and registered victims of human trafficking in Europe worked in domestic work. The sector is recognised as one of the most sectors most prone to labour exploitation, trafficking and forced labour, in particular due to the large proportion of migrant workers in the sector.

Challenges to domestic workers' rights risk to be exacerbated in the context of cuts to public services and social protection systems, where care users must organise care themselves. Stronger public regulation is needed to ensure that care services provided through different employment arrangements do not circumvent labour and social rights. For example, regulations within the framework of the free movement of services within the EU are being used to provide healthcare more cheaply, and in violation of workers' rights, through for example posting constructions.

What should change?

Today we call upon European governments to recognize the important contribution of migrant domestic workers to the global economy and ensure effective promotion and protection of the human rights of all domestic workers. We ask European governments to:

1. Ratify ILO Convention 189 and other relevant international legal instruments.
2. Work on a structural solution to enable all domestic workers, including those working irregularly, to effectively access labour rights, protection and justice. This includes implementing safe reporting and effective labour complaints mechanisms, where workers do nor risk immigration enforcement ('firewalls').
3. Enlarge access to residence and work permits for migrant domestic workers and address any conditions that prevent workers from leaving abusive employers and being able to find safe and decent re-employment, including by ensuring that workers can easily change employers on the same permit or with minimal administration.
4. Improve awareness of all relevant actors and communities at risk to better identify situations of exploitation and abuse in the domestic work sector.
5. Enhance outreach and sufficient access to information for domestic workers.
6. Ensure targeted training for police officers, prosecutors and labour inspectors to increase their knowledge and understanding of labour rights violations, exploitation and trafficking in the domestic work sector and 'firewall' procedures and policies.
7. Support self-organised domestic workers and give them voice in policymaking.
8. Ensure effective enforcement of the law and greater sanctioning of employers and agencies involved in exploitation and human trafficking in the domestic work sector, including expansion of the mandate of labour inspectors.
9. Establish and strictly enforce regulations on recruitment and placement agencies, with clear requirements, monitoring of their practices and penalties for non-compliance.
10. Promote further research into the situation of domestic workers, including their recruitment.

[5]"Informality is widespread among domestic workers: 63.8 per cent of domestic workers are in informal employment which is at least 4.5 times that of other employees in the region (EU)', according the ILO. See 'Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention', 2011 (No. 189) International Labour Office – Geneva: ILO, June 2021

[6]"All domestic workers in EU-27 are covered by some form of labour law. In EU-27, only 19.5 per cent of domestic workers are covered exclusively by the general labour code, while the remaining 80.5 per cent are covered by a combination of the general labour code and specific labour laws or subordinate regulations. However many domestic workers in the EU work informally and thus cannot benefit from protection also as available law is not enforced. See ' Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention, 2011 (No. 189) International Labour Office – Geneva: ILO, June 2021

This statement is signed by:

1. Adpare (Romania)
2. ALC (France)
3. Animus Association (Bulgaria)
4. Anti-Slavery International (United Kingdom)
5. Asociación Trabe (Spain)
6. ASTRA – Anti Trafficking Action (Serbia)
7. Ban Ying (Germany)
8. Casa Migrante (The Netherlands)
9. CoMensha (The Netherlands)
10. Comité contre l'Esclavage Moderne/CCEM (France)
11. Different & Equal (Albania)
12. FAIRWORK (Belgium)
13. FairWork (The Netherlands)
14. FILMIS - Filipino Migrants in Solidarity (The Netherlands)
15. FIZ (Switzerland)
16. FNV Migrant Domestic Workers Union (The Netherlands)
17. Focus on Labour Exploitation/FLEX (United Kingdom)
18. Freedom United (United Kingdom)
19. Fundació Bayt Al-Thaqafa (Spain)
20. Fundació Migra Studium (Spain)
21. Gender Perspectives (Belarus)
22. Hope Now (Denmark)
23. Human Resource Development Foundation/HRDF (Turkey)
24. Indonesian Migrant Workers Union/IMWU (The Netherlands)
25. Kalayaan (United Kingdom)
26. KOK (Germany)
27. La Strada – Foundation against Trafficking in Human Beings and Slavery (Poland)
28. La Strada Czech Republic
29. La Strada International
30. La Strada Moldova
31. La Strada Ukraine
32. LEFÖ IBF (Austria)
33. Migrant Rights Centre Ireland/MRCI
34. MIGRANTE Den Haag (The Netherlands)
35. Novi Put (Bosnia and Herzegovina)
36. OKIA (The Netherlands)
37. On the Road (Italy)
38. Open Gate (North Macedonia)
39. Pag-Asa (Belgium)
40. Payoke (Belgium)
41. PICUM, Platform for International Cooperation on Undocumented Migrants (Belgium)
42. Plan & Go Center (Albania)
43. Pro Tukipiste (Finland)
44. Proyecto Esperanza (Spain)
45. Psycho – Social Centre "Vatra"
46. SHOP Den Haag (The Netherlands)
47. SicarCAT (Spain)
48. Social Changes (Belarus)
49. Stichting LOS (The Netherlands)
50. The Voice of Domestic Workers (United Kingdom)
51. Victim Support Finland

Ratification and implementation of ILO Convention 189 will help to address exploitative conditions that lead to forced labour and human trafficking of migrant domestic workers. It provides for regulation of private recruitment agencies, addresses problems that arise in the recruitment of migrants and has strong provisions for protection in the work place and effective and accessible complaints mechanisms. As well, it recommends countries to cooperate at bilateral, regional and global levels for the purpose of enhancing the protection of domestic workers, especially in matters concerning the prevention of forced labour and trafficking in human beings.

This statement is launched in the framework of the two-year project Hidden at work – Labour and sexual exploitation and harassment of women in the (private) work sphere (2021 – 2022).