



European Social
Policy Analysis
Network (ESPAN)

Access for domestic workers to labour and social protection

An analysis of policies in 34 European
countries

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2024

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Official country abbreviations for the 34 European countries covered in this report

EU Member States			
Austria	AT	Italy	IT
Belgium	BE	Latvia	LV
Bulgaria	BG	Lithuania	LT
Croatia	HR	Luxembourg	LU
Cyprus	CY	Malta	MT
Czechia	CZ	Netherlands	NL
Denmark	DK	Poland	PL
Estonia	EE	Portugal	PT
Finland	FI	Romania	RO
France	FR	Slovakia	SK
Germany	DE	Slovenia	SI
Greece	EL	Spain	ES
Hungary	HU	Sweden	SE
Ireland	IE		
Non-EU countries			
Albania	AL	Montenegro	ME
Bosnia and Herzegovina	BA	North Macedonia	MK
Kosovo ^(*)	XK	Serbia	RS
Moldova	MD		

^(*) This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Introduction

European Union policy context

Increasing attention has recently been paid to the situation of domestic workers at European Union (EU) level. The European Parliament, social partners and stakeholders have called on the European Commission to improve the working conditions and social protection of domestic workers within the limits of its Treaty competence.

Domestic workers provide support services to households, including care (e.g. childcare or long-term care (LTC) for older people and for people with disabilities) and non-care activities (e.g. cleaning or cooking). At EU level, the concept of “domestic workers” has, for a decade, often been approached through the wider concept of “personal and household services (PHS) workers”.

Domestic workers are often hired in non-standard forms of employment (including part-time, temporary employment and platform work), with frequently more limited access to social and labour protection. In some countries, self-employment is also widespread in the sector. In addition, undeclared work is an overarching issue among domestic workers, which undermines the social and labour protection rights of the workers concerned.

Domestic work involves professions that are often listed as subject to shortages; for example, LTC workers. Domestic workers often acquire skills through their hands-on tasks, but it remains a challenge to have these skills validated and certified to facilitate access to more qualified work.

Domestic workers fall within the scope of the [2019 Council Recommendation on access to social protection](#) which covers all individuals in employment, whether employees or self-employed (hereafter referred to as the “2019 Council Recommendation”). However, only limited measures targeted at this group have been announced/implemented at national level since 2019. Domestic workers are also targeted by the [2022 Council Recommendation on access to high-quality affordable long-term care](#), which calls on Member States to address the challenges of vulnerable groups of workers, such as domestic LTC workers, live-in care workers and foreign (EU or non-EU) care workers, including by providing for effective regulation and professionalisation of such care work.

The International Labour Organization “Domestic Workers Convention” ([ILO Convention C189 of 2011](#)) calls on countries to provide domestic workers with fair recruitment and working conditions: the right to treatment equal to that of other workers; daily and weekly (at least 24 hours) rest hours; entitlement to a minimum wage; entitlement to representation of their interests; and the right to choose the place where they live and spend their leave. The Commission has, on several occasions, called on Member States to ratify this Convention. However, ratification has been subject to delays, with only nine Member States having ratified it¹ to date; and some of those facing problems of implementation.

A study by the European Social Policy Analysis Network (ESPAN)

The European Commission asked the European Social Policy Analysis Network (ESPAN) to assess the extent to which domestic workers have access to labour and social protection in 34 European countries: the 27 EU Member States as well as 7 (potential) candidate countries (Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia and Kosovo).²

¹ These countries are Italy and Germany (ratification in 2013), Ireland (2014), Belgium, Finland and Portugal (2015), Sweden (2019), Malta (2021) and Spain (2023).

² The ESPAN covers 39 European countries: (a) the 27 EU Member States; (b) the 10 (potential) candidate countries, i.e. the six Western Balkan countries covered by the network (Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia and Kosovo [the designation of the latter is without prejudice to positions on status, and is in line with UNSCR 1244 and the International Court of Justice Opinion on the Kosovo Declaration of Independence]) as well as Georgia, Moldova,

Drawing on the national reports prepared by the 34 ESPAN country teams, this Synthesis Report seeks to provide a comparative overview of the situation concerning this access. As regards the EU labour law in the LTC sector in the 27 EU Member States, the report draws on the Synthesis Report prepared on the basis of work done by the European Centre of Expertise in the field of labour law, employment and labour market policies (ECE) (Bakirtzi, 2024).

The Synthesis Report is organised in three parts:

Part A is devoted to the situation in the 27 EU Member States:

- Section 1 maps domestic work in the EU. For each Member State, based on a statistical definition agreed upon for the specific purpose of this report, it provides an estimate of the number of domestic workers and also, when the reliability of the statistical information available in the country allows it, of their main socio-demographic characteristics and of the key characteristics of their main job.
- Section 2 briefly presents the legal framework that applies to domestic workers in Member States.
- Section 3 depicts the main employment arrangements in the domestic work sector across the EU.
- Section 4 describes the specific conditions for (and possible gaps in) access to social protection and labour protection for domestic workers in the Member States.
- Section 5 discusses the issues of undeclared work and formalisation/regularisation across the EU.
- Section 6 discusses the issue of labour shortages across the EU.
- Section 7 presents recent and ongoing reforms and debates in Member States.

Part B looks at the situation in seven (potential) candidate countries:

- Section 8 focuses on access for domestic workers to labour and social protection in the seven (potential) candidate countries covered in this study. First, it maps the extent and broad characteristics of domestic work in these countries and provides some comparisons with the EU average. Then, following the same structure as that used for EU Member States (in Sections 2-7), it provides a brief overview of the situation regarding access for domestic workers to labour and social protection in these countries.

Finally, Part C concludes by making suggestions on the way forward:

- Section 9 makes suggestions concerning how to improve social protection and labour rights for domestic workers in the 27 EU Member States and in the 7 (potential) candidate countries covered.

Throughout this Synthesis Report, countries with similar policies/practices or confronted with similar barriers are listed in brackets (e.g. AT, BE, BG)³ so that readers interested in knowing more about these can examine the national reports⁴ concerned. In producing their reports, national experts cite many different sources in support of their analysis. References to these are not included in the present report. Readers wishing to follow up the original sources should consult the individual national reports.

Turkey and Ukraine; and (c) Iceland and Norway. For a presentation of the ESPAN Network Core Team and the 39 country teams it includes, see Annex C.

³ Here and throughout the report, the countries in brackets are provided as **examples** and the lists are not necessarily exhaustive.

⁴ Hereinafter designated throughout the report only as “national reports”.

The authors of this Synthesis Report are thankful to the European Commission and ESPAN country teams for their helpful comments and suggestions. Feedback from Fran Bennett and Emmanuele Pavolini is also gratefully acknowledged. All errors remain strictly the authors' responsibility.⁵

Key definitions

Three different definitions of domestic work are used in this Synthesis Report, according to the purpose of each section:

1. A **“statistical” definition of domestic work**, which has been agreed upon between the European Commission (DG EMPL) and the ESPAN for the specific purpose of this report. This definition makes full use of the information available in the EU Labour Force Survey (LFS) by combining NACE⁶ 97 (“activities of households as employers of domestic personnel”) with relevant ISCO⁷ categories. It is discussed in detail in Section 1, together with the limitations of the estimates based on it.
2. The **national “legal” definition(s)** applying in the countries covered in this report. This is discussed in Section 2.
3. A **“policy-oriented” definition of domestic work**, which is used in Sections 3 to 9. This definition draws on the aforementioned ILO Convention C189 of 2011. According to Article 1 of this Convention:
 - “the term domestic work means work performed in or for a household or households;
 - the term domestic worker means any person engaged in domestic work within an employment relationship;
 - a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.”

For the purpose of this report, a domestic worker is someone providing care and/or non-care services in or for a household or households within a paid work relationship, either as an employee or as self-employed, and either directly or through a third party. This includes all home-based and ancillary⁸ activities.

Examples of such services include those provided by nannies, babysitters, au pairs, domestic cleaners, and personal assistants. It is possible that, in some cases, these services are provided outside the household's home (e.g. a nanny may take care of children in her own house, or a personal assistant may accompany a dependant outside the latter's house). Insofar as there is a paid work relationship with the household (as an employee or a self-employed person), this is considered to be domestic work.

Importantly, family members performing the above-mentioned activities are excluded from the scope of this report, even if in some cases they may receive remuneration for this work.

⁵ The authors would like to thank Rachel Cowler for her always invaluable editorial support and Liesbeth Haagdorens for fine-tuning the layout of the report. They would also like to thank Mees Bots and Pilar Muñoz Martín for their very useful background research.

⁶ NACE is the “nomenclature of economic activities”.

⁷ International standard classification of occupations.

⁸ For example, support provided to meet the household's needs that is performed outside the home, such as doing shopping and accompanying a member of the household to a medical appointment or a leisure activity.

Executive summary

Purpose of the study, coverage, structure and key definitions

The European Commission asked the European Social Policy Analysis Network (ESPAN) to assess the extent to which domestic workers have access to labour and social protection in 34 European countries: the 27 EU Member States as well as 7 (potential) candidate countries (Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia and Kosovo).

Drawing on the national reports prepared by the 34 ESPAN country teams, this Synthesis Report seeks to provide a comparative overview of the situation regarding this access.

The Synthesis Report is organised in three parts:

Part A is devoted to the situation in the 27 Member States:

- Section 1 maps domestic work in the EU. For each Member State, it provides an estimate of the number of domestic workers and also, when the reliability of the statistical information available in the country allows it, of their main socio-demographic characteristics and of the key characteristics of their main job.
- Section 2 briefly presents the legal framework that applies to domestic workers in Member States.
- Section 3 depicts the main employment arrangements in the domestic work sector across the EU.
- Section 4 describes the specific conditions for (and possible gaps in) access to social protection and labour protection for domestic workers in the Member States.
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- Section 6 discusses the issue of labour shortages across the EU.
- Section 7 presents recent and ongoing reforms and debates in Member States.

Part B looks at the situation in seven (potential) candidate countries:

- Section 8 focuses on access for domestic workers to labour and social protection in the seven (potential) candidate countries covered in this study. First, it maps the extent and broad characteristics of domestic work in these countries and provides some comparisons with the EU average. Then, following the same structure as that used for EU Member States (in Sections 2-7), it provides a brief overview of the situation regarding access for domestic workers to labour and social protection in these countries.

Finally, Part C concludes by making suggestions on the way forward:

- Section 9 makes suggestions concerning how to improve social protection and labour rights for domestic workers in the 27 EU Member States and in the 7 (potential) candidate countries covered.

Three different definitions of domestic work are used, according to the purpose of each section:

1. A “statistical” definition, which has been agreed upon between the European Commission (DG EMPL) and the ESPAN for the specific purpose of this report. It is only used for the mapping of domestic work presented in Sections 1 (for EU Member States) and 8 (for non-EU countries) of the report. This definition is formed as follows:
 - first, all workers in NACE 97 (“activities of households as employers of domestic personnel”) are included among domestic workers;
 - then, all the workers whose occupation belongs to one of the following ISCO categories are added – so long as these workers are not already included in NACE 97 (to avoid double counting): 5152 (“butlers”), 5162 (“companions and valets”), 5322 (“home-based personal care workers”) and 9111 (“domestic cleaners and helpers”); and finally
 - unpaid family workers are excluded.
2. The national “legal” definition(s) applying in the countries covered in this report. This is discussed in Section 2.
3. A “policy-oriented” definition of domestic work, which is used in Sections 3 to 8. According to this definition, a domestic worker is someone providing care and/or non-care services in or for a household or households within a paid work relationship, either as an employee or as self-employed, and either directly or through a third party. This includes all home-based and ancillary⁹ activities. These services may be provided outside the household’s home (e.g. a nanny may take care of children in her own house). Insofar as there is a paid work relationship with the household (as an employee or a self-employed person), this is considered to be domestic work. Importantly, family members performing these activities are excluded from the scope of this report, even if in some cases they may receive remuneration from the dependant.

This definition draws on the 2011 International Labour Organization “Domestic Workers Convention” ([ILO Convention C189](#)), which calls on countries to provide domestic workers with fair recruitment and working conditions: the right to treatment equal to that of other workers; daily and weekly (at least 24 hours) rest hours; entitlement to a minimum wage; entitlement to representation of their interests; and the right to choose the place where they live and spend their leave.

A. Access for domestic workers to labour and social protection in the 27 EU Member States

A1. Four million domestic workers in formal employment in the EU

If we apply the (conservative) statistical definition agreed upon for this study to the 2023 EU Labour Force Survey (LFS) data, there are approximately 4 million domestic workers in formal employment in the EU. This represents 2.1% of all workers, whether employees or self-employed. This share varies considerably across Member States: from less than 1% to almost 4.5%. At EU level, domestic workers are evenly split between those primarily involved in care activities and those primarily involved in non-care activities. However, this is not the case in all the Member States. In seven countries, 70% or more of domestic workers are mostly involved in care activities. At the other end of the spectrum, in five countries, 80% or more are primarily involved in non-care activities.

⁹ For example, support provided to meet the household’s needs that is performed outside the home, such as doing shopping and accompanying a member of the household to a medical appointment or a leisure activity.

A2. The legal status of domestic workers in the EU varies considerably, reflecting the different legal frameworks in the Member States

According to ESPAN national experts, in 13 Member States, there is no legal definition of domestic workers in national legislation. In 10 Member States, domestic workers are covered by a single legal definition, covering either only employees, or employees and the self-employed, or all categories of domestic workers regardless of the form of employment; in some of these countries, certain categories are excluded from the national definition(s) of domestic workers. In four Member States there are various regulations on the employment of domestic workers, each with a specific definition of domestic work(er).

A3. In 19 Member States, the rules of labour law and social protection applying to domestic workers (in declared employment) differ from those applying to other workers

A high proportion of domestic workers are undeclared or under-declared, so have no or only very limited access to social protection and labour protection.

In eight Member States, domestic workers (in declared employment), whether employees or self-employed, are subject to the same rules of labour law and social protection as other workers, without any distinction. In nine Member States, the provisions of labour and social security law apply to domestic workers in the same way as to other workers, but with some exceptions (regarding, for instance, working time, rules on dismissal, additional legal obligations imposed on the employer). In the remaining 10 Member States, domestic work is subject to specific regulations governing, among other aspects, working time, remuneration, the termination of the work contract, the employer's obligations.

Nine Member States have legal provisions which apply specifically to domestic workers in long-term care (LTC).

A4. Only one third of the Member States have ratified the 2011 ILO Convention on Domestic Workers

To date, only nine Member States have ratified ILO Convention C189 on Domestic Workers, and in some of those countries, ESPAN national experts note specific implementation problems. ESPAN national experts in the 18 Member States which have not ratified it explain that there can be three main reasons for this. In most cases, it is simply due to the fact that the country is reluctant to make significant changes to its national regulatory framework. In some cases, the country is of the view that its legislation is already compliant with the Convention. Finally, in a minority of cases, the country considers that domestic workers are adequately protected by existing collective agreements.

A5. In almost all the Member States, collective agreements cover either all or certain groups of domestic workers

In six Member States, collective agreements play a major role, including for domestic workers. In the other Member States, the situation varies a great deal. In 15 Member States, domestic workers are covered by broader collective agreements on social services (8 countries) or there are collective agreements covering only (some of the) LTC domestic workers (7 countries). In two Member States, collective agreements in the domestic sector are binding only if the worker is in contact with the household through an intermediary. Finally, in five Member States, there are no collective agreements covering domestic workers.¹⁰

¹⁰ The total number of countries is equal to 28 rather than 27 because one Member State falls into two categories.

A6. Three types of employment arrangements for domestic workers are used in most Member States, and these determine their access to labour and social protection

Direct contractual employment between the domestic worker and the employer exists to varying degrees in all Member States, and in most cases provides the same labour and social protection as for other workers. However, in certain cases, workers may be employed under marginal forms of contract (e.g. “mini-jobs”), which offer less social protection. In only three Member States, ESPAN national experts stress that direct contractual employment is a very rare practice in their country. Indirect contractual employment involves a third party (agency-based and/or digital platform-based) acting as an intermediary between the domestic worker and the household. Such arrangements provide flexibility for both workers and households, with agencies handling the administrative and legal aspects. This employment arrangement is present in all but one Member State, but is reported by ESPAN national experts to account for a high proportion of domestic workers in only 10 Member States. Self-employment is a less common arrangement for domestic work than direct and indirect contractual employment, even though, according to ESPAN national experts, it is present (to varying degrees) in 20 Member States. In some cases, self-employment in domestic work is limited to certain sectors (e.g. healthcare) or to certain types of work (e.g. cleaning, babysitting or childcare). The issue of bogus self-employment is highlighted in some ESPAN national reports.

Migrant workers play a crucial role in filling labour shortages in the domestic work sector. Two non-mutually exclusive types of regulation of domestic work performed by third-country nationals can be found in Member States: work permits (including temporary and seasonal work permits) and recruitment agencies. Migrant workers are more likely to face specific challenges such as poor working conditions, social inequalities, undeclared work and exploitation, which underlines the need for improved regulatory frameworks and support mechanisms.

A7. While formal access to social protection is generally available to domestic workers (in declared employment), effective access, adequacy of benefits, gender disparities and access for migrant workers remain critical issues

Domestic workers (in declared employment) generally have the same formal access to social protection as other workers, with very few exceptions where access is restricted, or specific conditions apply. In particular, there is not a single Member State where no categories of domestic workers have formal access to social protection, although in some Member States access may be lacking or limited for certain categories of domestic workers and/or for some schemes, such as unemployment benefits. Specific conditions for access to social protection may also depend on collective agreements in the sector. Recent legislative changes and court rulings in some Member States have improved access for domestic workers.

However, ESPAN national experts in some Member States explain that domestic workers face significant challenges in accessing social protection effectively. These challenges, which are similar to those faced by non-standard employees and the self-employed, include short contribution periods, insufficient working hours and the complexity of multiple jobs and/or employment statuses with no possibility of accumulating or transferring rights. Workers in certain marginal employment statuses and the self-employed may be subject to voluntary insurance and exemptions which may further contribute to a lack of effective access.

In addition to challenges related to formal and effective access to social protection, ESPAN experts in a number of Member States express serious concern regarding the adequacy of benefits for domestic workers, as low wages and part-time work in the sector often result in inadequate pensions and other social benefits. This is especially true for women, who make up the vast majority of domestic workers (at least two thirds in all Member States, and almost 90% at EU level) and who are more likely to work part time or in low-paid jobs and also more likely to have shorter careers. In several countries, the benefits from social protection schemes for domestic workers are significantly lower than those

for the general workforce, leading to a heavy reliance on national solidarity mechanisms and non-contributory pensions.

Migrant domestic workers are particularly vulnerable in terms of access to social protection, as language barriers and administrative literacy problems often make it difficult for them to understand and access their entitlements, which may put them more at risk of exploitation (see also above, Section A6). In addition, the lack of portability of pension rights due to the absence of bilateral social security agreements further hampers migrant workers' access to pension benefits.

In several Member States, the large amount of undeclared and under-declared work among domestic workers is also a significant issue affecting both the access of these workers to social protection and the financial stability of the overall social protection system.

A8. In most Member States, domestic workers formally have the same labour rights as other workers, but they are more likely to face exploitative conditions and to suffer from a lack of enforcement of labour law

In 14 Member States, ESPAN national experts report that all domestic workers formally have the same labour protection and labour rights as all other workers working under a direct employment contract or through a third party. In six Member States, they explain that some categories of domestic workers do not have access to the same labour protection and labour rights as all other workers, or they do have access but subject to specific conditions. In six Member States, domestic workers are either covered by specific legislation or have access to the same labour protection and labour rights as all other workers, with some exceptions. In the remaining country, there is a dual system: the legislation regulating domestic workers depends on the employment relationship. Domestic workers hired directly by the employing household(s) are covered by specific legislation, while those employed through a third-party agency have access to the same labour protection and labour rights as all other workers, without exceptions.

In 12 Member States, ESPAN experts identify specific rules/standards on working or contractual conditions for some categories of domestic workers. These relate to working time (exclusion from provisions on night work, longer working hours, shorter rest periods and breaks), (minimum) wages, rules on dismissal, special employment contracts for domestic workers, and specific obligations for employers.

The majority of ESPAN experts report gaps which deprive domestic workers or some categories of domestic workers of the benefit of key labour protection provisions (e.g. rules on dismissal, (minimum) wages, working time), and some highlight the non-application of labour protection provisions to the self-employed. Many highlight that bogus self-employment, which involves workers registered as self-employed whose conditions of employment *de facto* constitute dependent employment, is widely used by private service providers and households to circumvent labour law.

The two (partially linked/overlapping) challenges most frequently mentioned by ESPAN national experts are the exploitative conditions faced by domestic workers (e.g. low/varying pay, long working hours with little rest, unfair dismissal, etc.), and the lack of enforcement of labour law in the case of domestic work. Effective implementation requires an institutional structure with a mandate to promote and enforce compliance. With regard to domestic work, inspections of household premises are a cause for concern. Inspections are hampered by the fact that domestic work is usually carried out in the employer's private home, which is often outside the scope of the legislation, so that the right to privacy may violate domestic workers' labour rights. Lack of information and trade union representation is also identified as a challenge by several ESPAN experts.

A9. Undeclared work in the domestic work sector is prevalent, even in national contexts where undeclared work is not common

Undeclared work involves working arrangements that are not regulated by formal contracts or legal frameworks, most often lacking social and labour protection. In 15 Member States, ESPAN national experts highlight the issue of undeclared work as particularly relevant for their country. It is difficult to assess the prevalence of undeclared work, regardless of the national context. However, when data are available, they show that undeclared work is more common in domestic work than in all or almost all other sectors. They also show that, depending on the country, the problem may be specific to non-care workers (e.g. cleaners), to care roles or evenly spread.

Diverse policy instruments to address and combat undeclared work in the sector are implemented at national level, which can be grouped under two broad categories: “direct” instruments (i.e. monitoring and sanctions, vouchers and tax credits) and “indirect” instruments (i.e. digitalisation and administrative simplification, stimulation of the supply side of the labour market, and regularisation of undocumented migrants). Common traits include the use by Member States of a policy mix combining direct and indirect instruments, or the use of direct instruments only.

A10. ESPAN experts in most Member States report significant labour shortages in domestic work services

ESPAN national experts in most Member States report significant labour shortages in domestic work services, although it is important to underline the difficulty of estimating labour shortages when employers are households rather than companies or public authorities, and there are no comprehensive assessments and only fragmented data sources. In many countries, shortages are particularly severe in LTC domestic work, mostly due to the growing needs of an ageing population. Several ESPAN experts provide evidence in their national reports that the demand for domestic care will grow significantly in future years.

A11. ESPAN experts in several Member States identify reforms adopted since 1 January 2020 which may have an impact on the situation of domestic workers; they also identify various EU-funded projects relevant to the domestic work sector

In various Member States, ESPAN national experts report recent wide-ranging reforms and measures in the domestic care sector and related employment programmes which may help to improve the legal situation of domestic workers. Some of these measures were triggered by COVID-19 but were then often not maintained after the COVID-19 period. They also identify broader reforms to the legislation governing the social protection of workers (whether employees or self-employed) which are also likely to have a positive impact on domestic workers in a large number of Member States. Many Member States have introduced labour protection reforms, such as laws on the operation of employment agencies that also employ domestic workers, or laws setting up a digital platform for domestic work. In a few Member States, ESPAN national experts explain that there have been reforms of both labour protection and social protection which may also affect the legal situation of domestic workers.

In various Member States, ESPAN experts identify employment and training measures supported by the European Social Fund (ESF)+, which may affect the labour and social protection status of domestic workers in the coming years. In some Member States, they explain that the Recovery and Resilience Facility (RRF) has financed reforms and investments that may affect the domestic work sector. In a few Member States, they report on programmes financed by the Technical Support Instrument that may be relevant to the domestic work sector.

A12. In the majority of Member States, domestic work has triggered public debates in the period since 1 January 2020

ESPAN national experts in a large majority of Member States argue that the issue of domestic work(ers) has been a subject of recent public debates. The most debated issues, which were exacerbated by COVID-19, include the low wages and poor social security entitlements of domestic workers, the labour shortages in the care sector, the undeclared status of domestic workers, the lack of professionalisation and training in the sector resulting in poor quality of household-related services, and the poor working conditions and psychological threats they experience.

B. Access for domestic workers to labour and social protection in the seven (potential) candidate countries covered in the study

The main points of the analysis devoted to the seven (potential) candidate countries covered in this study are as follows:

- Domestic workers represent between 0.5% and around 1% of all workers in the seven non-EU countries covered in this study (as compared to 2.1% for the EU-27 average).
- In all seven countries, ESPAN national experts report that there is no legal definition of domestic workers in their country. Despite the lack of legal definitions, ESPAN experts in some of these countries point to cases where domestic work is specifically recognised as a legal category in the labour legislation; in these countries there are some specific requirements for the employment of domestic workers. In the other countries, domestic work is only marginally mentioned in the legal frameworks.
- In six countries, ESPAN experts explain that there is no specific legislation on LTC domestic workers.
- To date, ILO Convention C189 has not been ratified by any of the seven countries.
- In none of the seven countries is there a specific collective agreement covering domestic workers. However, broader collective agreements may (partially) cover domestic workers.
- ESPAN experts note that indirect contractual employment (agency-based and/or digital platform-based) is present in all seven countries. In six countries, direct employment is also present. Again in six countries (and partially in the seventh), the provision of services by domestic workers can take the legal form of self-employment.
- In six countries, domestic workers in standard employment have formal access to almost all benefits, while in some of them, ESPAN experts highlight the exclusion of workers on temporary or occasional contracts from most or some social security benefits.
- ESPAN experts report that domestic workers in standard employment enjoy the same labour protection as other workers in all seven countries. Only in two countries do they report the exclusion of temporary or “occasional” domestic workers from labour protection.
- In all seven countries, ESPAN experts mention the existence of instruments to formalise/regularise undeclared work; in two of them, they identify instruments specifically targeted at domestic workers.
- ESPAN experts describe reforms affecting the social and/or labour protection of domestic workers in six countries, in particular new legislation or amendments to existing legislation extending benefits to non-standard workers, including domestic workers.

- In four countries, ESPAN experts single out EU-funded projects relevant to domestic workers, such as projects aimed at strengthening the capacity of labour inspectorates to combat undeclared work.
- ESPAN experts in some of the countries note public debates on undeclared domestic work, and legislative initiatives to regulate labour relations affecting domestic workers.

C. Proposals for improving the social protection and labour rights of domestic workers, including a better evidence base

Drawing on the ESPAN national reports, the Synthesis Report puts forward concrete proposals for improving the social protection and labour rights of domestic workers, including a better evidence base.

C1. Proposals regarding EU Member States

The proposals for improvements, based on the analysis carried out by the ESPAN national experts in the 27 EU Member States, can be grouped under seven main headings:

- improving enforcement of rules and professionalisation of the sector;
- ensuring access to social and labour protection for all domestic workers;
- combatting undeclared work;
- paying specific attention to migrants as a key element of ensuring decent working conditions for all domestic workers;
- giving domestic workers a voice and raising awareness of their situation;
- improving the evidence base - more and better data and analysis on the number of domestic workers, their socio-demographic characteristics, and their working and living conditions; and
- maintaining EU funding and technical support, and promoting the exchange of good practices between Member States.

C2. Proposals regarding (potential) candidate countries.

The proposals for improvements applicable to the EU Member States apply broadly also to the seven (potential) candidate countries covered. However, as the latter are lagging somewhat behind the EU Member States in social policy development and sector experience, they should consider focusing initially on incremental actions, learning from the experience of EU Member States and taking preliminary steps to build a strong foundation for effectively achieving these goals.

In addition to these proposals, the analysis by the ESPAN experts highlights the importance for these seven non-EU countries of improving cross-sector collaboration among key actors in the sector, as well as monitoring.

PART A:

Access for domestic workers to labour and social protection in the 27 EU Member States

1. Mapping domestic work in the EU

This section maps the extent and broad characteristics of domestic work across the EU. For each Member State, it provides an estimate of the number of domestic workers and also, when the reliability of the statistical information available in the country allows, of their main socio-demographic characteristics and of their main job's key characteristics.

A statistical definition of domestic work has been agreed upon between the European Commission (DG EMPL) and the ESPAN for the specific purpose of this report, and has been used by Eurostat for extracting the relevant data from the EU Labour Force Survey (LFS) presented in this section. These data should enable a harmonised quantification of domestic work across the EU.

The starting point in the reflection on this statistical definition was the **International Labour Office's flagship report on "Making decent work a reality for domestic workers"** (ILO, 2021a). In this report, the ILO suggests a multi-step set of approaches to identify domestic workers in household surveys. The four approaches, which are applied successively, are the following:

- 1) the industry-based approach;
- 2) the approach based on status in employment;
- 3) the approach based on the relationship to the head of the household; and
- 4) the occupation- or task-based approach, in combination with information on the place of work

"Each step captures domestic workers not yet identified in previous steps (...). The first three approaches (1–3) identify domestic workers who are directly employed by households, while the additional domestic workers identified through the task-based approach (4) are considered to be domestic workers employed by or through service providers." (ILO, 2021a, p. 262)

The statistical definition used in the present report makes full use of the information available in the EU LFS by combining NACE¹¹ 97 ("activities of households as employers of domestic personnel") with relevant ISCO¹² categories. Unfortunately, two important ILO criteria are not currently available in the EU LFS: the category "domestic worker" is not listed in the variable on self-declared employment status, and the place of work (other's home [employer's or client's home]) is not collected.

Thus, taking into account the constraints imposed by the information currently available in the EU LFS, the following **statistical definition** has been retained:

- first, all workers in NACE 97 are included among domestic workers;
- then, given that domestic workers may be employed through/by service providers, and not solely directly by households, all the workers whose occupation belongs to one of the following ISCO categories are added - so long as these workers are not already included in NACE 97 (to avoid double counting): 5152 ("butlers"), 5162 ("companions and valets"), 5322 ("home-based personal care workers") and 9111 ("domestic cleaners and helpers"); and finally
- unpaid family workers are excluded.

¹¹ NACE is the "nomenclature of economic activities".

¹² International standard classification of occupations.

Regarding the selection of ISCO categories, it was decided not to consider as domestic workers¹³ those workers whose occupation falls under ISCO 9121 (“laundryers and pressers”), as most of them work for industrial or commercial clients (such as hostels or hospitals) or ISCO 5311 (“childcare workers”), as most of them do not work in or for a household or households.

Regarding the selection of NACE categories, it is important to keep in mind that NACE categories other than NACE 97 may include domestic workers. However, as it is not possible to identify within those NACE categories the workers who work in or for a household or households, those workers are not included in the retained statistical definition, unless their occupation falls under one of the four selected ISCO categories (5152, 5162, 5322 and 9111). This means, for instance, that workers in the NACE 81.21 category (“general cleaning of buildings”) are not added to the definition, as most of them are *de facto* not domestic workers but clean offices or factories. Again, some of these workers may however clean private dwellings (i.e. houses or apartments). Similarly, workers in the NACE 88.9 category (“Other social work activities without accommodation”) were also not added to the definition even if some may be involved in child day-care activities in or for households. This is also the case *inter alia* for workers in the NACE 78 (“Employment activities”) or NACE 96 (“Other personal services activities”) categories.

So, in a nutshell, the information available in the LFS does not make it possible to identify those workers in these NACE categories who work in or for a household or households. Adding all the workers in these NACE categories would have meant adding to the definition of domestic workers (sometimes very large) groups of workers, most of whom are not, or not primarily, domestic workers. This is why in this report the choice has been made to deliberately use a **“conservative” definition** of domestic workers.

Prior to the quantification of domestic work presented in this report, a few other EU-level studies have also sought to estimate the number of domestic workers using different statistical definitions and, therefore, producing different numbers. The most relevant studies in this context are those carried out by Farvaque (2015), by Decker and Lebrun (2018) and, more recently, by Holubová and Kahancová (2022) in research commissioned by the European Labour Agency (ELA). The latter study has produced two different estimates: (a) one based on a “narrow” definition which, beside NACE 97, includes the full NACE 88 (“social work activities without accommodation”) in the definition of domestic workers; and (b) one based on a (yet) broader definition, which adds to (a) two more NACE categories: NACE 95 (“repair of computers and personal and household goods”) and NACE 96 (“other personal service activities”). Using the narrow definition, the study estimated that there were around 6 million people formally employed in the PHS sector in the EU in 2019; and using the broader definition, 8.8 million. Undeclared work is an overarching issue in the sector in many Member States. The same study estimated that in 2019, as many as 50% of domestic workers in the EU may have been undeclared; and thus the actual number of domestic workers may be much higher than estimates based on statistical data: between 12.8 million (narrow definition) and 18 million (broader definition) workers in the EU in 2019¹⁴.

If we apply the (conservative) statistical definition retained for the purpose of the present report to the 2023 EU LFS data, there are approximately **4 million domestic workers in the EU** (see Table A1 in Annex A). This represents **2.1% of all workers**, whether employees or self-employed. This share varies considerably across Member States (see Figure 1.1). In eight of them (EE, LT, HU, HR, PL, SI, RO, AT), this share is less than 1%, whereas it is between 3 and 3.6% in six Member States (SE, IT, PT, BE, ES, DK) and close to 4.5% in Cyprus.

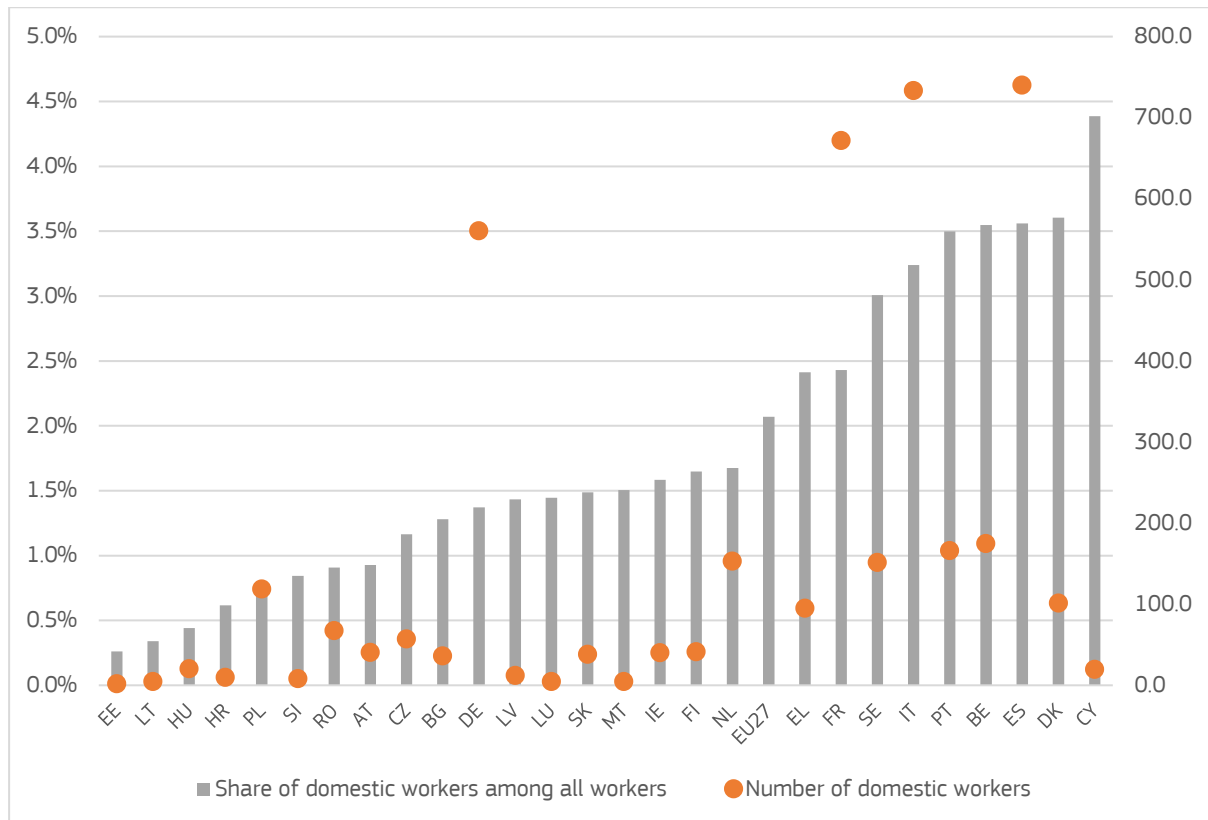
¹³ Unless they are included in NACE 97.

¹⁴ To estimate the scale of undeclared work, the authors rely primarily on the 2019 Eurobarometer survey 92.1 on the topic (European Commission, 2020).

Various studies have shown that LFS data may underestimate the number of migrants, due to sample selection and lower response rates from this group, especially among those who are low-educated or undocumented (Eurostat, 2018; European Union Agency for Fundamental Rights [FRA], 2011). This has to be kept in mind as it may have an impact on the figures presented in this section: it may lead to an underestimation of the number of domestic workers as well as a bias in their personal characteristics and/or in their main job's characteristics.

In addition, it is important to also keep in mind that, although undeclared workers may theoretically be included in the LFS, these workers are less likely to respond to the survey in practice. Given the high proportion of undeclared work among domestic workers, the actual number of domestic workers in the various Member States is likely to be (much) higher than the estimates presented in this section; this is likely to have an impact on all the data presented in this section (including on the characteristics of domestic work(ers), as presented in Tables A1-A3 in Annex A).

Figure 1.1: Estimated number of domestic workers (in thousands, right axis) and share in the total number of workers (in %, left axis), 2023, EU-27 Member States



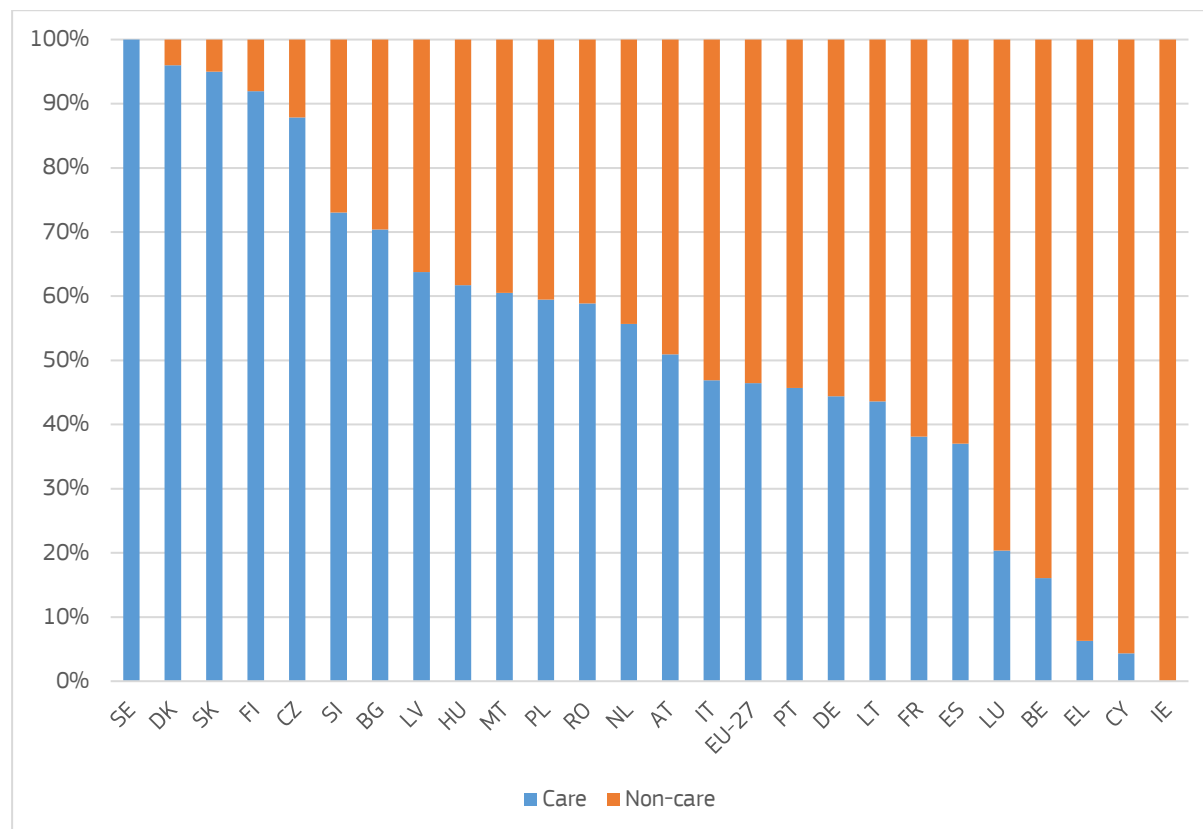
Source: Eurostat, EU LFS, 2023, DG EMPL calculations.

At EU level, domestic workers are evenly split between those primarily involved in **care activities** and those primarily involved in **non-care activities**¹⁵ (Figure 1.2). However, this is not the case in all

¹⁵ Domestic workers are assumed to provide **primarily** care activities if their occupation falls in the ISCO 5322 category. Domestic workers in other ISCO categories are assumed to be occupied **primarily** in non-care activities. It is important to note that these workers are assumed to provide "primarily" care or non-care services; but there may well be domestic workers providing care in the "non-care" category (and the other way round).

the Member States. In seven countries (SE¹⁶, DK¹⁷, SK, FI, CZ, SI, BG), 70% or more of domestic workers are mostly involved in care activities. At the other end of the spectrum, in five countries (LU, BE, EL, CY, IE), 80% or more are primarily involved in non-care activities.

Figure 1.2: Estimated distribution of domestic workers between care and non-care occupations, 2023, EU-27 Member States



Note: Data not presented for EE and HR due to low reliability.

Source: Eurostat, EU LFS, 2023, DG EMPL calculations.

In terms of their **personal characteristics**, the situation of domestic workers in the EU is broadly as follows (see Table A2 in Annex A):

- Throughout the EU, the large majority of domestic workers are women: more than 75% in all Member States, except in Poland and Sweden where the share is slightly lower though still very high (67% and 71%, respectively). The EU-27 average is around 90%. By way of

¹⁶ This share should be interpreted cautiously as a large proportion of the domestic workers covered by the tax-deduction system called RUT (*Rutavdraget*) are not included in the Swedish estimate of the population of domestic workers identified by the statistical definition used here. The RUT system was introduced in 2007 for personal and household services. It covers both care and non-care activities, but mainly cleaning services. For RUT workers, the state pays 50% of labour costs, including VAT and profit for firms.

¹⁷ In Denmark, the share of domestic workers is very high compared to other Member States (only Cyprus has a higher share) and almost all of them are in the care sector. If we look more closely at the LFS micro-data, we see that nearly half of these workers are in the NACE 87.1 sector (“Residential nursing care activities”), primarily in nursing homes (*plejehjem*); and around 40% are in the NACE 88.1 sector (“Social work activities without accommodation for the elderly and disabled”), primarily in home-help services (*hjemmehjælp*). Thus, a large proportion of the “domestic workers” identified here work in a semi-institutional setting with elderly and disabled people in need of care.

comparison, among all workers aged 15-64 (i.e. not just domestic workers), the share of women at EU level is 47%¹⁸.

- Individuals aged 50 years or more are overrepresented among domestic workers: 46% at EU level (while they represent 33% of all workers)¹⁹ and exceeding 50% in seven Member States (BG, HR, IT, LT, LV, PT, SK). Cyprus and Sweden are notable exceptions, with an overrepresentation of the age group 15-34: 52% and 43%, respectively.
- At EU level, around 40% of domestic workers have a low level of education (ISCED²⁰ 0-2), while 50% have a medium level of education (ISCED 3 or 4) and 10% a high level (ISCED 5 or more)²¹. Here again, these EU-27 averages mask important national differences. In nine Member States (BG, CZ, DK, FI, HR, HU, LT, RO, SK), the share of domestic workers with a medium level of education is two-thirds or more. By contrast, low-educated workers (ISCED 0-2) represent the largest share in Luxembourg (75%), Portugal (67%) and Spain (54%).
- The proportion of native versus foreign-born domestic workers²² is around 60% and 40%, respectively, at EU level (among all workers these shares are 85% and 15%, respectively)²³. In Cyprus and Malta, the share of domestic workers born outside the EU is particularly high: 85% or more. To a lesser extent, their share is also significant (40%-55%) in Italy, Spain and Sweden. In Luxembourg, the share of non-native domestic workers born in another EU Member State is particularly high (almost 60%). In eight countries (BG, CZ, EE, HU, LT, PL, RO, SK), more than 90% of domestic workers were born in the country.

In terms of their **main job's characteristics**, the situation of domestic workers in the EU is broadly as follows (see Table A3 in Annex A):

- At EU level, 94% of domestic workers are employees and only 6% (half the proportion among all workers [13%])²⁴ self-employed. Here also, however, there are significant national differences. In some countries, the proportion of domestic workers who are self-employed is much higher. This is the case especially in Czechia (around 60%), and also in Poland, Romania and Slovakia (around 30%).
- Regarding their employment contract, at EU level around 80% of domestic workers who are employees have a permanent contract (lower than the share for all workers [89%])²⁵. In nine countries (AT, BE, EE, IE, IT, LT, LU, LV, SK), all or almost all domestic workers (at least 90%) are in this situation. At the other end, in two countries the large majority of domestic workers have a temporary contract: Croatia (two thirds) and Cyprus (nine tenths).

¹⁸ See Eurostat, table [lfsi_emp_a]. Please note that here and in the rest of Section 1, when reference is made to *all workers* (as opposed to *domestic workers*), LFS-based numbers concern workers aged 15-64 as these numbers are not available for the 15 years and above (i.e. also those aged 65 and above) age group on the Eurostat web-site. By contrast, numbers related to domestic workers concern workers aged 15 years and above.

¹⁹ See Eurostat, table [lfsa_egaed].

²⁰ International Standard Classification of Education.

²¹ Among all workers, these shares are 16%, 46% and 38%. See Eurostat table [lfsi_educ_a].

²² It should be noted that the criterion used here is the country of birth; not the nationality. Foreign-born workers include both workers born in another EU country (which could be a rough *proxy* for intra-EU mobile workers, even if these workers may, since they were born, have acquired the nationality of the country where they work) and workers born outside the EU (which could be a rough *proxy* for third-country workers). In addition, it should be noted that “foreign-born” workers include nationals who were born abroad (e.g. French citizens born in former French colonies or Germans re-migrating from Eastern European countries (the so-called *Spätaussiedler*)), and that “natives” include children of migrants/mobile workers born in the country of residence, irrespective of whether they have that nationality.

²³ See Eurostat, table [lfsa_egaisedm].

²⁴ See Eurostat, table [lfsa_egaps].

²⁵ See Eurostat, table [lfsi_pt_a].

- Almost 50% of domestic workers in the EU work part time, i.e. less than 30 hours per week (almost three times higher than for all workers [18%])²⁶. In five countries, this share is (much) higher: Luxembourg and the Netherlands (more than 80%) as well as Austria, France and Ireland (around 60%–65%). In 13 countries (BG, CY, CZ, EL, HU, LT, LV, MT, PL, RO, SE, SI, SK), at least three-quarters work full time, i.e. at least 30 hours per week. In the rest of the countries, the situation is balanced between part-time and full-time work.

A cluster analysis performed on the whole set of data shows that Member States may be grouped into **three main clusters**²⁷:

- The first cluster contains only Cyprus and Malta, where there is a higher share of young people (15–34), of third-country nationals, and of people (almost all of them) working full time. However, these two countries differ in terms of the share of domestic workers among the population at work and their main sector of activity: Cyprus has the highest share of domestic workers in the EU (4.4%), with almost all working in the non-care sector; Malta has a medium share (1.5%), more evenly split between the care (around 60%) and non-care (40%) sectors.²⁸
- The second cluster includes 13 countries (BG, CZ, DK, FI, HR, HU, LT, LV, PL, RO, SE, SI, SK) characterised by a low share of domestic workers among the population at work (except DK and SE), mainly involved in care activities, composed primarily of natives (80% or more, except in Sweden [56%]), of people with a medium level of education, and of full-time workers.
- Finally, the third cluster consists of 11 countries (AT, BE, DE, EL, ES, FR, IE, IT, LU, NL, PT) characterised by a medium or large share of domestic workers among the population at work (except AT and LU). Most of them work part time (except in EL and PT), they are more or less evenly involved in care and non-care activities (except in BE, EL, IE and LU where at least 80% work in the non-care sector), and they tend to be more often low-educated and born outside the country.

Within each cluster, there remains however a non-negligible heterogeneity of national situations, depicting considerable disparities between countries.

²⁶ See Eurostat table [lfsi_pt_a].

²⁷ This analysis was performed in SAS using PROC FASTCLUS and the elbow method to select the optimal number of clusters. Estonia could not be included in this analysis because of the low statistical reliability of almost all breakdowns; the analysis therefore covers 26 of the 27 Member States. A 4-cluster grouping and a 5-cluster grouping were tested but the result was less satisfactory than the 3-cluster grouping retained.

²⁸ These figures should be interpreted in the context of (general) labour mobility in countries. See “Annual report on intra-EU labour mobility 2023” (European Commission, 2023).

2. Legal framework

This section describes the legal framework that applies to domestic workers. It considers in turn: the legal definition(s) of domestic workers (Section 2.1), the key aspects of the legislation regarding domestic work and the ILO Convention C189 (Section 2.2), and the presence of collective agreements (Section 2.3).

2.1 Legal definition(s)

The way domestic work(er) is defined throughout the EU varies significantly, reflecting the diverse regulatory landscapes and employment arrangements (see Section 3) across Member States. Member States can be grouped into **three broad groups**.

In a first group of 13 Member States (BG, CY, CZ, DE, DK, EE, HR, IE, LT, LV, PL, SI, SK), ESPAN national experts report that there is **no legal definition of domestic workers in their national legal order**. Within this first group, experts in three countries (EE, IE, LV) note administrative and non-legal information which can shed light on some legal characteristics of domestic workers even in the absence of any legal definition *stricto sensu*:

- In Estonia, while there is no specific legal definition of domestic work, certain services related to domestic tasks (such as domestic services performed by personal care workers, daily support for living services) are recognised under the Social Welfare Act. Home nursing services are governed by the Health Services Organisation Act. Both acts, however, lack provisions on working conditions and exclude some domestic workers, such as nannies, cleaners, or those performing domestic tasks through platforms.
- In Ireland, the Citizens Information Board, the national agency responsible for giving information and advice on social services, provides information on how to identify whether or not a worker is a domestic worker, and states that it depends on the employee's relationship to the household. Therefore, those who work occasionally in a private home as a cleaner or carer are not considered domestic workers if they are self-employed or employed by an agency. However, in this report, they are considered domestic workers - in line with the "policy-oriented" definition agreed upon for the purpose of this study (see Introduction).
- In Latvia, the Guidelines for Inclusive Employment for the Period 2015-2020, a policy planning document, defines a domestic worker as a person who is engaged in work in the household as part of an employment relationship. It covers tasks such as cooking, cleaning, laundry, ironing, babysitting, care for elderly or disabled persons, gardening, driving, security, repair work, etc.

In a second group of 10 Member States (EL²⁹, FR, ES, FI, HU, IT, MT, NL, PT, SE), ESPAN national experts report that **domestic workers/services are covered by a single legal definition**. A distinction can be made between countries depending on whether the legal definition covers only employees (EL, HU, MT, NL), employees and the self-employed (ES, SE), or all categories of domestic workers whatever the form of employment (FI, FR³⁰, IT, PT) (see Box 2.1 for some examples of these definitions).

²⁹ In Greece, the ESPAN national experts argue that, while an explicit national definition of domestic work has not been formally established, the existing legal framework provides a *de facto* definition.

³⁰ In France, the definition of the sector is based on the type of services rather than the form of employment (employment by a firm providing the service, direct employment by the consumer and self-employment – mainly through the status of "micro-entrepreneur").

Box 2.1: Examples of legal definitions of domestic workers/services

In France, domestic services are referred to as “les services à la personne (SAP)”. The activities covered are defined in Article D7231-1 of the Labour Code as those included in a list of 26 activities, including a series of in-home services such as family services (e.g. childcare), home services (e.g. ironing, gardening, housekeeping) and services for the elderly and disabled persons (e.g. non-medical care, assistance with mobility and transport). A list of selected activities, such as accompanying children, the elderly or people with disabilities, meal and grocery delivery and administrative assistance, are only seen as domestic work when they are (partially) performed in the house.

In Greece, salaried domestic workers (including live-in domestic workers) are those who are not employed by a business or enterprise but provide dependent work primarily for the household or personal needs of the employer or their family members, or services that mainly relate to household needs and personal care³¹.

In Hungary, domestic work is defined as activities which provide support for the daily life of “natural persons” (the legal term for individuals) and people living in the same household or close relatives living in other households.

In Italy, a domestic worker is defined as a domestic service worker who performs her/his work, continuously and predominantly, for at least four hours per day³² with the same employer, with remuneration in cash or in kind. Domestic workers are employed in any capacity to help with the life of the household, whether they are personnel with specific qualifications or personnel assigned to general duties.

In Malta, the definition of domestic workers covers all employees in “private households” (which include charitable institutions providing residential care to individuals in need as their main activity) engaged in domestic duties, such as servants, maids, housekeepers, cooks, butlers, valets, handymen, cleaners, charwomen, washerwomen, babysitters, nursemaids and other persons employed in related work, including chauffeurs, gardeners and similar occupations connected with the household.

Domestic workers in the Netherlands are defined as persons working in a direct employment relationship with a private person to provide a domestic service. Domestic workers are directly employed by households to carry out work such as cleaning, food preparation, childcare/personal care, and other personal services.

In Sweden, a domestic worker is someone who performs work in the employer’s household.

Source: ESPAN national reports

Certain categories of domestic workers/services are **not included in** some definitions. For example, this is the case for:

- home care services provided by nurses or care assistants (FR);
- domestic workers employed by a third party, whether by a for-profit or not-for-profit service provider (HU, MT, NL, SE).

Finally, in the third group of four Member States (AT, BE, LU, RO), ESPAN national experts explain that there is no single legal definition of domestic workers, but **different schemes are in place for domestic services/ for the employment of domestic workers, each one with a specific definition.**

In Austria, the legal source that applies depends on the type of employment relationship and the category of domestic workers:

- The Domestic Helpers and Domestic Workers Act (*Hausgehilfen und Hausangestelltengesetz [HGHAJ]*³³ 1962) applies to the employment relationship of employees providing services (e.g.

³¹ The legislative framework that governs occasional work in certain sectors, including domestic work, through the work voucher provides an indicative list of services regarded as domestic work, ranging from housekeeping and care services to minor repair works, private tutoring, and beauty care services.

³² According to the ESPAN national expert, while this restriction of the definition to workers who are employed for at least four hours per day with the same employer has formally remained, in practice it has been replaced by collective agreements that over time have expanded the definition and the coverage to domestic workers employed for fewer hours per day.

³³ For details, see §1(4) of the HGHAJ:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008191>

cooking, washing, private chauffeur, home tutor, infant nurse, housemaid) to assist with the employer's housekeeping or for members of his/her household, regardless of whether or not they are admitted to the household.

- The Domestic Care Act (*Hausbetreuungsgesetz [HBeG]³⁴ 2007*) covers domestic workers providing care for people in their private households, either as employees or self-employed. It applies to employment relationships between a caregiver who has reached the age of 18 on the one hand, and the person to be cared for or one of their relatives, or a non-profit provider of social and health services of a preventive, caring or rehabilitative nature, on the other hand. It only applies to live-in domestic workers providing “24-hour” care.
- The Service Cheque Act (DLSG 2005) applies to employment relationships concluded between employees and natural persons for the provision of simple household services (such as cleaning, supervision of toddlers or school children, simple gardening activities, etc.) in their private households for a maximum period of one month and only for employment relationships where the gross income does not exceed the marginal income threshold for social insurance.

In Belgium, there are three types of domestic workers, each with their own legal definition:

- voucher-based domestic workers who commit to providing acts of labour that give entitlement to vouchers, under the authority of accredited companies and for a wage;
- housekeepers/servants performing manual housekeeping work (e.g. cooking, cleaning) for the household of the employer or his/her family and who have themselves concluded an employment contract with the employer; and
- domestic staff performing intellectual or manual work that is not housekeeping work (such as driving, gardening, taking care of sick people) inside or outside the employer's house, for the private needs of the employer or his/her family and who have themselves concluded an employment contract with the employer.

In Luxembourg, the national expert notes that there is no general legal definition of domestic work, either in the Labour Code or in other legislation, but they found some references putting in place a legal framework for the domestic service workforce:

- Article L-211-2 of the Labour Code, excluding domestic workers from the general provisions on working time, states that “domestic services” only mean housekeeping work in private homes, excluding all other work of the same nature carried out in hotels, restaurants, bars, hospitals, and children's homes.
- Article 3 of SAS Collective Agreement (1999³⁵) establishing uniform working conditions for all the staff in the social sector and in the care and assistance sector, defines services including mainly domestic work in the Aid and Care Sector. This includes assistance services for individuals and families of individuals with a disability; and home care services for families, persons with disabilities and the elderly.

In Romania, a distinction is made between:

- domestic work related to LTC care provided by formal or informal caregivers in the social care sector (in-home care and assistance for the elderly, persons with disabilities, chronically or terminally ill patients);

³⁴ <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20005362>

³⁵ *Convention collective de travail pour les salariés du secteur d'aide et de soins et du secteur social.*

- nannies defined as professional childcare service providers, accredited as social service providers of in-home care services for children and allowed to enter into a contractual relationship with the household as “authorised physical persons”³⁶; and
- domestic activities (from gardening and maintenance activities for the household to cleaning, cooking, laundry and personal care) carried out for a maximum of 12 hours a day in the beneficiary’s home, at the location of the service provider, or in another place appropriate to the activities³⁷ and on which both parties agree.

As in the previous group of Member States, **certain categories of domestic workers are not included** in some of the above-mentioned definitions. In Austria, for instance, the *HGHAG* does not apply to people who are either self-employed or employed by legal entities subject to a collective agreement, or by a public administrative body or a legal entity active on behalf of a public administrative body. Domestic workers employed by a third party, such as a for-profit or not-for-profit service provider, are excluded from *DLSG*.

The legal and “policy-oriented” definitions of domestic workers

As explained in the Introduction above, the focus in Sections 3 to 8 of this Synthesis Report is not on the legal definition(s) of domestic work used in Member States (if any), but on a common “**policy-oriented**” definition which draws on international policy instruments, notably ILO Convention C189. This enables us to compare more accurately the access to social and labour protection in the various Member States. The policy-oriented definition used includes work performed in or for (a) household(s) within a paid work relationship, either as an employee or as self-employed. Thus, a domestic worker is anyone providing care and/or non-care services to a household within a paid working relationship (either directly or through a third party). This includes all home-based and ancillary³⁸ activities. Examples of such services include *inter alia*: nannies, babysitters, au pairs, domestic cleaners, personal assistants. In some cases, these services may be provided outside the home (e.g. a nanny may take care of children in her own house, a personal assistant accompanies a dependant outside the latter’s house). Insofar as there is a paid work relationship (as an employee or a self-employed person) between the household and the worker, this is considered “domestic work”.

A comparison between the policy-oriented definition of domestic work and the national legal definition(s) provided by the ESPAN national experts allows us to draw some conclusions:

- The national legal definitions of domestic workers, where these exist, are generally less broad in scope than the policy-oriented definition, with certain categories of domestic workers being excluded. This may be the case for self-employed domestic workers (AT³⁹, EL, HU, MT, NL); domestic workers hired by a third party (AT, ES, HU, MT, NL, SE⁴⁰); non-live-in domestic workers

³⁶ “Authorised physical person” (*Persoană fizică autorizată*) is the legal form for performing work activities as self-employed in Romania.

³⁷ As explained by the ESPAN national expert for Romania, this formulation is a direct translation of the definition provided in the Romanian law on domestic work. “Appropriateness” of the place refers to the fact that some domestic activities, such as dog walking, cannot be carried out at the home of the beneficiaries, for example.

³⁸ For example, support provided outside the home to address the household’s needs, such as doing the shopping or accompanying a member of the household to a medical appointment or a leisure activity.

³⁹ The HGHAG only applies to employees (not to the self-employed) who are domestic workers and who are employed by private households or by legal entities not covered by a collective agreement. HBeG only applies to live-in domestic workers providing “24-hour” care, and the definition linked to the Service Cheque only covers short-term employment for private households with an income not above the marginal income threshold for social insurance (*Geringfügigkeitsgrenze*). The DLSG does not cover cases where family members perform tasks for relatives, or when domestic workers are employed by a third party, for example a for-profit or not-for-profit service provider (such as a social NGO, etc.).

⁴⁰ The ESPAN national experts explain that “In Sweden, the legal definition of a domestic worker is someone who performs work in the household of the employer. (...) (T)he employer must live in the household where the work is carried out (and, if the work is care-related, be the care recipient him/herself) for the worker to be termed “domestic worker”. In contrast, the policy-oriented definition includes different forms of contracts, as long as the work is carried out in or for a

(AT); individuals providing medical care services (FR); individuals in short-term employment (AT).

- Some Member States (e.g. BE, EL, FI, IT) have, on the other hand, definitions of domestic workers which include all categories of domestic workers covered by the policy-oriented definition and sometimes even beyond. Certain categories of domestic workers are covered by the national definitions but excluded from the policy-oriented definition. Thus, although the policy-oriented definition explicitly excludes individuals performing domestic work occasionally or sporadically or not on an occupational basis, the Greek national definition does not specifically exclude such workers. Similarly, in Finland, the definition includes work not done professionally to earn an actual living (occasional work, for example, providing childcare to help a neighbour). In Malta, private households include charitable institutions, monasteries and convents.

2.2 Legislation

2.2.1 Overall legal framework

Regarding the legal framework applicable to domestic workers (in declared employment), Member States can be divided into **three broad groups**.

In the first group, which consists of eight Member States (BG, CZ, DK, EE, HR, LT, LV, SK), ESPAN national experts report that domestic workers, whether employees or self-employed, are **subject to the same rules** of labour law (for employees) and social protection as other (non-domestic) employees or self-employed workers, without any distinction. However, a high proportion of domestic workers, in this group as elsewhere, are undeclared or under-declared and so have no or only very limited access to social protection and labour rights (See Section 5).

In the second group (nine Member States: DE, EL, FI, FR, IE, LU, MT, PL, SI), ESPAN national experts explain that the provisions of labour and social security law apply to domestic workers **broadly in the same way as to other workers, but with some differences**. The differences concern, for example, working time (DE, EL [live-in domestic workers], FI, FR, LU), rules on dismissal (DE, FR, MT), minimum wage (EL [live-in domestic workers]), right to access employment (IE), additional legal obligations imposed on the employer (FI), stricter “duty of loyalty”⁴¹ (DE) (See Box 2.2). In Poland and Slovenia, the legal framework for domestic workers is the same as for other workers in general, except for child carers employed as domestic workers (PL) and childminders (SI), whose work is regulated separately.

household.” Thus, “workers who perform domestic work or provide care in the home of people cared for, but are employed by the municipality or a private company are not included in the Swedish legal definition of domestic workers. This group of workers is by far the largest group in Sweden that perform their work in other people’s households, but they are not legally defined as domestic workers since they are not employed by the household *per se*. Those who are legally defined as domestic workers are a very marginal group, consisting of, for example, au pairs and personal assistants who are employed directly by the care recipient.”

⁴¹ The “duty of loyalty” requires every employee to act honestly and in good faith and to put the employer’s interests ahead of their own. The scope and extent of the duty of loyalty depend on a variety of factors, such as the specific nature of the employer’s business and the employee’s position within it, the period of time for which an employee has worked for the employer, etc.

Box 2.2: Examples of exceptions applied to domestic workers

Working time: in Finland, the Act on Working Time for Domestic Work does not cover the employer's family members, and night work is permitted for nursing work performed at the employer's home. In Germany, the Working Time Act (ArbZG) exempts people who are employed "in the household" from the ban on working on Sundays and public holidays if the work cannot be carried out on weekdays. In Greece, live-in domestic workers are exempt from labour provisions regarding working time; their employment conditions are instead based on individual agreements, with specific accommodations for their rights to rest and personal activities.

Rules on dismissal: in Germany, the Dismissal Protection Act does not apply to domestic workers because the household is not a business. Therefore, domestic workers are not subject to the extended periods of notice that apply to longer periods of employment. In Malta, the law (article 36(14)(b) of the EIRA) allows an employer to dismiss a private domestic employee without giving notice and without being liable to make any payment if the domestic employee no longer enjoys the employer's confidence.

Minimum wage: in Greece, live-in domestic workers are exempt from labour provisions regarding the minimum wage; their employment conditions are instead based on individual agreements or the customary wage.

Additional legal requirements: in Finland, there are additional legal requirements for households that employ third-country nationals. In addition to the obligation to comply with the Employment Contracts Act and all the relevant labour legislation, which applies to all employees, they must check that third-country employees have the right to work in Finland, and an occupation-specific residence permit (e.g. for housekeepers and cleaners, childcare workers).

Right to access employment: in Ireland, when a job is to be carried out in someone's private home, the person employing the worker is not subject to the Employment Equality Acts when recruiting the prospective employee. However, once the employee has taken up the job, they are fully protected by employment equality legislation.

Duty of loyalty: in Germany, domestic workers' duty of loyalty is stricter than that of an employee in a large company due to the closer personal relationship with the employer⁴².

Source: ESPAN national reports

⁴² This statement is not based on an explicit legal provision, but is a general conclusion drawn from Sections 611-630 of the German Civil Code (*Bürgerliches Gesetzbuch*). The authors of this interpretation of the law (see: [here](#)) outline that the employee's duty of loyalty or fidelity increases with the proximity to the employer. This means that the closer employees are to their employer, the more they are expected to take the employer's interests into consideration. What exactly this means is not regulated in detail by law and is to be clarified by the courts in the event of a conflict. It is particularly pronounced in the case of domestic workers who live in the employer's household and thus form a domestic community with the employer

In the third group (ten Member States: AT, BE, CY, ES, HU, IT, NL, PT, RO, SE), ESPAN national experts explain that **domestic work is subject to specific regulations** governing, among other aspects, working time, remuneration, the termination of the work contract, the employer's obligations (see Box 2.3).

Box 2.3: Examples of specific regulations applied to domestic workers

In Austria, the Domestic Helpers and Domestic Workers Act (1962) applies to domestic workers who are employees and includes, among other things, provisions on working time and overtime hours, on leisure time and the remuneration of work during public holidays, on holiday entitlement, on remuneration during absence from work for other reasons (primarily due to illness or because of a work accident), and rules on the termination of the work contract. The DLS covers workers' accident insurance for the duration of employment but does not establish any entitlements to other types of insurance (for example, unemployment insurance, pension insurance).

In Belgium, a 2019 collective agreement introduced a new system of job classification for housekeepers and domestic staff, divided into three categories (cleaning, housekeeping, and childcare), each with its own wage scale. There are specific provisions concerning inter alia working time, and employers' obligations.

In the Netherlands, the Home Services Regulation (Regeling dienstverlening aan huis) covers most domestic workers and allows households to employ domestic workers directly for less than four days a week.

In Portugal, Decree-Law 235/92 establishes the legal regime of employment relationships arising from domestic work contracts, but the Labour Code applies to labour relations in the context of domestic work, in all aspects not specifically covered by this Decree-Law. (See also Box 4.1.)

In Spain, Royal Decree 1620/2011 regulates the special employment relationship of domestic workers. Domestic workers fall under the general provisions of the Labour Act, unless a differing provision is included in Royal Decree 1620/2011. Differing provisions however are foreseen for a wide range of important protections, such as vacation, working time, specific measures related to required hours of presence, or mandatory rest. Until a drastic change in policy in 2022, domestic workers subject to the special employment relationship were explicitly excluded from unemployment benefit coverage.

In Sweden, the Act on Domestic Work (1970) regulates, amongst other things, working hours (max. 40 hours per week during a four-week period) and overtime (max. 48 hours during a four-week period, and in total max. 300 hours per year), protection in case of ill health. It also specifies how to enter into and terminate the employment contract, responsibilities, and possible fines. It should be noted that this Act only applies to domestic workers employed directly by households (i.e. a minority of domestic workers, as most of them are employed by a third party and then have formally the same social and labour protection as all other workers working under a direct employment contract or through a third party).

Source: ESPAN national reports

2.2.2 Legislation specifically related to long-term care

In 19 Member States (AT [as far as social protection is concerned], BE⁴³, BG, CY, CZ⁴⁴, DK, EE, EL, ES⁴⁵, FR⁴⁶, IE, IT, LV, MT, NL, PL, PT, SE, SK⁴⁷), ESPAN national experts report that, in their countries, there are **no legal considerations that apply specifically to LTC domestic workers**; therefore, LTC domestic workers enjoy the same level of protection as other domestic workers, irrespective of the type of activity performed. For instance:

- In Ireland, LTC domestic workers enjoy the same legal protection as all other domestic workers. However, while family members who provide full-time LTC to a relative and receive payment for doing so are considered “employees”, there is a “close relative” exception in some employment legislation. Section 3(2)(b) of the Organisation of Working Time Act 1997 states that the sections relating to daily rest, breaks and rest periods, weekly rest, Sunday work and weekly and night work shall not apply to a person who is employed by a relative and is a member of that relative's household and whose place of employment is a private dwelling house or a farm in which he or she and the relative reside.
- In Sweden, LTC workers are not included in the legal definition of domestic workers. However, the Swedish ESPAN national experts note that a vast part of the work carried out by LTC workers is performed in private households. LTC services in Sweden are regulated by the Social Services Act (2001), the Act Concerning Support and Service for Persons with Certain Functional Impairments (1993) and the Health and Medical Services Act (1982). Several labour laws are general and apply to workers in most occupations, with very few exceptions – domestic workers working in the employer's household being one of them.

Conversely, in Austria (as far as the labour law is concerned) as well as in the eight remaining Member States (DE, FI, HR, HU, LT, LU, RO, SI), there are **legal provisions which apply specifically to LTC domestic workers**, as shown in the following examples:

- In Austria, in addition to the HGHAG, the Domestic Care Act (HBeG 2007) applies as a source of labour law for domestic workers engaged as employees⁴⁸ in “24-hour home care”. Most of the provisions of the HGHAG also apply to domestic workers covered by the HBeG, with the exception of working hours, where the rules are more flexible for domestic care workers⁴⁹.

⁴³ There is no specific legislation for LTC domestic workers subject to the voucher system, other than the legislation applicable to the broader category of voucher work. There is no specific legislation related to LTC performed by domestic staff. The same applies to social protection.

⁴⁴ The ESPAN national experts mention a specific category under Czech law of “social care assistant”, which refers to individuals providing care to persons dependent on assistance, who are considered to be neither self-employed nor employees. Social care assistants provide care based on a written agreement concluded with the persons to whom care is delivered. The agreement must include the identification of the parties, the scope of assistance, the place and time of assistance delivery, and the amount provided for the assistance.

⁴⁵ In Spain, there are LTC activities performed by various public and private workers, but not as a specific sector.

⁴⁶ LTC workers are not classified under French law. Their extreme diversity results from the differing status of employers, the variety of qualifications of workers and the way in which the sector is organised. LTC workers may be employed by public bodies, private organisations or private households (direct employment). Medical and paramedical professions are included, as well as “social workers”.

⁴⁷ Legislation in Slovakia does not recognise the term “LTC domestic worker”. Labour protection of LTC domestic workers depends on whether they are employees or self-employed. Employees who perform domestic work are regulated by the same paragraphs of the labour law as all other employees.

⁴⁸ Self-employed domestic care workers carry out this activity under §159 of the *Trade Regulations Act* (GewO), which initially provides a list of tasks they may perform. For these self-employed domestic workers, as for all other self-employed, no specific labour law regulations, which would come with some specific legal protection, etc., apply.

⁴⁹ For domestic care workers, working hours, including on-call periods, cannot exceed 128 hours for two consecutive weeks. Periods of on-call duty exceeding this maximum limit (...) are not considered working time; daily working time must be interrupted by breaks of at least three hours in total, which must also remain free of on-call time (...). Among these, at least two 30-minute breaks must be given without interruption; employees may not perform services for a total of 10 hours of overtime in any 24-hour period.

- In Croatia, different categories of LTC workers are covered by specific pieces of legislation. These include:
 - “geronto-housewives” (i.e. trained persons employed on fixed-term contracts providing care to older people) as well as carers employed by centres for social welfare, carers employed by residential homes and carers employed by healthcare institutions, who are all covered by the Social Care Act 2022 and enjoy all the rights provided by Croatian employment law;
 - personal assistants of people with disabilities, who are covered by the Personal Assistant Act 2023 (which does not define the employment status of personal assistants); and
 - self-employed carers providing private care in the home and not protected by employment law.
- In Finland, the 1987 Act on Disability Services and Assistance contains provisions on the role of **personal assistants who assist severely disabled persons at home and outside the home**. Personal assistants are considered employees (as defined in the Employment Contracts Act). The employer can be the disabled person, the well-being service county, or a private service provider selling services to the county. As personal assistants are employees, they fall under the general labour legislation.
- In Germany, the legislation on domestic workers and specific general provisions on LTC apply to individual carers commissioned and paid by the person in need of care or by their family. The Working Time Act exempts persons who are employed “for the treatment, care and supervision of persons” from the ban on working on Sundays and public holidays. However, according to a ruling of the Federal Labour Court, live-in care workers providing 24-hour care are also entitled to the statutory minimum wage, even during standby hours.
- In Luxembourg, domestic paid carers who are part of a “Support and care network” are covered by the SAS Collective Agreement (1999). The LTC workers only provide their services during certain hours per week in the care receiver’s home. They provide a set of professional home services to a client, and, more specifically, all assistance and care is covered by that person’s LTC insurance.
- In Slovenia, the Personal Assistance Act (2017) and the Act Amending the Personal Assistance Act (2021) regulate the right to personal assistance and the service provision. The Social Assistance Act (1992) and the Rules on Norms and Standards for Social Services (2010) form the legal framework for home-help workers in the public sector. Social assistance services that are not part of the public service network can be provided by legal entities and individuals provided they have obtained a revocable work permit issued by the Ministry of Solidarity-Based Future.

2.2.3 International Labour Organization Convention C189

The adoption of ILO Convention C189 (2011) represents a significant advance in domestic workers’ labour rights at international level (ILO, 2021a). Nevertheless, despite the adoption of the Convention, many domestic workers continue to be adversely affected in terms of their labour and social protection rights (European Commission, 2021).

To date, ILO Convention C189 has been **ratified by only nine EU Member States** (BE, DE, ES, FI, IE, IT, MT, PT, SE).

Some of those Member States modified their national regulatory frameworks, in order to comply with the Convention. For example:

- Belgium ratified the Convention in 2015, but implementation was left hanging until 2023 when an agreement between trade unions and employers' organisations was reached on specific provisions related to health and safety.
- In Finland, legislation has been reformed to comply with the ILO Convention. As a result, all relevant labour legislation is binding for all domestic workers in all areas of employment. The same applies to the right to adequate social protection.
- In Spain, a reform concerning domestic work, largely reflecting the content of the Convention, was adopted in 2022 - i.e., between the moment when the Parliament ratified the Convention (in 2021) and the moment when the government ratified it (in 2023).
- Sweden amended its Act on Domestic Work (1970), which only covers domestic workers who work in the employer's household, by adding specific paragraphs on information to be provided to workers and amending a paragraph on fines and indemnities. The government did not deem it necessary to alter the laws which cover other domestic workers, as it considers legislation on them to be already in line with the Convention.

According to the ESPAN national experts, Ireland and Malta have encountered various problems with the implementation of the Convention. Some of these concerns were flagged up in the annual reports that countries have to submit to the *ILO Committee of Experts on the Application of Conventions and Recommendations* (CEACR) after ratifying a convention. The CEACR, which examines these reports, also draws attention to possible implementation problems:

- In Ireland, issues highlighted by the CEACR in 2022⁵⁰ concerned the national definition of domestic work; the lack of clarity as to how to ensure that a person who performs domestic work on an occasional or sporadic basis, but as a profession, is covered by employment law in Ireland; the treatment of au pairs; the exclusion of domestic workers from protection against discrimination, etc.
- In Malta, undeclared work and the existence of administrative and financial burdens that discourage the formal recruitment of domestic workers have been identified as the main problems.

At the other end of the spectrum, Italy has not reported difficulties with the implementation of the Convention. Similarly, in Portugal, a trade union representative interviewed by the ESPAN national expert explained that he considered there were no major problems with implementation, as the adoption of Law 13/2023 and a so-called Agenda for Decent Work had helped to resolve some previous issues.

To date, the majority of Member States have not ratified the Convention. Cyprus has not ratified the Convention but is currently reviewing a draft law on domestic work that would ensure compliance with the Convention.

⁵⁰ https://normlex.ilo.org/dyn/normlex/fr/f?p=1000:13101:0::NO::P13101_LANG_CODE:en:NO

The motivations for the non-ratification decisions vary, but the main reason seems to be the countries' reluctance to make significant changes to their national legislation due to legal obstacles and/or (perceived) complexity. For example:

- Czechia has not adopted the specific measures for domestic workers required to make its legislation compliant with the Convention. The ESPAN national experts explain that the reason is that the government considers this a marginal issue.
- In Greece, according to the ESPAN experts, the situation of domestic workers, especially live-in (migrant) workers, seems to be one of the main reasons for non-ratification. Safeguarding the rights of these workers is a challenge due to, among other things, a lack of data, inadequate staffing of regulatory bodies and the dependence of social rights on work permits, social security contributions and migration status. Improving this situation would require significant reforms at national level.
- In the Netherlands, the ESPAN expert reports that the main obstacle which has impeded ratification is Article 14 of the Convention, which provides for equal treatment between domestic workers and regular workers with regard to social security. As the Dutch Regulation on Home Services excludes domestic workers from social insurance, compliance with the Convention would imply important changes to this regulation.
- In Poland, an analysis by the Ministry of Family, Labour and Social Policy identified some gaps in national legislation, but also difficulties in implementing the Convention. In particular, there are gaps in the regulation on the living conditions of domestic workers, and difficulties in enforcing equal treatment provisions, in carrying out inspections in private premises and in addressing the issue of on-call time of domestic workers.
- In Slovakia, a very detailed analysis carried out by the Ministry of Labour, Social Affairs and Family concluded that Slovak legislation did not comply with 12 articles of the Convention. The main reason for non-ratification is that compliance with the Convention would therefore require significant changes to the legislation.

Another argument put forward by some Member States to justify non-ratification is that they see limited added value in ratifying the Convention as they consider their legislation to be in line with it already. For instance:

- In Hungary, a government representative argues that a national legislative package adopted in 2011 is comprehensive enough for domestic workers.
- In Lithuania, non-ratification is justified on the grounds that national legislation is generally in line with the Convention. However, an ILO report from 2020⁵¹ highlighted some gaps in the national legislation, particularly in relation to health and safety measures and the lack of guidance on domestic employment contracts.
- In Slovenia, the Ministry of Labour, Family, Social Affairs and Equal Opportunities considers that ratification was not envisaged because domestic workers are neither excluded nor treated differently from other workers. The Labour Relations Act, the Minimum Wage Act and regulations on health and safety at work therefore apply to domestic workers.

Another reason mentioned by some ESPAN national experts (e.g. DK, FR) for not ratifying the Convention is that the country is of the view that domestic workers are adequately protected by existing collective agreements. In Denmark, labour market issues are dealt with through collective agreements, while in France the government considered that ratification of the ILO Convention would call into question the collective agreements that already apply to domestic work.

⁵¹ See [here](#)

According to a representative of the Ministry of Labour and Social Policy in Bulgaria, the country did not ratify this Convention because it had already ratified ILO Convention 177 on Home Work (whose purpose is to protect the rights of homeworkers and improve their working conditions), which was considered sufficient to ensure protection for domestic workers.

2.3 Collective agreements

The role and importance of collective agreements, including for domestic workers, is highlighted by ESPAN experts in six Member States (BE, DK, FI, FR, IT, SE). For example:

- In Belgium, there are several collective agreements. Domestic workers employed as housekeepers or domestic staff fall under a joint committee for the management of buildings, real estate agents and domestic workers, while employees under the voucher system come under the joint subcommittee for accredited companies providing neighbourhood services.
- In Denmark, collective agreements for domestic workers (who are primarily LTC workers, see Section 1) are mainly negotiated by two actors – the trade unions and relevant employers, most frequently local authorities. These agreements cover working conditions and, increasingly, social protection, but they do not formally define domestic work (neither the type of work it covers nor the place where the work is performed).
- In France, the status of personal and domestic service workers is regulated by binding collective agreements, regardless of their employment contract. At national level, there are three types of collective agreement covering domestic work, with different levels of protection depending on the employer. More specifically, these agreements cover the home care sector, personal service companies and direct employees, with the latter apparently associated with the lowest level of protection. It is estimated that (almost) all care workers are covered by collective agreements.
- In Italy, there is a well-established and long-standing tradition of use of collective agreements to regulate specifically the sector of domestic work. In particular, for a long time, the sector has had one main collective agreement. The first one was signed in 1974⁵². The most recent one was signed in 2020 (on 8 September and in force since 1 October of the same year) by the main employer (households) associations and the most representative trade unions. The collective agreement for domestic workers establishes the minimum wages (as well as the annual adjustment), conditions regarding board and lodging (in the case of live-in domestic workers), working hours, weekly rest, vacations, marriage leave, sickness and injury, and severance pay.

In eight Member States (AT, ES, LT, LU, LV, NL, PT, SI), ESPAN experts explain that domestic workers are (potentially) covered by broader collective agreements on social services. For example:

- In Austria, the collective agreement for social service providers is the most relevant for domestic and care services. It covers employees of institutional private (not-for-profit as well as for-profit) service providers. Employees of public entities are not covered by collective agreements but by specific laws (various “Civil Servants Acts”), regulating their working conditions.
- In Luxembourg, the collective agreement for workers in the health and social care sector also covers domestic workers. In addition, the collective agreement for the building cleaning sector, which covers domestic workers employed by cleaning companies and working in households, may also be relevant.

⁵² See website of the National Association of Household Employers of Domestic Workers (*Associazione Nazionale Famiglie Datori di Lavoro domestic [DOMINA]*): <https://www.osservatoriolavorodomestico.it/ccnl-del-lavoro-domestico>

- In Portugal, a collective agreement on health and social care activities may be relevant for domestic workers.
- In Spain, collective bargaining for domestic workers is part of the broader collective bargaining that applies to different activities in the service sector. Collective agreements signed in the service sector can be used as a reference for contracts between individual employers and domestic workers.

In seven Member States (BG, CZ, DE, EE, HR, IE, RO), collective agreements cover (some groups of) LTC domestic workers. For example:

- In Bulgaria, collective agreements covering LTC employees have been concluded at municipal level (but not in all the country's municipalities).
- In Czechia, collective agreements for LTC domestic workers may be negotiated between individual organisations employing LTC workers and their workers or the trade union representing the Health Service and Social Care. Domestic workers in the LTC sector are covered if they are employees of such organisations; according to the ESPAN national experts, these workers make up only a small proportion of all LTC workers.
- In Estonia, only a small proportion of LTC employees (home care nurses and personal care workers employed by healthcare institutions) are covered by the collective agreement for the health sector, provided that their employer has a contract with the Health Insurance Fund.
- In Germany, collective agreements apply to LTC workers who provide services under the LTC insurance scheme (i.e. the vast majority of LTC domestic workers), but not to those employed by households that pay LTC services privately; LTC insurance funds can only conclude contracts with care services and nursing homes that pay their employees in accordance with the provisions of collective agreements.

In two Member States (ES, MT), ESPAN experts report that collective agreements in the domestic sector are binding only if an intermediary is involved between the worker and the household. So, in Malta, for example, collective agreements play an important role for domestic workers employed by some larger agencies. These agreements do not apply to domestic workers in two-party arrangements, i.e. between the worker and the household, or to those employed by smaller agencies, who are instead covered by tripartite wage regulation orders and by general labour law respectively.

Cyprus and Greece are peculiar cases, where collective agreements are not possible in practice. In Cyprus, domestic workers were until recently prohibited from joining a union. In Greece, there are no workers' or employers' organisations in the domestic work sector that can negotiate collective agreements, thus excluding them from signing sectoral collective agreements. The working conditions of dependent domestic workers, except for live-in domestic workers, are covered by the National General Labour Collective Agreement.

Table 2.1 provides a summary of the legal framework applied to domestic workers across Member States.

Table 2.1: Legal framework related to domestic workers: summary table

Legal definition	
No legal definition	BG, CY, CZ, DE, DK, EE, HR, IE, LT, LV, PL, SI, SK
Single legal definition	EL ¹ , ES, FI, FR, HU, IT, MT, NL, PT, SE
<i>Covering only salaried domestic workers</i>	EL, HU, MT, NL
<i>Covering salaried and self-employed domestic workers</i>	ES, SE
<i>All domestic workers including third party</i>	FI, FR, IT, PT
Multiple legal definitions	AT, BE, LU, RO
Overall legal framework	
<i>Same rules as the other workers</i>	BG, CZ, DK, EE, HR, LT, LV, SK
<i>Same rules with some exceptions</i>	DE, EL, FI, FR, IE, LU, MT, PL, SI
<i>Specific regulations applied to domestic workers</i>	AT, BE, CY, ES, HU, IT, NL, PT, RO, SE
Legislation specifically related to LTC	
<i>No legal considerations</i>	AT ² , BE, BG, CY, CZ, DK, EE, EL, ES, FR, IE, IT, LV, MT, NL, PL, PT, SE, SK
<i>Specific legal provisions</i>	AT ³ , DE, FI, HR, HU, LT, LU, RO, SI
International Labour Organisation Convention C189	
<i>Ratified</i>	BE, DE, ES, FI, IE, IT, MT, PT, SE
<i>Not ratified</i>	AT, BG, CY, CZ, DK, EE, EL, FR, HR, HU, LT, LU, LV, NL, PL, RO, SI, SK
Collective agreements	
<i>Collective agreements (also) for domestic workers</i>	BE, DK, FI, FR, IT, SE
<i>Broader collective agreements on social services covering domestic workers</i>	AT ⁴ , ES ⁵ , LT, LU, LV, NL, PT, SI
<i>Collective agreements covering only (some groups of) LTC domestic workers</i>	BG ⁶ , CZ ⁷ , DE ⁸ , EE ⁹ , HR, IE ¹⁰ , RO ¹¹
<i>Binding collective agreements in the domestic work sector, only when an intermediary is involved</i>	ES ⁵ , MT
<i>Collective agreements are impossible in practice</i>	CY, EL
<i>No collective agreements covering domestic workers</i>	HU, PL, SK

Notes: ¹ there is no explicit national definition of domestic work, but a *de facto* definition is derived from the existing legal framework; ² as for social protection; ³ as for labour law; ⁴ for employees of institutional private (not-for-profit as well as for-profit) service providers; ⁵ ES appears in two categories of collective agreements; ⁶ not in the whole country; ⁷ under certain conditions (see above); ⁸ for workers providing services under the LTC insurance scheme; ⁹ for workers in the healthcare sector; ¹⁰ for home care workers; ¹¹ for personal assistants and professional personal assistants for persons with disabilities employed by local or county public services (agreements not present in the entire country).

Source: Authors' own elaboration based on the ESPAN national reports.

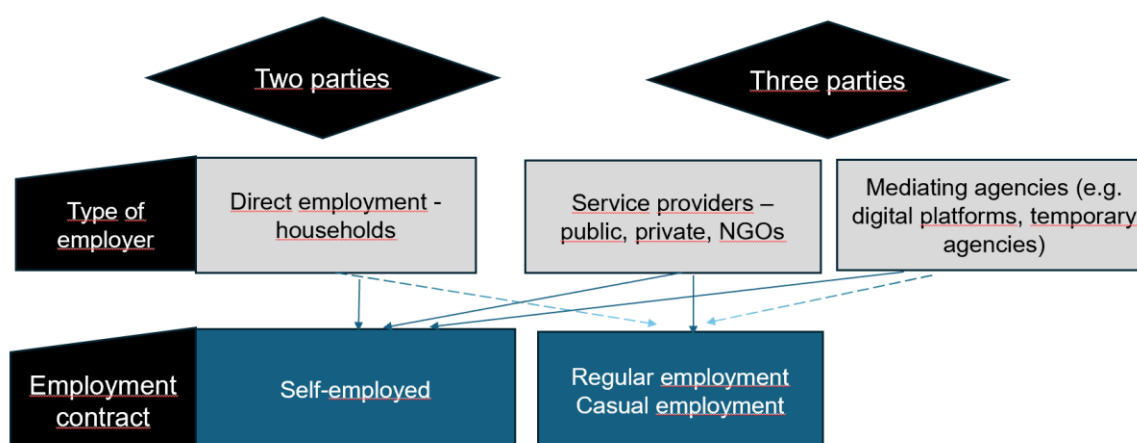
3. Overview of employment arrangements

This section provides an overview of the main characteristics of the domestic work sector, focusing on the types of employment relations and arrangements (Section 3.1), as well as specific arrangements related to migrant workers (Section 3.2).

3.1 Overall arrangements

Generally, employment relations in domestic work are established between (a) two parties – the domestic worker works directly for a private household either as an employee or as self-employed; or (b) three parties – the domestic worker is employed by a public or private service provider of home-care services. A domestic worker may also be employed in multiple households with the same or different employment statuses. (See Figure 3.1)

Figure 3.1: Models of employment relations in the domestic work sector



Source: Authors' own elaboration on the basis of CELSI 2021 in Guzi et al. (2022) and Farvaque (2015)

Based on this distinction, the categories can be further refined to three groups according to the type of contract which basically influences access to labour and social protection, as shown in Table 3.1.

Table 3.1: Types of employment arrangements for domestic workers present in Member States

Employment arrangement	Definition	Countries
Direct contractual employment	A direct contractual relationship between the employee and the employer (a household)	All EU Member States
Indirect contractual employment	Employment involving a third-party agency (a [for-profit or not-for-profit] service provider) and/or a digital platform that acts as an intermediary between the employee and employer (a household)	All EU Member States except IT
Self-employment	The self-employed person operates independently, offering services directly to clients (including through a digital platform)	20 Member States (exceptions: BE, BG, DK, FI, IE, IT, LU)

Source: Authors' own elaboration based on the ESPAN national reports.

3.1.1 Direct contractual employment

Direct employment involves a direct contractual relationship between the employee and the employer (a household). This type of employment exists, to differing extents, in all Member States. It is characterised by a formal contract which typically outlines the terms of employment, including working hours and duties, and provides, in most cases, the same labour and social protection as for other employees (Section 4). In some cases, these could be regulated primarily by collective agreements (e.g. DK, FR). However, in certain cases, employees could be hired under marginal forms of contract, such as for mini-jobs in Germany, which provide **less social protection**.

Box 3.1 presents examples of Member States in which direct contractual employment is the predominant arrangement.

Box 3.1: Performance of direct contractual employment in domestic work

In Germany, marginal employment in the form of mini-jobs is the most common form of domestic employment in private households (for non-care activities). Mini-jobbers do not have to pay social insurance contributions (except for statutory pension insurance contributions, unless they choose to be exempted) and the income tax is a flat rate of 2%, which is normally paid by the employer. However, as a result of these special tax and social security conditions they lack social security protection against general life risks such as unemployment.

In Italy, domestic workers are mostly subject to direct employment contracts regulated by national law and collective agreements, ensuring rights such as weekly rest, daily rest, and paid annual leave.

In Malta, direct employment can be full time (live-in or live-out) or part time, often supported by government schemes such as Carer at Home (see also Box 3.2).

Source: ESPAN national reports

In some cases, direct employment is organised through allowances granted to the cared-for person, who can use them to employ a carer. For instance, in Denmark, a public scheme (BPA) grants individuals with functional needs a certain amount of money that they can use themselves to hire and manage their own personal assistants and carers; these can have formal training or not, and can include their spouse, partner or other relatives. The BPAs are employed by the person with the functional need, who can also give the human resources role to a third party. In Malta, the public Carer at Home Scheme and the Independent Community Living Scheme (ICL) provide subsidies to assist with the wages of carers for older adults and people with a disability respectively.

In only three Member States, ESPAN national experts highlight that direct contractual employment is a very rare practice in their country:

- In Latvia, an employment contract with a natural person as the employer is theoretically possible, but in practice is extremely rare due to the excessive bureaucracy involved for the potential employer.
- In Romania in 2021, the Ministry of Labour and Social Protection drafted an amendment to the law regulating the activities of nannies, to permit households to become direct employers of nannies. This was because very few people were willing to be licensed as social service providers and become “authorised physical persons”, the only way to work as self-employed (see footnote 36). However, the amendment was not adopted, so currently, according to the law, professional nannies cannot work as employees. Current legal employment arrangements for nannies are a deterrent and tend to favour undeclared work.
- In Slovenia, direct employment contracts are allowed by law but there are no readily available data on their frequency. The experts argue that they are likely to be rare since self-employment provides a much more favourable option in terms of taxation.

3.1.2 Indirect contractual employment (agency-based and/or digital platform-based)

Indirect contractual employment involves a third-party agency (a [for-profit or not-for-profit] service provider) and/or a digital platform that acts as an intermediary between the domestic worker and the household. The agency recruits, hires, and assigns employees to households or individuals. It can be a public authority, such as the state or a municipality (e.g. AT, DK, EE, IE, LU, MT). In most cases, employment contracts are signed with the agency, which is responsible for paying wages and ensuring compliance with legal requirements. Agency-based domestic work provides flexibility for both workers and households, with agencies handling administrative and legal aspects.

Indirect contractual employment is referred to by ESPAN national experts in 26 Member States (the exception being Italy) but is reported as representing a high share of domestic workers in only 10 Member States (AT, BE, DK, FI, HU, IE, LU, MT, SE, SI).

In some cases (but this remains an underexplored area⁵³), digital platforms play similar role to agencies. However, in general they serve more as a platform mediating direct contractual employment (Section 3.1.1) or self-employment (Section 3.1.3). In some Member States, digital platforms are also becoming more important (e.g. AT, DK, EL, ES, FR, IT). In Greece, for instance, private employment agencies act as intermediary agencies often through digital platforms. These agencies do not act as employers; instead, they operate on a commission basis, facilitating the matching of employers with potential employees. The actual employment arrangement, including the terms and conditions of work, is then negotiated and agreed upon directly between the employee and the employer/household.

3.1.3 Self-employment (including through a digital platform)

At EU level, only 6% of domestic workers are self-employed. However, self-employment is widespread in some Member States – in particular in Czechia (around 60%) as well as in Poland, Romania and Slovakia (around 30%). (See Section 1 and Table A3 in Annex A.)

Self-employed domestic workers usually operate independently, offering their services directly to clients. Self-employment is a less common arrangement for domestic work than direct and indirect contractual employment. However, according to ESPAN national experts it is present, to differing extents, in 20 Member States (AT, CY, CZ, DE, EE, EL, ES, FR, HR, HU, LT, LV, MT, NL, PL, PT, RO, SE, SI, SK). For instance, in Austria, most domestic workers providing live-in “24-hour care” are self-employed. In Hungary, many domestic carers are self-employed. Similarly, in Poland, self-employment is common, especially in sectors such as cleaning and childcare, where workers offer their services independently.

In some cases, self-employment in domestic work is limited to some particular sectors/activities. For, instance, in the Netherlands, most self-employed domestic workers provide services in the healthcare sector. In Czechia, too, some specific types of work, such as cleaning, babysitting or childcare, are more likely to be performed by self-employed workers.

⁵³ See the ORIGAMI Project <https://origamiproject.it/>

Bogus self-employment (an unlawful employment status used to circumvent tax, social insurance liabilities and/or employers' responsibilities) is highlighted in several ESPAN national reports (e.g. AT, DE, FI, LT, LV, MT)⁵⁴, which does not mean that the situation does not occur in other Member States as well. For instance:

- In Austria, the expert highlights the situation of the live-in care workers who provide so-called “24-hour care at home”. Almost all these domestic workers, when they are declared, are self-employed (this option is explicitly mentioned in the related legislation, i.e. the Domestic Care Act [see Section 2.1]). However, he explains, many labour law experts agree that, based on the general criteria defining self-employment⁵⁵, they are *de facto* bogus self-employed and should be re-classified as employees. A re-classification of the whole sector is needed, in his view, even if this would pose substantial challenges – in terms, *inter alia*, of working time flexibility, costs/ remuneration etc. More generally, he adds, qualitative information indicates that domestic work and services, such as cleaning activities, often take the form of bogus self-employment and/or undeclared work. This also holds for employment relationships where employers and workers find each other or are connected via online platforms.
- In Lithuania, the experts report that bogus-self-employment is used by private service providers and households to circumvent labour law and relatively high taxation. This situation is exacerbated by the very low level of remuneration and lack of state control. They highlight that this is frequent in the care sector.
- In Romania, the expert explains that employers favour the self-employment status of “authorised physical person” (see Section 2.1), while in practice they treat the service provider as a full-time employee. This relieves the employer of any responsibilities, especially those regarding accidents at work insurance, for which they are usually responsible. Since 2015, the fiscal code establishes a clear definition of dependent self-employment, in order to regulate these situations.

3.2 Migrant-related arrangements

According to LFS estimates for 2023, the proportion of foreign-born domestic workers is around 40% at EU level; a quarter of them were born in another EU country and three quarters were born outside the EU (see Section 1 and Table A2 in Annex A)⁵⁶. Migrant workers often fill gaps in the labour market for domestic work in the care and/or non-care sectors. We can identify two, non-mutually exclusive types of arrangements regulating domestic work performed by migrants in Member States (Table 3.2).

⁵⁴ “Often referred to as false self-employment or dependent self-employment, (bogus self-employment) is commonly understood as involving persons/workers registered as self-employed whose conditions of employment are *de facto* dependent employment” ([European Labour Authority \[ELA\]](#)).

⁵⁵ Typical features of self-employment (as opposed to employment) are personal and economic independence from the client, the fact that the activity does not have to be carried out personally (right to be represented by a third party), the fact that the contractor uses his or her own equipment and that he or she is not involved in the organisation of the client. In addition, employees are usually owed a certain amount of working time and effort, whereas in the case of self-employment, a certain result or product is usually owed.

⁵⁶ If we consider the nationality rather than the country of birth, LFS estimates for 2023 suggest that the proportion of non-nationals is around 30% at EU level; one third of them have the nationality of another EU country and two thirds are third-country nationals.

Table 3.2: Arrangements regulating domestic work performed by migrants

Type of arrangement/ practice/ policy	Definition	Countries
Work permits, including temporary and seasonal work permits for third-country nationals	Permits facilitating access to the labour market of third-country nationals. These also include permits designed for short-term employment	CY, CZ, DE, DK, EL, ES, FI, IE*, IT, LT, LU, MT, PL, SE, SK
Recruitment agencies	Use of agencies to facilitate employment of migrants, particularly for live-in care roles	AT, CY, LT, MT

Note: * the ESPAN national experts for Ireland explain that work permits are not granted for work in private homes (such as domestic work) except in very limited circumstances - i.e. if the applicant can demonstrate a long history of providing care to the person.

Source: Authors' own elaboration based on the ESPAN national reports

The approach to regulating and supporting migrant domestic workers varies. Some good practices are reported by ESPAN national experts; for example, the “Carer at Home scheme” in Malta (see Box 3.2).

Box 3.2: The Carer at Home scheme in Malta

The Carer at Home scheme has helped to integrate migrant caregivers into the formal labour market. Launched in 2017, it provides financial assistance to individuals over 60 years old who require care, enabling them to directly employ a caregiver. The subsidy covers a significant portion of the caregiver's salary, making it more affordable for families.

Regulatory framework: The scheme requires an official employment contract, ensuring that caregivers receive legal protections and benefits. This includes formal registration with public agencies, which helps to regularise their employment status.

Qualification requirements: Caregivers must have basic recognised qualifications, ensuring a good standard of care quality. This professionalisation of caregiving roles helps to maintain high service standards.

Cultural integration: Over time, there has been a cultural shift in Malta towards accepting live-in caregivers, particularly from Asian countries. This reflects a growing recognition of the value and necessity of migrant caregivers in the domestic work sector.

Support for caregivers: Most carers under this scheme live with their employer, thereby benefiting from accommodation and meals. This helps to ensure that caregivers have a stable and supportive living environment, which is crucial for their well-being and job performance.

Source: ESPAN national report

Migrant workers often face serious issues:

- **Difficult working conditions:** Migrant workers are more likely to be unaware of their rights and unfamiliar with state institutions and, as a result, to suffer from poor enforcement of their rights. Undeclared work arrangements often result in long working hours, poor conditions, and low and/or delayed earnings. In addition, migrant workers, particularly those from non-EU countries, are highly vulnerable due to language barriers and cultural differences, meaning that laws applying to them can be more easily circumvented.
- **Social inequalities:** In the same vein as for working conditions, lack of awareness regarding their rights as well as the language barrier can lead to significant social inequalities, impacting their access to health services and social protection. In some cases, this may be exacerbated by the transient nature of their stay and thus temporary focus of their employment.

- Undeclared work:** Many migrant domestic workers fall outside the scope of formal regulation and protection due to the informal nature of their work arrangements and the sectors they work in. This makes it difficult to enforce labour laws and ensure fair treatment. For instance, in Greece, the vast majority of domestic workers are female migrants in undeclared employment, hired (and paid) by the household on the basis of an oral agreement rather than a formal employment contract. Domestic care workers often live with the dependent person (live-in domestic workers), providing care on a 24-hour basis, while the responsibility for monitoring care resides – by and large – with the women of the family. It should be noted that migrants may choose “deliberately” to work informally because they perceive the social protection and insurance systems as expensive and inefficient, largely driven by a belief that the benefits provided do not justify the cost.
- Risks of exploitation:** In some cases, these problems are exacerbated by the migration status of the domestic worker, which may put them in a highly vulnerable situation. This is particularly true for undocumented migrants, who often lack the necessary documentation to establish their legal right to work or a valid residence permit, and, thus, consider undeclared work as a viable labour opportunity. Undocumented migrants, especially those living with their employers, are dependent on their employers’ goodwill and may be exposed to all kinds of discrimination and poor living and working conditions.

In order to improve the situation of migrants, several Member States have implemented specific policies (Box 3.3).

Box 3.3: Examples of practices which aim to improve the situation of migrants

In Malta, Healthmark, a prominent healthcare agency that also provides domestic services, has opened a training centre in Dubai. For the past seven years, this company has been recruiting healthcare staff from various countries including Nepal, Bangladesh, India and the Philippines in order to meet local demand. Their aim in opening the training centre was to reduce cultural and skills gaps before such workers are brought to Malta.

In Poland, local authorities provide Polish language classes, hotlines operated by native Ukrainian and Russian speakers, and webinars on legal employment. These initiatives aim to support the regularisation and integration of migrant workers.

In Spain, a process called “social rooting” (Arraigo social) enables immigrants to obtain legal residence. Until 2022, immigrants had to wait up to three years for this; however, changes were made to allow social rooting through a job offer of indefinite duration or multiple part-time job offers totalling not less than 30 hours per week. For those with a child below the age of 18 in Spain, a contract of 20 hours per week suffices.

Source: ESPAN national reports

4. Access to social protection and labour protection – specific conditions and gaps in access

The purpose of this section is to describe only those conditions (and possible gaps) that are specific to domestic workers in declared working situations. Section 4.1 focuses on access to social protection and Section 4.2 on access to labour protection.

4.1 Access to social protection

For each of the seven branches covered by the 2019 Council Recommendation⁵⁷, the ESPAN experts were asked to describe in their national reports the extent to which access to social protection for domestic workers **differs from that of other workers** in the same category of employment. They addressed four aspects:

- Do domestic workers have *formal* access to the branch of social protection?
- Are there specific conditions that apply to them?
- Are there gaps in access to the branch that are specific to domestic workers?
- Do they face specific challenges linked to their particular employment arrangements (as described in Section 3)?

4.1.1 Formal access

In general, formal access to social protection, including for domestic workers, depends on whether the worker works as an employee (on a standard or non-standard contract) or as self-employed. In most Member States, ESPAN experts report that domestic workers (in declared employment) have formally the same social protection rights as all other workers working as an employee under a formal employment contract or as self-employed. Lack of access to all social protection schemes is rare. In fact, there is not a single Member State where no categories of domestic workers have formal access to social protection, although in some Member States access may be lacking or limited for certain categories of domestic workers and/or for some schemes, such as unemployment benefits.

Therefore, this section does not distinguish between the seven branches covered by the 2019 Recommendation⁵⁸. Instead, it highlights the situation in the eight Member States (CY, EL, HU, IT, LU, NL, PT, SE) in which, contrary to other workers, certain categories of domestic workers do not have access to (some) social benefits or need to fulfil specific access conditions (Box 4.1).

⁵⁷ The seven branches are the following: unemployment benefits; sickness benefits; healthcare benefits; maternity and equivalent paternity benefits; invalidity benefits; old-age benefits and survivors' benefits; and benefits in respect of accidents at work and occupational diseases.

⁵⁸ Readers interested in knowing more about the specific situation that applies in a country can examine the national reports concerned.

Box 4.1: Examples of absence of or limitation in formal access to social protection for certain categories of domestic workers

In Cyprus, third-country domestic workers who are employed by a "specific employer" under the terms of the "Contract of Employment for Domestic Workers", and who are most often recruited by private licensed employment agencies, do not in practice have access to unemployment benefits⁵⁹.

In Hungary, in most employment relationships including self-employment, domestic workers have formal access to all insurance-based benefits. The exception are those domestic workers who fall under the scope of the Act XC of 2010, i.e.: natural persons who perform activities (e.g. housekeeping, cleaning, cooking, babysitting/childminding, teaching children at home, home care and nursing) to support the daily life of individuals and people living in the same household or close relatives living in other households.⁶⁰ However, they may be entitled to basic healthcare if they themselves pay for their health insurance.

In Greece, domestic workers insured through the work voucher scheme and live-in domestic workers, irrespective of their employment arrangement, do not have formal access to unemployment benefits.

In Italy, domestic workers are completely excluded from the right to parental and paternity leave.

In Luxembourg, domestic workers have access to all social protection schemes, except for au pairs, who do not have access to unemployment benefits.

In the Netherlands, some categories of domestic workers are subject to different conditions for unemployment benefits. Domestic workers employed by a third party are insured for unemployment via the Unemployment Insurance Scheme. In contrast, the Regulation on Home Services excludes domestic workers directly employed by an individual employer. However, domestic workers covered by the Regulation on Home Services who are paid via a client's personal care budget ("persoonsgebonden budget" [PGB]) have had formal access to unemployment benefits since the Dutch Central Court of Appeal's decision in 2023. Other domestic workers covered by the Regulation on Home Services remain uninsured for unemployment benefits.

In Portugal, access to unemployment benefits is granted only to domestic workers who have been hired full time on a monthly basis, who have established a contract in written form with the employer and whose contract has been registered with the social security services.

In Sweden, domestic workers have access to all social protection schemes, except for au pairs, who are entitled only to healthcare benefits.

Source: ESPAN national reports

When domestic workers have formal access to social protection, some specific conditions may apply, according to the collective agreements in the sector. For example:

- In France, collective agreements in different sectors provide different conditions for sick pay: (a) the collective agreement for personal services companies (for-profit sector) makes no provision for sick pay; (b) the collective agreement for the home care sector (non-profit sector) states that sick pay is paid to all employees who have been with the company for at least six months, regardless of the number of hours worked in the month; and (c) the collective agreement for direct employment states that employers are not obliged to pay sick leave. However, an additional daily allowance for sick leave may be paid by the provident fund for a maximum of 1,095 days.

⁵⁹ The ESPAN expert for Cyprus explains that these agencies undertake to find the most suitable person for the needs of a specific employer, and also to handle the procedures for issuing entry, residence and work permits. The activities of these agencies are regulated by the Private Employment Agencies Law of 2012, which obliges them to inform employers and employees about the content of the specific employment contract that will bind them and about their rights and obligations. Domestic workers employed under such contracts are not eligible for unemployment benefits, as they are essentially not allowed to remain unemployed.

⁶⁰ This Act, which contains the definition of domestic work(er), was adopted with a view to formalising domestic work. Entrepreneurs, natural persons receiving remuneration from a third party and people performing business-related activities for someone in the household do not fall under the scope of the Act.

- In Italy, the 2000 collective agreement related to domestic work established a joint agency, the Domestic Workers Fund (CAS.SA.COLF), made up of the main social partners (trade unions and employers' associations). This agency provides, among other things, maternity and childcare benefits.
- In Spain, domestic workers' access to wage continuation (an additional compensation paid by the employer during sick leave) depends on the specific conditions outlined in collective agreements.

Some Member States applied restrictive conditions in the past which have now been lifted, in some cases thanks to Court rulings or ILO Convention C189.

In Spain, domestic workers employed under the Special Social Security Scheme for Domestic Workers (*Sistema Especial para Empleados de Hogar [SEEH]*) used to have no access to unemployment benefits or sickness benefits, but a new law enacted in October 2022 addressed this issue. The situation in Spain was impacted by a famous ruling of the Court of Justice of the European Union (case C-389/20 *CJ v TGSS*⁶¹). The case arose when a domestic worker registered with the SEEH in Spain applied for but was denied access to unemployment benefits. The court held that denying social security benefits to domestic workers amounts to indirect discrimination based on gender, considering that the majority of domestic workers are women. Importantly, the judgment questioned the “specific” nature of domestic work (due to characteristics such as working in private households with non-professional employers), and the assumption that it thus warrants different treatment within social security systems. The grounds for this ruling are explicitly stated in the explanatory memorandum to the Royal Decree-Law 16/2022. In Belgium, domestic workers belonging to the *voucher system* are now, since October 2014, covered for all branches of social protection. These changes were introduced to meet the requirements of ILO Convention C189. From 1 January 2005, the law on social protection for employees was made explicitly applicable under certain circumstances to personal assistants helping people with disabilities, even to those with no formal labour contract.

4.1.2 Effective access

With regard to effective access to social protection, domestic workers face the same challenges as other non-standard employees (including those with marginal working hours) and the self-employed. The gaps, therefore, vary significantly depending on the employment arrangements, as they do for other types of workers. As shown in several studies, non-standard workers and the self-employed still face gaps in access to social protection in some Member States, mostly due to short contribution periods, insufficient working hours, or a combination of jobs and/or employment status with no possibility of accumulating or transferring rights. In many cases, workers in certain marginal employment statuses and the self-employed may be subject to voluntary insurance and exemptions, which may lead to a lack of effective access. (Spasova and Roshan, 2024; European Commission and Social Protection Committee, 2021).

Although, in general, formal access and conditions for access are the same for all temporary or part-time workers, the eligibility criteria can result in differing outcomes. Moreover, in some Member States there are specific marginal contracts (e.g. “marginal part-time” employment [*Geringfügige Beschäftigung*] in Austria; “mini-jobs” in Germany) and domestic workers are most likely to be employed on those.

With regard to marginal employment statuses, the ESPAN expert for Austria highlights specific issues arising from the Service Cheque, which is specifically available for domestic workers. This instrument may indirectly promote “marginal part-time” work, i.e. employment with an income below the marginal employment threshold per individual employment relationship. The cheque can only be used for employment relationships with an income below the “marginal earnings threshold” for social

⁶¹ Case C-389/20 TGSS ECLI:EU:C:2022:120.

insurance. For most purposes, this threshold is currently EUR 518.44 gross per month, and an employment relationship below it is not subject to full statutory social insurance (health, pension, unemployment, accidents), but only to statutory accident insurance. In the case of the Cheque, the usual marginal earnings threshold is increased to EUR 710.19 per month, to take into account additional vacation compensation as well as pro-rata special payments (pro-rata “holiday pay” and “Christmas pay”). By definition, therefore, this cheque is an instrument that can only be used for employment relationships that are not fully covered by statutory social insurance (so-called marginal part-time employment). For this reason, one could argue that it indirectly promotes employment relationships not fully covered by social insurance, as it offers a low-threshold and easy-to-handle option for declared employment with private households as employers (but with no statutory social insurance coverage).

In Germany, the ESPAN experts claim that domestic workers, in addition to lacking formal access to most social protection schemes, may also have no effective access to certain benefits. For instance, employees (including mini-jobbers) in the household who are subject to social insurance contributions are liable to pay contributions to the statutory pension insurance scheme and have the same pension entitlements as employees in other sectors of the economy. However, they can apply to be exempted from this obligation. In June 2023, 87% of the mini-jobber domestic workers made use of this option, leaving them, *de facto*, without effective access to pensions.

In Greece, the ESPAN experts explain that the main issue regarding access to maternity and equivalent paternity benefits for domestic workers is the fact that they need to be actively insured and have a dependent employment relationship at the beginning of the maternity leave, which may be difficult for them given the nature of this type of employment and its specific conditions in the country (high prevalence of undeclared work). Further to this, domestic workers, whether employed full time or part time, may encounter substantial difficulties in accessing the four-month parental leave and the corresponding allowance granted to employees who have been employed for at least one year with the same employer. Although this requirement applies to all employees and not only to domestic workers, it also notably hinders non-standard workers from benefiting from this scheme, particularly those insured through the work voucher scheme.

In Italy too, domestic workers are subject to specific conditions attached to maternity benefits, which may hinder their effective access.

In Sweden, temporary or part-time workers are less likely to meet the eligibility requirements for earnings-related unemployment benefits. The ESPAN experts for Sweden highlight that this is particularly problematic for domestic workers, as they often have non-standard work contracts. They report that that nearly a quarter of the workforce in the LTC sector are employed on an hourly basis. Part-time workers receive benefits only for the hours they are unemployed. Moreover, the self-employed must suspend their business to qualify for unemployment benefits and cannot be partially unemployed, a condition which further impedes effective access.

4.1.3 Challenges

In addition to challenges related to formal and effective access to social protection, ESPAN experts identify challenges related to the adequacy of benefits, as well as access to information and low literacy. The large amount of undeclared and/or under-declared work among domestic workers is also a significant issue affecting both the access of these workers to social protection and the financial stability of the overall social protection system. Last but not least, several important challenges remain for migrant domestic workers.

4.1.3.1 Adequacy of benefits

A number of ESPAN national reports show that the low wages often associated with domestic work result in insufficient benefits, particularly old-age pensions. This issue disproportionately affects women, who make up most of the domestic workforce, thereby exacerbating the gender pension gap. In some Member States, basic pensions may help some domestic workers but challenges remain. Examples provided by ESPAN experts include the following:

- In France, domestic workers face complex pension calculations due to multiple employers and a variety of job sectors, coupled with widespread underemployment, low incomes, and unreported work, which all result in a heavy reliance on national solidarity mechanisms within the pension system.
- In Italy, despite the absence of formal barriers to pension access, domestic workers often receive pensions below the poverty threshold due to factors like low wages, part-time work, and short careers. For example, with 20 years of contributions, someone working 54 hours per week (the maximum weekly limit for live-in workers) may only get a monthly pension of EUR 400/450 at age 67, which is less than the “Social Allowance” non-contributory pension of EUR 534. The inefficiency of paid social contributions in ensuring a decent pension does not encourage formal employment relationships.
- In Spain, the proportion of SEEH pensions as a share of total public pension plans decreased from 2.0% in 2011 to 1.52% in 2022, a trend also seen with old-age pensions. The average SEEH retirement pension was roughly half that of the general average (54.4% in 2011 and 48.1% in 2022), gradually declining in relative value over the period. Due to the modest sums of SEEH pensions, these pensions often include a top-up to the minimum level set by the government annually, financed by taxes rather than contributions, as a poverty alleviation effort. In 2022, this was the case for 60.8% of SEEH pensions (59.8% in 2011). Regarding gender, SEEH pensions amounted to the equivalent of 78.4% of the average retirement pension for women in 2011, but this figure has declined over time: 70.8% in 2015, 64.9% in 2018 and 58.5% in 2022.

The ESPAN expert for Austria points out that workers in marginal employment may receive comparatively low sickness benefits. If they do receive a benefit (which normally requires voluntary insurance), this benefit is a fixed amount of EUR 186.20 per month. Depending on the earlier income from work, this benefit may be higher or lower than what is normally received by full-time employees, i.e. 50% of their salary before the 43rd day of illness and 60% afterwards. For those earning just below the marginal employment limit (EUR 518.44), sickness benefits are much lower, only amounting to 36%.

4.1.3.2 Access to information and administrative and language literacy

Barriers to social protection can arise from difficulties in obtaining information (a problem highlighted *inter alia* by ESPAN experts in CY, EL, IE, MT, NL), which may be due to language barriers for non-nationals or a lack of administrative literacy. Consequently, numerous domestic workers are not informed about their entitlements and the support they can claim. The challenge is exacerbated by the insufficient distribution of information in formats that domestic workers can easily understand, such as their native languages or readily accessible channels. The ESPAN national expert for Cyprus highlights an important issue in his country, related to a benefit/ compensation for temporary absence from work which is paid to any employee unable to work due to an accident at work or an occupational disease for a maximum period of 12 months from the date of the accident or the onset of the disease. He notes the pivotal role of the employer in both informing the domestic worker about the benefit and assisting them in getting it. And he deplores the fact that “it is up to the goodwill and patience of each employer not to terminate the employment relationship and wait for the domestic worker to recover and resume work”.

4.1.3.3 Challenges in access to social protection for migrants

Migrant domestic workers are particularly vulnerable, as they are (even) more likely to face further barriers to access related to information dissemination and enforcement of rights.

The ESPAN national experts for Ireland report that insofar as some domestic workers come from countries outside the European Economic Area (EEA), “under the Employment Permits Acts 2003 to 2014, in order to work in the State, all non-EEA nationals require a valid employment permit or relevant immigration permission from the Minister for Justice which allows them to reside and work in the State without the requirement for an employment permit. “Work in the private home” is on the Ineligible List of Occupations for employment permits maintained by the Department of Enterprise, Trade and Employment (...). In the absence of an employment permit (unless the person is exempt from requirements for such a permit)⁶², employment is illegal and the Irish courts have held that such illegal employment is not insurable under Irish social welfare law (...). In practice, if social insurance contributions have been paid for such a person, they will be returned to the person (and employer) if the Department of Social Protection decide that they are in illegal employment. Therefore, again, a person would have to rely on social assistance payments⁶³.” Another example they provide is related to accessing social assistance payments (such as the Jobseeker’s Allowance): “claimants have to satisfy the habitual residence condition (HRC). Insofar as many domestic workers are non-nationals, they may find it more difficult to do so than Irish nationals who automatically have a right to reside. This is especially the case if they are employed on a short-term basis. For example, in 2010, 650 Irish nationals were refused social welfare payments on the basis of not satisfying the HRC, compared to 9,043 non-nationals.” Finally, they explain that “some non-EEA domestic workers are on a Student Visa and student immigration permission states that students may not access social security other than in emergencies/ exceptional circumstances”.

ESPAN experts in some Member States (e.g. CY, EL) also underline that the lack of portability of pension entitlements due to lack of social security bilateral agreements for pensions for third-country nationals is also problematic for access to old-age benefits.

4.2 Access to labour protection

This section describes the extent to which access to labour protection for domestic workers **differs from that of other workers** in the same category of employment. Here also, four aspects are addressed:

- Do they have access to the same protection (as other workers)?
- Are there specific conditions that apply to them?
- Are there gaps in access that are specific to domestic workers?
- Do they face particular challenges linked to their specific employment arrangements (as described in Section 3)?

4.2.1 Formal access

In 14 Member States (BG, CZ, DK, EE, FI, FR, HR, IE, IT, LT, LV, MT, SI, SK), ESPAN experts report that all domestic workers have formally the **same labour protection and labour rights as all other workers** working under a direct employment contract or through a third party.

⁶² For example, non-EEA students with permission to study a full-time course are allowed to take up casual employment of up to 20 hours a week during term time and up to 40 hours a week in the college holidays.

⁶³ Of course, in the case of a non-EU national, this might affect their right to reside in Ireland.

In six Member States (BE, CY, EL, HU, NL, PL), ESPAN national experts explain that **some categories of domestic workers do not have access to the same labour protection and labour rights as all other workers, or they do have access but subject to specific conditions:**

- In Belgium, domestic workers covered by the “household personnel” regime are subject to the normal rules on labour protection for workers, while domestic workers under the “housekeeping” regime and the voucher scheme benefit from labour protection, subject to specific conditions related to working time (for more information on the housekeeping regime, please see Section 4.2.2).
- In Cyprus, only legally resident domestic workers (EU and non-EU nationals, refugees and beneficiaries of international protection) employed by cleaning companies, online platforms, etc. who are in an employment relationship have access to the same labour protection as other workers, as opposed to domestic workers employed by a specific employer (i.e. the employer for whom a third-country domestic worker has been granted a work permit [see Box 4.1]) under the terms of the domestic workers' employment contract.
- In Greece, domestic workers who are either regularly employed or covered by the work voucher scheme have formal access to labour protection, with some exceptions for live-in domestic workers⁶⁴.
- In Hungary, domestic workers who are employed as employees (including those in “simplified employment”⁶⁵) as well as the self-employed, have access to labour protection, while those who fall within the scope of Act XC of 2010 (see Box 4.1) do not.
- In the Netherlands, domestic workers who are directly employed by private households (and who are covered by the Regulation on Home Services) do not enjoy the full protection afforded to regular employees, while those employed by a third party (insurance company, domestic care provider) are covered by legislation that applies to all employees⁶⁶. In addition, the ESPAN national expert explains, compliance with the provisions of the Regulation on Home Services is very low, so most households and directly employed domestic workers are unaware of their obligations and rights; and most workers cannot avail themselves of the limited protection they are entitled to.
- In Poland, domestic workers employed on the basis of a civil law service contract (including the so-called “activation contract” for nannies [see Section 4.2.2]) do not have access to the same wide range of rights as a person employed under an employment contract.

In six Member States (AT, DE, LU, PT, RO, SE), domestic workers are **either covered by specific legislation (AT, RO) or have access to the same labour protection and labour rights as all other workers, with some exceptions (DE, LU, PT, SE)**. For example:

- In Austria, domestic workers and care workers employed as employees in private households are not covered by the general labour law but by specific regulations, the *Domestic Care Act (HBeG)* and the *Domestic Helpers and Domestic Workers Act (HGHaG)*, which lay down specific rules on working conditions, in particular on working time (see Section 4.2.2).

⁶⁴ The ESPAN national experts highlight that the Supreme Court of Greece has, in several cases, addressed – and confirmed consistently – the exclusion of live-in domestic workers from labour provisions regarding working time, working hours and mandatory breaks, overtime, work on Sunday, nights and public holidays, and work-related travel.

⁶⁵ In Hungary, “simplified employment” is defined as daily work, and one of its sub-forms is casual work, which may last 5 continuous days, 15 days per month and 90 days per year. Special provisions apply to simplified employment. The aim of simplified employment is to regularise seasonal/casual work.

⁶⁶ It is worth mentioning that while domestic workers who are directly employed by private households (and are covered by the Regulation on Home Services) are legally entitled to social security benefits, these benefits are however less generous than the social security entitlements available to regular employees.

- In Germany, domestic workers are largely subject to the same labour laws as other workers. The general protection of working time and the statutory rules on holiday entitlement apply, as do the statutory notice periods⁶⁷. The *Working Time Act* also applies in principle to domestic workers, but they can also be employed on Sundays and public holidays if the work cannot be done on weekdays.
- In Luxembourg, general labour law covers the domestic work sector, with a few exceptions. The working hours for domestic work (covering only household work carried out by private individuals) are governed neither by the SAS collective agreement nor by the Labour Code. This collective agreement does not cover private individuals performing domestic work in private homes or live-in domestic workers. (See Articles L211.2 and L211.3 of the Labour Code.)
- In Romania, the rights of domestic workers are to some extent defined by the laws defining their professional status (e.g. formal care workers under the “Social Assistance Act”; personal assistants under Act No. 448/2006).

Finally, in Spain, there is a dual system. Domestic workers are either covered by **specific legislation** or have access to the **same labour protection and labour rights as all other workers**, without exceptions:

- The legislation regulating domestic workers depends on the employment relationship. Most domestic workers (69.3% in 2023⁶⁸) are hired directly by the employing household(s); these workers have a “special employment relationship” (SEEH; see Section 4.1.1), with its own specific conditions which may affect the form of the contract, the duration of the employment relationship, the working hours, the rights and obligations of the parties and even the termination of the contract. Alternatively, domestic workers can be employed through a third-party agency (private or public service provider) (30.7% in 2023), in which case the general legislation and the general social security regime apply.

4.2.2 Specific rules/standards on working or contractual conditions

ESPAN national experts in 12 Member States (AT, BE, CY, EL, ES, FR, LU, MT, NL, PL, PT, SE) identify **specific rules/standards on working or contractual conditions** for some categories of domestic workers. These relate to working time, (minimum) wages, rules on dismissal, special employment contracts for domestic workers and specific obligations for employers. For example:

- In France, the conditions for access to labour protection depend on the employee's **collective agreement** (see above).
- In some Member States, the ESPAN national experts report that domestic workers are **subject to specific rules/standards on working time** (e.g. AT, BE, ES, LU), including limits on overtime (e.g. AT) and minimum rest periods (e.g. AT, BE). For example:
 - In Austria, the usual working time is 86 hours per fortnight if the domestic worker does not live in the employer's home, 110 hours if the domestic worker lives in the employer's home and up to 128 hours per fortnight for domestic care workers (compared to 40 hours per week for other workers). While the *Working Time Act* sets a maximum of 12 hours per day and 60 hours per week for other workers, the HBeG does not contain any specific rules to limit overtime, which is only permitted in exceptional cases. The HBeG does not distinguish between normal working hours and overtime for domestic workers. Domestic

⁶⁷ The ESPAN national expert however mentions that according to the case law of the Federal Labour Court, the longer notice periods (up to seven months) do not apply to employment relationships in private households in accordance with the wording, system and history of the law (judgement of 11 June 2020 – 2 AZR 660/19).

⁶⁸ *Anuario Estadístico de Relaciones Laborales 2023*.

workers are subject to different rules on rest periods from other workers. The same is true for domestic care workers.

- In Belgium, domestic workers covered by the “housekeeping” regime are excluded from the provisions on night work, working hours, rest periods and breaks. Sunday work is allowed once in every four consecutive Sundays. Compensatory rest must be taken within six days. Work on public holidays is permitted on a maximum of three days per year. Compensatory rest must also be taken within six days.
- In Spain, the minimum rest period between the end of one working day and the beginning of the next is set at 12 hours but could be reduced to 10 hours for live-in domestic workers. However, any rest less than 12 hours must be compensated within a four-week period. Live-in domestic workers must have breaks of at least two hours for their main meals and a weekly rest period of 36 consecutive hours.
- In a few Member States, ESPAN national experts highlight **specific (minimum) wage conditions** applying to domestic workers. For instance:
 - In Austria, the Minimum Wage Ordinance for Domestic Workers prescribes a minimum wage for domestic workers and domestic care workers who are employees (and not self-employed) in the private sector and who are not covered by the collective agreement for social service providers. The minimum wage varies according to the person’s tasks/types of services and years of experience.
 - In Greece, the terms and conditions of employment of live-in domestic workers are based on individual agreements with their employer, irrespective of the statutory minimum wage provisions. In the absence of such an agreement, the employer must pay the “customary wage”, which reflects the standard remuneration for similar work or services provided under similar conditions by other employers.
 - In Luxembourg, part-time domestic workers in private households are excluded from Article L-125-7 of the Labour Code, which requires the employer to provide the worker with an accurate and detailed statement of the method of calculating his or her wage, including the period of work and the total number of hours worked corresponding to the wage paid, the rate of remuneration for the hours worked and any other remuneration in cash or in kind.
 - In Spain, board and lodging are allowed as a form of payment in kind: the minimum wage must be paid in cash, irrespective of the board, lodging and other arrangements made between the parties. Payment in kind cannot exceed 30% of the total wage.
- In some Member States, ESPAN national experts report that domestic workers are subject to **specific rules on dismissal**. Examples include:
 - In Austria, the statutory notice period for domestic workers and domestic care workers employed under the HGAHG and HBeG schemes is generally 14 days and cannot be reduced by agreement to less than one week. In the case of employment relationships involving services of a “higher order”, the period of notice is 6 weeks, which cannot be reduced by agreement to less than one month and must in any case end on the 15th or last day of the month.
 - In Malta, the Employment and Industrial Relations Act allows summary dismissal of domestic workers without notice.

- In the Netherlands, private individuals who employ a domestic worker under the Home Services Regulation and who do not use a “personal care budget” (see Box 4.1) are obliged to give the domestic worker one month's notice of the end of the employment relationship and are not required to notify the Institute for Employee Benefit Schemes.
- In Portugal, if there is a significant change in the employer's life that obviates the need for domestic work, the domestic worker's contract can be terminated with minimum notices that are lower than those for other workers: seven days for contracts of less than six months, 15 days for contracts of between six months and two years and 30 days for contracts of more than two years.
- In Spain, dismissal cannot take effect between 5 p.m. and 8 a.m. on the following day, unless it is due to a very serious breach of the duties of loyalty and trust.
- In two Member States (CY, PL), ESPAN national experts identify **specific employment contracts** for domestic workers:
 - In Cyprus, the "Contract of Employment for Domestic Workers", which is specific to the employment of third-country nationals (see Box 4.1 above), establishes a restrictive scheme which places strict limits on switching between employers and does not provide for the possibility to negotiate a salary increase, nor to include hours and provisions on overtime and breaks. This regime diverges significantly from the generally applicable statutory regulations and collective agreements.
 - In Poland, the activation contract for nannies must include the parties to the contract, the purpose and object of the contract, the time and place of care, the number of children entrusted to the nanny's care, the nanny's duties, the duration of the contract and, of course, the salary and method of payment⁶⁹.
- In some Member States (e.g. EL), employers of live-in domestic workers are obliged to provide **living and sleeping accommodation, as well as care, working arrangements and rest periods**, in order to ensure the physical and mental health of the employee, as well as the exercise of his/her religious and political duties.

4.2.3 Gaps in access

In 12 Member States (BG, CZ, DK, ES, FI, HR, IE, LT, PT, SE, SI, SK), ESPAN national experts do not report specific gaps in access to labour rights for domestic workers.

In the remaining 15 Member States (AT, BE, CY, DE, EE, EL, FR, HU, IT, LU, LV, MT, NL, PL, RO), ESPAN national experts identify the **following gaps**:

- In most of these countries (e.g. in AT, DE, EL, FR, HU, IT, LU, MT, NL), ESPAN experts report gaps concerning the exclusion of domestic workers or some categories of domestic workers from **essential labour protection provisions** such as:
 - the rules on dismissal (FR [for childminders and people in direct employment], IT, MT, NL);
 - regulation regarding (minimum) wages (EL [for live-in domestic workers], HU [for domestic workers who fall under the Act XC 2010], LU);
 - working time including working hours, night work, rest periods and breaks (AT, BE, EL [live-in domestic workers], LU);

⁶⁹ The final provisions of the activation contract usually include the conditions for amending and terminating the contract, such as the requirement for it to be in writing, the length of the notice period, and the circumstances in which the parties may terminate the contract without notice. This contract is specific to nannies and is targeted at people who were not formally employed.

- co-determination⁷⁰ provisions (DE).
- In most of these countries (e.g. AT, DE, EE, EL, FI, LT, LV, MT), ESPAN experts (also) highlight that the **self-employed do not benefit from labour protection provisions**, and several of them stress the issue of bogus self-employment (see Section 3.1.3). For example:
 - The expert for Austria points out that live-in carers providing “24-hour care at home” are *de facto* bogus self-employed (see Section 3.1.3). The classification of this group of workers as self-employed, rather than employees (which they are in practice) means that not all labour law provisions apply to them.
 - The experts for Malta mention the existence of formal remedies for people who are bogus self-employed. Subsidiary legislation *SL 452.108 of 2012* sets out seven criteria for employment and if five of them are met, an employment relationship is presumed. This gives the worker concerned the right to lodge a complaint with the labour tribunal. It is not known exactly how many domestic workers are engaged in bogus self-employment, how many of them have filed a complaint, and whether any of the complaints have been successful.
- **Other gaps** mentioned by the ESPAN national experts include *inter alia* the fraudulent use of temporary agency work (in Italy).

4.2.4 Challenges

In four Member States (DK, HR, LT, SI), the ESPAN national experts report that there are **no specific challenges** for domestic workers in terms of labour protection.

The two (partially linked/overlapping) challenges most frequently mentioned by the ESPAN national experts are the following:

- The **exploitative conditions** faced by domestic workers, such as low/differential pay, long working hours with little rest, unfair dismissal, etc. (e.g. BE, CY, HU, IE, IT, NL, PT, RO).
- The **lack of enforcement** of labour law in the case of domestic work (e.g. AT, BE, CZ, EL, IT, MT, PL, PT, RO, SK). Effective enforcement requires an institutional structure with a mandate to promote and enforce compliance. Within government, labour inspectorates typically play this role, through both preventive and punitive measures. However, when it comes to domestic work, inspections of household premises are a cause for concern. Inspections are hampered by the fact that domestic work is usually carried out in the employer's private home, which is often outside the scope of legislation, so that the right to privacy may infringe on domestic workers' labour rights.

The **lack of information and trade union representation** is also identified as a challenge by several ESPAN national experts (e.g. BE, CY, DE, EL, ES, FI, PL, SE). If domestic workers and their employers lack information and awareness about their rights and obligations in relation to labour law and how to access it, they will find it more difficult to comply with its provisions. For example:

- In Belgium, the expert reports that employees in the voucher system are generally better off than the other categories because of the presence of union representation in voucher companies.

⁷⁰ Co-determination (*Mitbestimmung*) is a structure of decision-making within an enterprise whereby employees and their representatives exert influence on decisions, often at a senior level and at a relatively early stage. Co-determination may operate in parallel to, and complement, other industrial relations mechanisms of employee representation and influence. It does not replace other instruments that enable employee influence on management decision-making, such as collective bargaining. (Eurofound, see [here](#))

- In Germany, collective agreements (*Tarifverträge*) and company agreements (*Betriebsvereinbarungen*), which are important in many sectors, play only a minor role in domestic work, as neither employers nor domestic workers are usually members of employers' associations or trade unions.
- In Greece, the experts point out that migrant domestic workers face additional challenges, mainly related to language, social and cultural barriers, which hinder their awareness of or access to information about procedures and, more generally, their rights. Such a lack of information also puts workers in a weak bargaining position, especially as the level of organisation and representation in the sector is low or non-existent.
- In Sweden, the experts highlight that a challenge for domestic workers providing personal and household services under the "RUT system" (see Section 1) and in private companies operating under the LTC system is that, although the proportion of unionised employees has increased somewhat, the level of unionisation and collective bargaining is still low. This makes it difficult both to detect and to protect employees in the event of breaches of working environment regulations.

Undeclared work and under-declared work appear to be widespread in the domestic work sector (see Section 5), which poses significant challenges for effective access to labour protection in some Member States (e.g. AT, EL, IE, IT, MT, NL, PL, PT).

ESPAN national experts in a number of Member States (e.g. AT, EE, FR, LV) highlight the non-application of labour protection provisions to the **self-employed**. In this context, many of them also mention that **bogus self-employment** is a serious issue among domestic workers that needs to be tackled in order to ensure their protection.

Au pairs are a group of domestic workers who are also often particularly at risk (Kuneva, 2016). For instance:

- In Belgium, the ESPAN national expert reports that one of the most exploited groups of "domestic workers" are young people in the au pair scheme, who are officially neither employees nor housekeepers, but in practice are employed as undeclared domestic workers. The problems they face are related to working hours well in excess of the 20 hours allowed for au pairs, illegal contracts with unlawful obligations or unauthorised tasks, and the lack of pocket money provided for au pairs⁷¹.
- In Ireland, the ESPAN national experts report that au pairs are often exploited, do not have a written contract, have to be "on call" day and night, are overworked and underpaid, do not have enough breaks, and do not have annual leave. One issue that affects an au pair's ability to access labour protection is the lack of clarity about their employment status.

⁷¹ The ESPAN national expert also mentions the specific problem of another category of workers: diplomatic staff registered in another country and working in embassies under the labour and social security legislation of the sending country. These workers are only supposed to perform tasks in the embassy, but in practice they also perform tasks in the ambassador's private home, which should be covered by the housekeepers' regime. Abuses in such cases are difficult to control by labour inspectors because of the difficulty of access to embassies.

5. Undeclared work and formalisation/regularisation

In many Member States, a key challenge for domestic workers is the very high proportion of undeclared work in the sector and the impact on social and labour protection for these undeclared workers. Various policy instruments may be used to address and combat undeclared work in the sector. These can be broadly classified as “direct” instruments (e.g. monitoring and sanctions, vouchers) and “indirect” instruments (e.g. stimulation of the supply side of the labour market).

This section considers the prevalence of undeclared work (Section 5.1) and efforts to formalise domestic work (Section 5.2).

5.1 Prevalence of undeclared work

Across the EU, there is a mix of formal and undeclared employment arrangements. In 15 Member States, ESPAN national experts highlight the issue of undeclared work as particularly relevant for their country (AT, BG, CY, DE, EL, ES, HR, IE, LT, LV, MT, PL, PT, RO, SK). Undeclared work involves working arrangements that are not regulated by formal contracts or legal frameworks, most often lacking social and labour protection. Undeclared workers typically have no access to social security benefits, health insurance, or formal rest and leave entitlements. The extent of formal versus undeclared work varies across the EU, with some Member States having (much) higher levels of informal arrangements.

It is particularly difficult to assess the prevalence of undeclared work, regardless of the national context. By its nature, undeclared work is rarely included in the administrative data and statistics from tax services, or organisations dedicated to domestic work. The task is even more complex because undeclared work sometimes takes the form of “under-declared” work, i.e. when only some hours of work are declared (thus [partially] ensuring social and labour rights for the domestic worker), but the rest are remunerated informally.

Most Member States do not publish “official” figures on undeclared domestic work. It is therefore not surprising that it is only in the case of five Member States (BG, FR, IT, LT, PL) that ESPAN national reports include data on undeclared work from official national sources. For the other Member States, the figures provided by the ESPAN experts come from the European Labour Authority (ELA) and academic studies. The figures presented in this section, which were taken from the ESPAN national reports, are therefore based on various, fragmented data sources.

According to estimates reported by ESPAN national experts, undeclared workers make up the majority of domestic workers in five Member States (AT, DE, IT, LT, MT). In Malta, for instance, the estimated number of undeclared domestic workers (about 15,000) is more than three times as high as the total number of domestic workers recorded in the EU LFS (4,400, see Table A1 in Annex A). Moreover, the ESPAN experts suspect that the proportion of undeclared domestic workers is very high – albeit with no precise figures – in seven additional Member States (CY, EL, HR, IE, LU, PT, RO).

When available, data show that undeclared work is more common in domestic work than in most other sectors (with the exception of the construction sector in some Member States). For instance, in Cyprus, where more than 90% of domestic workers were born outside the EU (see Table A2 in Annex A), the ESPAN national expert reports that, according to the Civil Registry and Migration Department, there were 21,318 domestic workers from non-EU countries in January 2023, a number higher than the total number (20,000) of domestic workers computed from the EU LFS for the same year (see Table A1 in Annex A). In Lithuania, the ESPAN experts explain that domestic workers made up 71% of the unregistered self-employed (across sectors) identified by the State Labour Inspectorate in 2023. Even in Member States where undeclared domestic work is reported by ESPAN experts to be under 30% (ES, FR, LV, PL, SK), the contrast with other sectors remains important. For instance, in Slovakia, the estimated percentage of undeclared work is 21% in the domestic work sector as opposed to 3% in all sectors; similarly, in France it is 20% versus 2%. This shows the prevalence of

undeclared work in the domestic work sector, even in national contexts where undeclared work is not common.

Again, where ESPAN national experts were able to provide data, the numbers show a **clear difference in the amount of undeclared work between the care and non-care sectors**. In Austria and Germany, the estimated share of undeclared workers is huge (90% or more) in the non-care sector (e.g. gardening, cleaning, etc.). In these two Member States, the number of undeclared workers is estimated to be significantly lower in care-related services⁷². The reason invoked by ESPAN national experts is that because of the specific skills required in those sectors, employing households are incentivised to look for workers who are certified, by public authorities and/or NGOs. In Malta also, where receipt of the Carer's Subsidy requires that the carers are in formal employment, undeclared work is much more likely in non-care domestic work. In other Member States, the difference in the share of undeclared work between the care and non-care sectors is less striking – even in Member States with a large proportion of undeclared domestic workers. In 2022, in Italy, the ESPAN experts report that there is an even distribution in both sectors, while in the past decade, a third of undeclared workers were LTC workers.

ESPAN national experts in some Member States note that undeclared arrangements may be much more predominant in care sectors. For example:

- in Bulgaria, in the LTC sector, the ESPAN national experts argue that most of the domestic workers operate in the informal economy;
- in Ireland, the ESPAN national experts explain that there is a significant informal home care sector due to “the underdevelopment of formal long-term care services” in the country, which has driven “the practice of families employing migrants, including undocumented migrants, as undeclared live-in carers for their ageing relatives”.

Another important common feature found in various national ESPAN reports is under-declared work. In some Member States (e.g. ES, LT, LV, PL), there is an important difference between absolute and partial informality of employment, with some of domestic workers' remuneration being declared and the rest covered by so-called “envelope wages”. This phenomenon can be correlated with social systems in which beneficiaries receive allowances (often related to LTC) which can be used at their discretion. As a result, subsidies may end up financing undeclared work. This is the case in Lithuania, where elderly individuals with assessed personal assistance needs receive personal assistance reimbursements (“cash for care”) which are not regulated. In other Member States with under-declared domestic work (e.g. LV, PL), we observe similar “cash for care” measures. These measures can also be found in other Member States (FI, RO), albeit with no evidence on how they affect the share of undeclared workers.

5.2 Formalisation/regularisation of undeclared work

ESPAN national experts report that, for reasons similar to the difficulties in estimating its prevalence, measures to regularise undeclared domestic work and their impact are seldom analysed at national level. At EU level, one of the tasks of ELA is to support Member States in tackling undeclared work: “By enhancing collaboration among relevant authorities and other stakeholders, ELA seeks to combat undeclared work more effectively and efficiently, fully respecting national competences and procedures. Key activities include: assisting EU Member States in effectively addressing various forms of undeclared work; initiating positive changes at the national level; promoting improved working conditions and formal employment; raising awareness about issues related to undeclared work.”⁷³

⁷² While the share of undeclared workers is significantly lower in care-related services, ESPAN national experts in Austria and Germany highlight that bogus self-employment is an issue in the sector (especially among live-in domestic workers providing “24-hour” care).

⁷³ See [here](#).

The activities of ELA in tackling undeclared work are supported by the permanent working group “European Platform tackling undeclared work”⁷⁴. In March 2022, the Platform agreed on a multiannual work plan which includes yearly workshops, study visits, staff exchanges, mutual assistance projects and peer learning dialogues to help build capacity and share experience across Member States. (See also European Labour Authority [2022] and Holubová and Kahancová [2022].)

At national level, Member States use a variety of instruments (see Section 5.2.1), which, in some cases, are the same as those described in Section 3.2 for regularising migrant work. However, the scope can be different, as undeclared work is broader in scope than irregular migrant work.

5.2.1 Existing instruments

Six types of instruments used by Member States for the formalisation of undeclared work could be identified:

- Three are direct instruments: monitoring and sanctions, voucher systems, and tax incentives. These are direct instruments as they aim to reduce the costs and increase the benefits of operating on a declared basis, while simultaneously increasing the costs and reducing the benefits of engaging in undeclared work.
- Three are indirect instruments: digitalisation and administrative simplification; stimulation of the supply side of the labour market; and regularisation of undocumented migrants. These are based on the assumption that people engage in undeclared work because of formal institutional failure. In other words, creating a regulatory framework for decent jobs for domestic workers with fair working hours, fair pay and social protection would therefore contribute to motivating and enabling currently undeclared workers to move into declared work (Baga et al., 2022).

The use of each type of instrument in the Member States, as reported by the ESPAN national experts, is summarised in Table 5.1.

Table 5.1: Instruments for the formalisation/regularisation of undeclared work (not necessarily targeted at domestic workers)

Direct instruments			Indirect instruments		
Monitoring and sanctions	Voucher systems	Tax incentives	Digitalisation and Administrative simplification	Stimulation of the supply side of the labour market	Regularisation of undocumented migrants
AT, BG, CY, CZ, EL, ES, FI, FR, HR, IE, LT, LV, MT, NL, PL, PT, SI, SK	AT, BE, EL, FR, HR, IT, LT, LU, RO, SE	BE, DE, DK, EE, ES, FI, FR, HR, HU, IT, LT, LU, PT, RO, SE	DE, EE, EL, FI, HR, HU, LT, LU, RO	BG, LV, MT, PT, RO	EL, ES, HR, IE, IT

Source: Authors' own elaboration based on ESPAN national reports

⁷⁴ One of the tasks of the European Labour Authority is to support Member States in tackling undeclared work. On 26 May 2021, the European Platform tackling undeclared work was set up as a permanent working group at ELA. For more information, see [here](#).

In terms of policy mix, the ESPAN national experts explain that their countries use a number of instruments to formalise/regularise undeclared work: either five instruments (HR), four instruments (EL, LT, RO), three (ES, FI, FR, IT, PT), two (AT, BE, BG, DE⁷⁵, EE, HU, IE, LU, LV, MT, SE), or only one (CY, CZ, DK, NL, PL⁷⁶, SI, SK). Taking a more specific look at which instruments are selected, it is important to note that **there is no emerging “model” of instrument use**. Common traits include the use by Member States of a policy mix combining direct and indirect instruments (BG, DE, EE, EL, ES, FI, HR, HU, IE, IT, LU, LV, MT, PT, RO, SE), or the use of direct instruments only (AT, BE, CY, CZ, FR, PL, SI, SK). However, no specific pattern of policy mixes (for instance monitoring, vouchers or regularisation of undocumented migrants) can be identified across Member States, even when considering countries with a similar prevalence of undeclared work, as identified in Section 5.1.

Turning to a more “qualitative” appraisal, we review each type of instrument below:

- **Monitoring and sanctions** are frequently used to reduce undeclared work, albeit not targeted at domestic work in particular. Monitoring (inspections) and sanctioning (fines) are performed by authorities responsible for ensuring compliance with labour laws (AT, BG, CY, CZ, EL, ES, HR, IE, LT, LV, MT, NL, PL, PT, SI, SK), occupational safety and health agencies (FI) or anti-fraud bodies (BG, FR, SI). In Croatia, there is more than one public organisation responsible for tackling undeclared work. A common difficulty with monitoring and sanctioning is that it is often more difficult for these authorities to have access to households than in the case of inspections of businesses.
- **Voucher systems** are a direct instrument used to combat undeclared work, in the sense that they create a traceable system for the remuneration of domestic work. Voucher systems are implemented differently across Member States, and in some cases may be combined with tax incentives (BE, FR, HR, LU, SE) and facilitate indirect instruments, such as the digitalisation of administrative tasks (BE, EL, IT, LU, RO). One drawback is that such a system may be inefficient in fighting under-declared work, especially when vouchers can only be used to pay domestic workers up to the marginal employment threshold, i.e. up to a maximum amount, thus limiting the attractiveness of the system for both employers and workers (AT).
- **Tax incentives** are a direct financing instrument that usually consists of tax breaks sometimes linked to voucher systems (BE, FR, HR, IT, LT, RO, SE), or administrative simplification (DE, LU). Some of the financial burden is shifted to the public authorities if domestic work is declared. The deductions are more or less generous depending on the country and type of service: for instance, Portugal applies a deduction of 5% while most Member States using tax incentives apply a deduction of 20%. The cases of Estonia and Spain are interesting, as tax breaks in these countries do not come in the form of tax reductions but as reduced rates of social security contributions: a special form of self-employment (“entrepreneur account”) in Estonia, and a direct cost reduction for employing households in Spain.
- **Digitalisation and administrative simplification** are indirect instruments that make it easier for domestic workers to declare their work. The digitalisation and simplification of administrative tasks may be specific to domestic work (DE, LU, RO), but can also target employees and the self-employed in any given sector (EE, EL, FI, HR, HU, LT). Formalisation of

⁷⁵ As an alternative to tax relief, various experts in Germany have proposed direct support to encourage the provision of household-related services. Since the beginning of the 2000s, a number of pilot projects have been carried out at regional or local level. The most recent and best-known is the pilot project “Vouchers for household-related services” (*Gutscheine für haushaltsnahe Dienstleistungen*) implemented at two locations in Baden-Württemberg between 2017 and 2019. The purpose of this project was to make it easier for households to combine family and work. The current governing coalition has announced such a reform, but has not yet presented a corresponding Bill.

⁷⁶ In Poland, some NGOs provide support for the regularisation of undeclared work. In particular, employers collaborate with NGOs in targeted areas, leveraging their expertise in addressing diverse societal needs, such as reaching out to refugees facing language barriers and explaining labour market regulations during recruitment.

employment often occurs as a “spin-off” effect: it introduces a third party into the relationship between a private individual and a domestic worker, which can reduce informal work.

- **Stimulation of the supply side** of the labour market includes indirect instruments that focus on developing the supply side of domestic services. Subsidised domestic work creates positions that are *de facto* declared work. However, it is no silver bullet and “envelope wages” may subsist as complementary remuneration, as demonstrated by the example of Latvia. The supply side of the labour market can also be stimulated via reforms of the labour market which make declared domestic work more attractive, for instance by raising the bar in terms of rights and social benefits (PT, RO). The ESPAN experts for Croatia explain that one of the instruments used in the domestic work sector is the professionalisation of domestic work; they give the example of adoption of regulations for the professionalisation of personal assistance and the attempts to organise personal assistants into a union.
- **Regularisation of undocumented migrants** is an instrument mentioned by ESPAN experts in four Member States (EL, ES, IE, IT), which gives domestic workers who were undocumented migrants the possibility to regularise their employment but does not guarantee this. This instrument does not address domestic work specifically, but due to the large number of migrant workers in this sector it can have a considerable impact on the regularisation of undeclared domestic work.

As well as the distinction between direct and indirect instruments, another dichotomy ought to be mentioned: **whether instruments are specific to domestic work, or rather address a broader context.** Monitoring and sanctions tackle undeclared work as a whole and could be unsuited to domestic work, due to the difficulty in conducting inspections in households. Administrative and legislative reforms, as well as the regularisation of undocumented migrants, may not specifically target domestic workers, but rather are linked to their status or to the type of contract they have (e.g. DE, ES, HU). Undeclared work, despite its prevalence in the sector of domestic work, may therefore remain only peripherally addressed by these measures, particularly given the uneven data in Member States on this phenomenon. However, voucher systems, subsidised LTC and tax incentives are instruments that specifically target undeclared domestic work.

5.2.2 Impacts

There is little or no evidence regarding the impact of the instruments discussed above on the fight against undeclared work. Even when a clear impact is noted, the effects on the domestic work sector in particular are very difficult to capture if the instruments are not specifically geared to the sector. Below we present evidence which, although anecdotal, shines a light on some of the instruments described above.

5.2.2.1 Direct instruments

ESPAN national experts in some Member States discuss the use of voucher systems (AT, BE, EL, SE) and tax incentives (BE, DE, ES, FR, IT, SE).

According to ESPAN national experts, **the impact of the use of vouchers on undeclared work is generally quite low** (AT, BE, EL). In Austria, the expert reports that vouchers are scarcely used. In Belgium, the expert refers to a 2018 study which estimates that less than 10% of domestic work paid via vouchers used to be undeclared work; however, she adds that the tax reduction, the wage subsidy and the administrative simplicity of the voucher system may have made the use of undeclared work less attractive and may have resulted in the system becoming the main way of

hiring domestic workers⁷⁷. In Greece, a similar study, also from 2018, concludes that there “is a very strong indication that the rate of undeclared work remains overwhelming in these sectors of economic activity”. However, in the case of Sweden, evaluations of the voucher system (RUT) give a more positive picture of its impact, as the national report underlines the probable link between low levels of undeclared work and the RUT, although, the ESPAN national experts argue, this relationship remains to be substantiated.

The **impact of tax incentives** on undeclared work is appraised in six ESPAN national reports (BE, DE, ES, FR, IT, SE). Their impact on reducing undeclared work varies. For instance, in Germany the ESPAN experts explain that tax incentives have had little effect, while in Spain the experts claim that their introduction in 2011 led, over the following two years, to an increase in the number of declared domestic workers, which has since plateaued. However, **a core criticism of tax incentives is their regressive effect on employing households**. In Germany, the amount of tax relief depends on the level of taxable household income: the wealthier the household, the greater the relief. Conversely, those who have to pay no or only little income tax do not benefit from such relief at all or only to a small extent. In the same vein, in Sweden, according to a report from the Swedish National Audit (2020) cited by the ESPAN experts, the highest income decile group benefited from 40% of the total amount of tax deduction. In other words, the tax deductions show an evident regressive distributional profile.

5.2.2.2 Indirect instruments

Regarding indirect instruments, ESPAN experts have identified a limited number of impact assessments of certain legislative reforms. For instance, the mini-jobs labour reform in Germany led to an increase in the registration of households as employers, although it is unclear whether this was due to the formalisation/regularisation of formerly undeclared work relationships or whether these were new hires. In Portugal, following the May 2023 “decent work” reform, the number of domestic workers registered with the Social Security increased by over 100% compared to 2022, according to data issued by the Ministry of Labour, Solidarity and Social Security.

⁷⁷ The 2020 Belgian LFS included a specific question on whether workers were employed through a voucher contract. These data suggest that in 2020, 54% of all domestic workers (as defined in Section 1.1) were employed on a service-voucher contract, and that 75% of all voucher workers were in the group of domestic workers.

6. Labour shortages

This section briefly discusses possible labour shortages or unmet household needs for domestic services.

ESPAN national experts in most Member States report significant labour shortages in domestic work services, although it is important to underline the difficulty of estimating labour shortages when employers are households rather than companies or public authorities, and there are no comprehensive assessments and only fragmented data sources.

In some Member States (e.g. BG, CZ, DK, FI, FR, HU, LT, LU, NL, PL, RO, SI, SK), ESPAN experts explain that shortages are particularly severe in LTC domestic work, mostly due to the growing needs of an ageing population. Moreover, several of them (e.g. DK, EE, HU, PL, SE, SI, SK) provide evidence in their national reports that the demand for domestic care will grow significantly in future years. For instance:

- in Denmark, recent predictions refer to a shortage of 15,000 social and health workers by 2035;
- in Hungary, it is estimated that the demand for helpers is twice as high as their actual number;
- in Poland, by 2030, the number of people who will need support will increase from 80,000 to 160,000, of whom almost half will need non-medical services;
- in Slovenia, almost 60% of employers in the health and social care sector report difficulties recruiting staff due to a shortage of applicants;
- in Sweden, it is estimated that the number of people in need of LTC will increase by 50% between 2019 and 2030.

These claims are supported by projections on future job openings for health associate professionals from the European Centre for the Development of Vocational Training (CEDEFOP, 2023). In its projections, CEDEFOP distinguishes between new jobs (expansion demand) and replacement jobs (replacement demand) to replace people leaving their jobs for other opportunities, or leaving the labour market [parental leave, retirement, death, etc.]. According to these projections, about 4 million job openings for health associate professionals will need to be filled between 2022 and 2035: around 600,000 new jobs and around 3.4 million replacement jobs, i.e. more than five times more. Meeting this future demand will be challenging given the level of labour shortages currently reported for some jobs within this sector. While projected shortages of health associate professionals are likely to affect mainly paramedical rather than domestic employees, the factors driving demand for these professionals are likely to also result in a higher demand than supply of LTC domestic workers.

There are also shortages of cleaners (e.g. BE, FI, LU), but these are less common than in the LTC sector. In Slovakia, there is a severe problem of labour shortages due to Slovakian domestic workers taking on work in Austria; this highlights the importance of cross-border issues when discussing shortages, especially in LTC.

Labour shortages can be mitigated by legal migration pathways (e.g. ES, MT), even though it is difficult to quantify to what extent these can help. Moreover, restrictions on the right of third-country nationals to settle (legally) may hamper migrants' ability to fill these shortages, although some may opt for undeclared work. For instance, in Sweden, the government has tried to reduce the number of incoming migrants by making the financial requirements for temporary work permits more stringent. This may further exacerbate the labour shortages in the sector.

7. Recent and ongoing reforms and debates

This section reviews recent (since 1 January 2020) or ongoing reforms in Member States, intended to enhance the social protection and labour protection of domestic workers (Section 7.1). Examples of EU support for these reforms (through the European Social Fund Plus [ESF+], the Recovery and Resilience Facility [RRF] and the Technical Support Instrument [TSI]⁷⁸) are provided in Section 7.2. Finally, Section 7.3 presents public debates in Member States about the social protection and labour protection of domestic workers.

7.1 Reforms

ESPAN experts in various Member States identify reforms adopted since 1 January 2020 by their country which may have an impact on the situation of domestic workers (e.g. AT, BG, CY, CZ, DK, EL, FI, LT, MT, SE, SI).

In various Member States (e.g. AT, BG, CY, EL, LT), the experts report wide-ranging reforms and measures in the domestic care sector and relevant employment programmes that, in their view, are likely to affect domestic workers. For example:

- In Austria, the public subsidies for the “24-hour care at home” programme have been increased, which may affect the situation of domestic workers employed through this scheme.
- In Bulgaria, a “Strategy for Human Resource Development in the Social Sphere” (2024-2030) was adopted on 7 March 2024. The strategy aims to improve the working conditions of over 49,000 people working in the social sector. It emphasises the importance of quality education and training for social workers, enabling them to provide highly effective support through services for children, families and adults.
- In Cyprus, the shocking revelation in mid-2019 that the victims of a serial killer were mainly migrant women residing in the country as domestic workers triggered reflection on the extent of the problem and the need for immediate action. After being mandated by the President of the Republic himself, the Commissioner for Administration and the Protection of Human Rights took on the task of investigating and mapping the living conditions of third-country nationals working in Cyprus, starting with the group of domestic workers, who made up about 50% of the total population of legal third-country immigrants working in the country.
- In Greece, some employment programmes (for neighbourhood nannies and personal assistants for people with disabilities) have been launched and will improve the situation of domestic workers in the labour market.

Some of the measures were also triggered by COVID-19 (e.g. CZ, DK, FI, LT, MT, SE, SI). In most cases, these reforms did not continue after the COVID-19 period: for example, in Czechia the “tariff salaries of social workers” which were increased by 10% in 2020. But in some cases, they were maintained. For instance, in Denmark, COVID-19 and staff shortages have resulted in salary increases for LTC workers employed in the public sector. The Swedish “Eldercare Lift Programme” is another example: it was implemented in 2020 and is still in place today (see Section 7.1.2).

7.1.1 Social protection

ESPAN national experts in many Member States report that broader reforms to the laws governing social protection for workers (whether employees or self-employed persons) might have an impact on domestic workers (e.g. CZ, DE, EL, FI, FR, LT, LV, MT, NL, PT, SI, SK). For example:

⁷⁸ The TSI helps EU Member States design and implement resilience-enhancing reforms by providing expertise to national authorities. The support is provided on demand and can include strategic and legal advice, studies, training and expert visits on the ground.

- in Germany, the increase in 2022 of the income mini-job threshold for wage and tax relief is expected to regulate the domestic work sector more strictly, without providing access to social insurance benefits;
- in Greece in 2023, the government granted third-country nationals already residing in the country the opportunity to formally register under specific conditions and gain access to social protection;
- in Lithuania, there are plans to increase unemployment insurance coverage by including self-employed persons working on the basis of certificates of individual activity;
- in the Netherlands, domestic workers covered by the Regulation on Home Services now have access to the statutory unemployment insurance scheme, but only if they are paid from a client's personal care budget (see Box 4.1).

7.1.2 Labour protection

In a few Member States (e.g. MT, SI), ESPAN national experts report reforms of both labour protection and social protection which are likely to have an impact on the legal situation of domestic workers.

In a larger number of Member States (e.g. AT, BE, ES, IT, LU, MT, RO, SE, SI), ESPAN experts identify reforms solely targeted at labour protection. For instance:

- In Belgium, since 2022, new contracts for domestic workers under the voucher system cannot apply the lower-than-minimum “starter wage”⁷⁹.
- In Malta, a law regulating the operation of employment agencies employing (among others) domestic workers is expected to improve their labour protection.
- In Romania, a law was adopted in 2022 to increase the transparency and formal nature of domestic workers' employment, establishing a digital platform for domestic work activities.
- In Spain, a regulation adopted in 2022 has improved the labour protection of domestic workers and added protective clauses to their employment terms, enhancing their social security rights. In September 2024, the government passed an important Royal Decree (893/2024), further improving their protection. This Decree: a) regulates and develops the right of domestic workers to information, participation and training in matters of occupational safety and health; b) imposes on the employing household the obligation to periodically evaluate the occupational risks of the domestic worker (providing work equipment and personal protection), and also to monitor the health status of the domestic worker (with a medical examination at least every third year); and c) where applicable, allows the domestic worker to cease their activity and leave the household's home, without this being cause for dismissal, in the event of serious and imminent danger to their life or their health.
- In Sweden, the “Eldercare Lift Programme” was introduced in 2020 with a view to increasing the skills of the Swedish LTC staff. This was done by offering LTC employees paid education during working hours to become, for example, assistant nurses. The ESPAN experts explain that another objective of the programme was to contribute to “enhanced financial equality”, since LTC workers are often women and increased skills would also enhance their opportunities to rise to permanent position and higher salary. Thus, they add “indirectly, this can be seen as enhancing labour protection for LTC workers. Municipalities apply for grants through the National Board of Health and Welfare to finance paid education and other measures within the programme.” The programme has been extended several times. In 2024, it has been extended further, and the plan is to prolong it until 2026.

⁷⁹ This starter wage allows employers to take on young workers (between 18 and 20 years of age) without work experience at a gross salary of less than the minimum wage.

In Cyprus, a draft law was introduced in 2021 with a view to protecting the labour rights of domestic workers, securing their working conditions and avoiding exploitation through the establishment of complaint procedures involving the Ministry of Labour. A public consultation was also held on this, but, so far, without any progress (such as a debate in the Cypriot parliament or a vote on the law).

7.2 European Union support

7.2.1 European Social Fund Plus

ESF+ supports employment and training actions in some Member States, which may affect the labour and social protection of domestic workers over the next few years (e.g. CY, CZ, EE, EL, LU, PL, RO, SE). For example:

- in Cyprus, ESF+ financed an independent living project which aimed to train unemployed people to become home care professionals for people with disabilities;
- in Czechia, there are some calls under ESF+ to support care services and carers in the country's regions;
- in Estonia between 2023 and 2027, ESF+ will be used to provide home-based LTC services, which might have an impact on the situation of domestic workers;
- in Sweden, ESF+ financed language and skills development programmes for assistant nurses and care assistants, as well as other career development services.

7.2.2 Recovery and Resilience Facility (RRF)

The Recovery and Resilience Facility (RRF) has financed some reforms and investments in various Member States which may affect the domestic work sector (e.g. CY, CZ, EL, ES, IT, LT, PL, RO, SE). These include the following:

- In Cyprus, the Recovery and Resilience Plan includes measures to expand day centres and 24h care centres. It will also subsidise professionals' salaries in the care sector.
- In Czechia there is a broader call to support social and health services, including LTC services.
- In Greece, the RRF is supporting a programme to provide personal assistants for people with disabilities.
- In Italy, the "National plan against undeclared work 2023-2025", adopted in December 2022, is part of the country's Recovery and Resilience Plan. It is designed to reduce the incidence of undeclared labour by at least two percentage points by 2026 and includes the following measures: strengthening the staffing of the National Labour Inspectorate (which will have to ensure, by 2025, an increase in inspections of at least 20% compared with the three-year period 2019-2021); simplifying the formal requirements for households employing domestic workers, with a portal dedicated to the registration and management of domestic labour relations (to be developed within the National Institute of Social Security's website); and considering a more targeted alternative to the current LTC "Companion Allowance"⁸⁰ through its replacement with a monthly payment that would cover part of the total labour costs incurred when employing domestic workers.
- In Lithuania, the instrument finances reforms to improve the coverage of self-employed people by the unemployment insurance scheme.

⁸⁰ The *Indennità di Accompagnamento* is a cash transfer provided to all severely frail people without any constraint on its use. The national plan against undeclared work suggests that this universal unconditional benefit may be an important source of undeclared employment in the domestic LTC sector.

- In Poland, the RRF is financing the development and implementation of a strategic framework for deinstitutionalisation, in the field of social and health services. This will include reform of the functioning of LTC in the country. In particular, it has provided financial support to dedicated facilities offering various forms of day and home care. The key change will be the shift from 24-hour care in special dedicated facilities to the development of various forms of day care (developing forms of day medical care for older people requiring support in everyday functioning) and forms of home care (increasing access to LTC and palliative and hospice care provided at home, also by domestic workers).
- In Romania, the RRF has financed a digital platform for managing “domestic work tickets”⁸¹ for unqualified domestic workers, which has been operational since April 2024. The platform allows registration of both service providers and beneficiaries. It is part of an overall commitment by the government to reduce informality and increase access to social protection for domestic workers. The government’s expectation is that in 2026, at least 60,000 unqualified domestic workers will be registered, and paid through the domestic work tickets system.
- In Spain, the Recovery and Resilience Plan contributed to the 2022 labour reform of domestic work (Royal Decree Law 16/2022). This reform was a major step in bringing the working and social security conditions of domestic workers into line with those of other employed workers. It consolidated permanent employment contracts for domestic workers, improved the access of these workers to social security (in particular to unemployment benefits), and enhanced their legal protection.
- In Sweden, the “Eldercare Lift Programme” (see Section 7.1.2), as well as a reform implemented in July 2023 making “assistant nurse” a certified professional title, were financed by the RRF.

7.2.3 Technical Support Instrument (TSI)

ESPAN national experts in a few Member States report programmes financed by the TSI which may potentially affect the domestic work sector (e.g. EL, MT). In 2023, in both Greece and Ireland, the TSI financed a reform support project called “Towards Person-Centred Integrated Care”, which may, in the view of the ESPAN national experts, have had an impact on domestic workers. In Malta, also in 2023, a project funded by the instrument provided online information related to labour rights, obligations and opportunities to those wanting to live and work in the country, under the name “First Step: Pre-Departure Integration Measures”.

7.3 Public debate

ESPAN national experts in a large majority of Member States (e.g. AT, BE, CY, DE, DK, ES, FR, HR, HU, LU, LV, MT, NL, PL, RO, SE, SI, SK) argue that the issue of domestic work(ers) has been a subject of public debates on at least some occasions since January 2020.

Most of these debates focus (or focused) on the following topics:

- low wages, poor social security entitlements and/or poor labour rights/protection of domestic workers (e.g. BE, DK, ES, FR, HR, MT, NL, PL, RO, SE, SI);
- labour shortages in the care sector (e.g. AT, DK, HU, LV, SI, SK);

⁸¹ The Romanian expert explains that “the ticket system requires households to buy work tickets online or directly from the employment office and pay the domestic workers by means of these tickets. Tickets must be exchanged for cash by the domestic worker, and social contributions, if their monthly value exceeds a certain amount, are automatically withheld in the process. The law attempts to encourage formalisation also by offering a reduction in social contributions to the public pension system and free health insurance.”

- the undeclared status of domestic workers (e.g. AT, CY, DE, ES, FR);
- the lack of professionalisation and training in the sector resulting in poor quality of household-related services (e.g. DE, ES, FR, HU, SE);
- the poor working conditions and psychological threats experienced by domestic workers (e.g. HR, SE, SI, SK);
- the working conditions of domestic workers employed through platforms (e.g. AT, NL);
- the reclassification of their work status to enable them to access labour and social security rights (e.g. AT, LU).

In Germany, the debate has revealed the gendered aspects of domestic work and the expansion of this type of work, which contributes to gender equality. In France, the policy discourse has mainly focused on simplification of procedures and objectives by the public administration, in order to achieve a coherent overall strategy to attract workers to the care sector. The issue of reliable integrated information provided through one single point is also widely discussed in the country. In Malta, there is currently a debate on the introduction of a costly skills card that migrants in certain sectors, including care of older adults, will need to obtain before working in Malta.

PART B:

Access for domestic workers to labour and social protection in the seven (potential) candidate countries covered in the study

8. Access for domestic workers to labour and social protection in seven (potential) candidate countries

This section focuses on access for domestic workers to labour and social protection in seven (potential) candidate countries: the six Western Balkan countries covered by the ESPAN (Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia and Kosovo) and Moldova.

Section 8.1 sets the scene; it maps the extent and broad characteristics of domestic work in these countries and provides some comparisons with the EU average. Then, following the same structure as that used for EU Member States (in Sections 2–7 of the present report), the section provides a brief overview of the situation regarding access for domestic workers to labour and social protection in these seven countries: the legal framework that applies to domestic workers (Section 8.2); the main employment arrangements in place in the domestic work sector (Section 8.3); the specific conditions for (and possible gaps in) access to labour and social protection for domestic workers (Section 8.4); the issues of undeclared work and formalisation/regularisation (Section 8.5); the issue of labour shortages (Section 8.6); and recent and ongoing reforms and debates (Section 8.7).

8.1 Mapping domestic work in seven (potential) candidate countries

The statistical definition agreed upon for the specific purpose of this report (see Section 1) has been used in six of the seven (potential) candidate countries covered in this report, the exception being Moldova.

For two countries (BA and RS), Eurostat extracted the relevant data from the EU LFS; the related figures are included in Tables A1, A2 and A3 (Annex A) together with those for the 27 Member States.

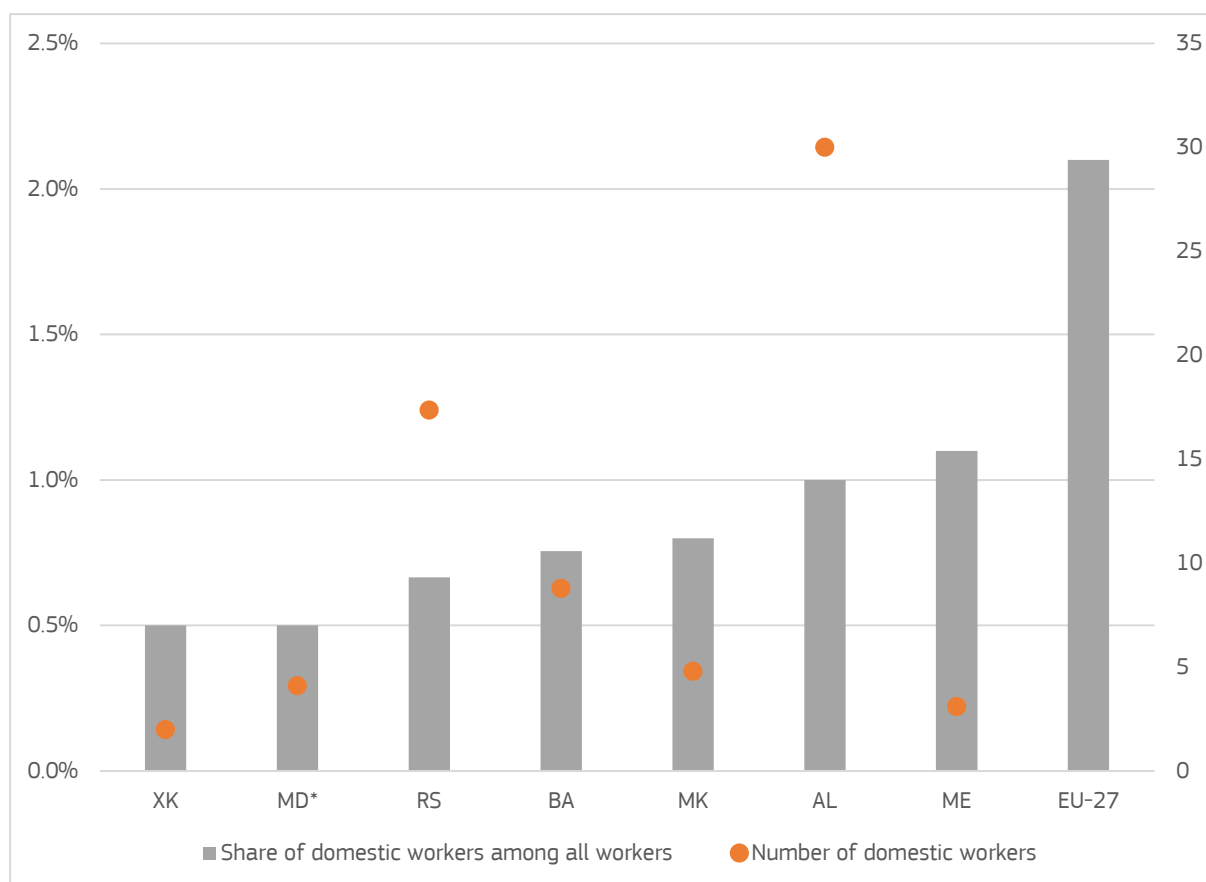
For the other five non-EU countries, the situation is mixed. In Albania, Kosovo (for most estimates), Montenegro and North Macedonia, the country's National Statistical Institute kindly extracted some of these data from their national LFS, using the same statistical definition as that used by Eurostat for the EU LFS. In Kosovo (for some figures) as well as in Moldova (for all figures), estimates were also extracted from the national LFS by the National Statistical Institute, but using a narrower definition – i.e. domestic workers consist solely of workers in NACE 97. For each of these five countries, the National Statistical Institute provided a limited number of estimates: the number of domestic workers and, depending on reliability and other considerations, a selection of the main socio-demographic characteristics of domestic workers and of the key characteristics of the main job of these workers. The age breakdowns used are not identical in all these countries.⁸²

Because of the very small number of domestic workers in the national LFS samples, the confidence interval of the various statistical estimates calculated from these data is very large. The figures presented in this section should therefore be interpreted very cautiously.

Figure 8.1 shows that domestic workers represent **between 0.5% and around 1%** of all workers in the non-EU countries covered in this study, as compared to 2.1% for the EU-27 average.

⁸² Readers wishing to look more closely at those national estimates should consult the individual national reports. The national coordinators of the seven ESPAN country teams concerned, as well as the authors of the present report, are grateful to the National Statistical Institutes for providing these data.

Figure 8.1: Estimated number of domestic workers (in thousands, right axis) and share in the total number of workers (in %, left axis), Non-EU countries and EU-27 average



Note: (*) The figures for Moldova are based on a narrower definition, which focuses solely on NACE 97.

Source: Eurostat, EU LFS, 2023, DG EMPL calculations for BA, RS and EU-27 average. National LFS, 2023, for AL, ME, MK, and national LFS, 2022, for XK.

At EU level (see Section 1), domestic workers are evenly split between those primarily involved in care activities (46%) and those primarily involved in non-care activities (54%), with large variations between Member States. This distribution between care and non-care activities is available for five of the seven non-EU countries under scrutiny (BA, ME, MK, RS, XK). Figures show that the majority of domestic workers are in the **non-care sector** in these countries, but with considerable variations across countries: around 60% in Bosnia and Herzegovina and in Serbia, about 80% in Montenegro, around 85% in North Macedonia and more than 90% in Kosovo.

The **personal characteristics** of domestic workers in the non-EU countries considered here, compared to the EU-27 average (see Section 1), are as follows:

- In almost all EU Member States, more than 75% of domestic workers are women. The gender distribution of domestic workers is more diverse among non-EU countries than among Member States: it is skewed towards men in North Macedonia (only 43% are women), more balanced in Kosovo (63% are women), and quite similar to the Member States in Bosnia and Herzegovina or Montenegro (around 75%) and in Serbia (around 85%). In Moldova, data (based solely on NACE 97) suggest that the share of women is around 90%. Data for Albania are not available.
- At EU level, individuals aged 50 years or more are overrepresented among domestic workers (46%). This share is similar in Albania (45%) and North Macedonia (48%), and even larger in Montenegro (60%) and Serbia (64%). Conversely, in Bosnia and Herzegovina those aged 50 years or more only represent 35%. In Kosovo, the age group 35–49 years is overrepresented

(64%⁸³). In Moldova (data based solely on NACE 97), about 70% of domestic workers are between 35 and 54 years old.

- At EU level, around 40% of domestic workers have a low educational level (ISCED 0-2), while 50% have a medium level (ISCED 3 or 4) and 10% a high level (ISCED 5 or more). In Bosnia and Herzegovina (66%), North Macedonia (60%) and Serbia (62%), around two thirds have a medium educational level. In Kosovo (data based solely on NACE 97), this share is around 70%; and in Montenegro it is around 75%. By contrast, in Albania low-educated domestic workers represent the largest share (around 50%). Data are not available for Moldova.
- At EU level, the proportion of native versus foreign-born domestic workers is around 60 to 40%, respectively. In the three non-EU countries for which data are available (there are no data for AL, MD, MK and XK), the share of non-natives is much lower. The largest share of domestic workers born outside the country is found in Montenegro (around 30%). In the other two countries, Bosnia and Herzegovina and Serbia, this share is very small: almost all domestic workers are natives (96% and 89%, respectively).

In terms of the **characteristics of their main job**, the situation of domestic workers in the non-EU countries is broadly as follows (there are no data available for AL and MD):

- At EU level, 94% of domestic workers are employees and only 6% self-employed. This is broadly similar in Kosovo (88% employees) and North Macedonia (93%). The share of the self-employed is significantly higher in Bosnia and Herzegovina (21%), in Serbia (26%) and in Montenegro (45%).
- At EU level, more than 80% of domestic workers have a permanent contract. The situation is similar in Bosnia and Herzegovina (73%), while temporary contracts prevail in North Macedonia (83%) and Serbia (63%). In Kosovo also (data based solely on NACE 97), temporary contracts are most frequent: 79%. Data are not available for Montenegro.
- At EU level, about half of the domestic workers work part time (i.e. less than 30 hours a week). In Bosnia and Herzegovina and North Macedonia, more than 90% are full-time workers; in Serbia, two thirds are in this situation. In Kosovo (data based solely on NACE 97), all or almost all work full time. Data are not available for Montenegro.

8.2 Legal framework

8.2.1 Legal definition(s)

In all seven non-EU countries under scrutiny, ESPAN national experts report that there is **no legal definition of domestic workers** in their national legal order (as is also the case in 13 of the 27 EU Member States; see Section 2.1).

In Albania, however, even if there is no “legal” definition *per se*, there is an official definition which is used for tax purposes. According to this definition, domestic workers are “those employed by the head of the household in roles such as babysitter, cook, domestic cleaner, housekeeper/ administrator, personal assistant to the elderly and other similar services”. So, this definition relates to tax procedures rather than tax legislation *per se*.

It should be noted, though, that in North Macedonia, a new draft law on labour relations provides definitions of domestic work and domestic workers (see Section 8.6.1 below).

⁸³ Kosovo has the youngest population in the region. According to the latest census in 2024, the median age in the country is 34 years.

8.2.2 Legislation

8.2.2.1 Overall legal framework

Despite the lack of legal definitions, ESPAN experts point to cases where domestic work is specifically recognised as a legal category in the labour legislation of some countries (BA [Republic Srpska entity]⁸⁴, ME, MK, RS). In these countries there are some specific requirements for the employment of domestic workers, mainly concerning rules on payment of these workers, both in kind and in cash, but also the need for a written employment contract (BA [Republic Srpska entity], RS) and the certification of the contract by an employment agency (MK). In addition, Serbian labour law provides for two ways of contracting domestic workers, namely as “domestic help” and as “work outside the employment relationship”.

In the other countries, domestic work seems to be only marginally mentioned in the legal frameworks (AL, BA [FBiH entity], MD) or not at all (XK). For example, in Moldova, even if the actual term is not used, domestic work is *de facto* recognised in the area of childcare (regulated by Law No. 367/2022 on alternative childcare services).

In Albania (see also Section 8.2.1 above), a reference to domestic work can be found in secondary legislation, according to which the head of the household employing the domestic worker has to register with the tax authorities through a simplified procedure.

8.2.2.2 Legislation specifically related to long-term care

In all but one country (MD), ESPAN experts explain that there is no specific legislation on LTC domestic workers. For instance, in Albania, broader provisions that apply to social care workers may also apply to LTC domestic workers. Similarly, in Serbia, the Social Care Act defines the rights of access to in-kind home care services.

In Moldova, the ESPAN experts report that a Government Decision regulates the organisation of the Homecare Service, a social service designed for elderly and disabled people in need of LTC. The “Restart” reform of the social assistance system, launched in 2023 with a view to ensuring “fair access to quality social services” to the population, seeks *inter alia* to identify and standardise all LTC services, especially those offered by the private sector or NGOs; this should support the implementation of the Government Decision.

8.2.2.3 International Labour Organization Convention C189

ILO Convention C189 has not been ratified by any of the seven countries covered in this section. The case of Kosovo is unique, as the country is not formally recognised as a member of the ILO and therefore cannot formally ratify ILO Conventions.

According to ESPAN experts, possible reasons for non-ratification include the lack of political will and the absence of national regulations on domestic work (e.g. AL, BA, RS), or the powerlessness of domestic workers, who are mainly engaged in undeclared work, to advocate for the improvement of their legal rights (e.g. MD, MK).

By contrast, the experts for Montenegro underline that their country has expressed interest in ratifying the Convention, but the ratification process is still ongoing.

⁸⁴ Bosnia and Herzegovina is divided into two entities: the “Federation of Bosnia and Herzegovina” (FBiH) and the “Republic Srpska”. At the national level, there is only a finite set of exclusive or joint competencies, whereas most powers lie with the entities.

8.2.3 Collective agreements

In none of the seven countries is there a specific collective agreement covering domestic workers.

However, broader collective agreements may (partially) cover domestic workers. In two countries (MK, XK), general collective agreements refer to the legal situation of domestic workers. Nonetheless, in the case of Kosovo, the ESPAN experts question the relevance of this collective agreement, arguing that it is outdated, and a new agreement has yet to be signed. In North Macedonia, the Collective Agreement on Social Protection applies only to those domestic workers who have an employment contract with the municipality for the provision of home care.

8.3 Overview of employment arrangements

8.3.1 Overall arrangements

In all seven countries examined, ESPAN experts note **indirect contractual employment between the domestic worker and the household, with an intermediary, usually acting as the employer, between the domestic worker and the household**. For instance, in Albania foreign domestic workers are increasingly employed by private companies owned or managed by the household in which they work. In Bosnia and Herzegovina, workers are contracted by private or public service providers or non-profit organisations (sometimes, the provision of social services is mediated by the Centre for Social Work [in which case the Centre finances the service provision]). This tripartite model of employment is more and more used in Kosovo in the LTC sector, where private companies hire workers to provide personalised health services to clients. The experts for Montenegro and Serbia mention that the employment of domestic workers through a public or private provider of home care services is a relatively new working practice, as households still prefer to employ domestic workers directly.

In six countries (the exception being MK), ESPAN experts also identify **direct contractual employment** as a common practice. For example, in the FBiH entity of Bosnia and Herzegovina, households need to register as a “craft enterprise” before employing domestic workers⁸⁵. Similarly, in Kosovo, households can register as individual enterprises in order to employ domestic workers on a contractual basis. In the Republic Srpska entity of Bosnia and Herzegovina, households do not need to register as a craft enterprise, but can contract domestic workers directly, as per labour legislation.

This distribution of employment arrangements is very similar to what we observe in the EU, where both direct and indirect contractual arrangements are present in all 27 Member States except one, in which only direct arrangements are possible (see Table 3.1).

In most cases (the only exception being BA [Republic Srpska entity]), the provision of services by domestic workers can take the legal form of **self-employment**. In the Republic Srpska, domestic care services cannot be registered as services provided by self-employed workers, because the licensing rules for the care services exclude this type of registration. In Albania, the experts explain that even though there are no legal barriers preventing domestic workers from registering as self-employed, the fiscal burden discourages domestic workers from doing so. In Kosovo, domestic workers can register either as “sole proprietorship” (self-employed) or as individuals (physical persons) for the purpose of taxation, although the latter option is rarely used in the country⁸⁶; live-in employment is the predominant arrangement for foreign domestic workers. In Moldova, an entrepreneur’s patent is required to carry out certain activities that can be classified as domestic

⁸⁵ In Bosnia and Herzegovina, a craft enterprise/business, known locally as *obrt*, is approved by the local authority (rather than the court) and is effectively self-employment, involving either a sole trader or a limited number of employees in addition. The owner is personally liable for any obligations incurred, unlike a limited liability company.

⁸⁶ The experts for Kosovo argue that there are almost no incentives for domestic workers to register as “physical persons” and pay the related taxes and contributions, as Kosovo does not have typical defined-benefit social insurance rights (through which they could benefit from the redistribution of contributions from the better-off) or tax-credit schemes.

work, such as home repairs; in addition, a simplified form of entrepreneurship will be mandatory for childcare workers (nannies) from 2025.

Within the EU, there are proportionally fewer countries where the provision of domestic workers' services can take the legal form of self-employment (20 of the 27 Member States; see Table 3.1).

8.3.2 Migrant-related arrangements

As mentioned in Section 8.1, the proportion of domestic workers born outside the country in Bosnia and Herzegovina (4%) and Serbia (11%) is very small. In Montenegro, it is much higher: around 30%. There are no data available for the other four countries.

In North Macedonia, drawing from evidence provided by the International Organization for Migration, the ESPAN expert highlights that the proportion of migrant domestic workers is negligible.

On the other hand, in Albania and Kosovo ESPAN experts report a growing share of migrant domestic workers. In Albania, domestic workers from the Philippines are increasingly being recruited by employment agencies. A legal condition for these workers to obtain a residence permit is that the employing household must provide a household income statement showing that the household income is at least five times higher than the domestic worker's wage. In Kosovo, to secure a work visa for domestic workers, individuals and companies must provide a labour contract meeting the Law on Labour Standards, specifying a minimum gross salary of EUR 420 per month (much higher than the monthly minimum wage in the country [EUR 264]), offer suitable accommodation, often within the household for domestic workers, and fulfil administrative obligations such as health insurance and document translation costs.

8.4 Access to social protection and labour protection– specific conditions and gaps in access

8.4.1 Access to social protection

In six of the seven countries (with the exception of Albania), ESPAN experts report that domestic workers, at least those in standard employment, have formal access to almost all benefits. They identify the prevalence of undeclared work in the sector as the main challenge hampering access to these benefits.

In some countries, access to benefits is highlighted by ESPAN experts as particularly difficult for domestic workers on temporary or occasional contracts (BA [FBiH entity], MD, RS, XK). For example, the expert for Bosnia and Herzegovina explains that in the FBiH entity these workers are excluded from most social security benefits. Similarly, in Serbia they have no access to sickness benefits, although employers pay compulsory health insurance contributions for them. In Kosovo, the ESPAN experts report that a key challenge for these workers is identifying the employer responsible for the payment of benefits, such as sickness, maternity and equivalent paternity benefits, and those in respect of accidents at work and occupational diseases, as domestic workers may work for several households at the same time. In addition, they stress the fact that there is no unemployment benefit scheme in the country (for workers in general).

In contrast to the other countries, domestic workers in Albania have formal access only to healthcare and old-age and survivors' benefits. The other types of benefits are only available to domestic workers who have a contract with a private company and pay social security contributions. In this case, like all other workers, domestic workers have formal access to sickness, maternity and equivalent paternity, invalidity as well as occupational accident and disease benefits.

8.4.2 Access to labour protection

In all seven countries, ESPAN experts report that formally employed domestic workers (in standard employment) enjoy the same labour protection as other employed workers.

An exception to this general practice is, however, noted by the experts for Bosnia and Herzegovina and for Serbia, who explain that in their country domestic workers employed under temporary or occasional contracts are excluded from labour protection.

Again, ESPAN national experts highlight the prevalence of undeclared work in the sector as the main challenge hampering access to these benefits.

8.5 Undeclared work and formalisation/regularisation

8.5.1 Prevalence of undeclared work

In all the countries under scrutiny, ESPAN national experts deplore the absence of official data on undeclared work among domestic workers.

In the absence of official data, the expert for Bosnia and Herzegovina writes that “anecdotal evidence suggests that household care work has probably become the largest undeclared sector in the economy, ahead of construction and agriculture, which are traditionally recognised for undeclared work”.

The experts from North Macedonia and Serbia refer to studies carried out in their country which shed some light on the phenomenon of undeclared domestic work. In the case of North Macedonia, the 2022 LFS and structural business statistics were used to show that in the NACE 95 sector (“Repair of computers and personal and household goods”), the share of undeclared work was overwhelming⁸⁷. In Serbia, estimates based on 2018 LFS data suggest that almost 60% of domestic workers were involved in undeclared work⁸⁸.

8.5.2 Formalisation/regularisation of undeclared work

ESPAN experts in all seven countries describe instruments aimed at formalising/regularising undeclared work in general (i.e. not specifically for domestic workers):

- Albania has implemented various measures to combat informality in the labour market, including the strengthening of the tax administration and the introduction of modern risk management practices.
- In Bosnia and Herzegovina, the general provisions in place mainly take the form of dissuasive measures, such as fines and administrative sanctions for employers and employees.
- In Kosovo, the main long-term instrument for combating undeclared work was the National Strategy for Preventing and Combating the Informal Economy 2019-2023. This instrument is no longer in force, and efforts by the Ministry of Finance, Labour and Transfers (MFLT) to develop a new one are ongoing. In addition, several EU- and German-funded projects have supported the MFLT and the Labour Inspectorate, helping them to curb undeclared work.
- In Moldova, the most comprehensive initiative to combat undeclared work was a reform of the State Labour Inspectorate in 2023. This reform consisted of: adapting the legal framework to allow labour inspectors to take more action to identify undeclared work; modernising the technical equipment used by labour inspectors (e.g. to record interviews); and providing training in new inspection methods.

⁸⁷ A note of caution should nonetheless be added here, as not all workers in the NACE 95 sector are domestic workers.

⁸⁸ The analysis focused on the following services: childcare, homecare for the elderly and for people with disabilities, cleaning; and home repairs.

- In Montenegro, the government has recognised the challenge of undeclared work through the Programme of Economic Reforms of Montenegro 2023-2025 and the new Programme for Combating the Informal Economy of Montenegro 2024-2026. The latter includes some operational objectives to combat undeclared work, including promotion of preventive measures (e.g. by simplifying the registration of employment), activities to raise social awareness of the negative effects of undeclared work, deterrent measures, etc.
- In North Macedonia, initiatives to combat undeclared work include the Strategy for Formalisation of the Informal Economy 2023-2027, the National Employment Strategy 2021-2027, the Operational plan for active programmes, as well as various measures concerning employment and labour market services.
- In Serbia, the suppression of undeclared work was the subject of programmes adopted in 2015, 2019 and 2023. According to the ESPAN expert, these programmes focus mainly on non-payment of taxes and social security contributions by companies and partly on combating undeclared work.

In only two countries (AL, MK) do ESPAN experts identify specific measures aimed at formalising/regularising undeclared work in the domestic service sector. These measures seek to simplify the procedures for declaring domestic workers to the public authorities. In Albania, the expert explains that to encourage employing households to declare domestic workers, the insurance contributions are drastically reduced if the worker is declared and paid the minimum wage. In North Macedonia, in early 2024, the government presented a draft law on the employment of persons for seasonal, temporary and occasional work. According to this draft law, certain activities characterised by a high prevalence of undeclared work, such as domestic work, will have to be registered, by a simplified procedure.

8.6 Labour shortages

As with the prevalence of undeclared work, ESPAN experts in all seven countries under scrutiny express reservations about the lack of official data on labour shortages or unmet household needs for domestic workers.

However, ESPAN experts in some countries (e.g. AL, BA, MK) discuss the impact of demographic trends on labour shortages in the domestic work sector. The experts from Albania and Bosnia and Herzegovina explain that the ageing of the population is likely to lead to an increased demand for domestic workers. Such demographic factors are also identified by the expert for North Macedonia as potentially exacerbating existing labour shortages in the country. In particular, she refers to studies highlighting the care sector as facing significant labour shortages.

In Serbia, the ESPAN expert refers to data from the largest online employment portal which suggest that domestic cleaning is one of the occupations facing labour shortages.

8.7 Recent and ongoing reforms and debates

8.7.1 Reforms

ESPAN experts in five countries (the exceptions being AL and BA) identify various reforms which will have an impact on the social and labour protection of domestic workers even if they are not specifically targeted at them.

In Kosovo, the new Labour Law is expected to introduce better protection of workers' rights, with a focus on improving the working conditions of temporary and part-time workers. As domestic workers often work on the basis of such contracts, they could benefit from the provisions of the law. Similarly, in North Macedonia, a new draft law on labour relations provides definitions of domestic work and domestic workers, and establishes some specific rights for these workers.

Also in Kosovo, the ESPAN experts note an interesting development in their country specifically targeted at domestic workers. Driven by the lessons learned from their ongoing efforts to formalise the employment of seasonal workers in the agriculture sector, the Ministry of Finance, Labour and Transfers and the *Deutsche Gesellschaft für Internationale Zusammenarbeit* are working in parallel towards a comparable initiative to regulate the domestic work sector in the country. The objective is to identify optimal strategies for formalising domestic work while concurrently providing comprehensive social and labour protection. Current efforts are primarily centred on conducting a thorough mapping of the sector.⁸⁹

In Moldova, the National Employment Programme 2022-2026, which aims to *inter alia* reduce undeclared work, may also affect domestic workers. Some of the specific measures to be taken are the reorganisation of the State Labour Inspectorate and the discouragement of cash transactions.

The expert for Serbia points to the new amendments to the Law on Financial Support for Families with Children – which extend benefits to new mothers engaged in temporary and occasional work – as having a positive impact on domestic workers. In addition, the draft law on amendments and additions to the law on simplification of seasonal work in specific sectors seeks to regulate *inter alia* domestic work.

8.7.2 European Union support

ESPAN Experts in four countries (MD, ME, MK, XK) highlight some examples of EU support.

In Moldova, the experts mention the ongoing EU-funded project implemented by the ILO: “EU support to inclusive labour markets in the Republic of Moldova”. The project aims to provide capacity development to the Ministry of Labour and Social Protection (MLSP) and the National Employment Agency to prevent and address labour market exclusion. It also seeks to enhance the performance of the MLSP and the State Labour Inspectorate to improve working conditions and protect workers’ rights. The experts also mention the EU-funded Twinning⁹⁰ project “Strengthening the institutional capacities of the State Labour Inspectorate to enforce the labour standards in the Republic of Moldova in line with the EU best practices”, the call for which was launched in 2024.

Similarly, the ESPAN experts for North Macedonia and Kosovo point to EU-funded projects whose objective is to strengthen the capacities of labour inspectorates. Thus, the Annual Action Plan in favour of North Macedonia for 2022 (related to Improved Health, Social Protection and Gender Equality and financed under the Instrument for Pre-accession Assistance [IPA III]), included assistance for upgrading the administrative capacities of the State Labour Inspectorate. In Kosovo, the EU funded the project “Support to Labour Inspectorate for Fighting Undeclared Work” with the overarching goal of boosting formal employment in the country.

The experts for Montenegro report that the Ministry of Labour and Social Welfare has continued intensive programming for IPA III in the employment and social inclusion sector. The revised Annual Action Plan for IPA 2024 for Montenegro and the revised draft of the Multiannual Operational Programme (2024-2027) were submitted to the Commission at the end of 2023.

⁸⁹ The ESPAN experts explain that “This entails assessing the scale and complexity of the issue, including factors such as the number of domestic workers, the types of employment arrangements prevalent within the sector, and the existing legal and regulatory frameworks governing domestic labour. As the initiative progresses, stakeholders anticipate leveraging the findings from the mapping exercise to inform the development and implementation of policies and programmes geared towards promoting the formalisation of domestic labour”.

⁹⁰ Twinning is an EU instrument for institutional cooperation between Public Administrations of EU Member States and of beneficiary or partner countries. Twinning projects bring together public sector expertise from EU Member States and beneficiary countries with the aim of achieving concrete mandatory operational results through peer-to-peer activities. For more information, see [here](#)

8.7.3 Public debate

The only public debates identified by ESPAN experts (AL, ME, MK, RS, XK) mainly concern the issue of undeclared domestic work (ME, RS, XK), as well as legal initiatives to reform social and/or labour protection (AL, MK, XK).

In Albania, the experts report considerable public discourse concerning the need to reform the social security system, but that there has not yet been an official announcement on the timing or scope of such a reform.

In North Macedonia, the ESPAN expert reports that recent public debates have focused on the new draft law on labour relations, with the main objections from the Macedonian Association against Discrimination and the Gender Platform concerning the proposed definition of worker. There is a risk that this proposed definition of “worker” could exclude those domestic workers who are not in formal employment but are actually performing work. There has also been public criticism of the proposed law on the employment of individuals to perform occasional and temporary work for certain activities via a simplified procedure, in particular the introduction of the possibility of paying workers in cash.

In Serbia, the ESPAN expert explains that the issue of undeclared domestic work was for the first time officially recognised in the Programme for the Suppression of the Grey Economy (2019-2020), after which it received significant coverage in the national media. Similarly, in Kosovo, the experts argue that the central political discourse concerns the issue of undeclared work, and an initiative to formalise the domestic work sector is being undertaken by the public authorities. In addition, ongoing policy debates on the new labour law are also crucial for the domestic work sector. In 2020-2021, policymakers actively discussed the introduction of home care for the elderly, but this has not led to any action or decision.

PART C:

Improving social protection and labour rights for domestic workers, including a better evidence base

9. Improving social protection and labour rights for domestic workers, including a better evidence base

This section draws on the proposals made by the ESPAN national experts for improving the social protection and labour rights of domestic workers, including a better evidence base (data and analysis) on the number of these workers, their socio-demographic characteristics, and their working and living conditions. Section 9.1 focuses on the 27 EU Member States and Section 9.2 on the 7 (potential) candidate countries.

9.1 EU Member States

This section is organised under seven main headings.

9.1.1 Improving enforcement of rules and professionalisation of the sector

Many domestic workers throughout the EU are adversely affected in terms of their social protection and labour rights. It is important to promote and enforce full compliance with those rights.

This includes mandatory written employment contracts that outline wages, working hours and conditions, in order to protect domestic workers, and in particular migrant domestic workers, from exploitation. The enforcement of minimum wage legislation for domestic workers (national legislations as well as Directive (EU) 2022/2041 on adequate minimum wages in the EU) is also key to ensuring fair and equitable pay, as well as ratification of ILO Convention C189 which, by October 2024, has been ratified by only nine EU Member States. The Convention sets out vital safeguards for making decent work a reality for domestic workers. Its ratification constitutes a political commitment to implement important legislative changes (when needed) to enhance the working and living conditions of domestic workers. Ratification, together with the adoption of a clear legal definition of domestic workers, where needed, will also help to raise awareness of the situation of domestic workers in the individual countries and will facilitate the required legislative changes.

A legal definition of domestic work may have an impact on social and labour protection coverage for certain domestic workers. Member States could usefully consider reviewing their legal definition(s) (or adopting one in the case of those who do not have one). In doing so, they should ensure that the definitions are broad enough, so as to include domestic workers in non-standard employment and in self-employment. Minimum thresholds should also be set, to make sure that domestic workers are properly covered. As mentioned by the ILO (2022), “some countries have extended coverage by revisiting the minimum thresholds contained in labour and social security law that resulted in excluding domestic workers from their *de facto* ambit, that is with reference to their working hours (for example, the requirement to work more than 20 hours per week), earnings thresholds (the requirement to earn at least the minimum wage) and the requirement to sum up hours of work performed for multiple employers.” (ILO, 2022, p. 53)

Public debates in many Member States underline the lack of professionalisation and training in the domestic work sector, which may result in poor quality of household-related services. It is important that countries consider implementing a robust professionalisation framework (if they do not already have one) which includes mandatory basic qualifications and comprehensive training programmes. This is particularly important regarding caregivers, to help achieve a consistent standard of care. Additionally, establishing a certification system to validate and recognise the skills of domestic workers will facilitate their access to higher-quality employment opportunities and encourage a more skilled workforce in the sector.

Improving compliance and facilitating inspections of private households are also key to improving the situation of domestic workers. It may be necessary to adapt legal and practical mechanisms to allow inspections at workplaces for domestic workers, or to find other effective ways to monitor the working conditions of domestic workers. These specific regulations must take into account not only the needs

of the workers, but also those of the household, particularly with regard to privacy. Labour inspectorates can also play an important role in raising awareness and promoting compliance through preventive measures (ILO, 2021a, 2021b, 2022).

9.1.2 Ensuring access to social and labour protection for all domestic workers

Almost all Member States provide formal access to all social benefits for most categories of domestic workers. Yet, formal access to some benefits may vary according to the workers' employment status. In addition, effective access for these workers needs to be improved, as they are much more likely to be employed on marginal non-standard contracts than other workers. The "PHS Employment Monitor" survey (Jarrow Insights, 2024) demonstrates that the working conditions of domestic workers across Europe are not sustainable: most surveyed employees (57%) said they will be unable to work in their job until retirement age, while 60% of those surveyed – 96% of whom were women – said they have considered leaving the sector in the past three years, two-thirds of them (68%) because of low pay (Jarrow Insights, 2024).

Ensuring that all domestic workers benefit from rights deriving from the labour law is an important first step towards ensuring better protection. This can be done either by extending the coverage of existing legislation to include domestic workers, where it is not the case, or by developing new or better legislation that addresses them specifically. Such legislation should take into account the specific nature of domestic work, including the fact that many domestic workers work for more than one household (ILO, 2021a, 2021b, 2022).

Reforming this sector, either through tailor-made reforms for domestic workers, or broader improvements enhancing their legal situation, should be an ongoing process, considering all the legal issues faced by domestic workers.

9.1.3 Combating undeclared work

Monitoring and sanctions are difficult to implement. It is not easy to send labour inspectors to the homes of private households; few or no checks take place and, therefore, households employing domestic workers do not feel they are at risk of being prosecuted. As a result, incentives for formal employment are a fitting alternative, which include the following:

- Simplifying administrative procedures for formalising employment arrangements, making it easier for both employers and domestic workers to comply with legal requirements.
- Introducing tax incentives and/or subsidies, using vouchers to encourage households to formalise employment relationships with domestic workers. This could reduce the financial burden on employing households and promote formal employment.

The voucher system can be a linchpin in fighting undeclared work, as it can have a positive effect on the formalisation of employment relationships. It could however be extended to more professions in some cases (as in Belgium, for example). Tax incentives can be attractive and possibly increase the declaring of work, but a relatively "low" maximum threshold for tax deduction may fail to incentivise some households to regularise their workers (e.g. AT, DE). The distributional impact of tax incentives needs to be carefully considered, to ensure that such measures do not unduly benefit higher-income households. Subsidising LTC can also be efficient, especially where the demand for domestic work revolves mostly around care work. However, subsidies must be sufficiently regulated to avoid undeclared work and envelope wages. Measures could include reforming the cash-for-care measures observed in several Member States.

9.1.4 Paying specific attention to migrants as a key element of ensuring decent working conditions for all domestic workers

The increasing number of migrant workers calls for more information on workers' rights and possibly also more efficient controls and checks to ensure that labour legislation and decent pay rules are complied with. In some Member States, particularly those with labour shortages, legal migration pathways for non-EU workers may be needed, combined with measures supporting the recognition of skills and qualifications of people providing care without a formal qualification.

There are significant labour shortages in domestic work services. Recent empirical evidence shows that the demand for domestic care workers will grow significantly in the coming years. The aforementioned "PHS Employment Monitor" survey points to an ongoing and serious crisis of labour shortages and turnover in a sector that accounts for an estimated 4% of total employment in the EU. Domestic workers themselves, employers, and service users or user-employers alike see the sector as undervalued, in terms of perception, pay, and public funding. As highlighted by ESPAN experts in some Member States (e.g. BE, ES, IT), labour shortages are being and can increasingly be filled by migrants.

Additional measures should be considered to avoid exploitation of migrants and guarantee their rights. It is important to ensure that third-country domestic workers who hold a single work permit be effectively allowed to change employer within six months (in Member States applying a minimum period during which the single permit holder is required to work for the first employer) in case of exploitation, as foreseen in Directive (EU) 2024/1233 on the Single Work Permit.

In addition to the issues of undeclared work and migrant work, there is a need to take into account the intersectionality of factors that can worsen the situation of domestic workers, who, in all the Member States, are mostly women (see Table A2 in Annex A). There is clearly a gender aspect to the problem (Lebrun, 2019), and more "gender solutions" should be developed.

Anti-discrimination laws to protect migrant domestic workers from racism, xenophobia, and other forms of discrimination should also be enforced.

9.1.5 Giving domestic workers a voice and raising awareness of their situation

Guaranteeing the voice and representation of domestic workers and employers of domestic workers in social dialogue is also essential to improving the situation of domestic workers. Collective agreements negotiated by the social partners in the domestic work sector can effectively enhance the legal protection for domestic workers, by addressing the specific needs of this sector. Where they exist, organisations of domestic workers and organisations of employers of domestic workers, whether households or service providers, should be included in social dialogue and other national, regional, sectoral and EU decision-making processes.

It is also important that Member States maintain an active public debate, which pays due attention to the various problematic issues displayed by domestic work.

Finally, given the importance of enforcement issues, it is vital to raise awareness about the rights of domestic workers among both workers and employers. This can be achieved through targeted awareness campaigns, educational initiatives as well as dissemination of information through mass media (ILO, 2021a). Training and counselling on rights, especially for migrant workers, are also recommended. Focal points could usefully be created, providing access to information and support for domestic workers so they can avoid exploitative practices by employers. The role of local authorities should be highlighted, in integrating domestic workers into the local communities where they work. Additionally, broad dissemination of national guidelines on domestic workers' rights should also be considered. This should include informing households of their obligations and helping domestic workers to access labour complaint mechanisms.

9.1.6 Improving the evidence base – more and better data and analysis

The evidence base (data and analysis) concerning the number of domestic workers, their socio-demographic characteristics and their working and living conditions needs to be improved. This requires *inter alia* an EU-agreed statistical definition of domestic work so as to allow for the production of consistent estimates of the phenomenon throughout the EU. This study has attempted a first step in this direction but has also highlighted the limitations of the data available at EU level to properly identify such workers. As explained in Section 1, two important criteria proposed by the ILO for defining and measuring the number of domestic workers are not currently available in the EU LFS: the category “domestic worker” is not listed in the variable on self-declared employment status and the place of work (other’s home [employer’s or client’s home]) is not collected. This has been an important limitation in the statistical definition of domestic workers used in this study. Another limitation was the fact that the nomenclature of economic activities currently available in the EU-LFS is still the NACE Rev 2. The forthcoming implementation of NACE Rev 2.1 will make it possible to fine-tune the definition of domestic workers and, thereby, to count their number more accurately and improve our knowledge of their socio-demographic characteristics and their working and living conditions.

A coordinated and systematic approach to collecting data on undeclared work in the sector (as well as in other sectors) would also be useful.

9.1.7 Maintaining EU funding and technical support, implementing EU initiatives and promoting the exchange of good practices between Member States

The support provided by the EU for enhancing the social protection and labour protection of domestic workers, by means of different mechanisms, such as ESF+, the RRF and the TSI, has proven to be beneficial and, as such, should be continued.

The implementation of major EU initiatives, such as the Council Recommendation 2019/C 387/01 on “access to social protection for workers and the self-employed” and the Directive (EU) 2022/2041 on “adequate minimum wages in the European Union”, and of the EU labour law *acquis* would help to address challenges in the sector of domestic work.

Exchange of good practices on a number of issues highlighted in the present study would also be beneficial. A first example of such an exchange would be directly linked to improving the evidence base. This would include refining the statistical definition of domestic workers, to be implemented on the basis of the European Labour Force Survey, as well as collecting statistics on undeclared work in general, and undeclared domestic work in particular. Secondly, it would be useful to have exchanges of good practices on ways to ensure decent work for domestic workers, drawing on some of the issues mentioned in this report, such as: monitoring and enforcement; legal protection and contracts; wages, working hours and working conditions; protection for migrant workers; education and awareness raising among employers and workers.

9.2 (Potential) candidate countries⁹¹

This section builds on the proposals for improving social protection and labour rights for domestic workers in the EU put forward in Section 9.1, and offers suggestions tailored (more) specifically to the context of the seven (potential) candidate countries covered in the study. Drawing on insights from ESPAN national experts in these countries, it highlights key areas such as addressing the specific needs in LTC, reducing the social insurance contribution base, improving training and certification, and enhancing cross-sector collaboration and monitoring.

⁹¹ The authors would like to thank Amir Haxhikadrija for his very useful input regarding this Section 9.2.

To start with, and most importantly, the analysis carried out by the ESPAN national experts in the seven non-EU countries under scrutiny largely supports the seven key proposals for improvements identified in Section 9.1. It highlights the importance, for these countries also, of:

- improving enforcement of rules and professionalisation of the sector;
- ensuring access to social and labour protection for all domestic workers;
- combatting undeclared work;
- paying specific attention to migrants as a key element of ensuring decent working conditions for all domestic workers;
- giving domestic workers a voice and raising awareness of their situation;
- improving the evidence base – more and better data and analysis on the number of domestic workers, their socio-demographic characteristics, and their working and living conditions; and
- maintaining EU funding and technical support, and promoting the exchange of good practices (among [potential] candidate countries as well as between these countries and EU Member States).

In addition, ESPAN experts in several (potential) candidate countries advocate improved cross-sector collaboration and monitoring; this applies (more) specifically to the context of these countries and goes beyond the seven proposals outlined by ESPAN experts in the EU Member States. More detail is given on this aspect at the end of the section.

The seven proposals for improvements applicable to the EU Member States were explored in detail in Section 9.1, and apply broadly also to the seven non-EU countries covered. While these proposals would be beneficial to all the (potential) candidate countries examined here, the latter are lagging somewhat behind the EU Member States in social policy development and sector experience. They should therefore consider focusing initially on incremental actions, learning from the experience of EU Member States and taking preliminary steps to build a strong foundation for effectively achieving these goals. One specific approach suggested by several ESPAN experts would be to develop tailored laws or sub-laws specifically targeting domestic work and/or undeclared work. These specialised regulations would align with existing legislation, but could bypass lengthy approval processes, thereby enabling quicker implementation.

Introduction of a reduced base for social insurance contributions and/or reduced income tax specifically for domestic workers could be a strategic step towards enhancing the social protection of these workers and promoting declared employment in the sector. This could be combined with tax incentives and/or deductions for households that employ domestic workers. Such a reduction of the fiscal burden related to domestic work would make declared employment more attractive for both employers and workers, and would help to create a fairer system reflecting more accurately the working hours and income levels in the sector.

Another suggestion made by some ESPAN experts is to introduce a mini-job scheme specifically for domestic workers, to create a more structured framework for formalising/regulating the sector. This scheme could set clear guidelines on maximum working hours and minimum standards for social protection, ensuring that domestic workers are not overworked and receive essential benefits such as health insurance, pensions and paid leave. Additionally, a voucher system could also be included, to help streamline transactions, formalise employment, and provide both workers and employers with clearer protection and benefits.

Home care services within the LTC sector could be prioritised by implementing gradual reforms, which could act as a basis for broader improvements across the entire domestic work sector in (potential) candidate countries. By addressing the specific needs of home care services within LTC, these reforms could create a scalable model that would enhance working conditions, formalise employment, and

strengthen social protection for all domestic workers. The first step could involve formal recognition of care workers in the legislation, enabling them to be directly employed by households or specialised legal entities. New LTC allowances with varying levels of benefit depending on the degree of care required, similar to existing models in some EU Member States (e.g. AT), could strengthen the underdeveloped LTC sector and help formalise domestic caregiving roles. Reforms should focus on strengthening social and labour protection, as well as on improving the training and certification of care workers (see below for more details). In addition, governments could provide financial support to households, enabling them to modify their homes to create suitable work environments for care workers. The support could be provided through subsidies, grants, or tax deductions to cover expenses related to improving working conditions, such as meeting health and safety standards, creating dedicated workspaces, or making necessary modifications for caregiving tasks. This would help ensure a safer and more structured environment for both workers and employers.

At the same time, the LTC systems in (potential) candidate countries should be strengthened and expanded to provide a wider range of care services. This expansion would not only improve access to diverse forms of care but also enhance the quality of services for those in need. The training and certification programmes mentioned earlier should be extended to include workers in both home care and residential settings, helping to professionalise the workforce and ensure consistent standards of care across different LTC services.

National statistical offices in (potential) candidate countries should make the required targeted adjustments to existing systems and processes, to enhance the data related to domestic workers (numbers, socio-demographic characteristics, working and living conditions). These adjustments are essential to support evidence-based policymaking.

To formalise and protect the sector, it is important to enhance the capacities of both domestic workers and labour inspectors. A comprehensive sector assessment would identify skills gaps and inform targeted interventions. Targeted training programmes could then be provided to domestic workers. These programmes should also offer certification opportunities, to improve service quality and professional recognition. In addition, inclusion of domestic workers in active labour market programmes could provide them with additional support (such as job placement services, vocational training, and entrepreneurship assistance), facilitating their transition from informal to formal employment. Labour inspectors also need specialised training in legislation and soft skills, so that they can enforce labour standards effectively. Soft skills include communication, conflict resolution and cultural sensitivity, crucial for dealing with private households.

Enhancing cross-sector collaboration among key actors in the sector, and monitoring

The domestic work sector in several (potential) candidate countries faces frequent challenges due to poor coordination and limited data exchange among key stakeholders, hindering efforts to regulate the sector. Addressing this requires an integrated approach that promotes collaboration between government agencies, labour inspectorates, social security institutions, and service providers. Such a strategy would help to enhance communication and data-sharing mechanisms, leading to more effective regulation, improved social protection, and better support for domestic workers.

Integrating the databases of the labour, social protection, and tax administrations would give policymakers a comprehensive understanding of domestic workers' employment status, social welfare needs, and tax contributions. This approach would bridge sectoral gaps, ensuring that domestic workers are properly registered, taxed, and included in social protection systems. It would also make it easier to detect undeclared work, leading to more effective enforcement of labour laws and reducing informality in the domestic work sector. By systematically collecting and analysing these data, authorities could enhance safety standards, address high-risk areas for work-related incidents affecting domestic workers (including injuries, illnesses and fatalities), and implement more effective prevention strategies.

Finally, enhanced data-sharing between agencies would enable the development of evidence-based policies that address more effectively the needs of domestic workers. Policymakers could better assess employment trends, monitor compliance with social insurance contributions, and evaluate the adequacy of existing social protection. This would feed into the design of targeted interventions to formalise domestic work and improve working conditions and rights in the sector.

Annex A: Statistical annex

Table A1: Estimated number of domestic workers (in thousands), share in the total number of workers (%) and distribution by care/non-care sectors (%) (2023, EU-27 Member States, Bosnia and Herzegovina, and Serbia)

	Number of domestic workers (in thousands)	Share of all people at work (in %)	Sector	
			Care	Non-care
EU-27	4080.8	2.1%	46%	54%
Austria	40.5	0.90%	51%	49%
Belgium	174.7	3.50%	16%	84%
Bulgaria	36	1.30%	70%	30%
Croatia	9.5	0.60%	87%	13%
Cyprus	19.6	4.40%	4%	96%
Czechia	56.9	1.20%	88%	12%
Denmark*	101.1	3.60%	96%	4%
Estonia	1.7	0.30%	81%	:
Finland	41.1	1.60%	92%	8%
France	671.5	2.40%	38%	62%
Germany	560.5	1.40%	44%	56%
Greece	95.1	2.40%	6%	94%
Hungary	20.3	0.40%	62%	38%
Ireland	40.1	1.60%	:	100%
Italy	733.4	3.20%	47%	53%
Latvia	11.8	1.40%	64%	36%
Lithuania	4.6	0.30%	44%	56%
Luxembourg	4.3	1.40%	20%	80%
Malta	4.4	1.50%	61%	39%
Netherlands	153	1.70%	56%	44%
Poland	118.5	0.70%	59%	41%
Portugal	165.9	3.50%	46%	54%
Romania	67.2	0.90%	59%	41%
Slovakia	38	1.50%	95%	:
Slovenia	8	0.80%	73%	27%
Spain	739.8	3.60%	37%	63%
Sweden**	151.4	3.00%	100%	:
Candidate countries				
Bosnia and Herzegovina	8.78	0.8%	39%	61%
Serbia	17.362	0.7%	37%	63%

Note: The numbers in **italics** have a low statistical reliability and should therefore be interpreted cautiously. * In DK, almost half of the domestic workers are in the NACE 87.1 sector, primarily in nursing homes; and around 40% are in the NACE 88.1 sector, primarily in home-help services (see Section 1). ** In SE, a large proportion of the domestic workers covered by the RUT tax-deduction system are not included in the LFS estimates of the population of domestic workers (see Section 1).

Source: Eurostat, EU LFS, 2023, DG EMPL calculations.

**Table A2: Estimated distribution of domestic workers by socio-demographic characteristics
(gender, age, educational level and country of birth), %
(2023, EU-27 Member States, Bosnia and Herzegovina, and Serbia)**

	Gender		Age			Educational level			Country of birth		
	Women	Men	15-34	35-49	50+	Low	Medium	High	Natives	other EU	Non EU
EU-27	88%	12%	19%	35%	46%	39%	50%	11%	59%	10%	31%
Austria	89%	11%	20%	32%	48%	27%	58%	16%	60%	21%	19%
Belgium	94%	6%	22%	41%	37%	38%	51%	11%	50%	22%	27%
Bulgaria	82%	18%	11%	37%	52%	25%	67%	:	100%	:	:
Croatia	96%	:	:	39%	54%	19%	79%	:	79%	:	:
Cyprus	96%	4%	52%	31%	17%	38%	47%	14%	4%	4%	93%
Czechia	84%	16%	17%	38%	44%	15%	77%	8%	94%	3%	3%
Denmark	88%	12%	30%	29%	42%	15%	75%	10%	83%	3%	14%
Estonia	87%	:	:	:	:	:	:	:	91%	:	:
Finland	85%	15%	32%	31%	37%	16%	74%	10%	88%	:	8%
France	92%	8%	20%	32%	48%	35%	53%	12%	76%	8%	16%
Germany	89%	11%	22%	30%	48%	33%	59%	9%	67%	14%	19%
Greece	84%	16%	10%	47%	43%	32%	58%	10%	66%	3%	31%
Hungary	87%	:	17%	44%	39%	26%	71%	:	99%	:	:
Ireland	79%	21%	28%	36%	35%	31%	50%	18%	49%	24%	28%
Italy	87%	13%	11%	37%	52%	46%	45%	8%	33%	18%	49%
Latvia	90%	:	:	33%	58%	:	63%	19%	86%	:	:
Lithuania	84%	:	:	30%	64%	:	75%	:	96%	:	:
Luxembourg	92%	:	23%	40%	37%	75%	23%	:	17%	57%	26%
Malta	78%	22%	30%	53%	16%	31%	34%	35%	:	:	86%
Netherlands	90%	10%	24%	28%	48%	34%	58%	8%	79%	5%	17%

	Gender		Age			Educational level			Country of birth		
	Women	Men	15-34	35-49	50+	Low	Medium	High	Natives	other EU	Non EU
Poland	67%	33%	16%	45%	38%	15%	65%	20%	97%	:	:
Portugal	100%	:	13%	35%	52%	67%	28%	5%	78%	:	22%
Romania	83%	17%	17%	43%	39%	30%	66%	:	100%	:	:
<i>Slovakia</i>	83%	17%	:	35%	57%	:	87%	:	100%	:	:
Slovenia	82%	18%	25%	37%	38%	17%	63%	20%	87%	:	:
Spain	90%	10%	16%	40%	44%	54%	29%	17%	38%	7%	55%
Sweden	71%	29%	43%	25%	32%	22%	60%	18%	56%	5%	40%
Candidate countries											
Bosnia and Herzegovina	75%	25%	26%	39%	35%	33%	66%	:	96%	:	:
Serbia	84%	16%	6%	30%	64%	31%	62%	8%	89%	:	:

Note: The numbers in **italics** have a low statistical reliability and should therefore be interpreted cautiously.

Source: Eurostat, EU LFS, 2023, DG EMPL calculations.

Table A3: Estimated distribution of domestic workers by main job's characteristics (number of hours per week usually worked, employment status, and degree of permanency), % (2023, EU-27 Member States, Bosnia and Herzegovina, and Serbia)

	Weekly hours			Employment status		Permanency	
	Less than 30	30 to 40	More than 40	Employees	Self-employed	Temporary contract	Permanent contract
EU-27	47%	45%	8%	94%	6%	18%	82%
Austria	59%	35%	:	80%	20%	:	93%
Belgium	50%	49%	1%	98%	2%	5%	95%
Bulgaria	:	90%	:	98%	:	30%	70%
Croatia	19%	81%	:	95%	:	64%	36%
Cyprus	7%	:	93%	89%	11%	89%	11%
Czechia	4%	72%	24%	39%	61%	19%	81%
Denmark	29%	68%	3%	100%	:	21%	79%
Estonia	:	:	:	86%	:	:	91%
Finland	46%	54%	:	95%	5%	14%	86%
France	62%	35%	3%	96%	4%	20%	80%
Germany	53%	44%	3%	98%	2%	12%	88%
Greece	25%	65%	10%	86%	14%	30%	70%
Hungary	:	100%	:	86%	14%	15%	85%
Ireland	65%	35%	:	100%	:	:	100%
Italy	53%	33%	15%	97%	3%	:	90%
Latvia	:	82%	:	93%	:	:	97%
Lithuania	:	100%	:	83%	:	:	99%
Luxembourg	100%	:	:	85%	15%	:	96%
Malta	:	100%	:	83%	17%	30%	70%
Netherlands	82%	16%	2%	89%	11%	23%	77%
Poland	:	51%	42%	66%	34%	33%	67%
Portugal	33%	64%	3%	100%	:	20%	80%
Romania	:	86%	:	72%	28%	15%	85%
Slovakia	:	61%	32%	72%	28%	:	93%
Slovenia	:	100%	:	96%	:	16%	84%
Spain	46%	47%	7%	98%	2%	23%	77%
Sweden*	22%	73%	6%	100%	:	28%	72%
Candidate countries							
Bosnia and Herzegovina	:	71%	29%	79%	21%	27%	73%
Serbia	34%	66%	:	74%	26%	63%	37%

Note: The numbers in **italics** have a low statistical reliability and should therefore be interpreted cautiously. * As noted above, the figures for Sweden exclude domestic workers in the RUT system, which includes self-employed workers.

Source: Eurostat, EU LFS, 2023, DG EMPL calculations.

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Annex C: Presentation of the ESPAN network management team and the 39 ESPAN country teams (June 2024)

ESPAN Network Management Team

The European Social Policy Analysis Network (ESPAN) is managed jointly by the Luxembourg Institute of Socio-Economic Research (LISER), the independent research company APPLICA and the European Social Observatory (OSE).

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