



International Labour Organisation
Regional knowledge-sharing forum
Labour inspection and the domestic work sector
Lisbon, 11-12 October 2012

1. Introduction

In June 2011, the International Labour Conference (ILC) adopted the Domestic Workers Convention (No. 189) and Recommendation (No. 201). At the same time, the Resolution concerning efforts to make decent work a reality for domestic workers worldwide invited the ILO's Governing Body to request the Director-General to promote, through appropriate initiatives, the widespread ratification of the Convention, and the effective implementation of the Convention and Recommendation.

Subsequently, the ILO prepared the *ILO Strategy for action towards making decent work a reality for domestic workers worldwide*. To that end, one of the principle areas of action is knowledge development and knowledge sharing, including the exchange of experiences and good practices among ILO constituents.

During 2012 and 2013, the ILO is organising different knowledge sharing events related to the promotion of decent work for domestic workers. Amongst these events, the ILO, in cooperation with the Government of Portugal, organized a 2-day technical workshop on labour inspection and the domestic work sector to facilitate the sharing of knowledge and experiences on compliance and enforcement in the domestic work sector among interested ILO constituents in Europe. The workshop took place in Lisbon on 11-12 October 2012.

In June 2012, in preparation of the forum, the ILO addressed a questionnaire to European labour inspectorates and other authorities competent for monitoring compliance and enforcement of legislation applicable to domestic workers. Replies were received from the following countries: Austria, Bulgaria, Cyprus, Finland, Ireland, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Romania, Slovakia, Spain, Sweden and United Kingdom.

This report presents the information gathered through the regional knowledge sharing initiative, including information drawn from the replies to the above questionnaire. The agenda of the workshop and list of participants are provided as the Annexes to the report.

2. The domestic work sector

According to ILO estimates, there is a minimum of 52.6 million domestic workers worldwide, although due to the difficulties in identifying and quantifying domestic workers, the actual number could be close to 100 million. It accounts for 1.7 per cent of total employment worldwide and for 3.6 per cent of wage employment and 7.5 per cent

of female wage employment. Although the gender composition fluctuates between regions, domestic work is predominantly carried out by women, who account for over 80 per cent of all domestic workers worldwide. In the Middle East and in Latin America and the Caribbean, more than a quarter of all female waged workers are domestic workers.¹ In the last two decades, due to women's growing inclusion to the labour market and to the aging population, the number of domestic workers has increased in over 20 million people and it is likely to continue to increase in the coming years.²

In Europe, estimates for Germany put the number of domestic workers at 700,000. According to the trade union federation DGB some 2.4 million German households regularly employ a domestic worker. In France, official statistics indicate some 589,900 persons employed as domestic workers by households in 2009, 419,400 in Italy in 2008 and 747,000 in Spain in 2010. Numbers of domestic workers directly employed by households are much lower in Nordic countries where services for households are mainly provided by companies. Available statically data on domestic work in Europe is believed to underestimate the true extent of the phenomenon.³

European countries generally include domestic workers within the scope of working conditions legislation. Some countries include domestic workers under coverage of labour laws that apply generally to all workers, for example Bulgaria and Romania. Several other countries, for example Austria, Portugal, Spain and Sweden, have opted to enact a special statute or regulation on domestic work when performed under an employment relationship with a private employer. In other countries as France and Italy, working conditions of domestic workers are regulated through collective bargaining agreements. However, domestic workers may be excluded from occupational safety and health laws or social security protection.

Irrespective of available legal protection, many domestic workers in reality face poor working conditions including excessively long working hours, low pay, lack of rest time, lack of social security, psychological and sexual abuse, discrimination and in the most serious cases child labour, forced labour and trafficking. Domestic work is performed in private homes, often undeclared and without written contracts. Domestic workers and their employers are often unaware of applicable laws and regulations.

Convention No. 189 and Recommendation No. 201 establish minimum labour standards for domestic workers but also highlight the importance of measures to ensure compliance with laws and regulations protecting them, including through labour inspection measures⁴. Against this background, this knowledge sharing initiative has focused on the role of labour inspectorates regarding the domestic work sector.

¹ For further details on statistical estimates on the prevalence of domestic work, please see ILO, Global and regional estimates on domestic workers, Policy Brief 4 at http://www.ilo.org/travail/whatwedo/publications/WCMS_155951/lang--en/index.htm

² See ILO, *Domestic workers across the world: global and regional statistics and the extent of legal protection*, Geneva (forthcoming).

³ Ibid.

⁴ Article 17 of Convention No. 189 provides as follows: (1) Each Member shall establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers. (2) Each Member shall develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations. (3) In so far as compatible with national laws and regulations, such measures shall specify the conditions under which access to household premises may be granted, having due respect for privacy. In addition, the Domestic Workers Recommendations, 2011 (No.201) also addresses issues related to compliance and enforcement in the domestic work sector, including the area of occupational safety and health (see Paragraphs 7, 19, 21 and 24).

3. Labour inspection action in respect of domestic work

The ILO's Labour Inspection Convention, 1947 (No. 81) and its Protocol of 1995 provide the main international legal framework for action by labour inspectorates to secure compliance of legal provisions through preventive, educational and, where necessary, enforcement measures. Though institutional set-ups and mandates vary, the main functions of labour inspection are to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work and to provide information and advice to employers and workers concerning the most effective means of complying with the legal provisions.

In 2011 the ILC adopted a Resolution concerning labour administration and labour inspection which expressly mentioned that "labour inspectors face the challenge of ensuring labour law compliance in workplaces that are difficult to detect (...), or where the employment relationship is particular (home-based work, domestic work), or is difficult to identify (...)"⁵.

Formal recognition that private homes could also be workplaces was fundamental for labour inspectors to be able to exercise their mandate with regards to domestic workers, but domestic work is a challenge for labour inspection services due to the inviolability of the home and the resulting restrictions on inspection visits to households (see below). However, a range of other issues have been identified in the context of the knowledge sharing initiative as needing consideration when examining the role of labour inspectorates in the field of domestic work.

Labour inspection mandates and structures

Most labour inspectorates in Europe include domestic workers within their mandates, including Bulgaria, Cyprus, Finland, France, Ireland, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Romania, Slovakia, Spain and Sweden. In Austria for example domestic households are outside the mandate of labour inspectors, but are competent if enterprises or institutions employ the domestic worker. In Sweden for example, labour inspectors only supervise working environment and not working conditions, which is supervised by the social partners. Since 2008 the Swedish Working Environment Act applies to work carried out in private households, bringing domestic work within the competence of the Working Environment Authority. In addition to promote compliance with occupational safety and health legislation, the Working Environment Authority is responsible under the domestic work law for supervising working hours, overtime, and daily and weekly rest provisions.⁶

There is no information available on examples of labour inspectorates having established specific units to deal with domestic work. In Ireland, the National Employment Rights Authority (NERA) has set up a pilot program to verify compliance in the sector and while initially domestic inspections are carried out by a small number of inspectors the intention is not to create a specific unit, but to mainstream the learning from the pilot have all NERA inspectors trained on the subject to be able to perform their functions generally as with any other sector.

General policy, programmes and approaches

Despite domestic work being within their mandate, in many countries it has not been an area of particular focus or priority of labour inspectorates. As for the reasons for this,

⁵ ILC, 100th Session, Geneva, June 2011, Provisional Record 19.

⁶ See sections 8 and 15 of the Domestic Work Act, 1970.

reference was made to the lack of complaints from domestic workers. The general economic context and decreasing attention to the enforcement of labour rights more generally have also been mentioned in this regard. However, some inspectorates are actively promoting compliance in the domestic work sector through information and advice.

Some labour inspection services believe that in addition to lack of means, the absence of specific tools make it difficult for labour inspectors to target this sector. Labour inspectorates generally mentioned that there are currently no specific methods or procedures used to monitor or enforce the applicable legislation in the domestic sector. It is difficult to identify private employers of domestic workers and domestic work employment relationships, as work is often undeclared or performed as false independent work. As regards complaints, obtaining proof was also mentioned as a difficulty.

In Ireland, the current NERA pilot programme generally identifies employees to be inspected through data received from official sources (e.g. Employment Permits, tax records, etc). It aims at achieving compliance rather than imposing sanctions. Employers are given every opportunity to become compliant and so far no cases have resulted in a prosecution.⁷ (Further details on the programme see below).

Domestic workers in Europe are to a large extent migrants. To overcome the communication challenges and language barriers, Ireland relies on inspectors fluent in Lithuanian, Russian, Polish, French, Czech and Slovak and interpretation services are also available. In Finland, some Estonian and Russian-speaking inspectors specialized in the inspection of premises with foreign workforce. As mentioned below, several inspectorates use information material for workers and employers in various languages. In Spain the labour inspectorate launched a specific campaign in January 2012, on irregular employment and migrant workers in the domestic sector. Since the beginning of the campaign until August 2012, the inspectorate carried out 566 inspection actions out of which 160 lead to economic sanctions against the employers. Labour inspectors in Spain, when provided with proof that a domestic worker has been employed for over 6 months, even if they are in an irregular immigration situation, can draw up a document establishing that there is an employment relationship that will allow the migrant worker to regularize their situation in the country and will be given a work permit. A similar provision exists in Portugal.

Special attention has been given by Belgium, to the situation of domestic workers employed by diplomatic personnel of embassies, consulates and international organizations.⁸ Cooperation between the Labour Inspectorate and the Foreign Affairs Ministry has allowed for better efficiency in promoting decent working conditions for these domestic workers. Belgium has used different channels to inform them of their rights, including in the context of visa applications. The labour inspectorate may send letters to diplomats advising them to grant the domestic workers all their rights. On several occasions, courts have decided labour cases involving diplomats employing domestic workers.⁹ The Labour Inspectorate closely cooperates with the unions regarding domestic workers in diplomatic households and a Committee has been created to facilitate dialogue and reconcile parties when disputes or conflicts arise. It also helps collect information coming from NGOs and different authorities and makes suggestions on regulations.

⁷ NERA plans to have inspected some 100 households under the pilot programme by the end of 2012.

⁸ Paragraph 26(4) of Recommendation No. 201 provides that Members should consider adopting policies and codes of conduct for diplomatic personnel aimed at preventing violations of domestic workers' rights.

⁹ The Belgium courts have held that the right of access to court under Article 6 of the European Convention of Human Rights required them to adjudicate such cases irrespective of diplomatic immunities.

Information and advice for workers and employers

There is generally little awareness of rights and obligations of both parties of the employment relationships involving domestic work. In this regard, there is broad agreement that better information and understanding of applicable laws and regulations among workers and employers is crucial for enhancing compliance, as is ensuring that the normative framework is clear and not overly complicated. In addition, there is a need to raise awareness among persons engaging domestic workers so that they perceive themselves as *employers*.

Several countries have taken active steps in developing materials and disseminating them through different channels in order to better ensure that domestic workers and employers have access to them. Several inspectorates provide information to domestic workers and employers on their websites for example Austria, Ireland, Netherlands, Poland and Spain. In Spain, the labour inspectorate's website makes a model contract available, which was developed in accordance with the new regulations on domestic work issued in November 2011¹⁰. In Cyprus for example the authorities developed a specific leaflet to inform employers of their legal obligation to perform risk assessments. Leaflets have been produced in Austria, Belgium, Cyprus, Ireland, Italy, Poland and Portugal. A number of countries, understanding the importance of the language barriers that many migrant domestic workers face, have prepared materials in different languages (e.g. Austria, Belgium, Ireland, Finland and Portugal). Ireland for example, provides information in 13 different languages. They also contribute to the training of domestic workers to help them negotiate contracts. Call centres to provide information have been set up in Austria and Ireland. It was encouraged that new information technologies and formats be used more often to disseminate information on rights and obligations. TV series, soap operas, campaigns on TV can also be used as effective channels to convey to domestic workers their rights and obligations in an informal and friendly manner.

In Ireland, in the context of inspections involving migrant workers, NERA has produced multilingual cards with confidential contact details to be used by workers when they were unable to freely communicate with them during the inspection. The aim of this is that workers can call the inspectors in cases where they want to receive further information on certain questions. NERA considers this to be especially useful in domestic work inspections.

In Austria in 2012, a project started on homecare that aims at raising awareness, improving the working conditions in the sector, and enlarging the knowledge of labour inspectors, improving knowledge of workers and cooperation of employers and workers organizations.

Complaints

Many labour inspectorates have general complaints mechanisms that are also open for domestic workers, including Bulgaria, Finland, Ireland, Italy, Latvia, Poland, Portugal, Romania, Spain and Sweden. However, in all countries, the number of complaints received is very low. Domestic workers were believed to prefer solving any problems directly with the employer instead of externalising a dispute. It was considered that

¹⁰ Royal Decree No. 1620/2011 specifically mandates the Ministry of Labour and Immigration to make available information facilitating the application of the Decree to domestic workers and employers, including a model contract.

domestic workers, when aware of their rights and possible remedies, were hesitant to lodge complaints because of possible negative impacts on relations with the employer and fear of retaliation¹¹, or because their work is undeclared, or because they are in irregular migrant situation.

In Portugal for example, the labour inspectorate received less than 20 complaints in 2011 but have addressed almost 1,800 questions asking about the labour relation and working conditions. In Latvia only 2 complaints from domestic workers were received in 2011. The labour inspectorate in Spain has not received any complaints. While the information received indicates that complaints are an exception, it appears that statistics on complaints related to domestic work is not systematically collected. In many instances data collected by labour inspectorates is not segregated by sector, which makes difficult to know exactly the origin of a given request

Inspection visits

Visiting workplaces for the purpose of labour inspection is a central means of intervention for labour inspectors. While inspection visits in companies or offices are a routine matter, several challenging issues arise in domestic work where the workplace is a private home, particularly when the worker is employed directly by the household rather than an organization or an establishment. There is an obligation for the State to ensure respect for privacy in accordance with Article 8 of the European Convention on Human Rights¹². To give effect to this obligation, the legislation of most European countries requires labour inspectors to obtain consent of the homeowner or occupant or a judicial authorisation in order to access households. This is the case in countries such as Cyprus, Ireland, Italy, Lithuania, Netherlands, Poland, Portugal, Romania, Slovakia, Spain and Sweden. The fact that the legislation may not provide for record keeping requirements has also been mentioned as a factor rendering inspection visits difficult.

Some labour inspectorates consider that household visits should be limited to most serious cases when violations of fundamental rights are suspected. It was also mentioned that obtaining judicial permission was a challenge in practice. No information emerged on any specific cases where labour inspectors have obtained judicial authorizations to enter household premises in connection with domestic work. Where criminal conduct was involved and the police led investigations, this often meant that the labour inspectorate has limited space to fulfil their function to enforce labour laws.

While access limitations are seen as a challenge for labour inspection, it was also noted that inspectorates could find ways and means to fulfil their mandate in relation to domestic work despite these constraints. In Ireland, under the current NERA pilot program¹³, employers are informed with a letter which is followed-up with a phone call from NERA on their intention to carry out an inspection visit. The employers may choose to refuse receiving the inspector in their home but are obliged to provide an

¹¹ However, it was also noted that it was not uncommon for workers in small enterprises, though being in a similar position, to make use of complaint procedures.

¹² Article 8 of the European Convention provides as follows: "(1) everyone has the right to respect for his private and family life, his home and his correspondence. (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

¹³ By December 2012, the NERA expects to have completed between 90 and 100 labour inspections in the domestic sector.

alternative (i.e. arranging for a meeting with inspectors outside the household premises). About 30 per cent of owners or occupants did not allow inspectors to access their private homes and meetings were arranged elsewhere. NERA inspectors also meet separately with the domestic workers. They try to develop a relationship with both the employer and the worker and the success of the visit depends to a high extent on their ability to interact and communicate with both parties. Inspection visits are carried out by only one inspector – instead of two as was the previous practice - to avoid intimidating employers and avoiding a perception of imbalance of power inside their household.

In Sweden, most domestic workers are employed by private companies and not directly by the household owner. Inspection visits can thus be carried out in company premises, though there are also provisions enabling the Work Environment Authority to visit the homes in which company-employed domestic workers carry out their work. This is possible only at the request of the employer or worker concerned or if there is some other special reason.¹⁴ Under the same conditions, visits in homes are possible where the employer is the householder.¹⁵ In Finland, the available information suggests that visits by inspectors in a private household are extremely rare and in Poland it is not done altogether.

Cooperation with other authorities

In many countries labour inspectorates cooperate with other public authorities, mainly with the judiciary, social security institutions, tax authorities, immigration authorities and the police. For example, in Cyprus, cooperation exists with several authorities that deal with migrant workers' issues including the Police, the Civil Registry and the Migration Department. In Ireland, NERA inspectors are part of the State Joint Inspection Unit structure, carrying out joint inspections which examine employment, taxation and social welfare issues (concentrating on hidden economy and undeclared work) and sharing information with the Department of Social Protection and the Revenue Commissioners. The NERA also collaborates with the tax authorities in order to obtain information on employers that they may inspect.

It was encouraged that labour inspectors and law enforcement authorities collaborate to ensure that labour inspectors are provided with follow-up information on measures that have been taken by the enforcement authorities in cases involving domestic workers in which labour inspectors have participated. In some countries, inspectorates and law enforcement authorities have signed cooperation agreements and the data protection legislation allows for information sharing between agencies in cases that there exists suspicion of an offence.

Training of inspectors

From the information gathered, it emerges that domestic work and related issues are not specifically addressed in labour inspection training in most countries. Some countries have trained a number of labour inspectors on certain specific topics related to domestic work. For example, in Austria labour inspectors received training regarding homecare within the scope of a project aiming at raising awareness and improving working conditions in the homecare sector. Ireland plans to include domestic work into labour inspection training plans, drawing on the experiences made in the context of the

¹⁴ Working Environment Ordinance, section 15.

¹⁵ See sections 8 and 15 of the Domestic Work Act, 1970.

pilot program. More generally, labour inspectors in Ireland receive training on forced labour and human trafficking. Labour Inspectors in Cyprus have received instructions and supplementary training concerning the enforcement of the legislation on occupational safety and health in the domestic sector.

4. Cooperation between labour inspectorates and workers' and employers' organisations

The effectiveness of labour inspection services can be considerably enhanced if they are supported by the concerted action of workers' and employers' organizations. In the field of domestic work, such cooperation is not yet well established. This has to do with the fact that collective organization and representation of domestic workers and employers of domestic workers generally remains weak and to the fact that employers and workers do not see themselves as such. For this reasons, collective it's difficult to negotiate collective agreements on domestic work in most of the countries

The information gathered illustrates that, on a general level, labour inspectorates and social partners collaborate in many ways with each other, and this may provide for an entry point to address domestic workers' issues. In Austria, there are committees at national and regional level where the labour inspectorates cooperate with the social partners and issues on domestic work can be covered when appropriate. In Belgium there is an open dialogue between the Labour inspection and the social partners covering all economic sectors. The NERA in Ireland has a tripartite Board and meets every two months, which ensures on-going participation of the social partners in the strategy and implementation of labour inspection activities in the sector. The Swedish social partners collaborate with the Work Environment Agency and there is a structured social dialogue by which consultations with employers' associations and unions are held several times a year.

In France, there is a long tradition of social dialogue on domestic work, including care work. Currently two employer's federations include domestic work in their agendas and there are several collective bargaining agreements on the subject. French employers' organizations have taken a keen interest in providing information to employers of domestic workers and contributing to professionalization of the sector both on technical and legal aspects. French workers' and employers' organizations are closely involved in policies and measures concerning occupational safety and health of domestic workers.

Collaboration and partnerships with other non-traditional partners, such as migrant associations, NGOs or religious organisations, has been mentioned as valuable in reaching out to domestic workers and learning more about this sector. They can provide information that otherwise labour inspectors would not have access to and can also be partners to disseminate information on rights and obligations among domestic workers and their employers.

5. Some additional issues and areas for consideration

The information gathered through this regional knowledge sharing initiative points to a number of issues and areas in which action can be considered in order to enhance compliance and enforcement in the domestic work section through labour inspection measures.

Better information on domestic work for inspectorates

One of the main challenges that labour inspectors face is the lack of information on domestic work. Data on the numbers of domestic workers, the number and profile of employers, and the households relying on the domestic services, the existence of a labour relationship, the factual conditions of employment, the risks and vulnerabilities that domestic workers face, and extreme cases of abuses and violation of fundamental rights are only examples of basic data that labour inspectors need to be able to map and strategically plan their reactive and proactive activities.

While the development of data on domestic workers, including their actual working conditions, require action by a number of actors, labour inspectorates can, within their sphere of action, take certain steps as well. For instance, it was proposed that inspectorates could open specific areas in their webpages where domestic workers could ask questions, make comments and suggestions. This would serve a double purpose: (1) collect information and (2) open a channel for providing information to domestic workers. Better information for inspectorates could also be achieved through collaboration with social security and tax authorities. Partnerships with unions, NGOs, migrant associations, religious groups would also help identify situations of abuse and obtain information on the actual working conditions and risks that domestic workers are facing.

Formalisation of the employment relationship

Efforts to promote the formalization of employment relationships in domestic work facilitate the implementation of labour inspection measures in this sector. Requirements regarding written contracts or statements on terms on conditions of employment, record keeping (e.g. working time, pay slips), and simple procedures for declaring domestic work have been mentioned in this connection. One of the key actions that labour inspection services can take is to ensure that terms and conditions of employment in accordance with the legislation are in place and to make verifications based on records. In the case of the Irish pilot programme, infractions detected mainly related to violations of record keeping obligations. In order to help workers determine if they were “employed” or “self-employed”, the Irish authorities and social partners have developed a ‘Code of Practice for Determining Employment or Self-Employment of Individuals’ which workers and employers can use to identify their status.

Some countries, including Belgium, France and Sweden promote formalisation of domestic work employment relationships providing household employers with fiscal incentives, and also by encouraging the creating of non-profit organizations and companies offering services to households.¹⁶ In Sweden, households purchasing services from companies benefit since 2007 of a tax reduction of 50 per cent of the costs of the services up to a certain threshold¹⁷ In France and Belgium the Government provides direct financial support contributing to the salaries of domestic workers, in addition to tax deductions. In Spain, the Government estimates an increase of 28% in the number of registered domestic workers since a recent reform included these workers in the general social security system entered into force in January 2012¹⁸. In order to encourage social security affiliation, the Government applies a transitional 20

¹⁶ In this case, the household is not the employer, and enforcement action can be targeted at the employing organization.

¹⁷ The number of companies providing household services considerably increased following the introduction of the scheme in 2007, with approximately half a million people buying services from some 17,000 companies in 2012 (Data provided by the employers’ participant from Sweden, Ms. Eva Kovar).

¹⁸ Act No. 27/2011 of 1 August 2011.

per cent reduction of social security contributions. In other countries, for example Italy, sanctions are imposed for not communicating the employment of a domestic work to the Social Security Authorities.

Migrant domestic workers

Domestic work in Europe is performed to a large extent by migrants. As mentioned above, this requires targeted approaches, for instance, dissemination of information in various languages and cooperation with organizations specializing in protection and assistance to migrants. Migrant workers in an irregular immigration situation are particularly vulnerable to abuse and exploitation. One of the reasons is that these workers refrain from lodging complaints, as this may lead to their removal from the country's territory, fact well known to their employers.

The information gathered in the context of the knowledge sharing initiative shows that several labour inspection services cooperate with the authorities responsible for immigration. It was recalled that the ILO Committee of Experts on Application of Conventions and Recommendations in relation to Convention No. 81 has concluded that the primary duty of labour inspectors is to protect workers and not to enforce immigration law¹⁹. It was also noted that even when labour inspectorates are not responsible for enforcing immigration policies, they may nevertheless have an obligation to report cases where they have identified undocumented migrant workers to the competent authorities. As indicated above, in Spain and Portugal, the labour inspectorates play a role in the procedures allowing undocumented migrant workers to regularize their immigration status.

Strengthening relationships between inspectorates and the judiciary

There is a need for further developing and strengthening relationships between labour inspectorates and the judiciary and create close partnerships. Expedite judicial procedures should be created to deal with access to households to avoid delays. Training for judges on domestic work-related issues would also raise awareness about this sector, the workers' situation and the need for collaboration between authorities. Labour inspectors could participate in the trainings, which would facilitate future relations and collaboration. Inspectors should have access to conferences and events organised by judges to create relationships and judges could also be invited to events organised by the labour inspectorates. Online platforms could be created so judges and labour inspectors could share information and at the same time be used to speed up processes that currently are handled and completed through physical paper and distribution causing avoidable delays. Collaboration with lawyers associations could also be effective.

Training and tools for labour inspectorates, and workers' and employers' organizations

Because domestic work has not deserved a particular focus by most labour inspectorates, information and knowledge of related issues can be expected to be low among the officials concerned. Hence, training to raise labour inspector's capacities and knowledge on domestic work as well as development of tools that will assist them in their activities could be considered. However, workers' and employers' organizations need better information and training too on domestic worker's rights and obligations in

¹⁹ See ILO, CEACR, General Survey, ILC 95th Session, 2006, paragraphs. 75-78

order to integrate domestic work and domestic workers in their activities and to enable them to cooperate with the labour inspectorates on these issues.

Such training will be important for assisting labour inspectorates, and workers and employers organizations to develop information tools for domestic workers and their employers. Such information should include relevant aspects of labour law, rights and obligations of both parties, occupational risks that domestic workers encounter in their work and gender issues. It is essential that training and information is designed for the target audience and that it includes inputs from personal experiences of domestic workers. Train the trainers materials could be developed to ensure sustainability.

6. Concluding remarks

The region knowledge sharing initiative has allowed shedding some light on the role presently played by European labour inspectorates when promoting decent work for domestic workers. The initiative assisted in identifying issues and challenges in relation to labour inspection and the domestic work sector which can serve as starting point for further discussions and follow-up. They may be summarized as follows:

General mandates and approaches

- Domestic work falls within the mandates of most labour inspectorates in Europe.
- Attention by labour inspectorates to domestic work should aim at both prevention and enforcement.
- Inspectorates need more and reliable information and knowledge of domestic workers and their situation.
- The risks faced by domestic workers should be taken into consideration when deciding on national inspection priorities.
- The biggest problems faced by domestic workers are related to the undeclared on unrecognized employment relationship. Extreme cases of child, forced labour and moral and sexual harassment may also exist. Other problems are related to wage payment and working time.
- Measures to facilitate recognition and formalization of the employment relationship, as well as professionalization of domestic work can enhance compliance and facilitate supervision and enforcement.
- Given the specific nature of domestic work, labour inspectors and inspectorates could benefit from specific training on domestic work

Methodologies and mechanisms

- Preventive and reactive strategies for labour inspection should be developed to ensure compliance with legislation.
- Intervention models based solely on complaints from domestic workers appear to be inefficient, recommending labour inspectorates to map the risks of incompliance and set proactive intervention
- Methodologies to proactively promote compliance using different methods need to be developed, making use of incentives, wide dissemination of information and precise enforcement of sanctions
- Mechanisms are needed to identify cases most of serious violations, preferably in cooperation with other authorities and in collaboration with social partners.
- Specific approaches in respect of specific vulnerable groups, such as migrant or children in domestic work should be created.
- There is a need to build confidence among domestic workers and employers in the services labour inspection can provide.

- Appropriate mechanisms for dispute resolution should be created or extended to cover all domestic workers and their employers, including migrant workers.

Inspection visits to households

- The inviolability of the home must be respected and protected; however, ensuring compliance and enforcement in domestic work is broader than access to households.
- Household visits would need to be limited to those cases where it is useful and appropriate, and carried out within the conditions set to protect the inviolability of the household.
- The question of how to identify employers for inspection through a visit in their homes requires further attention.
- Methodologies on how to intervene where criminal offences are suspected are needed.
- Speedy processes to obtain judicial authorization to access the household are necessary to ensure protection of domestic workers when most serious violations are occurring.

Cooperation and collaboration

- Domestic work is a sector that particularly requires collaboration between labour inspection services and the judiciary.
- Cooperation between labour inspectorates and other enforcement agencies in charge of labour and social protection of domestic workers is similarly essential to ensure decent working conditions in the sector.
- There is room for developing collaboration between inspectorates and social partners in the area of domestic work.
- Partnerships between labour inspectorates and civil society organizations can also play a valuable role.

7. ANNEX 1 AGENDA

PROGRAMME

Thursday, 11 October

8:30-9:00	Registration
09:00-09:30	Opening
09:30-10:30	<p>Session 1 – Introduction</p> <p>The Domestic Workers Convention, 2011 (No. 189) has introduced a set of minimum standards for domestic workers and also laid down general principles on how labour laws protecting domestic workers can be effectively enforced at national level. Labour inspection is a core State function to prevent and supervise compliance with labour laws and regulations. Although the Labour Inspection Conventions Nos. 81 and 129 provide the ground for common characteristics of labour inspection, national systems differ in terms mandates, policies, approaches and methods of inspection. On the basis of a questionnaire sent by the ILO to selected EU member States, a short summary will be presented during the session highlighting how are labour inspectorates in the European Union addressing domestic work, lessons learned and current challenges.</p>
10:30-11:00	Coffee break
11:00-12:45	<p>Session 2 - Labour inspection action in respect of domestic work</p> <p>Domestic work is a challenging field of action for labour inspectorates, on reason, amongst others, of the private nature of workplaces (households), information deficits of employers and workers on their obligations and rights, difficulties of proof and the need of strong cooperation – even more than for other areas – with the judiciary system. The session will focus on the implications of these characteristics for the action of labour inspectorates. Participants are invited to take stock of the various types of action currently used with regard to domestic work and share related practices and experiences.</p>
12:45 -14:00	Lunch (at the Hotel)
14:00-15:45	<p>Session 3 - Access to household premises</p> <p>This session focuses on the question of inspection visits to households in which domestic workers are engaged. National law restricts access to households by public authorities in order to ensure respect of the inviolability of the private domicile. A balance between the inviolability of the domicile and the right of free entrance to workplaces set by Conventions Nos. 81 and 129 is frequently achieved by establishing the need to obtain the consent of the occupant/employer or prior judicial authorization. The methods used by inspectorates may be innovative, but need to remain within the parameters set by the law. During this session participants are invited to present and discuss examples of how labour inspectors conduct visits to private households, preserving privacy rights and simultaneously ensuring success of the intervention.</p>
15:45-16:00	Coffee break
16:00- 17:30	<p>Session 4 - Compliance strategies</p> <p>Non-compliance may occur in individual cases but may also be a widespread</p>

	phenomenon. Labour inspection can use approaches combining compliance promotion, prevention of widespread non-compliance, and enforcing the law through control and sanctions. The experience of European countries shows that workers are keen to obtain information about their rights and that awareness raising can lead to good results in preventing non-compliance. On the other hand, labour inspectorates can innovate in the way they address their stakeholders, using hot lines, web based resources, radio broadcasting, television, etc. The session will underline the different possibilities that labour inspectorates have to increase compliance levels and to better protect domestic worker's rights, including through recognition of the employment relationship.
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Friday, 11 October

08:45-10:30	Session 5 – Collaboration between labour inspectorates and workers' and employers' organizations Good collaboration with social partners at all levels (national, sectorial, local and at company level) is a core factor for success of labour inspectorates. In the case of domestic work, given to its specific characteristics, such cooperation is particularly important. The session explores cases and scenarios of joint action, from policy making to strategic planning, operational planning, monitoring and evaluation of results. Participants will be invited to express what could be the common answers of all involved actors to better achieve decent working conditions for domestic workers and to motivate domestic employers to assume their social responsibilities.
10:30-10:45	Coffee break
10:45-12:30	Session 6 - Group Work on new and innovative approaches This session will provide an opportunity to reflect on the possible development by labour inspectorates, in cooperation with social partners, of new and innovative approaches for the protection of domestic workers.
12:30-13:45	Lunch
14:00-15:30	Wrap-up session <ul style="list-style-type: none"> • Summary of the discussions • Closing remarks by participants • Follow-up and possible future cooperation

8. ANNEX 2 PARTICIPATION

Aida Morais	Portugal	ILO	ILO
Albertina Jordao	Portugal	ILO	ILO
Ana Santos	Portugal	ILO	ILO
Bart Labeeuw	Belgium	Workers	CSC Alimentation et services
Carlos Trindade	Portugal	Workers	CGTP-IN
Carmen Trujillo Abarca	Spain	Government	Ministerio de Empleo y Seguridad Social
Christina Jarnstedt	Sweden	Employers	Landorganisationen(LO)The Swedish Trade Union Confederation
Eva Kovar	Sweden	Employers	Swedish Enterprise

Florence Maurin	France	Employers	Syndicat des Particuliers Employeurs
Gergana Yankova	Bulgaria	Employers	Bulgarian Industrial Capital Association
Gregorio Rocha Novo	Portugal	Employers	CIP- Confederation of Portuguese Business
Helena Perez	Geneva	ILO	ILO
Ivan Kokalov	Bulgaria	Workers	Confederation of Independent Trade Unions of Bulgaria
Joana Gomes	Portugal	ILO	ILO
Joao Proença	Portugal	Workers	UGT
Joaquim Pintado Nunes	Geneva	ILO	ILO
John Kelly	Ireland	Government	NERA- National Employment Rights Authority
Jose Forte	Portugal	Government	ACT
Luc Demaret	Geneva	ILO	ILO
Margarida Araujo	Portugal	Government	Direccao Regional de Lisboa e Vale do Tejo
Marieke Koning		Workers	International Trade Union Confederation (ITUC)
Mario Van Mierlo	Netherlands	Employer	VNO-NCW/MKB (Confederation of Netherlands Industry and Employers)
Marta Tomeo Romanillos	Spain	Government	Ministerio de Empleo y Seguridad Social, Inspectoría de Trabajo y Seguridad Social
Martin Oelz	Geneva	ILO	ILO
Michel Aseglio	Belgium	Government	Direction Generale du Controle des Lois Sociales
Niculae Voinoiu	Romania	Government	Labour Inspection
Padraig Dooley	Ireland	Government	NERA- National Employment Rights Authority
Palmira Maya Domingo	Spain	Workers	CCOO
Paula Flor Dias	Portugal	Government	ACT
Philippe Marcadent	Geneva	ILO	ILO
Susana Luz	Portugal	Government	Direccao de Servicos de Apoio a Actividade e Inspectiva
Vanda Jerónimo	Portugal	Workers	UGT
Vivalda Silva	Portugal	Workers	CGTP-IN
Yasmine Soraya	Netherlands	Workers	Federatie Nederlandse Vakbeweging (FNV)
Yves Calvez	France	Government	Direction Generale du Travail