

# Out of sight: migrant women exploited in domestic work



*This paper addresses matters related to human dignity (Article 1), the prohibition of slavery, forced labour and trafficking in human beings (Article 5), respect for private and family life (Article 7), fair and just working conditions (Article 31) and the right to an effective remedy (Article 47), falling under Chapters 'Freedoms', 'Solidarity' and 'Justice' of the Charter of Fundamental Rights of the European Union.*

*"I started at 04.30, I go and wake up the kids and make breakfast and go to the school. When I come in from the school I prepare lunch and dinner. I had no rest. Just continuous."*

(United Kingdom, interviewee from the Philippines)

*"I endured a great deal of humiliation. Sometimes I even had to sleep on the floor, lying just over a duvet."*

(Portugal, interviewee from Brazil)

Domestic workers contribute much to the EU's societies and their economies. Their important work complements public social protection systems in EU Member States where such systems are not well developed, or their scope was reduced during the economic crisis. Their work in private homes also enables more women to participate in upper segments of the labour market.

In spite of the economic and societal importance of the 2.5 million domestic workers working in the EU – the vast majority women<sup>1</sup> – their rights too

often remain illusory. Upholding labour law standards in domestic work is difficult: workers may not be aware of their rights, employers may not be committed to labour law standards, and labour inspectorates are usually not allowed to enter the domestic households where work is carried out.

Domestic workers are also at heightened risk of experiencing severe labour exploitation – particularly exploitative working conditions that deviate significantly from standard working conditions as defined by legislation or other binding legal regulations. This concerns in particular remuneration, working hours, leave entitlements, health and safety standards and decent treatment. In some cases, domestic workers experience the most severe forms of labour exploitation, equalling slavery, servitude and forced labour.

In a 2011 report on migrants in an irregular situation employed in domestic work in 10 EU Member States, FRA identified domestic workers as being at a heightened risk of exploitation and abuse, including sexual abuse. Professionals interviewed by FRA for its 2015 report on *Severe labour exploitation: workers moving within or into the European Union* described the exploitation of foreign domestic workers as a 'grey area', where "exploitation of migrant women in the domestic sphere is so common that it is often not conceived of as a human rights violation".<sup>2</sup> The professionals testified that severe exploitation of domestic workers is often fostered by a complete lack of monitoring.

<sup>1</sup> European Parliament (2016), *Report on women domestic workers and carers in the EU, 2015/2094(INI)*, Brussels, 5 April 2016.

<sup>2</sup> FRA, 2015, *Severe labour exploitation: workers moving within and into the European Union*, p. 53.

## Legal and policy context

The term 'domestic worker' is used to refer to housekeeping and caring for dependents, such as children, older persons and persons with disabilities. Human rights standards on the protection of workers' rights and against labour exploitation apply to domestic workers. According to a report published by the International Labour Organisation (ILO), "[d]omestic workers are often not identified as workers in law, resulting in a de jure exclusion from the right to organize and to bargain collectively. Sometimes domestic workers are excluded on the basis that the home is not considered a workplace."<sup>3</sup>

*"We, the domestic workers, are not covered in the labour law. So that is why ... we are not categorised as workers, we are categorised as family members."*

(United Kingdom, interviewee from the Philippines)

At EU level, Article 31 of the Charter of Fundamental Rights of the EU stipulates that every worker – regardless of nationality or migration status – has the right to 'fair and just' working conditions that respect his or her health, safety and dignity. Article 5 of the Charter prohibits all forms of slavery,

forced labour and trafficking in human beings. EU law also forbids the employment of irregularly staying third-country nationals under particularly exploitative working conditions.<sup>4</sup> In addition, the EU has a strong legal framework to counter trafficking in human beings. However, as the European Commission notes, domestic work is a sector in which victims of trafficking end up being exploited. Such exploitation is particularly difficult to detect as victims (primarily women and girls) "are often isolated with limited or no opportunities to report or escape the exploitation".<sup>5</sup>

International organisations, such as the International Labour Office (ILO), the United Nations (UN), the Organization for Security and Co-operation in Europe (OSCE) and the International Trade Union Confederation (ITUC), have in recent years strongly advocated to establish decent working conditions for domestic workers on a global scale. The ILO 2011 Convention concerning decent work for domestic workers (Convention No. 189 – hereinafter 'Domestic Workers Convention') and national labour law seek to protect domestic workers against work

### FRA ACTIVITY

#### FRA's work on severe labour exploitation

This is the first of three publications based on exploited workers' first-hand accounts of their experiences of severe labour exploitation, as shared with FRA in 2017. The three publications extend the evidence beyond the views of professionals who deal with labour exploitation, which the agency covered in its [2015 report](#).

The stories of the domestic workers FRA interviewed for this paper reveal appalling working conditions and fundamental rights abuses in private homes across the EU. These stories indicate that, seven years on from FRA's first report on domestic workers in 2011, little has changed in terms of the risks and experiences of severe labour exploitation domestic workers in the EU face.

This first paper:

- describes the particularly exploitative working conditions experienced by 51 migrant women – both EU and non-EU nationals – who worked as domestic workers in selected EU Member States between 2013 and 2017;
- outlines risk factors that lead to severe labour exploitation of domestic workers and presents opinions about how EU Member States can counteract these risks.

The second report, forthcoming in September 2018, looks at exploited workers' (237) experiences of workplace inspections, while the third report (planned in 2019) will present a comparative overview of severe labour exploitation as experienced by 237 workers in eight EU Member States.

3 ILO, "Domestic workers organize – but can they bargain?", *ILO's Work in Progress*, February 2015.

4 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, OJ 2009 L 168.

5 European Commission (2016), *Report on the progress made in the fight against trafficking in human beings*, (SWD(2016) 159 final), Brussels, 19 May 2016.

situations that deviate significantly from standard working conditions, notably regarding pay, working hours, leave, health and safety and decent treatment. As of May 2018, only six EU Member States – Belgium, Finland, Germany, Ireland, Italy and Portugal – have ratified the Domestic Workers Convention. The (revised) European Social Charter of the Council of Europe (ratified by 20 EU Member States) also contains labour law standards, such as an obligation for employers to provide for reasonable working hours, paid holidays and a weekly rest period.<sup>6</sup> The European Social Charter also guarantees workers' rights to safe and healthy working conditions, to fair remuneration and to protection of their dignity at work.<sup>7</sup>

Recent EU policy documents reflect the commitment of EU institutions and bodies to cooperate with EU Member States to advance the rights of domestic workers. A Council Decision of 28 January 2014 authorised Member States to ratify the Domestic Workers Convention, noting it as “a contribution to the European Union’s effort to promote decent work for all.”<sup>8</sup>

In April 2016, the European Parliament adopted the Resolution on women domestic workers and carers

in the EU (hereinafter ‘2016 European Parliament resolution’),<sup>9</sup> calling on the Commission and Member States to take action to ensure “that domestic workers and carers have genuine workers’ rights and social protection through labour legislation or collective agreements.”<sup>10</sup> Given the predicted growth in demand for care workers in private households, the resolution stresses that “non-action will come at a high cost for both society and the workers concerned”.

Looking forward, the new European Labour Authority (to be established in 2019) should – among other tasks – serve to facilitate access for workers (generally) to information on their labour law and social security rights and to employers on their obligations. Linked to the implementation of the European Pillar of Social Rights, the Commission has proposed a directive on transparent and predictable working conditions in the European Union.<sup>11</sup> The proposal aims to promote more secure and predictable employment by improving workers’ access to information concerning their working conditions. Acknowledging that domestic workers are often not recognised as having worker status, the proposed directive also aims to bring domestic workers within its scope.

## Evidence base: who was interviewed?

While the views and experiences of the 51 domestic workers interviewed cannot be considered as representative of the overall situation of domestic workers in the EU, they provide a valuable snapshot of the migrant domestic workers’ everyday realities in terms of living and working conditions. Their accounts include experiences with the most severe forms of labour exploitation – slavery and servitude. The evidence also points to domestic workers with irregular status being at heightened risk of exploitation, as they are especially unlikely to complain or report their situation due to fear of deportation.

### Key points of data collection and analysis

- In 2017, FRA reached – through face-to-face interviews and focus groups – 237 adult migrant workers who gave accounts of having been severely exploited for their labour between

2013 and 2017, including 51 persons exploited in domestic work. This paper is based on the experiences of these 51 domestic workers.

- Research was carried out in eight EU Member States: Belgium, France, Germany, Italy, the Netherlands, Poland, Portugal and the United Kingdom.
- All 51 domestic workers FRA reached were women – indicating that women are particularly vulnerable to experiencing labour and fundamental rights abuses in domestic settings.
- The sample of 51 domestic workers includes:
  - eight EU nationals and 43 third-country nationals
  - 22 domestic workers who FRA individually interviewed and who experienced

6 Council of Europe, *European Social Charter (Revised)*, Strasbourg, 3.V.1996, Art. 2.

7 *Ibid.*, Art. 3, 4 and 26, respectively.

8 Council Decision 2014/51/EU of 28 January 2014 authorising Member States to ratify, in the interests of the European Union, the Convention concerning decent work for domestic worker, 2011, of the ILO (Convention No. 189), OJ L 32/32.

9 European Parliament (2016), *Resolution on women domestic workers and carers in the EU*, 2015/2094(INI), Brussels, 28 April 2016.

10 *Ibid.*

11 European Commission (2017), *Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on transparent and predictable working conditions in the European Union* (SWD(2017) 478 final).

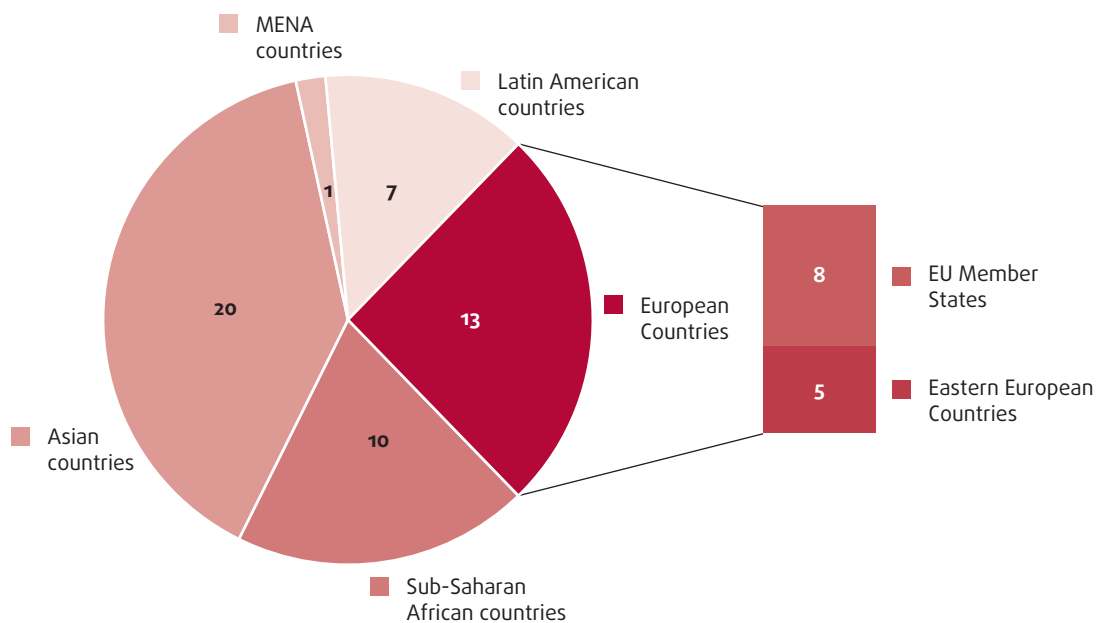
labour exploitation in six of the eight Member States researched (all but Italy and Germany), and

- 29 respondents in seven focus groups (in seven of the EU Member States researched, excluding Italy) who were also exploited while working as domestic workers.
- Some evidence in this paper relates only to the 22 workers interviewed individually, as they answered more in-depth questions

about their individual experiences of labour exploitation than those who participated in focus groups.

- National-level civil society organisations primarily working in the areas of victim or migrant/refugee support identified the domestic workers who FRA interviewed for this paper. They had typically been referred to or had come into contact with these organisations for the purposes of accessing support following their experiences of labour exploitation.

Figure 1: Number of domestic workers who took part in interviews or focus groups by nationality



Notes: N = 51; MENA = Middle East and North Africa region; Eastern European countries = Russia (1) and Ukraine (4)  
Source: FRA, 2018

## Key findings and opinions

The findings focus on two aspects:

- particularly exploitative working conditions experienced by domestic workers; and
- risk factors for labour exploitation and how Member States can counteract them.

In this paper, FRA issues opinions focusing on aspects of severe labour exploitation where the agency considers Member States need to take urgent action to counteract the risk of severe labour exploitation in the domestic work sector.

A question of particular importance was what interviewees themselves thought made it possible for severe labour exploitation to take place following their individual experiences of severe labour exploitation in the domestic work sector. Their personal views are presented in a separate box on page 6.

Other key issues – such as how victims of severe labour exploitation experienced support and their experiences with access to justice – will be covered in the comparative overview of severe labour exploitation as experienced by 237 workers in eight EU Member States (forthcoming in 2019).

## Particularly exploitative working conditions experienced by domestic workers

### Humiliating and degrading treatment and lack of privacy

Many of the interviewees who experienced severe labour exploitation gave accounts of poor and degrading living conditions – which often also infringed their right to privacy.

Among the 22 domestic workers individually interviewed, six interviewees had to share rooms with the children they looked after or other family members of the employer; three had to share a bed with the children; and a further four had to sleep on the floor. An employer had installed a surveillance camera in one worker's room.

Many interviewees were allowed to take only short breaks, if any. Interviewees also gave accounts of getting little food, of not having access to water or a shower, or not being allowed to use the bathroom.

*“And then I drink, drink water, because they do not allow me to drink all the time. If they are in the house I cannot drink the water, but if they go to shopping ... I drink.”*  
(United Kingdom, interviewee from the Philippines)

*“As time went by I realised that everything in this house was on CCTV – even my bed, they were watching me all the time.”*  
(Poland, interviewee from the Philippines)

### Abuse and maltreatment by the employer

Almost all interviewees who experienced labour exploitation experienced bullying, harassment, emotional and/or physical abuse or violence by employers and/or their family members.

One third of those interviewed made clear that they feared their employers, all having experienced bullying/harassment and/or physical violence.

Many exploited workers experienced multiple forms of violations of human dignity. For example, workers interviewed in the United Kingdom (later identified as victims or potential victims of trafficking in human beings) gave accounts of

employers or family members physically attacking them. The majority of cases of physical violence were reported by migrant workers interviewed in the United Kingdom who were later identified as victims or potential victims of trafficking in human beings. Several workers (5) experienced threats of (serious) violence or of not being paid. Two interviewees reported being sexually harassed. Domestic workers participating in focus group discussions highlighted the unbalanced power relationship between employer and domestic worker and the reluctance of employers to treat migrant workers in a respectful way.

*“He got mad, so I tried to leave. He [...] wanted to hit me and he threatened me saying he was the one who brought me to France, that he could take me back to Morocco anytime and that he could hurt me.”*  
(France, interviewee from Morocco)

### Little pay

Almost all domestic workers interviewed faced issues with pay, which did not correspond to the minimum wage or to the hours actually worked.

One third mentioned employers' false promises at the beginning of the working relationship – such as higher wages, paying social security contributions or funding travel costs.

Another third said that they had either not received pay for some time or at all.

Some employers paid workers in cash – in some cases seemingly a strategy to avoid establishing a formal working relationship. Interviewees also reported other exploitative practices – including employers paying a different wage each month, delaying payment or spontaneously deciding to cut wages – further aggravating the economic situation of domestic workers.

*“The salary really is not the minimum, but I cannot complain, I do not have papers [...] so I just keep quiet about it.”*  
(Belgium, interviewee from the Philippines)

### Long working hours

Almost all interviewees who experienced labour exploitation had to work between 10 and 18 hours a day, often completing tasks outside their job description – such as cleaning, doing laundry and grocery shopping.

Only a few (6) had one to two days off each week.

*“At first I had to [...] give him the medication, help him bathe, take him to the toilet ... then it was also ironing, cooking, cleaning the house, going to the shops ... doing everything.”*

(Portugal, interviewee from Cape Verde)

*“One day I had a holiday [in] 5 months [...] after that I did not get another day.”*

(The Netherlands, interviewee from Indonesia)

## Interviewees' perceptions of why labour exploitation happens

When asked what they thought made it possible for severe labour exploitation to take place, the 22 interviewees who experienced labour exploitation gave a range of reasons. The most frequent – as shown in Figure 2 – are:

- **Need to make a living** – interviewees often had to support family members in their country of origin, and felt that they had no choice but to accept the working conditions offered. One domestic worker from the Philippines exploited in Poland explained that many workers do not report abuses for fear of losing their jobs. For many people, including her, regular income is a priority. She also explained how, if they do leave the job, many workers do not take action against their employer because they focus on finding a new job as soon as possible. Furthermore, foreign workers often do not speak the local language and do not know the law, which makes reaching out for help very difficult.
- **Fear** – of losing the job; of deportation; and of violent treatment by the employer. One interviewee from Indonesia exploited in the Netherlands described this feeling of fear as follows:

*“If I [...] run from the house, where should I go? I do not have money. I just wanted to go back to Indonesia. I came in their house in the good way, so I also wanted to go back to Indonesia in a good way. But they treat me bad. The employer would say we already paid everything for you so you cannot go home without my permission.”*

- **Uncertain or irregular residence/migrant status** – leaving some domestic workers feeling as though they had little choice but to accept

the job. A Brazilian domestic worker in Belgium explained that workers with irregular status have little choice but to accept poor working conditions. She needed money to pay for her son in Brazil and to be able to go back to Brazil.

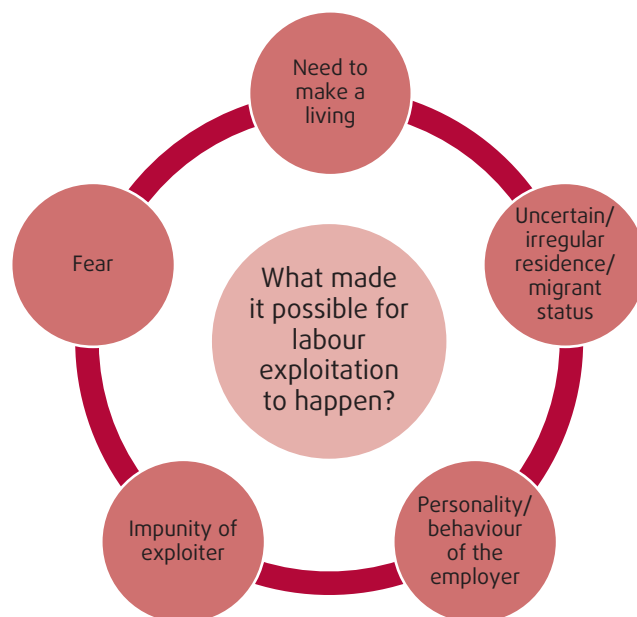
- **Impunity of exploiter** – one domestic worker from the Philippines exploited in the United Kingdom perceived employers as seeing Filipinos as slaves and considered that nothing could happen to them: *“I think because they [...] had more money and thought they could control everything. I think that is why they do it to us. They think Filipinos are just for slavery.”*
- **Personality/behaviour of the exploitative employer.** An interviewee from Brazil who worked in Portugal for more than three years as a live-in carer of a dependent elderly person explained how her employers (the lady she worked for and a man who falsely recruited her as a cleaner in a company) abused their position and exploited her:

*“I needed the work because I've always helped my parents in Brazil. And then I got attached to the lady too, because she was very needy, and they abused my good will.”*

Other reasons given were a lack of knowledge of the law/their rights; lack of controls by authorities and the prohibitive costs of a lawyer; lack of inspections; lack of knowledge of language; no knowledge about who to turn to for support; isolation; and racism/discrimination.

*“Maybe because I have limited knowledge. I don't know what are the laws here. [...] I don't know what are my rights here in this country.”*  
(United Kingdom, interviewee from the Philippines)

Figure 2: Interviewees’ top five perceptions of what made it possible for exploitation to take place



Notes: N=22 interviewees. Multiple responses possible.  
Source: FRA, 2018

## Risk factors for severe labour exploitation and how Member States can counteract them

FRA conducted a qualitative analysis of the first-hand accounts of all the domestic workers (51) who participated in the research concerning their experiences of labour exploitation in domestic work settings to determine key risk factors for severe labour exploitation in the domestic work sector. As a result of this analysis – which also reflects the main issues raised by research participants – the agency has identified four risk factors that render domestic workers particularly vulnerable to experiencing severe labour exploitation, and proposes how Member States can counteract them:

1. Dependency on employers
2. No workplace inspections and lack of complaint mechanisms
3. Few pathways to access support
4. No or little knowledge of domestic workers’ rights.

## Dependency on the employer

Interviewees described dependency on employers as a major issue contributing to severe labour exploitation.

The majority of interviewees (17) entered the EU legally – most having a domestic workers’ visa (7); a tourist visa (6); or another type of work or residence permit (4). Two interviewees were in an irregular situation on arrival, and data are unavailable for three interviewees.

However, in at least eight cases, interviewees’ residence status during the period in which they were exploited was tied to the particular employer they came to the EU to work for. A further 10 interviewees were in an irregular situation during the period of exploitation. In seven of these cases, interviewees ended up with irregular status following the expiration of temporary (tourist, au pair or medical) visas.

Many interviewees were afraid to claim their rights or confront their employer due to their irregular residence status or dependency on employers for their visa. They feared being deported and losing their only source of income, thus increasing their dependency on their exploitative employers.

Dependency was aggravated by the fact that the majority of domestic workers (14) were 'live-ins'; i.e. resided in their place of work; meaning that losing their job would have resulted in the need to find a new place to live. Focus group participants also highlighted the fact that many domestic workers need to support dependents, such as children living in another part of the world, and that they live in fear of not being able to provide for them. This highlights a further dependency on employers. Domestic workers' accounts also illustrate the negative consequences of domestic work on their family life, due to the challenges of juggling their work with caring for their own children.

Employers (and their families) also often controlled and monitored domestic workers. One third of interviewees were either forced or asked not to talk to anybody. Some were not allowed to leave their place of employment – or at least without being accompanied. Four interviewees reported having to get permission from their employers to call their families.

Several workers raised the issue of not being able to apply for a residence permit without a valid work contract (which the majority of interviewees did not have). In 10 cases, employers kept the interviewees' passports (reported most often by domestic workers in the United Kingdom (7), who were later recognised or awaiting a decision on being recognised as victims of trafficking).

*"She [the employer] took advantage of me not having residence documents. Because if I had documents, I would not clean so many hours."*

(Belgium, interviewee from Brazil)

## Preventing dependency of domestic workers

Domestic workers depend on employers for accommodation and employment – however, evidence shows that a domestic worker's residence or migrant status is often the key factor rendering them dependent on their employer and unable to leave. For example, some Member States have established domestic worker visa systems for third-country nationals, which involves them being tied to a single employer for the duration of their visa. Experiences of domestic workers interviewed for this research point to such an obligation being a doorway to the risk of exploitation and abuse. Domestic workers with irregular status are also particularly vulnerable to experiencing severe labour exploitation, often feeling like they have no choice but to accept the poor working conditions on offer.

### FRA opinion 1

*To ensure that domestic workers can effectively enjoy their fundamental right to fair and just working conditions and to prevent other fundamental rights abuses, Member States should prioritise measures to safeguard workers against dependency on a single employer. One option is to grant domestic workers the right to switch employers within the term of their visas, and clearly informing workers about this right.*

## No workplace inspections and lack of complaint mechanisms

No interviewees had witnessed any workplace inspections while working in private households.

Two workers received instructions from the employer about what to do in case of inspections. For example, one domestic worker worked for a diplomatic household and was forced by her employer to lie about her working conditions to the Ministry of Justice, where she had to renew her ID card each year.

*"[B]efore we get to the airport they are briefing us. The employer [says] tell them that you are happy with us. Tell them that you have a big salary."*

(United Kingdom, focus group participant from the Philippines)

## Providing for labour inspections and complaint mechanisms in the domestic work sector

In 2015, FRA stressed the invisible nature of severe labour exploitation in domestic work due to the lack of monitoring of this sector in many Member States, in large part as a result of the legal and practical challenges related to inspecting private homes; a fact that remains the case in 2018. Evidence gathered by FRA indicates that domestic workers do not experience workplace inspections – even in those EU Member States which have ratified the Domestic Workers Convention, which calls upon States Parties to provide for labour inspections.

The lack of workplace inspections means that domestic workers have little or no access to complaint mechanisms and do not have the opportunity to report their situations to those who monitor, for example, the working conditions and health and safety of workers. Interviews conducted by FRA with both professionals (2015 report) and exploited workers (2017) make clear that to end the impunity



of exploitative employers, workers must be able to report situations of severe labour exploitation, be offered sufficient protection and have the right to an effective remedy in line with Article 47 of the Charter, without having to fear being deported. Article 17 of the Domestic Workers Convention calls on Member States to establish effective and accessible complaint mechanisms for the protection of domestic workers. With regard to the situation of third country nationals in an irregular situation, 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 (Employer Sanctions Directive) also obliges Member States to ensure that there are effective mechanisms through which third-country nationals in illegal employment may lodge complaints against their employers, directly or through third parties designated by Member States such as trade unions or other associations.<sup>12</sup>

#### FRA opinion 2

*EU Member States which have not yet ratified the Domestic Workers Convention should do so, and should revise regulations that have the effect of exempting domestic workplaces entirely from inspections. In accordance with Article 17 of the Convention, and as highlighted in the 2016 European Parliament resolution on women domestic workers and carers, EU Member States, together with the social partners, should provide for labour inspections in the domestic work sector.*

#### FRA opinion 3

*Labour inspections in the domestic work sector should focus on monitoring the working conditions of workers, and on enabling and empowering workers to report their actual situations by establishing clear standards and procedures to inform them of their rights and enable safe access to victim support and justice mechanisms. With regard to third country nationals in an irregular situation, Member States should ensure that irregular residence or work does not obstruct the obligation of public authorities to acknowledge a severely exploited worker as a victim of crime, in line with Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime (the Victims' Rights Directive), which applies to all victims in a non-discriminatory manner, including with respect to their residence status.*

<sup>12</sup> 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, OJ 2009 L 168, Art. 13.

## Few pathways to access support

Evidence shows that pathways for exploited domestic workers to access support are severely limited.

The lack of workplace inspections and complaint mechanisms often renders support for domestic workers out of reach. However, exploited domestic workers interviewed by FRA who came into contact with victim support organisations testified to the important role played by civil society organisations in helping them to leave their situation and seek access to justice.

*"It was amazing. They offer real help, I feel comfortable to go and speak to them about my situation."*  
(United Kingdom, interviewee from the Philippines)

### Supporting domestic workers in the aftermath of severe labour exploitation – the key role played by civil society organisations

FRA evidence shows the crucial role that third parties – such as victim support and migrant workers' organisations, and also private individuals – play in enabling and empowering exploited domestic workers to leave their situation and access support. This is often the first step to accessing justice, which findings show is often out of reach for exploited domestic workers who do not know where to turn for help.

Under Article 8 of the Victims' Rights Directive, all victims – including migrants in an irregular situation – have a right to access support services in accordance with their needs. Victim support services must operate in the interest of the victim and be confidential and free of charge. If access is denied, Article 47 of the Charter requires that an effective remedy be available to the victim. FRA highlighted in its 2015 report on severe labour exploitation that, while most Member States have special measures in place to deal with at least certain categories of victims – such as victims of trafficking in human beings – there is a lack of comprehensive support service systems for victims of severe forms of labour exploitation, and many existing services exclude particular groups.

The experiences of domestic workers interviewed by FRA in 2017 show that, where victim support organisations are involved, the protection mechanisms established for victims – for example, victims of trafficking in human beings – can work well. For

example, with regard to the situation of seven interviewees who had been granted or were awaiting a decision on being granted special residence status as recognised victims of trafficking in human beings (relating mostly to domestic workers from the Philippines in the United Kingdom), interviewees had approached private third parties such as a church, a shopkeeper or a neighbour, who put them in touch with a community support group for Filipinos (the Filipino Domestic Workers Association (FDWA)). This group then put interviewees in touch with the migrant domestic workers' support organisation Kalayaan, which referred their cases to the National Referral Mechanism (a framework for identifying victims of human trafficking and ensuring they receive the appropriate protection and support).

FRA evidence shows that third parties can also help exploited domestic workers from third countries to (at least temporarily) regularise their situation. At the time of interview, the majority of interviewees (15/22) had obtained some form of (at least temporary) residence status. This is enabled by EU legislation, such as in the case of victims of trafficking in human beings. Third parties also encouraged and empowered interviewees to report to police.

#### FRA opinion 4

As the agency highlighted in its 2015 report, and reiterates here in light of the evidence gathered for this report, EU Member States should ensure that:

- every victim of severe labour exploitation has targeted support services available to them – for example, by extending the mandate of support services targeting victims of trafficking to include support service provision to victims of severe labour exploitation;
- mechanisms for the referral of victims to support services are available for victims of all forms of severe labour exploitation;
- victims of labour exploitation are not excluded from support services as a result of their irregular residence status;
- support services are equally accessible to EU and non-EU citizens.

## No or little knowledge of domestic workers' rights

Almost all interviewees who experienced labour exploitation indicated that they had little or no knowledge of workers' rights.

Research participants in focus groups saw not knowing one's rights as a factor which facilitates exploitation, in addition to not knowing national legislation and agreements regarding the establishment of work contracts, working hours or tasks associated with a specific profession (for example childcare). Participants also identified a lack of knowledge of human rights as a cause of exploitation.

*'The employers take advantage of that, of knowing that the person has little information. [...] [E]mployers know what the rights of the employee are, but they pretend that they don't because this way they can take advantage of the fragility of the person and use that in their own favour. [...] [I]f there is more information, this will happen less often.'*  
(Portugal, interviewee from Cape Verde)

## Increasing the knowledge of workers, employers and societies about the rights of domestic workers

FRA evidence shows that domestic workers in the EU rarely have knowledge about their rights as workers – including related fundamental rights. Testimonies of both professionals (2015 report) and exploited workers (2017) gathered by FRA also indicate that employers and the general population are not aware and respectful of domestic workers' rights.

New legislation proposed by the European Commission in 2017 (proposed directive on transparent and predictable working conditions in the European Union) proposes that all workers in the EU should have the right to more complete information on the essential aspects of their work, to be received by the worker, in writing, at the latest on the first day on the job. The proposal aims to ensure that these rights cover all workers in all forms of work, including domestic work. It includes targeted provisions on enforcement to make sure that workers effectively benefit from these rights. If adopted, this proposed directive could improve the situation of domestic workers with respect to strengthening their rights to transparent and predictable working conditions, as it is apparent from the evidence gathered during FRA's 2017 research that domestic workers would have benefited from such a measure if effectively enforced.

#### FRA opinion 5

*As FRA stated in its 2015 report on severe labour exploitation, EU Member States should ensure that workers have access to knowledge about working conditions and their rights. Member States should encourage trade unions and other private organisations to provide information to workers before their departure, as well as when they arrive in the country of work. Member State actors can also play an important role in providing information – for example, foreign affairs ministries or embassies. In line with the ILO Domestic Workers Recommendation, 2011 (No. 201), Member States should also provide for a public outreach service to inform domestic workers, in languages understood by them, of their rights, relevant laws and regulations, available complaint mechanisms and legal remedies.*

#### FRA opinion 7

*As previously stated in FRA's 2015 report on severe labour exploitation, Member States should strive to create a climate of zero tolerance among the general public of labour exploitation. As highlighted in the 2016 European Parliament resolution on women domestic workers and carers, Member States could organise campaigns to raise awareness of the important contribution of domestic workers to society and, in addition, as FRA's findings underline, their rights as workers. Member States should also look at ways of formalising domestic work in their labour markets, which could include financial benefits for those who employ domestic workers in a formal way (for example, in the form of tax credits, as in Belgium and France).*

#### FRA opinion 6

*As highlighted by FRA in its 2015 report, EU Member States should ensure that the basic terms and circumstances of an employment relationship are transparent, well documented and comprehensible to workers throughout the term of employment. With regard to domestic workers specifically, in line with the ILO Domestic Workers Recommendation, 2011 (No. 201), Member States should raise employers' awareness of their obligations by providing information on good practices in the employment of domestic workers.*

## Further information:

This is the first of three publications based on exploited workers' first-hand accounts of their experiences of severe labour exploitation. The second report, forthcoming in September 2018, looks at exploited workers' experiences of workplace inspections. The third report, planned for 2019, will present a comparative overview of severe labour exploitation as experienced by 237 workers in eight EU Member States.

All of the publications will be available on the project page:  
<http://fra.europa.eu/en/project/2017/severe-labour-exploitation-workers-perspectives-selex-ii>

The publications should be read alongside FRA's reports on:

- *Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States (2011)*
- *Severe labour exploitation: workers moving within or into the European Union – States' obligations and victims' rights (2015)*



FRA – EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

Schwarzenbergplatz 11 – 1040 Vienna – Austria  
Tel: +43 158030-0 – Fax: +43 158030-699  
[fra.europa.eu](http://fra.europa.eu) – [info@fra.europa.eu](mailto:info@fra.europa.eu)  
[facebook.com/fundamentalrights](https://www.facebook.com/fundamentalrights)  
[linkedin.com/company/eu-fundamental-rights-agency](https://www.linkedin.com/company/eu-fundamental-rights-agency)  
[twitter.com/EURightsAgency](https://twitter.com/EURightsAgency)



Publications Office

© European Union Agency for Fundamental Rights, 2017  
Cover photo: © iStockphoto

ISBN 978-92-9474-065-6

TK-02-18-361-EN-N doi: 10.2811/064348