



Personal Care and Household Services

EPSU Policy Orientations

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N.B.: The DRAFT EPSU Policy Orientations “Personal Care and Household Services” are building on the EPSU/ETUC contribution to the EC consultation on personal and household services of 24 August 2012 (<http://www.epsu.org/a/8908>), on insights from the 4Quality Project (<https://forquality.eu/>; all documents elaborated in the context of the project – the 11 country reports, the general report, the recommendations, the toolkit – can be accessed on page <https://forquality.eu/publications/>), on the exchange with EPSU affiliates in the course of this project, on documents received by EPSU affiliates and on a number of studies on personal care and household services recently published. The document was drafted in view of EPSU’s input into the Final Conference of the 4Quality-Project on 23 March 2016 (eventually cancelled) and in order to “summarise” key points for any further EPSU work.

Introduction

Personal care and household services (PHS) are as a rule characterised by a high share of lower paid jobs and by a set of precarious working conditions. Those working in private households and in community-based care services often might also have a low number of working hours or working hours spread over the working day, including time in between to go/drive from one household to another. As the female workforce makes up for the large majority of workers in personal care and household services, the issue of gender pay gaps arises, too. In addition, the fact that households/families become direct employers, the extent of undeclared work as well as difficulties to organise and to give access to continuing professional training constitute major challenges. For trade unions it is often difficult to organise workers in private households and to negotiate – not least due to the lack of organised employers’ associations as counterparts – and conclude collective agreements that would cover a large share of the workforce. There are also hurdles for labour inspections and health and safety inspections, not only due to the lack of staff in these services, but also due to the fact that they face legal restrictions to enter private households. Ensuring healthy and safe working conditions and the application of occupational health and safety regulations are another difficulty the workers in private households or in community-based care face.

DRAFT EPSU Policy Orientations in view of the final conference of the project “4Quality” (and any possible future policy initiative by European institutions in the field defined as “personal care and household services”)

1) Distinction between personal care/social support services and household services

- EPSU is critical about the **blurring of boundaries** and the terminological confusion the use of the term “personal care and household services” can create. It endeavours binding together two types of services that have different objectives in our European societies that are characterised by different legal framework, different arrangements concerning their regulation, provision and funding in all countries across Europe and a different workforce when it comes to the main professions. But there are also clearly interfaces and links between the two types of services, especially if we look to households/individuals needing medical and social care, but due to their frailty and level of dependency also one or the other type of household services in order to be able to continue their independent living outside long-term/elderly care institutions.
- On the one hand there are **(personal) social services** – including care services to elderly persons, persons with a disability and children – that are dominantly provided by local and regional authorities and not-for-profit providers/the social economy sector. They fall into the category “social services of general interest” (SSGI) and are part of national social protection systems. They are defined and framed by social, employment and health policies reaching from the local via the regional and national level to the EU-level. On the other hand there are services to households/families that can be described as **“comfort or lifestyle services”** (e.g. cleaning, washing, cooking, gardening, repairing; help with shopping, help with going to the



doctor, etc.) that are – if not done by family members, friends, neighbours or volunteers – mainly provided by individual workers directly employed by families/individuals or by commercial enterprises as a rule from the sectors of cleaning or facility management. Public funding (by taxes or/and social contribution) of care services “lures” for-profit enterprises with such a sector background, increasingly also bigger national or even multi-national companies – into the sector of care services.

- For EPSU it is important to highlight that there are **different social dialogue structures and actors, different collective agreements (in case they have been concluded) and different “professional profiles”** when looking at workers in care services on the hand and at workers in domestic or household services on the other. The 4Quality-Project has again provided ample evidence for this for all 11 countries focused on. Taking all the points elaborated above together, for EPSU this is another reason to strongly defend the standpoint that services involving care and social support of frail elderly people, persons with a disability or children fall into the “SSGI basket”. These are relational services that have a dominant medical or social care dimension. Starting from there, the EPSU positions and policy demands formulated for social services (of general interest) in view of the funding, the modes of provision, the quality of services and the pay and working conditions of the workforce in social services become relevant here, too, and are EPSU’s “red thread” in view of any policy or legal initiatives launched under the label of “personal care and household services”.
- Further concluding from the three bullet points above, **EPSU advocates for dealing with services involving care, personal support, education and training at EU-level under the label of “social services of general interest” and in the context of the regulatory frameworks (from local to EU-level) applying to them.** Such an approach puts the debate and any possible future policy initiative into a framework as set out by Art. 14 TFEU (on services of general interest), by the Protocol 26 on SGI and by articles 34, 35 and 36 of the Charter of Fundamental Rights of the European Union as well as – in the EU MS – in the context of national social protection systems. For EPSU only these are the appropriate frames to discuss and improve issues related to the quality of the services, to the job quality and working conditions in the sector, to the professional qualifications and to the regulation, provision and financing of personal care services.

2) Structured employment relations for workers in personal care and household services

- EPSU considers that the development of quality social services is best guaranteed within a **framework that limits the scope for individual employer-employee relationships, i.e. the direct employment by households/families/individuals.** We are not supporting policies that provide financial or regulatory incentives for the setting up of fragmented services delivered by individual/“atomised” workers that risk having lower job quality and not being protected by all rules of labour law or covered by all schemes of social protection.
- EPSU rather supports the **design and provision of packages of services for frail elderly, parents needing child care, handicapped persons, etc. in the context of structured employment relations.** Such an approach of integrated services delivery in service packages can and should also be developed in a public policy framework and receive public financial and organisational support, e.g. for training and qualification of workers or for social economy enterprises working in line with the general interest to build up structures.
- In this context EPSU would support the **setting up of service agencies** (linked to the national/regional/local public employment services) to support the matching of workers and employers and to serve as a structure to provide professional training to the workers in personal care and household services.
- For EPSU what needs to be promoted for care-related services (for elderly persons, persons with a physical or mental disability and for children) in order to limit the scope for individual employer-employee relationships is the **organisation of structured employment relations and contracts for the workers** with local and regional authorities, by not-for-profit providers/organisations from the social economy or by small enterprises run by health and social care professionals without profit orientation as employers.
- It is also only structured employment relations that provide an **adequate framework to address – based on social dialogue and collective bargaining – workforce issues, in particular related to pay and working conditions (including working time and work**



organisation), to professional qualifications (including career development), to occupational health and safety and to other challenges for the recruitment and retention of workers.

- In sum, in order to create and sustain good jobs in private households and to have, a number of framework conditions need to be complied to. One promising approach supported by EPSU is the “packaging” of policies and measures that set incentives to create and sustain employment contracts subject to contributions to the national social security systems and tax systems as these types of jobs will best provide for a safe legal framework and social protection. This will in the long run also help to reduce the risk of social exclusion and poverty at pension age for workers in care, domestic and household services employed/working in private households. **Social benefits available to co-finance care services (including personal budgets or service vouchers for care work) need to be bundled/combined to “funding packages” that will make it attractive for households to provide decent pay and working conditions.** The **system of public financial support for care work in households needs to be oriented towards the needs and labour and social rights of those providing the care** and reflect their interest to have good jobs with adequate pay and working conditions as well as a full coverage by social protection schemes. Measures and incentives that put the focus on subsidising (with tax payers’ money) “cheap” or affordable labour for private households and in particular for part-time work or for comfort services for households financially better off for EPSU are the wrong approach. A system of public financial support starting at the needs and rights of the workers will also help improve access to basic or further professional training (training courses tailored to the needs; availability of funding; possibility to participate during working time as employee of a social economy organisation or enterprise providing services, not as a self-employed person).
- In the case of **“live-in-employment” in private households** for workers providing care (and household services) the application of labour law, the guarantee of a decent pay and job and the protection from exploitation of the workers are a trade union priority. For this group of workers as well as for workers providing domestic and household services another key objective for trade unions is to organise these workers and to improve their coverage with collective agreements.
- In EPSU’s view it is also only in the context of structured employment relations and on the basis of the framework conditions set out above that the **potential of PHS to support the employment of lower skilled people and their full inclusion into the first labour market** can best be tapped.

3) Forms of provision and public procurement

- See above for point on “service agencies”
- There are **positive effects of public intervention and of public financial support for job creation via voucher systems for care services or personal budgets.** In EPSU’s view, however, the assessment of voucher systems in only quantitative and/or monetary terms and a focus on cost effectiveness compared to other forms of delivery is far from sufficient. The quality of work in the field of personal care and household services – comprising i.a. the contractual arrangements, the pay and working conditions, coverage by/access to occupational safety and health, access to training, coverage by social dialogue structures and collective agreements, etc. – should be the decisive criterion. A functioning personal care service infrastructure (that can also be run by public authorities) is a precondition for service voucher systems for care services to be operational. EPSU strongly opposes a marketisation, commercialisation and privatisation of personal social services.
- For EPSU, **integrated services delivery** can and should also be developed in a public policy framework and receive public financial and organisational support, e.g. for training and qualification of workers (or for social economy enterprises working in line with the general interest to build up structures).
- As for other sectors of public services, EPSU calls for a better protection and an **active promotion of the inclusion of social clauses in public tenders** and the full respect of labour law and compliance with collective agreements to overcome the risk of social dumping



by undercutting wage levels and other working conditions in the labour-intensive personal care and household services.

4) Service quality

- Any initiative at EU-level dealing with the **quality of personal care and household services** should build on the principles set out by Art. 14 TFEU, the Protocol on SGI and e.g. the European Voluntary Quality Framework for Social Services of General Interest (EVQF SSGI). Equal weight should be given to the quality of jobs/working and pay conditions as to the quality of the service provision. This means that requirements for the provision of quality services such as public financing, regulation and control need to be incorporated into the design of adequate policies.

5) Fighting undeclared labour

- Policies need to be designed to effectively fight undeclared labour and grey labour markets that both actually also inproportionally negatively affect migrant workers in personal care, in household and in domestic services. EPSU **opposes policies that provide regulatory or financial incentives for (often false/bogus) self-employment** (of mostly women and many migrants) in personal care and household services.
- EPSU supports policies to help **regularise undocumented migrant workers in care services and to bring employment in care services (back) into “regular” employment**/out of the black/grey market. One tool to foster ethical recruitment and retention practices in the event of cross-border employment is EPSU-HOSPEEM Code of Conduct on Ethical Cross-Border Recruitment (see <http://www.epsu.org/a/8893> and <http://www.epsu.org/a/3715>). EPSU would like to see the EC **promoting in the EU policies in particular the provisions on non-discrimination and on the role and assessment of placement agencies** (that need to comply with the standards of ethical recruitment practices). EPSU supports initiatives to share information and good practice in reducing undeclared work in health and social services. EPSU, however, recalls and deplores that cuts not least in the budgets of labour inspections in several EU member states are one of the causes to make concrete action and monitoring even more difficult in the future than in earlier years, a development to be reversed (for more info cf. <http://www.epsu.org/a/8829>).
- The delivery of care, domestic and household services in the informal economy also means that such workers do not build up contributory benefits and entitlements to statutory sickness pay, maternity leave and the state pension. The delivery of these services through the informal sector is often accompanied by exploitative practices. EPSU insofar supports **public policy** (i.e. coverage by social security schemes) **and social-partner-based** (e.g. in the form of paritarian funds) **initiatives that will help to take workers in these services and working in private households out of the informal economy**

6) Domestic workers

- EPSU calls upon all EU governments to **ratify and make use of ILO Convention 189 on Domestic Workers** of 16 June 2011. As of March 2016 22 countries have ratified it, amongst them 6 EU MS – Belgium, Finland, Germany, Ireland, Italy and Portugal – and Switzerland.
 - Evidence shows domestic workers to be particularly vulnerable and even more so if they are living in their employers home. Acknowledgement of this particular vulnerability means there is a need for special measures and indeed this is what led to the drafting of ILO Convention 189 on Domestic Workers a) if the domestic worker is undocumented they cannot enforce their employment rights and are open to widespread abuse. Rights given to workers under ILO conventions are indivisible and should apply to all workers.
 - Convention 189 sprung from an acknowledgement of the particular circumstances that make domestic workers exceptionally vulnerable. Abuse takes place behind the closed door of a private house which can (as a rule) not be inspected by those agencies charged with enforcing employee’s rights.