



# *Domestic Workers at the frontlines of the COVID-19 crisis*



## **Between Regularization and Informality:**

### **European States Need to Meet their Commitment to C189<sup>1</sup>**

*A common tale states that crises create insecurities. Oftentimes, however, these insecurities predate the emerging crises and are perhaps their source. Today, we are witnessing how the spread of COVID-19 has made the struggles of Domestic Workers (DWs) more visible. Structural in nature, they are amplified by the public health crisis.*

*In this endeavor, we hope to shed light on individual contexts of the regions DWs work in and come from. The below briefs are prepared based on information provided through the tireless and relentless efforts of our affiliates and domestic worker groups working on achieving labor justice around the world.*

*#CareForThoseWhoCareForYou*

While states in the European Union have regulatory frameworks that enable the workers in Personal and Household Services (PHS), or domestic workers (DW), access to some job protections, in the countries that ratified the ILO Domestic Workers Convention 189 (C189), COVID-19 has still dispossessed many workers. Despite the recognition of DW as workers in Europe, they are often excluded from general Occupational Health and Safety regulations or working time regulations. The sector provides 8 million jobs across Europe.<sup>2</sup> An Assessment completed by ILO in the beginning of the pandemic shows that 45% of domestic workers in Europe are at risk<sup>3</sup>. While this number is comparatively lower than that in other regions, domestic workers in informal settings are constantly facing risks which may not be accounted for in connection with the COVID-19 pandemic. For example, migrants with various documentation status comprise half of the number of DWs, and estimates show that 70% of domestic work is delivered by undeclared workers under informal employment.<sup>4</sup> This means that in the eight countries, Belgium, Finland, Germany, Ireland, Italy, Portugal, Sweden and Switzerland, that have ratified C189, the majority of domestic workers are de facto excluded from labour rights because of the informal nature of their employment relationships. Those domestic workers among the informal arrangements who are undocumented will not claim their rights out of fear of deportation. Hence, domestic workers suffer different consequences, depending on (i) the specific situation in each country in terms of existent legislature and (ii) the documentation status of the worker as to whether the employment is informal or contractual.

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<sup>1</sup> Prepared by Roula Seghaier, Strategic Program Coordinator at IDWF.

<sup>2</sup> "PHS Industry Monitor: statistical overview of the personal and household services sector in the European Union." *European Federation for Services for Individuals*, 2018.

<sup>3</sup> "Livelihoods of more than 55 million domestic workers at risk due to COVID-19." *International Labor Organization*, 2020. [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_748093/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_748093/lang--en/index.htm)

<sup>4</sup> Footnote 3.

Quarantine enforcements on shutting down workplaces are inconsistently applied, as it is unclear whether private households as a place of work are included in health and safety measures by governments. DWs engaged in care services, such as the supervision and nursing of the elderly and the dis- and differently abled people, must have access to the same benefits as other workers in the health sector. Regional governments of Wallonia and Brussels in Belgium have halted the activity of DW while ensuring the continuation of the payment of their contractual salary. The French government also adopted a compensation mechanisms for DWs, urging the employers to (i) declare and pay the hours worked in the month of March and (ii) declare planned but unfulfilled work hours for the same month and compensate 80% of the corresponding net wage, subject to reimbursement to the employers<sup>5</sup>. These measures only encompass formally employed DW. Also, the Irish government allocated a Supplementary Welfare Allowance, to which undocumented Migrant DW who have lost their jobs are eligible<sup>6</sup>. In other settings, where DW are understood by law as essential workers, such as in Geneva, Switzerland, these workers are disallowed from going on leaves during the pandemic. Our affiliates have warned domestic workers of the implications of such classification on the inability for the workers to quarantine themselves, and called for a distinction between the labor of direct care for the sick and the elderly and other forms of domestic work. However, a few countries have demonstrated an acute understanding of equal labor rights. Portugal has established a halt on the expirations and terminations of housing contracts during the pandemic, which significantly decreased risks of eviction and homelessness. Unemployment subsidies were also automatically extended to citizens and temporary access to citizenship rights<sup>7</sup> to migrants, asylum seekers, and refugees, including migrant domestic workers, during COVID-19, which meant in practice, for example, to have full access to the public health system.

As the proportion of Migrant DW is quite high, the commitment to domestic workers' equal labor rights cannot be discussed outside of the contexts of regularization and dismantling of hostile migration policies. Most domestic workers are working informally, regardless of whether they are citizens, or migrants who have a status, or undocumented migrant domestic workers. Those who work in informality remain vulnerable to the economic consequences of the pandemic when the governmental measures fail to account for them. To attend to these injustices, we list the following recommendations.

## **Recommendations**

### **Information and Outreach**

1. Ensure the timely and accurate reach of information to private households for employers and DW.
2. Safeguard the right of DW to report on employers who are not respecting the policies and regulations, by guaranteeing the accessibility enforcement bodies and mechanisms to the workers.

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<sup>5</sup> "Un dispositif exceptionnel d'accompagnement pour les particuliers employeurs, les salariés à domicile, les assistants maternels agréés et les garde d'enfants." *ACOSS*, 2020.

<sup>6</sup> "COVID-19 Social Welfare Supports for Workers." *Migrants Rights Centre Ireland*, 2020.

<sup>7</sup> "Portugal to treat migrants as residents during the coronavirus crisis." *Reuters*, 2020.

### Income security

1. Prevent the termination of contracts under COVID-19 and ensure the payment of wages according to pre-existing agreements.
2. Allow employers and formal domestic workers a delay in paying the contribution to the social security funds to alleviate some of the economic burdens.
3. In case the rightful impossibility of continuation of payment of salaries by employers, governments to:
  - facilitate DW' access to short-time-work regimes equally to other workers in countries where such measure is applicable,
  - guarantee DW' access to unemployment allowances, paired with additional income (i) provided by employers where appropriate, or (ii) from other basic income grants, existing or created in response to COVID-19.
4. Provide for access to income in case of termination of contract or illness, especially for undocumented migrant DW.

### Protective Measures

1. Use international legislation, namely C189 and C190, as frameworks of reference order to guarantee equal labor rights and freedom from harassment for DW.
2. Consider homecare workers, irrespective of their contractual arrangements, as part of the health system and eligible to the same rights as other workers in the sector, such as:
  - a. personal protective equipment (PPE), such as mask, gloves, sanitising gel, etc.,
  - b. proper information on how to use PPE and training,
  - c. primary access to COVID-19 tests.
3. Ensure sick leave and access to healthcare for DW, including those infected and in quarantine.
4. Meet the demand of unions and DW organizations to temporarily shut down the sector of domestic work, with the exception of care work, while (i) banning the termination of contracts and (ii) guaranteeing the payment either by the employers or government support systems.

### Health and Social Benefits

1. Provide shelters for live-in workers, especially those undocumented, who are either infected or need to be in quarantine,
2. Provide undocumented migrant DW with the same access to the health system as for residents and formal workers.
3. Ensure the equal access of emergency childcare centres to children of DWs who engage in care work, as for children of employees of other essential sectors.

### Migration Status

1. Provide exceptions for DW to cross national borders so they can reach their countries of destination and deliver essential work.
2. Facilitate travel procedures for domestic workers wishing to join their families.

Read IDWF's full report and global recommendations in our brief: [The Impacts of COVID-19 on Domestic Workers and Policy Responses](#). [Download our policy recommendations](#).