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Hidden Populations – the Case of Domestic Workers in the Netherlands

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APPENDIX 5: CASE STUDY 4 - HIDDEN POPULATIONS – THE CASE OF DOMESTIC WORKERS IN THE NETHERLANDS

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1. Domestic work in the Netherlands

Developments in Dutch society and governmental policy are expected to have a great impact on the expansion of the market for domestic services (Commissie Diensverlening aan huis 2014). The growing labour market participation of women, for example, and the rise in the number of single and dual-earner households is likely to result in an increased demand for cleaners, house-keepers and child minders; the growing number of older people is likely to increase the demand for carers, just like the welfare state retrenchment and growing focus on self-reliance in care provision. While in general the market for domestic work is in the Netherlands still relatively limited, research by SCP shows a clear trend towards “outsourcing” of household tasks by – among others – hiring domestic workers (SCP 2013).

In the most recent report, commissioned by the Dutch government, and based on internet survey administered among 15.000 Dutch households, Panteia (2014) estimates that ca. 13% (1 mln) households in the Netherlands employ a domestic worker (defined as a non-self-employed person hired directly by a household, other than au-pair) on a regular basis. SEOR (2013) estimates that in total ca. 1.3 million Dutch households employ a domestic worker other than au pair – either formally (500 thousands) or informally (800 thousands).

The Panteia report focusing on the demand side of the market, does not mention any estimates regarding the number of providers of domestic services. An earlier estimate by CNV Labour Union (Trouw, 2006a, 2006b) suggested the presence of 1.2 million domestic workers in the Netherlands. More recently, SEOR (2013) estimated that there are ca. 435 thousand persons working in private households, 60% of which (265 thousands) is employed informally (others estimate the value of undeclared domestic work at 50% – see SEOR 2004).

Indeed, due to the informal nature of employment in domestic service sector, limited obligations with respect to the registration of domestic employee’s on the part of their employers and the composition of this category of workers (including, among others, irregular migrants not willing to reveal their very existence as well as persons in receipt of benefits not willing to reveal their additional sources of income), little is known about the actual size and profile of the domestic workers population.

This report will sketch the profile of the domestic worker in the Netherlands, focusing in particular on their legal position (sections 1.2 – 1.3), their formal (citizenship) status (section 2) and the mechanisms of exclusions that affect them (sections 3 and 4). The implications of gender and ethnicity will be briefly discussed in section 6.

1.1 What is (domestic) work?

“Domestic work” as defined by the policymaker comprises all **house-keeping services** for the private household, such as housecleaning, cooking, doing and ironing the laundry, letting the dog out, shopping and collection of medicines, small repair and maintenance jobs in and around the house, car driving and gardening, but also childcare and homecare for elderly and/or chronically sick persons. While provision of domestic services usually takes place in or around the house of the employer, it may also comprise work performed (occasionally) outside, such as childcare which can take place also in the house of the carer (Kamerstukken II 2006/07, 30 804, nr. 3).

Since 2007 reforms in **homecare provision**, “domestic work” encompasses as well the state subsidised household assistance provided under Social Support Act (WMO; now WMO 2015) and healthcare at home financed under the Exceptional Medical Expenses Act (AWBZ), either in the form of care in-kind (*zorg in natura*) provided by certified professional homecare institutions (*thuiszorginstelling*) or care provided by a person chosen by the client and paid for from their personal care budget (*persoonsgebonden budget* - PGB). Both types of care can be offered to clients on the basis of medical indication issued by a certifying institution. The actual homecare workers (so-called *Alpha- helpers*) can be employed directly by private service users (individuals, households), by the private service users via the intermediation of professional care institutions or by the professional care institutions themselves.

“Domestic work” includes as well **childcare** provided at home by so-called host parents (*gastouders*) – employed either directly by the household or via an intermediary host-parents organisation. In both cases, the cost of childcare – if declared – can be tax-deductible and thus indirectly subsidised by the state (cf. van Walsum 2013).

Finally, “**au pair**” constitutes a particular form of live-in and – per definition migrant, domestic help, most often related to care of young children. Still, it is officially defined in terms of “cultural exchange” and not (domestic) work.

1.2 How is domestic work regulated?

In the Netherlands, domestic work is implicitly assumed to be part time and as such regulated predominantly by **Regulation on Household Services (Regeling Dienstverleging aan huis)**.⁴⁹ Introduced in 2007, the *Regulation* applies to the provision of personal and household services for *no more* than three days a week per household. Thus it defines the “part-time” from the point of view of the service user and not the service provider, who might be working for more than one household and constitute in fact a “full-time” domestic worker. According to the *Regulation*, a domestic worker is entitled to a limited range of social rights and limited labour protection.

Differences encompass:

- **exclusion from participation in social security schemes:** since their employer is under no obligation to withdraw income tax or pay employee’s insurance premiums, domestic workers are not entitled to disability or unemployment benefits and do not participate in private old-age pension schemes unless they have insured themselves voluntarily (as all inhabitants of the Netherlands, they would be still entitled to a flat-rate state pension);
- **limited length of paid sickness leave** (wage paid for up to 6 consecutive weeks as compared to 104 regular employees are entitled to);
- limited right to written contract and job description; still to acquire the rights of a domestic worker, one does not need to have (signed) a written contract – legally, any agreement between the partners to deliver work/services in exchange for money is a “work contract”;
- limited protection against dismissal; for example, their employers may terminate contracts

⁴⁹ **Regulation on Household Services (Regeling Dienstverleging aan huis)** was not the first to regulate the market for personal and household services. It replaced regulations which were deemed ineffective. Its primary objective was to help expand the market for private cleaning services and thus enable/stimulate the labour market participation of low educated groups. Other goals included: the formalisation of undeclared work and boosting the labour market participation of those who hire private domestic workers. For a detailed history of domestic work regulation see Bijleveld and Hartman (2010); for a brief English language summary see Eurofound (2009).

without applying for a permission of Dutch labour authorities.

The *Regulation on Household Services* applies to domestic workers (Alpha-helpers, host parents) employed directly by individual households as well as those who are employed via an intermediary institution and actually linked to it administratively and fiscally. This counterintuitive and ambiguous construction was introduced following the 2007 reforms in homecare provision, which pushed huge numbers of Alpha-helpers out of salaried employment at homecare providing institutions (*thuiszorginstelling*) into the precarious position of part-time domestic workers. Despite the intermediation and administrative involvement of the homecare institutions⁵⁰, Alpha-helpers were considered the employees of private care users and as such subjected to *Regulation on Household Services (Regeling Dienstverleging aan huis)* even if the care user was actually unaware of his/her role as an employer and/or unable to perform it (cf. Bijleveld and Cremers-Hartman 2010; van Walsum 2013). The construction allowed dumping the prices of care provision at the expense of Alpha-helpers.

Only recently the jurisprudence which repeatedly pointed to the existence of a de facto employment relation between the intermediating institutions (cf. Bijleveld 2015) employees of the care sector led to an official agreement⁵¹ that is bound to (partly) improve the situation of Alpha-helpers. As from 2017 care users can choose either for care-in-kind provided by external institutions or personal budget (PGB) to buy the care they need themselves. While care-in-kind can be provided only by workers officially employed by a professional homecare providing institution (*thuiszorginstelling*), the PGB-financed carers are the employees of the care user him/herself and – if employed for no more than three days a week and regardless of whether or not they are employed via/with mediation of an intermediary care providing organisation – subjected to *Regulation on Household Services (Regeling Dienstverleging aan huis)* or self-employed. It is unclear how the agreement will affect the host-parents working under very similar legal framework (yet much more limited in number).

Regular labour law provisions apply to domestic workers who are employed for more than three days a week in the same private households and those officially employed by external service providing organisations, such as care institutions. As employees of intermediary organisations, domestic workers are considered regular employees and as such entitled to a whole range of social rights and labour protection. The employer is obliged to withdraw income tax on their behalf and to pay employee's insurance premiums. This guarantees being insured against incapacity to work and unemployment as well as participation in a private old-age pension scheme. This also means protection from unjustified dismissal, right to paid holiday rest, paid sickness leave, paid maternity leave, paid overtime, etc. In practice, however, this relates to a very limited number of domestic workers and virtually no Alpha-helpers or host-parents.

Au-pair regulations apply to live-in migrant domestic workers who enter the country within the framework of 'cultural exchange' to live with and work for a Dutch family for a limited period of time (maximum of one year). Of relevance here are regulations stipulated in Modern Migration Act (*Wet Modern migratiebeleid*) and Foreign Workers Act (*Wet arbeid vremdelingen – Wav*). Even though they live and work in private households, *au pairs*

⁵⁰ The intermediaries often perform multiplicity of roles; they: (1) act as brokers between employees and employers, (2) administer all the payments and income-tax of the domestic workers, (3) set the rates and standards, (4) monitor the quality of provided services and (5) mediate in case of conflicts (cf. van Walsum 2013).

⁵¹ Agreement between the government, municipalities and social partners was achieved on December, 4th, 2015.

are employed via certified agencies obliged to protect their rights.⁵² The work of *au pairs* is strictly regulated: they are allowed to carry out only light household tasks that do not require specialist skills (in particular, they are not allowed to care for people with special care needs), for a maximum of 8 hours a day and 30 hours a week and in exchange of bed and board and pocket money that cannot exceed the administrative limit.

1.3 Types of domestic workers in the Netherlands and their social rights

In general, several types of domestic workers can be distinguished depending on (1) who their employer is (external intermediary organisation vs. actual user of their services - private household), (2) legal basis of their employment: formal vs. informal and/or (3) source of financing (i.e. co-financed by the state or paid solely by the private employer). While all domestic workers perform similar type of work, their wage as well as social and labour protection depend very much on those three elements which define their employment status. SEOR (2013) distinguishes four types of domestic workers in the Netherlands:

Employees of an institution providing (care) services: these are predominantly the so-called Alpha-helpers (*Alphahulp*) that provide personal and household assistance to persons with health-related limitations and elderly on the basis of medical indication issued by a certifying institution. Their wages are subsidised by the state either via personal care budget (PGB) or *alphacheques*⁵³ transferred by the municipality to the entitled individual/household or the institution providing the beneficiary with care-in-kind. Even though they provide their services in private households, the Alpha-helpers remain the employees of the intermediating institution and as such are regarded regular workers, subjected to regulations of the labour law and entitled to the same social rights as all the other regular employees.

This category comprises as well cleaning-staff employed in individual households by intermediating companies. According to Da Roit and van Bochove (2014), there is evidence of the increasing importance of cleaning companies contracted by municipalities to provide support to people in need of care.

Also a limited number of host-parents employed in intermediating institutions fall into this category. While their work is not subsidised in the form of direct money transfers or service cheques, households employing host-parents may request tax-deductions (SZW 2015; van Walsum 2013).

Individual household employees subsidised by the state: these are Alpha-helpers hired by elderly or disabled people to perform household care for a maximum of three days per week. Their wage is (co-)financed through

⁵² WODC (2014) research shows that agencies financed de facto by the host families, tend to represent their interests and not necessarily protect the *au pairs*. Also, the vulnerable (migrant) position of *au pairs* and fear of being expelled from the country often prevents them from filing a(n) official) complain.

⁵³ Personal care budget (PGB) is a sum of money awarded to eligible individuals to purchase the care/assistance they need. It was introduced to shift the balance of control from care providing agencies to the actual users/end beneficiaries of those services. The money transferred to the beneficiary's/client's bank account; the client is free to purchase the care services from a health care provider but also from any person willing to provide the service. Since the beginning of 2010, voucher systems – "*Alfachèques*" – have been also introduced in several Dutch municipalities to replace "care-in-kind" (provided by the municipalities via external professional homecare institutions). Municipalities distribute these vouchers to people entitled to WMO benefits. The amount of care (hours) and number of vouchers the beneficiary is entitled to is determined by the municipality and depends on their personal circumstances. With the vouchers, beneficiaries can hire an Alfa worker of their choice. One voucher of €12.80 can be exchanged against one hour of domestic work. This amount includes the holiday allowance and the paid holiday leave. The beneficiaries may need to pay a contribution per voucher according to their level of income. Alfa vouchers provide better control for the municipalities by guaranteeing the vouchers can only be used to pay for services of Alfa workers.

personal care budget (PGB) or alphacheques. According to the estimates of Panteia (2014), 100.000 households employ Alpha-helpers.

Also host-parents employed directly by individual households fall into this category. While their work is not subsidised in the form of direct money transfers or service cheques, households employing host-parents may request tax-deductions (SZW 2015; van Walsum 2013). According to estimates, this groups consists of 8.000 workers (Commissie Dienstverlening aan huis 2014).

Both the Alpha-helpers and host-parents (*gastouders*) employed directly in households are considered domestic workers and subject to the *Regulation on Household Services (Regeling Dienstverlening aan huis)*. Persons employing them are exempt from any social contributions and taxation, layoff authorization or any other administrative obligations. As a consequence, Alfa-helpers and host-parents are excluded from a number of social benefits and deprived of labour rights granted to regular workers (for details see section 1.2), even though the services they provide are subsidised by the state. In 2014, the parliamentary commission on domestic work (commissie Dienstvelening aan huis) concluded that this is unacceptable: workers employed from public funds should not have a lower status and fewer rights than other employees. So far, however, no changes in the legislation have taken place.

Individual household employees financed privately: this category encompass all kinds of domestic personnel employed directly by private households and financed entirely from private means providing they do not work more than three days a week. It may include persons **employed formally** on the basis of a formal (albeit not necessarily) written contract (NB an example of such a contract has recently been published on the site of the Dutch government). Their employment is then regulated by *Regulation on Household Services (Regeling Dienstverlening aan huis)* (for details see section 1.2). Majority of workers in this category is, however, **employed informally** (ca. 60%) and deprived of any social protection. See Table 1 for a summary of the various forms of employment and categories of workers.

Table 1. Types of domestic workers

	Formal market		Informal market
	Via agency/institution	Directly by household	Directly by household
Fully protected	Regular salaried workers of the intermediating institution	Domestic workers employed for more than three days a week	
Partially protected by Regulation on Household Services	Domestic workers employed by individual households via intermediating institution (income taxes declared by the intermediary)	Domestic workers employed by households (income taxes declared by the workers themselves)	
Unprotected			Domestic workers employed by households (income taxes undeclared)

Exceptional here is the category of **au-pairs**: these are foreigners, usually young females, willing to become live-in workers in a Dutch household for a period of maximum one year. They enter the country within the

framework of 'cultural exchange' and, if applicable (for TCN), need to be in possession of a regular provisional residence permit (*mvv*) issued upon the request and application of their authorized sponsor – a recognized au pair agency. In order to be granted the entry and/or residence rights the au pairs and their host families have to meet a number of conditions, most of which are related to the character of the (labour) relationship between them. A (long-term) labour relationship between the au pair *in spe* and the host family is in principle out of question. For example, the host family of the au pair cannot arrange for the au pair without the intervention of an authorized agency; the au pair may not have worked for the host family earlier (e.g. abroad) and cannot enter the country for the same purpose (i.e. within the framework of 'cultural exchange') again; and the stay of the au pair in the Netherlands cannot exceed one year. A recent report on au pairs in the Netherlands concluded that, considering the actual conditions of their stay and term of work, close to 1/3 of all au pairs could be considered as *de facto* domestic workers (WODC 2014; see also CFMW Research Report on Migrant Domestic Workers (MDWs) in the Netherlands, December 2005, quoted in Gallotti, 2009).

2. (Formal) status of domestic workers

Who does domestic work?

Official research reports (SEOR 2013, Panteia 2014) are very careful in sketching the profile of the domestic worker in the Netherlands. Still, most researchers seem to agree that domestic work is predominantly performed by low educated females between 35 and 64. For half of them domestic work is a side job to supplement the income of her breadwinning partner, the other half is depended on their income from domestic work. The latter is particularly true of (undocumented) migrants.

It is not clear how much of domestic work is performed by migrants, TCNs in particular. The strict migration law requirements make the regular employment of non-EU workers as domestic workers in the Netherlands *de facto* impossible (Lepianka, 2014; Gallotti, 2009:29-30).⁵⁴ Most of TCN employed in domestic sector are therefore hired informally. The informal employment coupled with the often unregulated status of the migrants domestic workers make the estimates particularly difficult to make. Alleged abuses of au-pair schemes and the practice of [ab]using au pairs to obtain low cost domestic services further blur the picture.

⁵⁴ (Potential) workers who are third country nationals, can enter the country only once they have been granted a regular provisional residence permit (*mvv*) that is issued upon the request of their prospective employers, who remain their (un)authorized sponsors. Moreover, to actually obtain the regular provisional residence permit, the 'regular salaried worker', 'seasonal worker' and a trainee has to be in possession of a *work permit in their name*. The application for a work permit has to be submitted by their prospective employer. However, such a work permit is issued under the condition of the 'essential interest of the Netherlands'. This means that in order to obtain the work permit for a specific employee, the employer has to demonstrate that – upon having advertised the opening for at least five weeks (of longer, in case of some jobs) – they have been unable to find suitable personnel in the Netherlands or elsewhere in Europe. Moreover, with respect to specific categories of foreign workers or jobs, a limit (quota) of work permits might be imposed. Since provision of household services does not require skills that would be deemed difficult to find in the Netherlands and/or other EU member states (domestic work is considered unskilled work that can be performed by any unemployed unskilled worker), it is currently impossible under Dutch immigration legislation to obtain a work permit to perform household services. Since obtaining a residence permit is often contingent upon employment, migrant domestic workers find themselves in a vicious circle. Not able to receive a work permit, they are unable to work legally and thus effectively execute the social and labour rights they are entitled to on the basis of existing legislation (in principle, the same rules apply to domestic workers working in staying in the Netherlands legally and those who are not in possession of a residence and/or work permit). Moreover, while working without a permit is not punishable in itself, there is a risk of being expelled to the home country when caught. Furthermore, not working legally, migrant domestic workers are unable to obtain a residence permit that would allow them to regulate their stay in the Netherlands and to enter labour market as regular employees in the future.

Nevertheless, in 2006, the CNV Labour Union (Trouw 2006a, 2006b) estimated that 20% of the 1.2 million domestic workers are of foreign origin and that 60-70% of them is undocumented. While Panteia (2014) does not provide any specific figures, the researchers do recognize that migrants, some of whom are irregular/undocumented, constitute one of the three main groups of providers of domestic services in the Netherlands. In her research on undocumented migrant and informal labour, van Meerten (2013) reports that out of 209 irregular migrants interviewed for her study, 90 (43%) perform some form of domestic work (e.g. as domestic assistance, cleaner or babysitter). Also Botman (2011) concludes that most of domestic work in Amsterdam is actually performed by (undocumented) migrants (cf. Bijleveld 2015). While most of the studies are conducted on non-representative samples, the consistency of the results seem to indicate that the amount of domestic work performed by migrants might considerably exceed official estimates (cf. van Walsum 2013). It is suggested that there might be differences in the ethnic composition of domestic workers between the big cities and the countryside, with the latter relying more on native Dutch workers.

Da Roit and van Bochove (2014) draw attention to a potentially growing (albeit still very limited, at least in comparison with other European states) number of migrants employed in home care provided via intermediating agencies, such as cleaning companies contracted by municipalities. As observed by van Walsum (2013), these companies typically have a higher incidence of migrant workers even though these might be more often second-generation rather than foreign-born migrants (cf. Da Roit and van Bochove 2014). Da Roit and van Bochove (2014) also highlight the first signs of the emergence of a market for live-in migrant care workers as reflected in the growing media interest in this supposedly “growing phenomenon”⁵⁵ and expert studies/scenarios on the future of Dutch elder care. Interesting here is an idea of Zaupair (an au pair with the “Z” for “zorg” –care) as an important component of future Dutch (elderly) care provision. Considering the current au pair regulations, such a scenario, implicitly, assumes temporariness of the employment relation and thus treats the (future) migrant carers as guest workers not necessarily welcome to settle.

It is important to know that there are significant differences between the legal position of migrant domestic workers with and without an EU/EEA or Swiss passport. As reported in Lepianka (2014), the citizens of EU/EEA countries and Switzerland are allowed to reside in the Netherlands for up to three months without any employment (or an official sponsor) and are permitted to take-up any employment available. Still, not being formally employed puts them in a vulnerable position. For example, when an EU/EEA or Swiss subject without permanent residence rights claims welfare, i.e. non-insurance based provisions, their legal residence in the Netherlands may be terminated. Only after having obtained a long-term residence right (after ca. 5 years of uninterrupted residence), they can lay a claim on public funds without the danger of losing their residence rights.

Lack of hard data on migrant domestic workers might reflect not only the wish of the migrants to remain unnoticed⁵⁶ but also the wish of the authorities to downgrade the problem and/or do not enter the migration/illegality debate (see e.g. Advies Commissie Dienstverlening aan huis 2014:11). Some researchers and migrant organizations do raise the issue of the invisibility of migrant domestic workers in the Netherlands (see Bijleveld and Cremers, 2010; CFMW Research Report on Migrant Domestic Workers (MDWs) December 2005, quoted in Gallotti, 2009). Indeed, the current policy debate regarding a reform of current domestic work

⁵⁵ Da Roit and van Bochove provide an example of the TV-program 3Onderzoekt (January 2014), in which various care assistants from Hungary were interviewed. “The journalists concluded,” report the authors, “that migrant care workers – or “care Hungarians” (zorg-Hongaren) [sic!], as they called them – might be the best solution for the future of Dutch elderly care” (2014:8). Tellingly, the interviewed live-in care workers and the future of the care system were European.

⁵⁶ Bijleveld (2015) reports on the increased policing of undocumented domestic workers between 2010 and 2015 (see pages 42-43).

legislation and possible policy options (incl. mini-jobs or service checks), by focusing on the formalization (and taxation!) of the current domestic employment arrangements, which is only possible if the employee has a right to reside and work as domestic help in the Netherlands, excludes from the possible beneficiaries of the improved legislation the migrant domestic workers with no residence and/or employment rights.⁵⁷

Still, as noted by van Walsum (2011; 2013), migrant domestic workers have become increasingly vocal in the Netherlands. Supported by the trade unions (Abva Kabo and FNV-Bondgenoten), they campaign for a better legal position with respect to labour law, social security benefits and residence rights.

3. Inclusion/exclusion from the formal labour market (protection)

As shown above, within the Dutch legal system, domestic workers are not treated as regular employees and thus enjoy only partial social and labour protection, if any. The inattention to their rights as employees has long been justified by the “official” (assumed?) profile of the domestic worker – a woman working a few hours a week to supplement the income of their breadwinning husband – and the assumption that – as a wife – she had no need for protection against loss of income as a result of dismissal or illness (cf. van Walsum 2013). In fact then, the exclusion of predominantly female domestic workers from employment-related social protection was justified by their dependent position.

Exclusionary mechanisms were deepened by the already mentioned reforms in home care provisions that occurred in 2007 (under the Social Support Act – WMO, and the Exceptional Medical Expenses Act - AWBZ) coupled by the introduction of (new) Regulation on Household Services, which pushed home care workers (Alpha-helpers) out of regular employment in care institutions into the precarious domestic workers’ status. Due to the economically motivated reforms (i.e. the need to lower the costs of institutional homecare provisions), many homecare employees lost their jobs, others continued performing exactly the same duties, for the same end service users, yet under very different terms of employment and limited social and labour protection offered by the *Regulation on Household services* (CEDAW 2009; Bijleveld and Cremers-Hartman 2010). Remarkably, as noted by the advocacy organisations, changes which affected thousands of female home care workers had never been discussed in terms of their gender impacts (CEDAW 2009; see also section 5 of this report). In fact, then, the needs and interests of the service providers were not only ignored but effectively kept out of the agenda (Bijleveld and Cremers-Hartman 2010).

A very different example of the inclusion-exclusion paradox is supplied by the practice of “placing” undocumented migrants as informal domestic workers in private households in order to facilitate their participation and integration in the Dutch society. Practiced by some NGO’s involved in providing assistance to undocumented migrants (van Meulen 2015), such “placement” is considered the best – if not the only way – to realise the state’s policy goals of facilitating activation, participation and self-determination of a vulnerable population group (ibid.).

Finally, the abuse of au pair system, in which ca. 30% of au pairs work de facto as domestic workers (work more than expected under the au pair regulation and do not live on equal terms with the rest of the family as intended by the scheme) and further 12% work more than expected while still meeting the basic objectives of the scheme (i.e. to get to know Dutch society and culture), clearly shows the ambiguous position of au pairs.

⁵⁷ In principle, the Regulation on Home Services applies to undocumented migrants as well – working without a work permit is not in itself punishable and it is the employer and not the employee who has to pay a fine, if caught. Still, the threat of being expelled from the country stops undocumented migrants from executing their rights (see Bijleveld and Cremers-Hartman 2010; Bijleveld 2015).

Indeed, as asked (rhetorically) by the authors of the WODC report, why is “cultural exchange” linked to 30 hours of work rather than an (obligatory) language training? (WODC 2014:91).

4. (Implicit) hierarchies of deservingness

The implicit hierarchies of deservingness can be deduced from the imbalance between the interests of the “demand” and the “supply” parts of the domestic services market as revealed not only in the legal regulations which privilege the employers over employees but also in debates surrounding the very design and implementation of current policies. In general, political arguments justifying the limited (social) protection offered to domestic workers or the under-regulation of domestic service market focus explicitly on the **rights and needs of the employers**, on the one hand, and **the economic and financial interests of the state** on the other. It was argued, for example, that obligatory social insurance of domestic workers would be constitute too much of a burden for the employer and the state administration and that the increasing costs of the domestic work would push it out of formal economy (and out of the rich of the tax system) (cf. Bijleveld and Cremers-Hartman 2010).

Regulation on Household Services in its current shape (i.e. exempting domestic workers from the status of regular workers and thus depriving them of a number of social and labour rights) was originally seen by policy makers as a means to stimulate the market for home services (Kamerstukken II 2006/07, 30 804, nr 3) and – by increasing the demand for such services – to boost the labour market participation of both: the unemployed and their (female) employers. The absence of administrative burdens and law costs was supposed to increase the attractiveness of hiring a domestic worker to the better-off members of the society (usually women), who could then freely engage in labour market (implicitly: as regular, i.e. fully protected employees). Paradoxically, then, the dis-privileging of some (the already worse-off) was considered necessary to boost the economy, but eventually and – indirectly – led as well to the increase in the well-being of the already better-off.

As observed by van Walsum (2013), interesting in the debates is also the emerging discourse of entrepreneurship, in which the figure of a dependent housewife supplementing the family income with some odd jobs (implicitly: of little substance) has been replaced by a figure a quasi-self-employed domestic worker daring to grab his/her chance on the growing market of household services (p.164).

The market logic continues to inform many of the current policy debates. In May 2013 a Commission Domestic Service Provision (*Commissie dienstverlening aan huis*) was established for a period of 10 months in order to – among others – develop different policy models that could – if needed – improve the position of domestic workers in the Netherlands and enable the ratification of the ILO Domestic Workers Convention (189) aiming to improve the working conditions of domestic workers. Eventually, in 2014, the Commission recommend the non-ratification of the ILO Convention because of its high costs. Also other initiatives to improve the legal position of the domestic workers in the Netherlands were rejected by the government as bringing too high costs to either the state, or the employers (the private households) and/or the employees (domestic workers themselves) and as such posing the danger of further informalisation of the domestic service market. A governmental proposal to improve the position of domestic workers contained instead a tax reform ensuring the lowering of labour costs and envisaging tax rebates and premiums to the employers of domestic workers (Ramos Martin 2015).

5. Ethnicity and gender

As observed by van Walsum (2011; 2013), while in the Netherlands home-based care and household services have traditionally been organized along the gendered fault line between paid and unpaid labour, recently other fault lines that distinguish citizens from aliens, and the dominant ethnic group from ethnic minorities, have become more significant.

In 2009, Dutch NGO's estimated that the total number of female domestic workers not entitled to the same social rights as other workers varied between 200.000 and 300.000, of which at least 150.000 were in jobs indirectly funded by public social and health schemes (CEDAW 2009). Yet, as noted by Dutch NGO's, neither the fact that domestic work is predominantly women's work nor the popularity of domestic work among (undocumented) migrants in the Netherlands has been properly reflected in political debates (cf. Vereniging Vrouw en Recht 2008; CEDAW 2009; Bijleveld and Cremers-Hartman 2010; van Walsum 2013). As already noted, in the past, changes in the rules of home care provision (e.g. AWBZ law and WMO) – even though particularly relevant for women, were brought about without an assessment of the gender impacts. Currently, the issues of gender and ethnicity – and in particular – the unregulated migrant status of many domestic workers are raised by social partners: NGOs (Vereniging Vrouw en Recht) and labour Unions (incl. ABVAKABO FNV) (cf. debate reported by Vereniging Vrouw en Recht 2008) (cf. van Walsum 2013).

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