



Brussels, 13 July 2012

## European Women's Lobby (EWL) Contribution to the European Commission Public Consultation on 'Exploiting the employment potential of the personal and household services'

Organisation: European Women's Lobby (EWL)

EWL's identification number on the *Register of interest representatives* is **85686156700-13**

The European Women's Lobby (EWL) is the largest non-governmental umbrella organisation of women's associations in the European Union. The EWL strives to promote women's rights and equality between women and men. EWL membership extends to organisations in all 27 European Union member states and three candidate countries, representing a total of more than 2000 organisations.

### 1. General Comments

#### Personal and Household Services (PHS) from a Gender Equality perspective

The European Women's Lobby (EWL) welcomes the European Commission's proposal to address the issue of personal and household services, a sector where employment is predominantly female. However, the EWL is deeply concerned that the way in which the issue is framed relates merely to cost effectiveness and the reduction of undeclared work. It should be noted that undeclared work can also be found in other sectors of the economy, including in male dominated sectors and therefore consistent measures to reduce undeclared work need to be put in place across all economic sectors.

While personal and household services cover a broad range of activities, they all relate to meeting **essential needs within the private sphere, where women are highly represented carrying out essential tasks that are generally undervalued**. The Commission's Staff working document names a number of activities that fall within this sector, placing remedial classes, gardening, ICT support and care activities on the same level as part of housework services. The EWL points out that these do not all carry an equal weight due to the fact that they require different skills. The most crucial activity outlined is that of **care** which cannot be cited in the same way as the other activities outlined in the Commission's Staff working document because of its vital role in sustaining societies and economies. Therefore, there is a need to **value the central importance of care** in all our lives and recognise that women's greater engagement in caring responsibilities impacts on their participation in all areas of life.

On the one hand, it should be recognised that **care policies** and the provision of **care services** are pillars to the **equal economic independence of women** and are intrinsically related to the achievement of **equality between women and men**. Women experience inequalities in all areas of life, including in employment as a direct result of **insufficient collective care responsibility and infrastructures** and of **inequalities between women and men in the sharing of unpaid household and domestic tasks due to entrenched gender stereotypes, expectations and roles**.

Therefore, there is an urgent need to **include a real gender equality perspective in addressing the issue of personal and household services**. In the absence of gender equality objectives, coupled with austerity measures that reduce public spending in care related policies and infrastructures, there is a real danger that these collective



needs are being shifted back to families, i.e. women, and/or external private actors, i.e. women, in particular migrant women often in unsecure employment situations.

In order to have a greater impact on gender equality in terms of an equal sharing of care work within the household, **reconciliation policies** that promote shared responsibility of care and household tasks between women and men **have to be fostered**. There is a need to ensure **fully paid maternity, paternity, parental and carers' leave for both women and men**.

On the other hand, the EWL is particularly concerned by the **externalization of care services to individuals, often overqualified migrant women** who are being channelled into a sector, which is one of the few possibilities for migrants to work and where their rights as workers are very often not guaranteed or respected. This sector often employs skilled labour for unequal and cheap wages. Indeed, many of the migrant women workers channelled into this sector are overqualified. Their “deskilling” or “brain waste” is cause for serious concern, not only for the individual migrant woman herself but also for the society in which they work. Furthermore, the lack of recognition of the contribution of migrants in this sector (most of them women) has led to very unequal labour position of migrants in the labour market. Such practices also generate inequalities among women and reinforce entrenched inequalities between women and men with regards to both paid and unpaid work.

The EWL also questions that if indeed personal and household services are to be considered as a possible answer to achieve a better work-life balance, as indicated in the Commission's Staff working document, how can a work-life balance be achieved and secured for the women employed in personal and household services? i.e. migrant women?

In addition many of the workers in the personal and household services sector are **working part-time**. This reality should be carefully assessed as many women working in this sector would wish to have a full-time job with good working conditions, which is far from being the reality.

Personal and household services also need to be placed within in a broader framework as migrant women as well as women from EU Member States can also be **trafficked into the domestic sector**, leaving them open to and at risk of sexual exploitation without the possibility to seek protection. These issues must also be addressed to ensure that the “*important job creation potential*” of personal and household services is not being developed in a framework in which women's human rights are violated.

Finally, regarding the specific tools proposed in the Commission Staff working document, EWL is concerned about the **adequacy of the services voucher 'tool'** in terms of gender (in)equality, efficiency, the quality of care services, the quality of work and working conditions. Gender inequalities in the home are linked to inequalities in the labour-market, characterised by gender segregated sectors of the economy, persistent gender gaps in pay and pension, employment patterns, working conditions, horizontal and vertical segregation.

**Delegating tasks that are associated with gender roles through privatisation instead of promoting a collective responsibility and equal sharing of care between women and men has repercussions for society as a whole as inequalities between women and men and among women become more entrenched and institutionalized.**

It should be noted that the rate of service vouchers, even when subsidised by the State is well beyond the cost of subsidised collective care services and remain inaccessible to many people as they do not guarantee equal access to quality services for all. Where service vouchers are subsidised by the State, tax deduction incentives support those who can afford to ‘purchase’ the service vouchers. Low-income earners, primarily women in low taxation bands, cannot benefit in the same way as higher earners and this calls into question the role service vouchers play in generating inequalities among high and low income earners, among women (as workers and employers) and among women and men.



## General European Women's Lobby Recommendations:

1. Develop a **comprehensive strategy regarding care and work-life balance policies** including the provision of affordable care and job creation in care, as outlined in Employment Guideline no.7<sup>1</sup> as part of the Europe 2020 Strategy.
2. **Ensure universal access to quality and affordable care services** in accordance with (art. 34, 35 and 36 of the Charter of Fundamental Rights of the EU; art. 14 TFEU; protocol 26 on Services of General Interest).
3. In order to have a greater impact on equality between women and men in terms of the balance in care provision within the household, **reconciliation policies** that promote an equal sharing of care and household tasks between women and men **have to be fostered**. There is a need to ensure **fully paid maternity, paternity, parental, carers' leave for both women and men** to avoid economic sanctions later in life and to enable men to take their share of care and household work.
4. **Measures that target men** and that remove barriers that prevent men taking up care leave are needed. These include a European target related to men's share of parental leave and measures to sensitise employers on the importance of care related leave for both women and men.
5. In order to ensure better working conditions and the quality of the services, **personal and household services should be developed with public support in a regulated manner**. They should not be left to private arrangements which do not allow for any real control over the quality of the services and over working conditions. Strict control by public authority inspectorates is necessary to ensure that the rights and conditions of both the workers and the persons being cared for (in the care work sector) are fully respected.
6. Ensure that **social and health and safety legislation and measures<sup>2</sup> are extended to personal and household services** to protect health and prevent diseases; protect pregnant workers<sup>3</sup> and workers in the cleaning sector who are exposed to dangerous and hazardous cleaning products and chemicals. Regulation should also protection against discrimination, harassment and sexual harassment, better pay by setting minimum wage levels, standards to guarantee social security and pension rights, access to proper training and working conditions equal with public employment sector workers.
7. **Private employment agencies** play an important role in the supply and demand of personal and household services. These must also be regulated to ensure strict compliance with labour laws, working conditions, pay and health and safety.
8. To **avoid deskilling of migrant women** who are channelled into domestic, personal and household services, provide pathways to a job that fits their qualification by taking measures such as mechanisms to recognise qualifications obtained outside the EU, adopting anti-discrimination measures (including

<sup>1</sup> Guideline 7: *Increasing labour market participation and reducing structural unemployment (...)* work-life balance policies with the provision of affordable care and innovation in work organisation should be geared to raising employment rates, particularly among youth, older workers and women, in particular to retain highly skilled women in scientific and technical fields. Member States should also remove barriers to labour market entry for newcomers, support self-employment and job creation in areas including green employment and care and promote social innovation.

<sup>2</sup> COUNCIL DIRECTIVE of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (89/391/EEC), Article 2 (Scope) *This Directive shall apply to all sectors of activity, both public and private (...)*.

<sup>3</sup> The Position of the European Parliament adopted at first reading on 20 October 2010 amending the (maternity) Council Directive 92/85/EEC includes in the definition "pregnant worker" means a pregnant worker employed under any type of contract, including in domestic work, who informs her employer of her condition, in accordance with national legislation and/or national practice.



multiple discrimination) and providing transition courses for women to facilitate their access to the labour market<sup>4</sup>.

9. Take measures to **eliminate trafficking in relation to personal and household services** and address the violation of women's human rights in the framework of anti-trafficking policies, strategies and actions plans.

## 2. Consultation Questions

1. **What are your views on ways to improve measurement and monitoring of the employment levels in personal and household services, taking into account the impact of the on-going crisis, loss of purchasing power, labour market exclusion issues and the potentially positive effect on the creation or growth of SMEs?**

In order to measure and monitor employment levels in personal and household services, it is crucial to carry out gender impact assessments of austerity measures to ascertain the extent to which private and household services are replacing collective provision of infrastructures particularly with regards to care services. Subsequently, the impact of these trends should be monitored to determine the impact on equality between women. The EWL recommends that such gender impact assessments and subsequent measures to address gender inequalities therein are integrated into the processes of the EU 2020 Strategy: Annual Growth Survey, European Semester, Fiscal Treaty implementation, Memorandum Policy implementation in 'crisis' countries (e.g. Greece, Ireland, Portugal, Spain), National Reform Programmes, National Stability and Convergence Programmes and country-specific recommendations.

Monitoring employment levels and working conditions can be difficult in private households owing to privacy laws which prevent employment inspectors from accessing private households. Therefore, further regulation is necessary for measuring and monitoring.

The EWL stresses the need to improve measurement and monitoring not only of employment levels but more importantly of working conditions under which employees (mostly women) are working. In order to improve, monitor and guarantee the rights of workers in this sector, the EWL recommends that the EU Member States and the European Union ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families<sup>5</sup> and, the 2011 ILO Convention 189, which will create the basis to have common guidelines on labour migration and a basis for an infrastructure in the care work sector and this would also give a more standardised basis for monitoring the working conditions and improve the quality of care work.

2. **What are the views on the utility of developing sharing of experiences, especially concerning the tools used or planned to support the personal and household services with a specific attention to the cost effectiveness and to the reduction of undeclared work?)**

In personal household and care services, cost effectiveness should not be the primary aim. The overall objective must seek to address violations of labour law, improve the quality of work in the sector and address (gender)

<sup>4</sup> See: EWL-ENoMW Report "Equal Rights. Equal Voices" Migrant Women's Integration in the Labour Market in Six European Cities: a Comparative Approach", 2012.

<sup>5</sup> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by General Assembly resolution 45/158 of 18 December 1990.



inequalities as well as inequalities among women by safeguarding women's human rights and improving the living and working conditions of domestic workers.

Developing and sharing experiences on personal and household services provide an opportunity to address gender stereotypes by calling into question and moving beyond assumed gender roles and expectations associated with women and men. It is essential to analyse the role that service vouchers and other tools play in maintaining, even reinforcing, gender inequalities in the home. This goes against and is contrary to the EU obligations with regards to equality between women and men.

Regarding the tools proposed in the Commission Staff working document, EWL is concerned about the adequacy of the services voucher 'tool' in terms of gender (in)equality, efficiency, the quality of care services, the quality of work and working conditions.

Sharing of experiences and mutual learning among Member States and through partnerships with NGOs can be carried out through the social Open Method of Coordination<sup>6</sup> and through European projects. It is crucial that the next multi-annual financial framework provides sufficient funds to develop quality in care policies, services and supports, exchange of good practices and research in areas where there are gaps.

Strengthening women's negotiation positions is also crucial to enable women in personal and household services to break the isolation of their situation, build collective mechanisms of solidarity, including forming and joining trade unions, access information on their rights and access to training.

### **3. What are your views on ways of ensuring quality services and jobs (skills, needs, working conditions), including possibly through development quality standards?**

5

The EWL is particularly concerned by the poor employment conditions in the sector of personal and household services in most EU Member States, whether under services vouchers systems<sup>7</sup>, in the informal labour market or under a direct employment contract with private employers. The formalisation of personal and household services work that went through a privatisation of this sector has not led to an improvement of working conditions: it is imperative that when measures are being taken by the State to formalise such a sector, quality employment and professional level of high quality services should be guaranteed and measured, including:

- Labour legislation should be changed to ensure that workers in this sector have the same rights as all workers (the personal and household status often dates back to the 19th or early 20th century);
- Health and safety legislation must be applied to protect from exposure to hazardous chemical cleaning and other products. Health and safety includes protection of the rights of pregnant and breastfeeding women workers, as well as guaranteeing maternity leave provisions.
- Barriers to become members of a trade union should be removed;
- Full-time employment should be guaranteed if workers wish to work full-time and long term contracts should be ensured. Access to training and life-long learning must be available.

<sup>6</sup> The EPSCO Council has recently invited member states and the Commission to collect, analyse and exchange information on new efficient and effective methods to deliver social services, within the OMC (EPSCO Council Conclusions of June 21, 2012).

<sup>7</sup> In the case of Belgium, the status of the workers under the services vouchers system does not actually respect the main labour rights defining what a quality job is. A clear example is the fact that this system is mostly creating jobs for a limited period of time and most of all part-time (in 2005, 10.9% were working under 10 hours a week and only 9% full-time) with low wages and partial social coverage while the labour law defines quality jobs as jobs with an undetermined contract and that can not be under the threshold of 1/3 part-time or three hours per day. See on the Belgian system the analysis of Vie Féminine: "Les Titres Services: un signe de "backlash" piègeant les femmes dans une domesticité de services?", 2008.



- Minimum wages, statutory leave and social security should be ensured for all workers in personal and household service sector, guaranteeing that migrant workers are not discriminated.
- Guarantee the portability of rights and benefits when moving to another country or to the country of origin, including maternity and pension rights.
- Public registers of accredited care workers should be established.

#### **4. What are your other ways to ensure greater professionalization of personal and household services jobs?**

- Establish an EU framework for the formal recognition of different skills acquired in informal settings (either unpaid and/or underpaid) to facilitate the transfer of these skills to quality employment opportunities.
- Establish an EU framework for the recognition of qualifications obtained in third countries to avoid migrant women being considered as a 'reserve' for personal and household services in the absence of public policy intervention to meet collective needs.
- Ensure gender equality is inherent in personal and household services to avoid the institutionalisation of entrenched gender roles.
- Personal and household services must be regulated and in compliance with labour laws and international conventions that safeguard the rights of workers and provide a basis to monitor quality work.
- The privatisation of personal and household services is disconnected from and weakens social cohesion as the emphasis is on the individual 'consumer' and 'provider'. Collective mechanisms of solidarity need to be strengthened and the role of the social economy should be developed in this area.

#### **Enclosures:**

[EWL, Manifesto on Women's Socio Economic Rights and Gender Equality from a life-cycle perspective\(2012\)](#)