



International
Labour
Office

**PROMOTING THE
INTEGRATION OF**

**MIGRANT
DOMESTIC**

WORKERS

IN EUROPE

MODULE III
European Union
Framework on Labour
Migration

ITC 
International Training Centre



TABLE OF CONTENTS

Module III – European Union Framework on Labour Migration



OBJECTIVES 3

Module III – European Union Framework on Labour Migration



KEY MESSAGES 5

Module III – European Union Framework on Labour Migration



OVERVIEW OF THE ISSUE 7

Module III – European Union Framework on Labour Migration



LEARNING BY DOING 15

Module III – European Union Framework on Labour Migration



FACT SHEET 17

Module III – European Union Framework on Labour Migration



GOOD PRACTICES 19

Module III – European Union Framework on Labour Migration



TEST YOUR KNOWLEDGE 21

Module IV – European Union Framework on Labour Migration – OBJECTIVES



To expand knowledge on the European Union (EU) policy and legal framework on labour migration

To be able to look at the current EU legal framework on labour migration with respect to the EU construction and integration

To become familiar with employment and labour migration patterns and trends in domestic work in Europe

To be introduced to the applicable migration regimes relevant to domestic workers, in the European context

To be able to assess legislative and policy migration issues and their impact on domestic work and migrant workers, from a gender perspective





The European Union legal landscape regarding labour/economic migration has significantly changed in the last decade. Those changes have come about through further steps in the EU process of integration, with migration becoming of EU competency.



Module III – European Union Framework on Labour Migration – OVERVIEW OF THE ISSUE



OVERVIEW OF
THE ISSUE

The EU policy framework on Migration has considerably evolved over the past years reflecting the changing European institutional framework. EU member states' migration policies have also undergone important changes in the last decade which have had a significant impact on third country nationals coming to work in the EU.

The policy development also reflects a wider acknowledgment by EU official documents and by European policy makers of migrant workers to the social cohesion and economic wellbeing of European receiving countries, in particular for providing services in the care and domestic sector. Yet, in spite of the growing evidence on the increasing demand for foreign labour in the domestic and care sectors, a large portion of female migrants domestic workers work in the informal sector or are undocumented.

Only few European countries currently foresee the possibility to issue work permits for the purpose of domestic work and rather prefer to concentrate on attracting highly skilled workers. This relates to the unwillingness of member states to handle the issue of labour migration at the European level. It has led to the production of scattered and fragmented legal frameworks unable to embrace all the issues related to labour migration. The current EU legal framework seems unable to cope with the employment needs of a territory with a shrinking and ageing population and to tackle labour exploitation and other abuses affecting migrant workers.

The EU evolution and its impact on a legal framework for labour migration



The treaty of Amsterdam, which entered into force in 1999, has introduced an important shift in the approach to migration by proposing a new “interpretation” of the issue: the entry, stay and removal of foreigners, third country nationals, has become the competence of the EU institutions and was no longer just a national competence.

The Tampere Summit’s conclusions in 1999 referred to a “fair treatment of third country nationals” by granting comparable but not equal rights to migrants on the one hand, and to the “management of migration flows” on the other.

In July 2001, the European Commission put forward a proposal for a Directive on the conditions of admission and stay of third country workers. The negotiations did not lead to the adoption of legislation because of a lack of consensus among Member States. This Commission proposal for a Directive on labour migration from third countries advocated a horizontal approach that has never been adopted since then. In 2005, following this failure to reach an agreement, the Commission issued a **Green Paper** on an EU approach to managing economic migration from third countries. It was a consultation exercise offering different options on how to handle economic migration. It recommended the following approach to the management of economic migration: “the EU must [...] take into account of the fact that the main world regions are already competing to attract migrants to meet the needs of their economies. This highlights the importance of ensuring that an EU economic migration policy delivers a secure legal status and a guaranteed set of rights to assist the integration of those who are admitted.”

Shortly after, in December 2005, an **Action Plan on legal migration**, opting for a sectorial, approach was adopted. Unlike the proposal that was not adopted in 2001, the Commission in this Policy Plan only addresses the conditions and the procedures of admission for a few selected categories of economic immigrants. In addition, it intends to establish which rights a third-country national in employment shall enjoy once he/she has been admitted to the territory of a Member State.

The European Pact, 2008 includes no modification of the EU fundamental texts but entails a political commitment of EU countries in the field of migration. It explicitly links migration to development.

The Lisbon Treaty, which entered into force in December 2009, has brought two meaningful institutional modifications that tend to make migration issues a more integrated issue and thus have the ambition to promote a more harmonized approach to migration management. The first modification concerns the decision-making process: form unanimity, legal migration now comes under the co-decision procedure. Hence, individual Member States have lost power of veto, which should facilitate the adoption of common rules. It is also noteworthy that the European Parliament has become a co-legislator: this is a critical role that could greatly influence the redistribution of power and as present a new landscape for a legal migration framework.

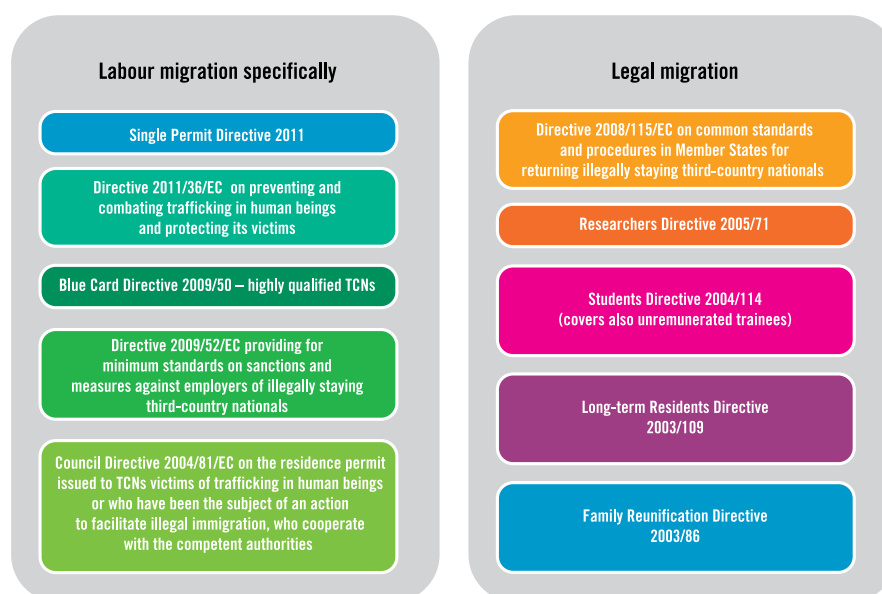
Secondly the treaty awards a central place to human rights. The treaty gives, on the one hand, legal force to the Charter of Fundamental Rights of the European Union and opens the way to the ratification by the European Union of the European Convention of Human Rights and thus, accession to the European Court of Human Rights.

The Stockholm Programme (December 2009) supports the continuation of implementation of the Action Plan. However it is less ambitious in terms of developing EU-wide law and policy on labour migration despite move to co--decision as a result of entry into force of the Lisbon Treaty.

There has been an evolution to better assessing labour market demand in EU Commission and Council. Commission and Council evaluate existing policies to improve skills recognition and labour matching between EU and third countries and the capacity to analyse labour market needs, the transparency of European on-line employment and recruitment information, training, information dissemination and skills matching in countries of origin.

The EU legal framework on migration and economic migration – presentation and analysis

Overview of most recent EU legislation on conditions for admission of third country nationals



Comments on most recent directives

Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, so called “Blue Directive”.

It creates a “European Blue Card” and sets out the conditions and rights of residence in the issuing as well as in other Member States. The object of this Directive is to improve the European Union’s (EU) ability to attract highly qualified workers from third countries. The aim is not only to enhance competitiveness within the context of the Lisbon strategy, but also to limit brain drain.

Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally-staying third-country nationals. The Directive requires Member States to prohibit the employment of illegally-staying non-EU nationals. It lays down common minimum standards on sanctions against employers who infringe the prohibition. Member States may decide not to apply the Directive to irregular non-EU nationals whose removal has been suspended and who have been granted permission to work under national law.

Directive 2011/98/EU, “Single Permit Directive”, 2011 – the directive pursues two objectives: offering a simplified and harmonized procedure for a non-EU migrant to obtain a work permit in an EU member state, and defining a common set of rights granted to migrants to address the rights gap between EU workers and third country workers in Europe.

The Directive provides some procedural guarantees by introducing the obligation to provide in writing the reasons for rejecting an application or renewing a permit.

It provides important rights and addresses an important social security issue such as the portability of pension rights stating that these workers shall receive statutory pensions based on previous employments. However, the Directive partly fails to offer a sound harmonization in several important areas and is also unsuccessful in respecting the rights to equality of treatment by allowing Member States to restrict this right for several matters.

Other proposals, still under consideration, are of relevance in the area of economic migration:

- the proposal for a Directive on the conditions of entry and residence of seasonal workers,
- the proposal for a Directive on the procedures regulating the entry into, the temporary stay and residence of Intra-Corporate Transferees (ICT), and
- the proposal for a Directive on the conditions of entry and residence of remunerated trainees.

Analysis on the approach adopted and future prospective

Current trends at the EU level

In June 2008, a Communication entitled “A Common Immigration Policy for Europe: Principles, Actions and Tools” was adopted by the European Commission, which recognised that in the context of an ageing Europe, the potential contribution of immigration to EU economic performance was significant. This Communication proposed ten common principles on which the common immigration policy would be articulated, with the matching of skills and needs considered as a common principle for prosperity and immigration.

The European Commission identified that immigration for economic purposes should respond to a common needs-based assessment of EU labour markets, addressing all skills levels and sectors in order to enhance the knowledge-based economy of Europe, to advance economic growth and to meet labour market requirements.

Integration policies are at the forefront of EU and national debates. At EU level, integration issues have gained extensive importance in the framework of the development of an EU migration policy. At national level, discourses about failed integration policies have put integration policies under high pressure in political and legislative debates. A general trend emerges where immigration and integration policies become increasingly interconnected. More precisely, migrants’ access to a formal legal status is becoming dependent on their level of integration.

A complex and scattered landscape: the current EU legal framework on labour migration

However, when looking at the current legislation, it appears that the EU legal framework has so far adopted an approach that does not fit all the needs: for instance, low skilled workers are granted a lower level of protection and rights than those afforded to highly skilled workers (Blue card and researchers directive) and potential highly skilled workers (students). It is through national visions and instruments

that labour shortages are evaluated and that low-skilled workers such as migrant domestic workers can find a channel to enter and stay legally on the EU territory.

As a matter of principle, member states at the EU-level appear to be reluctant to adopt EU rules on admission of third country nationals while Member States at a national level have restrictive and disparate rules on the admission of third country nationals. The EU has approved a common procedure which consists in a selective and sectorial approach: however this fragmented approach may compromise the capacity to fill in the labour shortages in the EU and to regulate economic migration.

In addition to this, we can mention a lack of harmonization. Member States develop their national migration regimes to adapt them to the local needs of the labour market.

Member States have expressed their reluctance to adopt texts that are too constraining: they have negotiated and approved texts that offered them a comfortable margin to implement and adapt the provisions to their context. It turns out to offer a very low level of harmonization and of “readability” of the EU legislation into force in the field of labour migration from an external standpoint.

Another issue is the capacity of the current EU framework to protect migrant workers from labour exploitative situations in the EU. Directives on trafficking and the Employers’ sanctions directive concur to create a more protective labour environment but include some restrictions that can be detrimental to the practical protection of workers and the concrete prosecution of exploitative employers. Some positive steps towards the respect of international labour standards and human rights have been undertaken but more detailed common procedures in this sector remain uneven. For more information, please refer to the module on Effective protection for migrant domestic workers.

Furthermore, Member States have the ability to conclude independent bilateral agreements with Third-countries that have an impact on EU labour migration management. Member States thus have the opportunity to put forward a national strategy that aims either at strengthening historical ties and traditions, related to, for example, ex-colonies (e.g. Spain and various South-American countries), or countries which previously were part of a bigger nation (e.g. ex-USSR); further improving close relations developed with neighbouring (non-EU) countries; promoting socio-cultural homogeneity or similarity, often linked to the two drivers above etc.

Migration regimes in the EU: what place for migrant domestic workers?

A recognized need: low-skilled labour migration and domestic workers

The demographic changes of European societies are one of the key elements that determine the demand for migrants by European labour markets: there is a decline in the size of the EU working age population that with a “no migration” scenario would result in approximately 15 million less workers in 2020 compared to 2011.

Labour shortages and growing skills mismatches will occur across all skills spectrum, and not exclusively in highly qualified jobs. Studies show that migrant workers are complements rather than substitutes for national workers. Their arrival may affect salaries of low-skilled national workers, but the share of low-skilled workers is low and declining in industrialized countries. Also, the occupational distribution of the majority of migrant workers is very different from national workers: they do not compete for the same jobs. In the case of domestic work sector, which include some care work, the share of migrant is very significant.

An overwhelming majority of migrant domestic workers are women. This is due to several factors in their country origin (the lack of opportunities for women on the local labour market), related to domestic work itself (domestic work is seen as a typical feminine activity) and to the general phenomenon of the feminization of migration.

The Stockholm Programme urges the European Union to adopt flexible admission system able to cope with “priorities, needs, volumes and numbers and enable migrant to take full advantage of their skills and competences.” However, while the immigration of skilled workers is addressed by the EU acquis, there is no harmonized policy regarding unskilled and low-skilled migrants.

One of the common problems in relation with low-skilled workers is the issue of socio-economic integration and uncertain long-term job prospective. However, in the case of domestic work, the issue is structural with an ageing demographic population that will require more and more attention and care, in a context where European budgets for welfare services are shrinking. There is certainly a long-term need for domestic workers.

The EU 2020 Strategy states that: “employment rates of immigrants can be improved, particularly for specific categories such as immigrants with a low level of education, women and those recently arrived.”

This clearly poses a lot of challenges to address and, at the same time, provide the basis for addressing the situation of a high number of women migrant domestic workers, including those working irregularly in Europe (because they are undocumented and/or are working in the informal sector).

Policy, legal framework and practices in the EU: the migration for women migrant domestic workers

In Europe, France, Italy and Spain are the countries that employ the largest number of migrant domestic workers. In general, the rate of women migrant domestic workers tends to be higher in Southern Europe, but migration flows differ from one country to another depending on the geographic proximity and historical linkages.

So far the situation is the following for migrant domestic workers: all Member States make use of specific approaches to identify and manage labour demands, with some of them using a combination of these:

- elaboration of occupation lists where labour force shortages are detected
- analysis of employer’s needs on a case-by-case basis
- establishment of quotas/limits

Once the needs and priorities in terms of labour shortages are identified, the most common way for third countries nationals to enter and work as domestic workers is through temporary permits.

In the case of female domestic workers, other migration channels are also observed, namely:

- the regular channel of family reunification (see Directive above)
- the irregular channel (entering with the tourist visa and working in the informal sector, entering irregularly, being trafficked etc.)

Basically, there are four main channels for migrant domestic workers to work in the EU:

Temporary schemes

Few countries have established the possibility to hire on a temporary basis workers from third countries. In some countries, it is nearly impossible because of a “national condition”: the hiring can take place only if non-EU citizen or non-nationals of the country are available to fill in the position. This is the case in the Netherlands and in Finland.

Italy is representative of these temporary schemes with the establishment of a quota system. Immigration policy allows the entry and stay of thousands of migrant domestic workers every year and has led to the regularization of numerous domestic workers and care assistants (*badanti* in Italian).

In France, the immigration policy is based on a list of occupations where the demand is very difficult to meet (“occupations in tension”, *métiers en tension*), and domestic work is usually on the list.

Yet, temporary schemes do not allow migrant workers to fully access and enjoy their labour rights. There is a *de facto* discrimination that can be at the origin or favour the emergence of exploitative situations. They also undermine the “trust” character of the employment relationship in domestic work, especially when it involves care of children, elderly or disable. “Experience shows that the long term investment in a working relationship based on trust might act as a protective measure for the worker, who might therefore prefer an irregular working arrangement with the perspective of a job during a long period of time.”¹

Au pair programme

In theory, the au pair programme is very different from domestic work. It is part of a student exchange system and allows young people (18-25 years) to go to a foreign country to learn a second language and to have a valuable experience abroad. The hosting family makes commitments regarding the au pair such as covering part of the studying cost, proving a health and security insurance during the stay and in exchange the student gives a hand taking care of the child of the household (low-cost remunerated baby-sitting). It is a programme with strict existing rules defining the conditions of the stay and rights and duties of both au pair and the hosting family.

But in practice, there is very often a diversion and young people part of an au pair programme become domestic workers. Students are asked much more than they should do: the programme is jeopardized to the advantage of the hosting family benefiting from a low cost worker.

In the EU, the au pair programme has known a recent expansion. In Belgium, it appears that the au pair programme in reality covers several hundreds of migrant domestic workers.

Family reunification

Another channel of entry for migrant workers is family reunification. Once again, it applies mostly to women who get reunified to their husband that had an opportunity to get a valid permit to stay in the EU thanks to an international protection measure (such as the status of refugee) or to a stable employment.

This is the case in Belgium for nationals from Afghanistan and the Democratic Republic of Congo in the first case, and from Morocco and Turkey in the second case.

In Spain, there is also the possibility for the foreign nephew or other foreign relatives of a Spanish national to get a visa to search for an employment in Spain. This is not strictly family reunification as defined in the EU directive mentioned above but it is still a privilege related to family linkages in the EU.

In the strict case of family reunification (a migrant joining another third country national), very often if the husband loses the right to stay in the EU country or if the marriage ends, the wife automatically

1. Gallotti, M., “The Gender dimension of Domestic Work in Europe”, International Labour Migration, ILO, 2009.

loses her right to stay in the country. This issue has caused some concerns about its equity and the discrimination and harm inflicted to women. Taking note of this legitimate concern, the Netherlands and Spain consider granting independently the permit to stay to the woman in case of domestic violence in the couple.

Undocumented migrant workers

Finally, many migrant domestic workers are working in the informal sector because they irregularly entered the country or because they overstayed after the expiration of their visa or because the administrative formalities to get a regular employment were too heavy.

Domestic work is an attractive sector: migrants know there is a high demand and do not hesitate to cross borders, even illegally, as this demand is not translated into a proper regular migration scheme. Thus the share of irregular/undocumented women migrants in the domestic work sector in Europe is significant. These workers may be trapped in abusive and exploitative conditions with no access to the assistance available in the given EU country such as trade unions but also health insurance and pension schemes. And they cannot contribute fully to the social and economic well-being of the country (no taxes paid to the receiving State by the employer, wages undeclared, etc.)

Module III – European Union Framework on Labour Migration – LEARNING BY DOING



Migration scheme and status - Group work

Participants receive the profile of a migrant domestic worker.

Based on the given profile, participants will be asked to discuss and comment the following issues and to identify the elements that may hamper and/or positively impact the integration of this migrant domestic worker:



For this exercise, you have 30mn dedicated to the group work and 15mn to the reporting/discussion

- Potential gender issues
- Social security issues
- Human rights/labour rights issues
- Working conditions

LEARNING BY
DOING

PROFILE	
SEX	FEMALE
NATIONALITY	NON-EU CITIZEN
FAMILY	DEPENDENT FAMILY/CLOSE RELATIVES ARE ALSO IN COUNTRY OF DESTINATION
MODALITIES OF ENTRANCE IN THE COUNTRY OF DESTINATION	ENTERED AS PART OF A FAMILY REUNIFICATION SCHEME
LANGUAGE SKILLS	FULLY PROFICIENT IN LANGUAGE OF COUNTRY OF DESTINATION
SKILLS	COMPLETED HIGHER EDUCATION IN COUNTRY OF ORIGIN
TYPE OF CONTRACT	MDW HAS A WRITTEN CONTRACT
TYPE OF TASKS MAINLY PERFORMED	TASKS ARE NOT DEFINED AND PERFORMED INDISTINCTIVELY BY THE SAME WORKER
EMPLOYMENT STATUS	PARTIALLY UNDECLARED WORK BY THE EMPLOYERS (LESS HOURS ETC...TO AVOID TAXES OR TO PAY LESS TAXES)
WORKING ARRANGEMENTS (1)	WORK ON PART-TIME BASIS FOR MULTIPLE EMPLOYERS
WORKING ARRANGEMENTS (2)	LIVING OUTSIDE THE HOUSEHOLD OF THE EMPLOYERS
SUPPORT NETWORKS	MDW IS IN CONTACT WITH OTHER MDW OR DW ASSOCIATIONS



Module III – European Union Framework on Labour Migration – FACT SHEET



A substantial growth in the demand for paid domestic work has been observed in Europe over the past few decades. This relates to a number of different, yet interrelated factors ranging from the growing labour market participation rate of European women, to the shrinking of public welfare budgets, to the demographic aging of the European population. The admission of migrant domestic workers and their migration status in Europe is at the crossroad of a complex, progressive and recent construction of an EU policy and legal framework on legal and labour migration regarding third country nationals.

Migrant domestic workers & the emerging EU approach to legal/ labour migration from third country nationals

The labour shortages in skilled sectors in Europe have been acknowledged at the European level some time ago and more recently at a national level. The need in low skilled sectors has been acknowledged at a national level in some EU countries and the idea is slowly evolving in the EU arena. In general, the acknowledged need to govern labour migration flows from third countries has subsequently led to the modification of the EU fundamental treaties.

Historically, we can note a move from regulating internal mobility within the EU to a common approach on migration and asylum.

The EU then decided to adopt a global approach to migration by:

- organizing and facilitating legal migration and mobility
- preventing and reducing irregular migration and trafficking
- maximising the development potential of migration

Legal migration has become an EU competency with the treaty of Amsterdam in 1999

While the Commission had identified and promoted a horizontal approach embracing the challenges of labour migration in the EU, Member States were more concerned about legal migration and EU border security. By horizontal approach, we mean the attempt to regulate all the aspects of migration in a coherent and unique regulatory framework.

As a matter of fact, this approach has not been implemented in practice, and the reality consists of a set of separate instruments regulating entry and stay of different categories of migrant workers.

For reducing irregular migration, a main challenge identified by Member States is to find the right balance between facilitating legal migration while also combating irregular migration, including the potential of overstaying.

Green Paper on an EU approach to managing economic migration from third countries, Commission, 2005 proposing a horizontal approach followed by an Action Plan opting for a sectorial approach

Following these two milestones, the EU position has evolved to acknowledge a shortage of high skilled workers and the EU legal framework has been enriched with several directives to facilitate these flows.

EU pact on immigration and asylum, September 2008

It forms the basis for EU common approach and policies in the area.

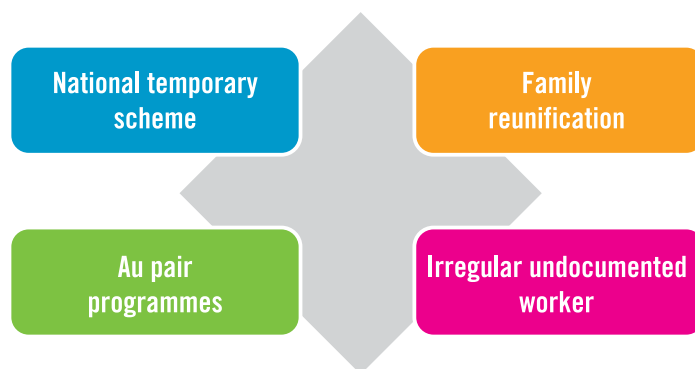
Adoption of the Stockholm programme in 2009 continues the implementation of the Action Plan

It keeps the core principles enounced on the Action Plan which are that a well-managed migration is beneficial to all; acknowledgement of long-term consequences of migration, e.g. on the labour markets and the social situation of migrants.

The Consequences of the EU migration regimes affecting migrant domestic workers

It keeps the core principles enounced on the Action Plan which are that a well-managed migration is beneficial to all; acknowledgement of long-term consequences of migration, e.g. on the labour markets and the social situation of migrants.

The EU policy and legislation have impacted the visa policy in the Member States by affecting their general migration regimes but Member States still adopt visa policy and tools to identify peculiar needs that reflect labour policy priorities at the national level.



Another migration regime is offered in a selected number of EU countries: through bilateral agreements with third countries on labour migration. For instance, Belgium and France offer general work permit preferably to country nationals they have a bilateral agreement with. That may cover domestic work as an occupation with a labour shortage.

Even when migrant domestic workers enter regularly, the existing regulatory framework tends to limit access to rights for these categories of workers who are considered as unskilled workers.

Hence migrant domestic workers belonging to unskilled and low-skilled workers categories face unequal treatment, gender inequality and a gap in the protection of their fundamental rights at work.

They are also offered less opportunity to be integrated in the EU and as such represent an important share of undocumented or illegal workers.

Recommended readings

- Maria Gallotti, The Gender Dimension of Domestic Work in Western Europe, International Migration Programme, International Labour Organization, 2009, Geneva
- Opening Europe's doors to unskilled and low-skilled workers: a practical handbook, BEPA-Bureau of European Policy Advisers, Luxembourg, 2010
- Satisfying Labour Demand through Migration, EMN Study, European Migration Network, 2011

European Union legal framework

- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.
- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities & Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

- Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals
- Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State

European Union Policy Framework

- Communication from the Commission on a policy plan on legal migration [COM (2005) 669 final - not published in the Official Journal].
- Communication from the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions, European Agenda for the Integration of Third-Country Nationals, SEC(2011) 957 final

Module III – European Union Framework on Labour Migration – GOOD PRACTICES



Visa policy for third country nationals

Spain

Possibility to request visa for long-term or temporary employment. However please note that this possibility exists but, so far, practice does not seem to favour this opportunity yet.

Possibility to obtain visa for employment for relatives of Spanish nationals.

Italy

There is a quota policy allowing on an annual basis the regular entry and stay of migrants applying for domestic work vacancies. In this period of economic crisis, the process is now stopped but quota policy, in general, allowing to hire regularly migrant domestic workers presents the advantage to offer a legal channel for migrant domestic workers on a regular basis.

Identification of needs: labour shortages

France

France identifies labour shortages through a regularly updated list of occupations where the domestic/national and EU labour workforce is not sufficient to cope with the needs. Domestic work is very often on this list and allows for the regular entry and stay for employment of migrant domestic workers.

Contract, information and working conditions

Spain

Spain became the first country to introduce new regulations regarding domestic work following the adoption of Convention No. 189. Royal Decree 1620/2011 of 14 November 2011 improves regulations of 1985 governing domestic work. These new measures fit the major need for protection from discrimination

affecting especially migrant domestic workers:

- the right to a written contract and the provision of a model contract by the authorities;
- the right to the national minimum wage, while payments in kind cannot represent more than 30 per cent of the remuneration (with a prohibition of payments in kind below the minimum wage threshold);
- an increase of the daily rest period to a minimum of 12 hours;
- improved rules for on-call periods;
- and improved support and information for employers to facilitate compliance.

Spain has also recently adopted new legislation in 2011 extending the general social security system to domestic workers. However, developments may occur as the law is being reviewed.

Belgium

The special case of the high number of diplomats concentrated in Brussels:

Diplomats and the domestic workers they employ need to sign an employment contract in accordance with Belgian legislation. The embassy of Belgium ensures that the domestic worker understands the terms and conditions of his/her contract during an interview preceding the issue of a visa. On arrival in Belgium, the domestic worker is required to collect in person a special identity card at the Protocol and Security service of the Ministry of Foreign Affairs - a service responsible for monitoring the work situation of foreign domestic workers employed by diplomats accredited in Belgium.

The general case of migrant domestic workers in Belgium

In 2009, Belgian consulates also began providing information through flyers to workers in countries of origin migrating to work in Belgium. These flyers are available in the native language of the migrant and provide information on workers' rights and organizations that are accessible in the event of a problem in Belgium. This information inserted in the worker's passport is designed for workers migrating to work in sectors in which economic exploitation and abuse is widespread, such as domestic work. It is an important initiative that arms workers to cope with potential exploitation, before departure and during their stay in Belgium.

Module III – European Union Framework on Labour Migration – TEST YOUR KNOWLEDGE



1. Thanks to this treaty, the issue of entry and stay of third country nationals becomes an EU competence. Which treaty are we referring to?
 - a. The Lisbon Treaty
 - b. The Amsterdam Treaty
 - c. The Maastricht Treaty
 - d. The Nice Treaty
2. Legal migration was the object of a unanimity procedure and thanks to this treaty has become a co-decision procedure. Which treaty is it?
 - a. The Lisbon Treaty
 - b. The Amsterdam Treaty
 - c. The Maastricht Treaty
 - d. The Nice Treaty
3. Is the EU legal framework regarding labour migration of third country nationals characterized by:
 - a. A horizontal approach, e.g. a regulatory framework that covers all categories of migrant workers?
 - b. A sectorial approach, e.g. a set of legal provision that regulate differently migration movement of different categories of workers?
 - c. A gendered approach, e.g. an approach taking into account the fact the growing number of migrants are women and that they are more represented and requested in some occupational categories?
 - d. A homogeneous approach, e.g. an approach that does not make important distinctions among/do not favour some categories of workers?

4.

Among the following categories of Directives on labour and legal migration, spot the wrong one:

- a. Directive on Family Reunification
- b. Directive on Researchers
- c. Directive on High Skilled Workers
- d. Directive on Low-skilled workers

5.

The au pair programs have specific objectives and regulations. Identify the characteristics of such programmes that differentiate them from domestic work:

- a. Working hours cannot exceed a certain number per week
- b. Age of the worker is limited
- c. It entails care work for children
- d. The contract cannot exceed a period of 18 months

Responses to the quiz

- 1. Question 1: The correct answer is b)
- 2. Question 2: The correct answer is a)
- 3. Question 3: The correct answer is b)
- 4. Question 4: The correct answer is d)
- 5. Question 5: The correct answers are a) and b)

Notes

**INTERNATIONAL MIGRATION BRANCH
CONDITIONS OF WORK AND EQUALITY DEPARTMENT**

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