



European Social  
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Network (ESPAN)

# Access for domestic workers to labour and social protection

## Ireland

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Social Europe



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## Summary

In Ireland the 2023 European Union Labour Force Survey data suggested that there were around 40,000 domestic workers (i.e. 1.6% of all workers). There is no legal definition of “domestic worker” in Irish law and the term is rarely used in government policies. Under Irish employment law, domestic workers are not a separate category of worker but instead have the same employment protection and rights as all other workers working under contracts of employment (written or verbal).

Domestic workers are people employed to work in private homes carrying out duties such as cleaning, cooking, childminding, driving, gardening, and care work, and this includes care assistants and home helps. In Ireland, *migrant* women are over-represented in care and domestic work, with large amounts of homecare work, especially care for older people, undeclared and provided by undocumented workers.

Domestic workers are covered by the *code of practice for protecting persons employed in other people’s homes* (2007), which sets out the rights of people employed in private households. However, importantly, the code of practice is non-binding. Ireland ratified the *International Labour Organization Convention on Decent Work for Domestic Workers (No 189) 2011* in 2014, but there have been some implementation issues in relation to recruitment practices and the ability of migrant domestic workers to access employment. There are no collective agreements specifically for domestic workers, but there are some collective agreements in place for homecare workers.

There are no rules specific to domestic workers in relation to access to social protection. However, many domestic workers may be involved in non-standard working arrangements or intermittent employment and this may affect their ability to access social and labour protection. All domestic workers may, in principle, access means-tested social assistance payments, which are subject to the habitual residence condition including the requirement that they have a right to reside in Ireland. However, domestic workers (especially *migrant* domestic workers) may face barriers. First, because much domestic work is undeclared these people will not be covered by social insurance and will need to rely on social assistance payments. Second, Ireland does not grant employment permits for nationals from outside the European Economic Area (EEA) to work in private homes in all but the most limited circumstances: yet there are still large numbers of migrants working as domestic workers. For those without a valid employment permit, such illegal employment is not insurable under Irish social welfare law. Third, in order to access social assistance payments, claimants need to show that they are habitually resident, which some migrants may struggle to prove. There do not appear to be any ongoing reforms designed to enhance the social protection or labour protection of domestic workers in Ireland.

Undeclared work is common in the domestic work sector, especially for directly employed migrant homecare workers. Ireland has not introduced measures to tackle undeclared work, but has introduced a number of regularisation schemes through which undocumented migrants can seek to regularise their legal status, which may have an impact on undeclared work.

In sum, domestic workers in Ireland have the same protection and employment rights on paper as all other workers who are working under contracts of employment: but, in practice, a large amount of domestic work is likely to be undeclared and provided by undocumented workers. These workers often face exploitative working conditions, do not have a valid work permit or contract, receive cash in hand, and will be unaware of their rights. The main mechanism that would improve domestic workers’ access to social protection and labour rights would be to provide these workers with legal status. There is a need to create legal migration pathways for non-EEA workers to enter the domestic work sector. If these workers were able to obtain work

permits and employment contracts, they would be in a better position to access their labour rights and access social protection.

## Introduction

### European Union policy context: quantification and key issues

More and more attention has recently been given by policy-makers and civil society organisations to the situation of domestic workers. The European Parliament, social partners and stakeholders have called on the European Commission (EC) to improve the working conditions and social protection of domestic workers within the limits of its Treaty competence.

Domestic workers provide services to support households, including care (e.g. childcare or care for older people and for people with disabilities) and non-care activities (e.g. cleaning or cooking). At European Union (EU) level, the concept of “domestic workers” has been approached for a decade through the concept of “personal and household services (PHS) workers”. However, there is currently no agreed methodology for quantifying the number of domestic workers in the EU. Existing research uses different statistical definitions and, therefore, produces different estimates. For example, a study published by the European Labour Authority estimated that there were between 6 million (narrow definition) and 8.8 million (broader definition) people formally employed in the PHS sector in the EU in 2019 (Holubová and Kahancová, 2022)<sup>1</sup>. The **statistical definition** of domestic work needs to be fine-tuned to allow for the production of consistent estimates of the phenomenon throughout the EU.

**Undeclared work** is an overarching issue in the sector in many Member States, which undermines the social and labour protection of the domestic workers concerned. According to the same study, the estimated level of undeclared domestic workers in the EU may have been as high as 50% in 2019; and thus the actual number of domestic workers may be much higher than that which can be estimated on the basis of statistical data<sup>2</sup>.

Even when in formal employment relationships, domestic workers are often hired under **non-standard forms of employment** – including part-time, temporary employment and platform work – with more limited social and labour protection rights. In some countries, self-employment is also widespread in the sector.

Domestic work involves professions that are often on **shortage lists**; for example, this is the case for long-term care (LTC) workers. Domestic workers often acquire skills through their hands-on tasks, but it remains a challenge to have these skills validated and certified to facilitate access to more qualified work.

Domestic workers fall within the scope of the [2019 Council Recommendation on access to social protection](#) (which covers any workers, whether employees or self-employed people).

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<sup>1</sup> In this study:

- (a) the narrow definition of PHS includes the following NACE (nomenclature of economic activities) categories:
  - 88 (“social work activities without accommodation”); and
  - 97 (“activities of households as employers of domestic personnel”);
- (b) the broader definition includes, in addition, NACE categories 95 (“repair of computers and personal and household goods”) and 96 (“other personal service activities”).

<sup>2</sup> Holubová and Kahancová claim that, all in all, taking account of both formal and informal work, there may have been between 12.8 million (narrow definition) and 18 million (broader definition) workers in the PHS sector in the EU in 2019. To estimate the scale of undeclared work, they rely primarily on the 2019 Eurobarometer survey 92.1 on the topic.



However, only limited measures targeted at this group have been announced/implemented at national level since 2019. Domestic workers are also targeted by the [2022 Council Recommendation on access to high-quality affordable long-term care](#), which calls on Member States to address the challenges of vulnerable groups of workers, such as domestic LTC workers, live-in care workers and foreign (EU or non-EU) care workers, including by providing for effective regulation and professionalisation of such care work.

The International Labour Organization “Domestic Workers Convention” ([ILO Convention C189 of 2011](#)) calls on countries to provide fair recruitment and working conditions to domestic workers: the right to treatment equal to that of other workers; daily and weekly (at least 24 hours) rest hours; entitlement to a minimum wage; entitlement to representation of their interests; and the right to choose the place where they live and spend their leave. The EC has called on Member States to ratify this convention on several occasions. However, ratification has been subject to delays, with only nine Member States having ratified it<sup>3</sup> to date; and some of them face problems of implementation.

## Objectives of the report

This report on “Access for domestic workers to labour and social protection”:

- seeks to map domestic work in the country – the number and main socio-demographic characteristics of domestic workers (Section 1);
- describes the legal framework that applies to domestic workers in the country (Section 2);
- describes the employment arrangements in the domestic work sector in the country (Section 3);
- describes the specific conditions for (and possible gaps in) access to social protection and labour protection for domestic workers in the country (Section 4);
- discusses the issues of undeclared work, regularisation, and labour shortages in the country (Section 5);
- presents recent and ongoing reforms and debates in the country (Section 6); and
- makes suggestions on the way forward for improving social protection and labour rights for domestic workers in the country (Section 7).

## Key definitions

Three different definitions of domestic work will be used in this report according to the purpose of each section, as follows.

1. A **“statistical” definition of domestic work**, which has been agreed upon between the EC (DG EMPL) and the European Social Policy Analysis Network (ESPAN) for the specific purpose of this report. This definition has been used by Eurostat for extracting the relevant data from the EU Labour Force Survey (LFS). These data should allow for a harmonised quantification of domestic work across the EU (i.e. a harmonised estimate of the number of domestic workers and their main socio-demographic characteristics in each Member State). These LFS data are commented on in Section 1 of this report. According to this definition:
  - all workers in NACE 97 (“activities of households as employers of domestic personnel”) are included among domestic workers;

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<sup>3</sup> These countries are Italy and Germany (ratification in 2013), Ireland (2014), Belgium, Finland and Portugal (2015), Sweden (2019), Malta (2021) and Spain (2023).

- the following ISCO<sup>4</sup> categories are then added, so long as they are not already included in NACE 97 (to avoid double-counting): 5152 (“butlers”), 5162 (“companions and valets”), 5322 (“home-based personal care workers”) and 9111 (“domestic cleaners and helpers”)<sup>5</sup>; and
  - unpaid family workers are excluded.
2. The **national “legal” definition(s)**. In the case of Ireland, there is no such definition (see Section 2.1 below).
3. A **“policy-oriented” definition of domestic work**, which is the one used in Sections 3 to 7 of the report. This definition draws on the ILO Convention C189 of 2011. According to Article 1 of this convention:
- “the term *domestic work* means work performed in or for a household or households;
  - the term *domestic worker* means any person engaged in domestic work within an employment relationship;
  - a person who performs domestic work only *occasionally or sporadically* and not on an occupational basis is not a domestic worker.”

In this report, a domestic worker is someone providing care and/or non-care services in or for a household or households within a *paid* employment relationship (*either directly or through a third party*). This includes all home-based and complementary<sup>6</sup> activities.

Examples of such services include those provided by nannies, babysitters, au pairs, domestic cleaners, and personal assistants. It is possible that, in some cases, these services are provided outside of the household (e.g. a nanny may take care of children in her own house, or a personal assistant accompanies a dependant outside of the latter’s house). Insofar as there is a paid work relationship with the household (as an employee or a self-employed person), this is considered to be domestic work.

Importantly, family members performing the above-mentioned activities are excluded from the scope of this report, even if in some cases they may receive remuneration from the dependant.

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<sup>4</sup> International standard classification of occupations.

<sup>5</sup> Therefore, unless they are included in NACE 97, workers in:

- ISCO 9121 (“launderers and pressers”) are **not added** to the definition, as most of them work for industrial or commercial clients (such as hostels or hospitals); and in
- ISCO 5311 (“childcare workers”) are also **not added** to the definition, as most of them work outside the home.

Similarly, unless they are included in the four ISCO categories in the statistical definition (5152, 5162, 5322 and 9111), workers in NACE 81.21 (“general cleaning of buildings”) are also **not added** to the definition, as most workers in this sector are not domestic workers, but instead clean offices or factories.

The fact that these workers are not added is due to the limits of the LFS, which does not make it possible to identify those workers in these categories who work in or for a household or households. Adding these workers would have meant adding to the definition of domestic workers groups of workers who are not mostly or primarily domestic workers.

<sup>6</sup> For example, support provided to meet the household’s needs that is performed outside the home, such as doing shopping and accompanying a member of the household to a medical appointment or a leisure activity.

## 1. Mapping

The main purpose of this section is to provide estimates of the number of domestic workers in the country and of their main socio-demographic characteristics.

Section 1.1 presents estimates calculated from EU LFS data on the basis of the harmonised statistical definition provided in the Introduction. They are based on the most recent data available (for 2023).

If additional relevant information is available from other sources/definitions in the country, this information is provided in Section 1.2 to complement the mapping provided in Section 1.1.

### 1.1 Mapping based on the harmonised statistical definition

As mentioned above, the number of domestic workers in the country and their main socio-demographic characteristics are estimated on the basis of the 2023 wave of the EU LFS. According to these data, there are about 4.1 million domestic workers in the EU; this represents 2.1% of all people at work, whether employed or self-employed. Depending on the Member State, this share varies between less than 0.5% and around 4%.

Because of this very small share, the number of domestic workers in the national LFS samples is also very small and the confidence interval of the various statistical estimates calculated from these data is therefore very large. As a result, it is important that the figures presented in this section be interpreted very cautiously, as providing an order of magnitude.

In Ireland the 2023 EU LFS data suggested that there were around 40,000 domestic workers (i.e. 1.6% of all workers). In terms of profile (see Annex 1):

- around 80% of the domestic workers in the country were women;
- around 70% were aged at least 35, and among those half were aged 50 or over;
- 50% had a medium educational level and almost 20% a high educational level;
- around half were born outside the country, and among those just under half were born in another EU Member State;
- two thirds worked part time (i.e. fewer than 30 hours a week);
- all (or almost all) were employees and had a permanent contract;
- all (or almost all) worked in the non-care sector.

### 1.2 Additional relevant information from other sources/definitions

There is no additional relevant information that could usefully complement the mapping provided in Section 1.1.

There are no reliable statistics on the number of domestic workers in Ireland. The ILO (2023) has requested that the government of Ireland provide updated information on the number of migrant domestic workers (from both EEA and non-EEA states) legally working in Ireland.

## 2. Legal framework

This section describes briefly the legal framework that applies to domestic workers. It considers in turn: the legal definition(s) of domestic workers (Section 2.1), the key aspects of the legislation regarding domestic work (Section 2.2), the ILO Convention 189 (Section 2.3) and the presence of collective agreements (Section 2.4).

## 2.1 Legal definition(s)

There is no legal definition of domestic workers established in Irish law. Under Irish employment law, domestic workers are not a separate category of worker. In 2018 the ILO committee tasked with reviewing each country's implementation of the ILO Domestic Workers Convention (C.189), requested that the Irish government give specific attention to providing a definition of domestic work in national law, due to the particular characteristics of domestic work.

The Citizens Information Board (CIB), Ireland's national agency responsible for supporting the provision of information and advice on social services, notes that domestic workers are generally hired directly by home-owners, and that some domestic workers (e.g. au pairs) also live with their employers. The CIB provides information on how to identify whether or not workers are domestic workers, and states that it depends on the employee relationship to the home-owners: "*if the homeowner is your employer, and if they deduct tax from your wages and pay [pay-related social insurance (PRSI)] on your behalf, then you are employed as a domestic worker*" (CIB, no date, no page number). The CIB explains that those who work **occasionally** in private homes as cleaners or carers are not necessarily domestic workers, as they may be self-employed (and responsible for paying their own taxes), or they may be employed by agencies (meaning that they are agency workers).

Furthermore, according to the Office of the Revenue Commissioners (Revenue), domestic employees are people employed by domestic employers solely on domestic duties, including looking after children, in employers' private dwelling houses (Revenue, 2024; 4).

## 2.2 Legislation

### 2.2.1 Overall legal framework

Under Irish employment law, domestic workers are not a separate category of worker.

Ireland has various employment laws in place under which domestic workers generally enjoy the same protection as all other legally employed workers. This includes the National Minimum Wage Act 2000, The Terms of Employment (Information) Act 1994-2014, and the Organisation of Working Time Act 1997. Furthermore, through the Protection of Employees (Temporary Agency Work) Act 2012, all temporary agency workers must be treated equally (as if they had been directly recruited by the hirer) in relation to the duration of working time, rest periods, night work, annual leave, public holidays and pay. Through Ireland's Protection of Employees (Temporary Agency Work) Act 2012, domestic workers are only considered to be temporary agency workers if they are employed by agencies. Where employers are the home-owners, domestic workers are not considered to be temporary agency workers and are therefore not considered under this law.

There is one notable exception where the employment rights of domestic workers differ from those of other workers. This is in relation to the right to access employment. In Section 2 of Ireland's Employment Equality Acts 1998-2015, "*people employed in another person's home for the provision of personal services for person residing in that home where the services affect the private or family life of such persons*" are excluded. This means that, when a job is to be carried out in someone's private home, the person employing the worker is not subject to the Employment Equality Acts when recruiting the prospective employee. However, once the employee has taken up the job, they are fully protected by employment equality legislation.

The Irish government has negotiated no exclusions from legislation transposing EU labour acquis relevant to domestic workers at national level. Ireland has also ratified the ILO Domestic Workers Convention 2011 (No 189), which defines domestic workers as people who "engage

in domestic work within an employment relationship”, wherein domestic work is defined as “work performed in or for a household or households”. See Section 2.3 for more information.

In 2007 the Labour Relations Commission, in consultation with employer representatives (Ibec) and the Irish Congress of Trade Unions (ICTU), drafted the *code of practice for protecting persons employed in other people’s homes* (hereafter the “code of practice”)<sup>7</sup>. Domestic workers are covered by this code of practice. The code sets out the rights of people employed in private households, and is the main document that the government of Ireland refers to in relation to policies and practices relating to domestic work – see for example the Irish government’s responses to the ILO committee tasked with monitoring Member States’ implementation of the ILO Convention (ILO, 2018, 2023).

Ireland’s Workplace Relations Commission (WRC) has published a booklet on the employment rights of domestic workers in Ireland (WRC, 2023), which summarises the key points outlined in the code of practice. This booklet outlines that domestic workers should receive a written statement of terms and conditions of employment or a written contract of employment and a written statement of core terms within five days of starting work. They should be paid at least the national minimum wage, they should receive a written statement of pay (payslip), and they have a right to annual leave entitlements, public holidays, and maternity entitlements. Domestic workers have a right to receive minimum notice before dismissal. Importantly, all domestic workers should be registered as an employee with the Revenue and the Department of Social Protection (DSP).

In terms of working hours, domestic workers’ maximum average weekly working hours must not exceed 48 hours. Working hours on any particular week are not restricted to the 48 hours maximum, but when workers’ hours are averaged over a four-month period they must not exceed 48 hours. If domestic workers work on a Sunday, they must be paid a premium. If this is not included in the rate of pay, employers must provide one or more of the following: an allowance, a pay increase for the Sunday hours worked, or paid time off work. Domestic workers are entitled to breaks and rest periods. After a 4.5-hour work period, domestic workers are entitled to a break of 15 minutes. If more than six hours are worked (which can include the first 15-minute break), workers are entitled to a 30-minute break. Such breaks do not have to be paid and are not part of working time.

The WRC (2024) booklet also outlines that domestic workers have: the right to work in a safe and healthy working environment; a right to privacy and to pursue personal leisure activities; and the right not to be discriminated against because of gender, family or civil marital status, age, disability, race, sexual orientation, religion, or membership of the travelling community. Domestic workers have a right to not have personal documents (such as passports, ID documents, and drivers’ licences) retained by their employers. Domestic workers who work on a part-time or fixed-term basis and agency workers have equal rights. Domestic workers also have a right to join a trade union.

For some domestic workers, their situation requires a live-in arrangement, such as live-in carers and au pairs. Section 5.7 of the code of practice fixes a specific amount that can be deducted for meals and lodging. Employers are permitted to “*make deductions from wages where the employee is provided with meals and/or lives in the place of employment to amounts specified in the Minimum Wage Act 2000, which are subject to amendment*” (see Section 5.7 of the code of practice). The rate per hour of an employee (for national minimum wage purposes) is determined by dividing the gross pay, plus any additional allowances for board and/or lodgings provided by the employer to an employee, by their total working hours. The

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<sup>7</sup> See Industrial Relations Act 1990 (Code of Practice for Protecting Persons Employed in Other People’s Homes) (Declaration) Order 2007. S.I. No 239 of 2007.

increased allowance rates (effective from 1 January 2024) that may be factored in include meals at EUR 1.14 per hour worked, and EUR 30.00 for accommodation only per week or EUR 4.28 per day (Department of Enterprise, Trade and Employment, 2023b).

Observers have noted that Ireland’s code of practice is “*quite comprehensive in recognising both various problems facing domestic workers and the obligations upon employers to ensure the rights of the employees*” (UN Women and ITUC, 2013; 59). However, the code of practice is non-binding. It does not create legally enforceable obligations on employers and instead is essentially “a statement of good intentions” that just details “desirable practices” (UN Women and ITUC, 2013; 59-60).

Ireland has a domestic employment scheme through which qualifying domestic employers do not have to register as employers, operate PAYE, apply the universal social charge (USC) to wages, or deduct tax in any other way from domestic employees’ pay (Revenue, 2024; 3-4). However, domestic employers are liable to pay employer’s PRSI at the rate of 0.5% (Class J) and this contribution only covers occupational injuries benefit (Revenue, 2024; 4). Domestic employees may have other employments with different employers. The income of domestic employees is chargeable to income tax and USC and qualifies for the employee tax credit. If employers pay more than EUR 40 per week to domestic employees, or have more than one domestic employee concurrently, they must register as employers and operate PAYE in the normal way.

### 2.2.2 Legislation specifically related to long-term care

Under Irish employment law, LTC domestic employees enjoy the same legal protection as all other domestic workers. However, although family members who provide full-time LTC for a relative, and are paid for doing so, are regarded as employees, there is the “close relative” exception in some employment legislation. Section 3(2)(b) of the Organisation of Working Time Act 1997 provides that the sections dealing with daily rest periods, rests and intervals at work, weekly rest periods, Sunday work, and weekly and nightly working hours do not apply to someone who is employed by a relative, is a member of that relative’s household, and whose place of employment is a private dwelling house or a farm on which they, and the relative, reside. The Irish government has negotiated no exemptions from EU labour laws and directives that are relevant to domestic workers.

## 2.3 International Labour Organization Convention 189

In 2014 Ireland ratified the ILO Convention on Decent Work for Domestic Workers (No 189) 2011. The ILO committee tasked with reviewing each country’s implementation of the convention has raised some issues in relation to Ireland’s implementation of it (e.g. ILO, 2018, 2023).

The first issue that has been raised is the lack of clarity as to how to ensure that people who perform domestic work on an occasional or sporadic basis, but *occupationally*, are covered by employment law in Ireland. The ILO convention only excludes domestic workers who perform domestic work on a sporadic basis when they do not perform domestic work on an occupational basis, in order to ensure that day workers and similarly precarious workers are still covered by the definition of domestic worker (ILO, 2023). The ILO committee has asked the government of Ireland to “*indicate in what manner it ensures that people who perform domestic work occasionally or sporadically, but do so on an occupational basis, are covered by the guarantees established in the [ILO Domestic Worker’s] Convention*” (ILO, 2023).

There are also ongoing issues with regards to the treatment of au pairs in Ireland. The ICTU has expressed concerns to the ILO that au pair agencies are depicting au pairs as cheap solutions for households needing childcare or care for older people, as opposed to *workers*. In response, the ILO committee (2023) has asked the government “*to provide updated information on the measures taken to ensure compliance with national employment legislation with respect to au pairs working in Ireland*”.

Article 3(2)(d) of the ILO convention relates to the elimination of discrimination in respect of access to employment. Section 2 of Ireland’s Employment Equality Acts 1998-2015 excludes “*persons employed in another person’s home for the provision of personal services for persons residing in that home where the services affect the private or family life of such persons*”. The Irish Human Rights Equality Commission (IHREC) has repeatedly criticised the Irish state for explicitly excluding domestic workers from the aforementioned definition of employees, and they view this exclusion as “*a de facto exemption for employers of domestic workers with regards to their recruitment practices*” (IHREC, 2022, p. 45). The ILO committee (2023) noted that this definition could enable domestic workers’ employers to make recruitment decisions on discriminatory grounds, and therefore it has urged the government of Ireland to amend this section of the Employment Equality Acts (ILO, 2023). In its response to the ILO, the government has indicated that a review of equality legislation is being carried out by the Minister for Children, Equality, Disability, Integration and Youth (ILO, 2023).

Article 8(1) of the ILO convention states that national laws and regulations shall require that migrant domestic workers receive a written job offer or contract of employment prior to crossing national borders for the purpose of taking up domestic work. Article 8(4) also outlines that states must specify in law the conditions under which migrant domestic workers are entitled to expatriation once their employment contract is terminated. However, Ireland does not offer employment permits for domestic work (except in the most isolated cases; see Section 3.2). The ILO committee thus asked the government of Ireland “*to provide detailed information on measures taken or envisaged to enable migrant domestic workers, including non-EEA nationals to be eligible to receive work permits for the performance of domestic work, providing that they have complied with all other Irish legislation*” (ILO, 2023; no page number). The ILO (2023) has also repeatedly asked the Irish government to specify the terms for repatriating migrant domestic workers.

Finally, the ILO committee tasked with reviewing each country’s implementation of the ILO convention has requested that the Irish government give specific attention to providing a definition of domestic work in national law, due to the particular characteristics of domestic work (ILO, 2018).

## 2.4 Collective agreements

There are no collective agreements specifically for domestic workers as a whole. However, there are some collective agreements in place for a sub-category of domestic worker – homecare workers (SIPTU, 2019; Murphy and O’Sullivan, 2021).

### 3. Overview of employment arrangements

This section provides an overview of the main characteristics of the domestic work sector in the country regarding the types of employment arrangements/relationships that link them to the household(s) they work for.

#### 3.1 Overall arrangements

There is a wide array of employment arrangements for the domestic work sector.

Homecare in Ireland is a combination of formal and informal care provision that “operates in a complex web of relationships between the state, the provider of services, home care workers, family carers, employers and the home care client” (MRCI, 2015a; 7). Homecare in Ireland may be state-funded (i.e. by the statutory health agency, the Health Services Executive – HSE) or privately purchased (i.e. non-HSE funded). Privately purchased homecare is increasing in Ireland, with estimates that approximately one quarter of all homecare hours are privately purchased (Wren et al., 2017).

Formal homecare services in Ireland are delivered directly through the HSE, as well as through for-profit organisations and not-for-profit (voluntary and community) organisations, and private providers. Approximately 44% of state-funded homecare services are provided by HSE staff, although this varies across the country (Walsh and Lyons, 2021). The total number of “healthcare assistants (home support)”, the official term currently used for homecare workers directly employed by the HSE, was 5,308 in February 2024, equating to 3,721 WTEs<sup>8</sup> (HSE, 2024). The vast majority (95%) of healthcare assistants (home support) provide care to older people. There are no definitive data on how many homecare workers employed by for-profit organisations and not-for-profit (voluntary and community) organisations are engaged in delivering HSE-funded homecare.

Unlike other areas of care, the homecare sector in Ireland is unregulated. Murphy and O’Sullivan (2021; 385) noted that Ireland has no independent oversight body responsible for monitoring care standards and compliance. There is no legal requirement for healthcare workers and carers in the private sector to have full formal training, and there are no statutory requirements around who can provide homecare (Home and Community Care Ireland, 2019; 25; Conyard et al., 2020).

Estimates of the number of homecare workers employed by private (for-profit) and voluntary sector (not-for-profit) organisations are not provided in this report due to gaps in coverage and questions surrounding the reliability of data that are available, as highlighted by Walsh and Lyons (2021; 75). Care workers can also provide homecare through private arrangements between individual carers and families. It is estimated that, of the homecare workers providing privately purchased homecare, approximately 1 in 5 carers are not attached to agencies (Wren et al., 2017).

Care Alliance Ireland (2015) has stated that homecare workers employed by private agencies experienced less favourable pay and working conditions. There was also a significant informal homecare sector due to “the underdevelopment of formal long-term care services in Ireland”, which has driven “the practice of families employing migrants, including undocumented migrants, as undeclared live-in carers for their ageing relatives” (MRCI, 2015a; 4).

Importantly, the au pair industry has expanded into care for older people, with au pair agencies advertising au pairs as affordable alternatives to private live-in care (Smith, 2015; MRCI, 2015).

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<sup>8</sup> Whole-time equivalents.



The types of contract that are prevalent in public homecare include an “if and when” contract, which is a form of a zero-hours contract, and a “hybrid if and when” contract whereby some hours are guaranteed but employers can offer additional hours “on demand” (Murphy and O’Sullivan, 2021).

The Employment (Miscellaneous Provisions) Act 2018 introduced “*a new right for employees whose contract of employment or statement of terms does not reflect the reality of the hours that they habitually work... to request to be placed in a band of hours that better reflects the hours they have worked over a 12 month reference period*” (WRC, 2018). However, casual workers, including those on “if and when” contracts, are excluded (MacMahon, 2019). Generally, HSE homecare workers have reported more favourable terms and working conditions (MRCI/SIPTU/Carers Association, 2015). Eurofound (2020) also noted that wages in Ireland’s LTC sector were higher for public sector workers than for private sector workers.

Many households in Ireland directly employ au pairs or childminders to help with childcare needs. Au pairs are often found through agencies: however, there are no statistics available. In 2022, for the first time, the census asked about childcare arrangements in Ireland. It found that one third of children under 15 in Ireland were in some form of childcare. Of these children, 16% were cared for in childminders’ homes, and 6% were looked after by au pairs, nannies, or childminders (i.e. domestic workers) (CSO, 2023). The Migrant Rights Centre of Ireland (MRCI) surveyed 554 au pairs in Ireland and found that 80% did not have a written contract, and 58% were paid less than EUR 120 per week (2015b). The survey also revealed that although au pairs were often portrayed as young workers under 21, this was not the case, as 98% of respondents were aged 31-35 (MRCI, 2015b).

Importantly, the WRC (2023) noted that there was a lack of employment records and contracts in the domestic work sector. As a result, although all (or almost all) of the 40,000 domestic workers captured by the 2023 EU LFS data were recorded as having a permanent contract (Table A2, Annex 1), as a lot of care work is undeclared (IHREC, 2023), there will be many domestic care workers who were not a part of this dataset.

## 3.2 Migrant-related arrangements

The primary route through which non-EU workers find employment in Ireland is through Ireland’s employment permit system. However, employment permits are not granted for non-EEA citizens to work in occupations in private homes (such as domestic work) in all but the most limited circumstances (Department of Enterprise, Trade and Employment, 2023a). The only exception is where applicants can demonstrate that they have a long history of caring for the people requiring care (MRCI, 2015a; ILO, 2023).

While there is no employment permit on offer for domestic work, there are still large numbers of migrants (both EEA and non-EEA) working as domestic workers (au pairs, homecare workers, and cleaners) (MRCI, 2012, 2015a, 2015b; MRCI/SIPTU/Carers Association, 2015; Smith, 2015; ILO, 2023; WRC, 2023). Of the 40,000 domestic workers captured by the 2023 EU LFS data, around half were born outside the country, and among those over half were born outside the EU (Table A2, Annex 1). Eurofound (2020) noted that 19% of workers in Ireland’s LTC sector were foreign workers, one of the highest shares of foreign workers in this sector in the EU. Among these foreign workers, 61% were non-EU migrant workers, while 39% were from within the EU. While Eurofound (2020; 11) noted that the majority of public sector workers employed in home help services in Ireland were Irish nationals, migrant workers were over-represented in private sector homecare provision in Ireland, including in private households. Migrant women in Ireland were over-represented in care and domestic work (MRCI, 2015a; IHREC, 2023; 25).

It is important to note that there is a lack of data collection in relation to domestic work in Ireland “as a significant amount of this care work is undeclared and provided by undocumented workers” (IHREC, 2023; 45; MRCI, 2015a). The data are inherently hard to come by, but some studies have shown that *undocumented* workers are highly concentrated in homecare, especially care for older people, in Ireland. In a 2014 study by the MRCI that examined undocumented migrants in Ireland, 32.5% of the 540 respondents were employed in the domestic work sector (MRCI, 2014). In a more recent publication, the MRCI noted that 27% of undocumented migrants worked in the care sector providing childcare and care for older people, while 17% worked in cleaning and maintenance (MRCI, 2020). The true figures for migrant workers employed in the care sector in Ireland are therefore likely to be higher than the 19% cited by Eurofound (2020).

Non-EEA workers in the domestic work sector are often students or undocumented migrants, including those who entered with a valid visa but overstayed, and those who engaged in activities that contravened those permitted under their visa status and which resulted in them losing their legal status (MRCI, 2015a, 2015b). In particular, the MRCI (2012, 2015a) noted that a large number of international students end up working for private homecare agencies and as au pairs, with some au pairs who hold a student visa “concern[ed] about the informality of au pairing” and that they were not contributing to the tax system (MRCI, 2012; 16).

International students providing childcare and homecare services who hold student visas are required to register and attend full-time education in order to maintain their student status. The visa conditions for international students limit them to a maximum of 20 hours of work per week: however, studies have shown that they often do more than this (e.g. under pressure from their employers), which can affect their studies and their legal status (e.g. MRCI, 2015b). A study by the MRCI also found that some women were “pushed into au pairing to survive” if they became undocumented (MRCI, 2012; 16).

Importantly, the MRCI’s research found that the motivation for becoming an au pair differed between EU and non-EU au pairs: EU au pairs were motivated to come to Ireland to gain experience, while non-EU au pairs were motivated to come to Ireland to study full time but were “forced” to au pair as there were limited other employment opportunities and they needed a way to financially support their studies and remain in Ireland (MRCI, 2012).

It is important to note that the domestic work sector remains excluded from other labour migration pathways too. For example, in 2019 the government announced that the spouses and partners of those who held a critical skills employment permit<sup>9</sup> would be able to access the Irish labour market without having to obtain an employment permit. However, in this announcement, the government noted that spouses or partners were able to undertake all employments *apart from domestic work* (Department of Enterprise, Trade and Employment, 2019, emphasis added). No reason was provided as to why domestic work was excluded from the list of eligible occupations.

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<sup>9</sup> The critical skills employment permit is for skilled workers who are qualified in professions where there is a shortage of skills in Ireland.

## 4. Access to social protection and labour protection – specific conditions and gaps in access

The purpose of this section is not to describe all the conditions for accessing social protection and labour protection but only those conditions (and possible gaps) that are specific to domestic workers. Section 4.1 focuses on access to social protection, and Section 4.2 on access to labour protection.

### 4.1 Access to social protection

For each of the seven branches covered by the 2019 Council Recommendation, this section describes the extent to which access to social protection for domestic workers differs from that of other workers in the same category of employment. Four aspects are addressed: (a) do they have *formal* access to the branch?; (b) are there specific conditions that apply to them?; (c) are there gaps in access to the branch that are specific to domestic workers?; and (d) do they face specific challenges linked to their specific employment arrangements as described in Section 3?

#### 4.1.1 Unemployment benefits<sup>10</sup>

##### 4.1.1.1 Formal access

In Ireland social protection benefits are all administered by the DSP as part of a unified social protection scheme. There are **no** rules specific to domestic workers in relation to access to social protection. Access to social insurance will depend on whether people are classified as employees or self-employed. In general, people employed under a “contract of service” (subject to minimum weekly earnings) are classified as employees and are insured for all benefits. Self-employed people (again subject to an annual minimum income) are insured for a more limited range of benefits (see below). The distinction between employees and self-employed workers is largely based on case law (reviewed recently by the Irish Supreme Court in *Revenue Commissioners v. Karshan Midlands Ltd t/a Domino’s Pizza* [2023] IESC 24). Some domestic workers may be employed as agency workers. Social welfare law specifically provides that agency workers are fully insured<sup>11</sup>.

All domestic workers may, in principle, access means-tested social assistance payments, which are subject to the habitual residence condition (HRC), including the requirement that they have a right to reside in Ireland. There are **no** rules specific to domestic workers in relation to access to social assistance.

Domestic workers do have formal access to unemployment benefits in Ireland. Insofar as they are employees, they will have access to jobseeker’s benefit and, insofar as they are categorised as self-employed, to jobseeker’s benefit (self-employed). However, many domestic workers may be involved in non-standard working arrangements or intermittent employment, as it is estimated that there are large numbers of domestic workers employed who do not have a valid work permit, whose work is undeclared, who do not have a contract,

<sup>10</sup> The answers in Sections 4.1.1, 4.1.2, and 4.1.4-4.1.7 relate to social insurance benefits. The position in relation to access to social assistance has already been outlined and is the same in relation to all contingencies.

<sup>11</sup> Defined as “*Employment whereby an individual agrees with another person who is carrying on the business of an employment agency within the meaning of the Employment Agency Act of 1971 and is acting in the course of that business, to do or perform personally any work or service for a third person (whether or not the third person is a party to the contract and whether or not the third person pays the wages or salary of the individual with respect to the work or service)*”.

and who receive cash in hand, and this may affect their ability to access unemployment benefits (see Section 4.1.1.4 below).

#### 4.1.1.2 Specific conditions

There are no specific conditions for accessing this contingency that apply to domestic workers.

#### 4.1.1.3 Gaps in access

No gaps have been identified in access to this contingency that are specific to domestic workers.

#### 4.1.1.4 Challenges

There are some challenges that are likely to affect domestic workers.

First, insofar as much domestic work is undeclared – taking place in the shadow economy, with employers not necessarily registered as employers and not deducting tax and pay social insurance on behalf of workers – domestic workers will not be covered by social insurance at all and will need to rely on social assistance payments.

Second, domestic workers who are non-EEA nationals (see Section 3.2 above) must, under the Employment Permits Acts 2003 to 2014, have either a valid employment permit or alternatively the relevant immigration permission from the Minister for Justice allowing them to reside and work in Ireland without one. Work in private homes is on the ineligible list of occupations for employment permits maintained by the Department of Enterprise, Trade and Employment (Department of Enterprise, Trade and Employment, 2023a). In the absence of an employment permit (unless someone is exempt from the requirements for such a permit)<sup>12</sup>, employment is illegal and the Irish courts have held that such illegal employment is not insurable under Irish social welfare law (*Sobhy v. Chief Appeals Officer* [2021] IESC 81). In practice, if social insurance contributions have been paid for such people, they will be returned to them (and their employers) if the DSP decides that they are in illegal employment. Therefore, again, people would have to rely on social assistance payments<sup>13</sup>.

Third, in accessing social assistance payments (such as jobseeker's allowance), claimants have to satisfy the HRC. Insofar as many domestic workers are non-nationals, they may find it more difficult to do so than Irish nationals, who automatically have a right to reside. This is especially the case if they are employed on a short-term basis. For example, in 2010, 650 Irish nationals were refused social welfare payments on the basis of not satisfying the HRC, compared with 9,043 non-nationals (Crosscare, Doras Luimní and NASC, 2012).

Fourth, some non-EEA domestic workers are on a student visa (MRCI, 2012) and student immigration permission states that students may not access social security other than in emergencies or exceptional circumstances (Quinn et al., 2014).

Finally, it is important to note that some domestic workers face language barriers (WRC, 2023), so may lack of awareness and information about rights to social protection.

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<sup>12</sup> For example, non-EEA students with permission to study a full-time course are allowed to take up casual employment of up to 20 hours a week during term time and up to 40 hours a week in the college holidays.

<sup>13</sup> Of course, in the case of a non-EU national, this might affect their right to reside in Ireland.

## 4.1.2 Sickness benefits

### 4.1.2.1 Formal access

Domestic workers who are employees do have formal access to sickness benefits in Ireland.

### 4.1.2.2 Specific conditions

There are no specific conditions for accessing this contingency that apply to domestic workers.

### 4.1.2.3 Gaps in access

No gaps have been identified in access to this contingency that are specific to domestic workers.

### 4.1.2.4 Challenges

It is estimated that there are large numbers of domestic workers employed who do not have a valid work permit, whose work is undeclared, who do not have a contract, and who receive cash in hand: this may affect their ability to access sickness benefits (Section 4.1.1.4).

Homecare workers who are employed *directly* by households have reported that they receive no sick pay or sick cover and no health insurance (MRCI, 2015a; 6; MRCI/SIPTU/Carers Association, 2015).

Importantly, non-EEA nationals on student visas (MRCI, 2012) may not access social security other than in emergencies or exceptional circumstances (Quinn et al., 2014).

## 4.1.3 Healthcare benefits

### 4.1.3.1 Formal access

Domestic workers do have formal access to healthcare benefits in Ireland.

### 4.1.3.2 Specific conditions

There are no specific conditions for accessing this contingency that apply to domestic workers.

### 4.1.3.3 Gaps in access

No gaps have been identified in access to this contingency that are specific to domestic workers. However, to be entitled to healthcare, people must be “ordinarily resident” in the country and this is normally interpreted as residence of one year. Insofar as some domestic workers are non-EU nationals who are in the country on a short-term basis, they may not be considered to satisfy the ordinary residence condition.

### 4.1.3.4 Challenges

It is estimated that there are large numbers of domestic workers employed who do not have a valid work permit, whose work is undeclared, who do not have a contract, and who receive cash in hand: this may affect their ability to access healthcare benefits (Section 4.1.1.4).

Homecare workers who are employed *directly* by households have reported that they receive no sick pay or sick cover and no health insurance (MRCI, 2015a; 6; MRCI/SIPTU/Carers Association, 2015).

## 4.1.4 Maternity and equivalent paternity benefits

### 4.1.4.1 Formal access

Domestic workers do have formal access to maternity and paternity benefits in Ireland.

### 4.1.4.2 Specific conditions

There are no specific conditions for accessing this contingency that apply to domestic workers.

### 4.1.4.3 Gaps in access

No gaps have been identified in access to this contingency that are specific to domestic workers.

### 4.1.4.4 Challenges

It is estimated that there is a large amount of domestic work that is undeclared and performed by workers who do not have a contract, who receive cash in hand, and some of whom are undocumented migrants; this may affect their ability to access maternity and paternity benefits (see Section 4.1.1.4).

## 4.1.5 Invalidity benefits

### 4.1.5.1 Formal access

Domestic workers who are employees do have formal access to invalidity benefits in Ireland.

### 4.1.5.2 Specific conditions

There are no specific conditions for accessing this contingency that apply to domestic workers.

### 4.1.5.3 Gaps in access

No gaps have been identified in access to this contingency that are specific to domestic workers.

### 4.1.5.4 Challenges

There are some key challenges for domestic workers, especially migrant domestic workers, to access these benefits. For example, Ireland has an invalidity pension for people who cannot work because of a long-term illness or disability and who are covered by social insurance (PRSI). However, domestic workers doing undeclared work will not be covered by social insurance.

In order to qualify for disability allowance, people must show that they are habitually resident, which some migrant workers may struggle to prove (see Section 4.1.1.4).

As there is no employment permit for domestic work, non-EEA nationals working as domestic workers without a valid employment permit (i.e. those who are not on a student visa) are not insured under Irish social welfare law.

As a large amount of domestic work is likely to be undeclared and provided by undocumented workers, this poses barriers to accessing invalidity benefits.

## 4.1.6 Old-age benefits and survivor benefits

### 4.1.6.1 Formal access

Domestic workers do have formal access to old-age and survivor benefits in Ireland.

### 4.1.6.2 Specific conditions

There are no specific conditions for accessing this contingency that apply to domestic workers.

### 4.1.6.3 Gaps in access

No gaps have been identified in access to this contingency that are specific to domestic workers.

### 4.1.6.4 Challenges

If domestic workers do not have a valid work permit, do not have a contract, and receive cash in hand, this may affect their ability to access old-age and survivor benefits (see Section 4.1.1.4). Additionally, in order to qualify for widow's, widower's, or surviving civil partner's (non-contributory) pension, people must show that they are habitually resident, which some migrant workers may struggle to prove.

## 4.1.7 Benefits in respect of accidents at work and occupational diseases

### 4.1.7.1 Formal access

Domestic workers who are employees do have formal access to occupational injury benefits in Ireland.

### 4.1.7.2 Specific conditions

There are no specific conditions for accessing this contingency that apply to domestic workers.

### 4.1.7.3 Gaps in access

No gaps have been identified in access to this contingency that are specific to domestic workers.

### 4.1.7.4 Challenges

It is estimated that a large amount of domestic work is undeclared, with workers receiving cash in hand: this may affect their ability to access benefits in respect of accidents at work and occupational diseases (see Section 4.1.1.4, which outlines the challenges that domestic workers, especially migrants, face in accessing benefits).

## 4.2 Access to labour protection

This section describes the access to labour protection available to domestic workers. Four aspects are addressed: (a) do they have access to the same protection (as other workers)?; (b) are there specific conditions that apply to them?; (c) are there gaps in access that are specific to domestic workers?; and (d) do they face specific challenges linked to their specific employment arrangements as described in Section 3?

### 4.2.1 Formal access

Under Irish employment law, domestic workers are not a separate category of worker. Instead, domestic workers have the same labour protection and employment rights as all other workers who are working under contracts of employment (written or verbal).

### 4.2.2 Specific conditions

There are no specific conditions for accessing labour protection that apply to domestic workers.

### 4.2.3 Gaps in access

There are no gaps in access to labour protection that are specific to domestic workers. However, as domestic workers in Ireland are often undocumented migrants, they may face exploitative working conditions and be unable to avail themselves of their rights.

### 4.2.4 Challenges

It is estimated that there are large numbers of domestic workers employed who do not have a valid work permit, whose work is undeclared, who do not have a contract, and who receive cash in hand: this will affect these workers' ability to avail themselves of labour protection.

Homecare workers in Ireland experience exploitative conditions, as they face different pay rates and terms and conditions depending on the employer, ad hoc employment arrangements, and prohibitive complaints procedures whereby they lose hours if they file a complaint (MRCI, 2015a; MRCI/SIPTU/Carers Association, 2015; Murphy and O'Sullivan, 2021). Those homecare workers who are employed *directly* by households face additional issues including a lack of employment contracts, not receiving the minimum wage, no overtime pay, no sick pay or sick cover, excessively long working hours with little to no rest time, no annual leave or public holiday pay, no job security and no health insurance (MRCI, 2015a; 6; MRCI/SIPTU/Carers Association, 2015).

Au pairs often also face exploitation, are not given a written contract, have to be on call all day and night, are overworked, underpaid, have insufficient breaks, and are not given annual leave (MRCI, 2012, 2015b; Smith, 2015). One issue that affects au pairs' ability to access labour protection is the lack of clarity as to their employment status. A number of WRC cases have clarified that au pairs are "workers" entitled to the protection of employment laws in Ireland. Two cases were brought to the WRC in 2016 and 2018 by au pairs in relation to underpayment, wage deductions, issues with notice periods, unpaid overtime, and employment conditions (e.g. McCormack v. Generoso [2018]). The WRC ruled in favour of the au pairs in both cases, noting that: their employers had breached annual leave provisions provided for under the Organisation of Working Time Act 1997; that the wages the au pairs received were less than what was stipulated in the National Minimum Wage Act 2000; and that they had not been provided with a written statement of terms and conditions of employment as required under the Terms of Employment (Information) Act 1994-2014.

## 5. Undeclared work, regularisation and labour shortages

In many Member States, a key challenge concerning the situation of domestic workers is the very high proportion of undeclared work in the sector and what this implies in terms of social protection and labour protection for these undeclared workers. Different policy instruments



may be used to address and combat undeclared work in the sector. These can be broadly classified as direct measures (e.g. vouchers and tax credits) and indirect measures (e.g. formalisation and professionalisation of domestic work).

This section considers in turn the prevalence of undeclared work (Section 5.1), possible labour shortages or unmet household needs for domestic services (Section 5.2), and efforts to regularise domestic work (Section 5.3).

## 5.1 Prevalence of undeclared work

It is estimated that, in 2019, 7.3% of total labour input in the private sector in Ireland was undeclared, which indicated that the extent of undeclared work in Ireland was lower than the EU-27 average (ELA, 2023). Within Ireland's undeclared labour market, the proportion of undeclared labour that was waged employment was 27.9% (compared with 62.9% in the EU-27), while 71.4% was self-employment (compared with 36.3% in the EU-27) and 0.7% of undeclared labour input was family work (0.8% in the EU-27) (ELA, 2023). A number of reports from non-governmental organisations and trade unions have noted that undeclared work was common in the domestic work sector, especially for migrant homecare workers directly employed by families (e.g. MRCI/SIPTU/Carers Association, 2015), and au pairs (MRCI, 2012). For example, the IHREC has noted that “*a significant amount of this care work is undeclared and provided by undocumented workers*” (IHREC, 2023; 45; also MRCI, 2015a). Since 2011 Ireland's labour inspectorate, the WRC, has been carrying out inspections of private homes as places of employment in order to identify domestic work arrangements and undeclared work (European Commission, 2018).

## 5.2 Labour shortages

The Department of Health has noted a “critical shortage” of frontline care workers in Ireland, including in homecare (Department of Health, 2022). Data from the HSE from July 2022 indicated that “*5,312 people were waiting for home-support from the HSE's Services for Older People because no care-workers were available to provide this*” (Department of Health, 2022; 5).

## 5.3 Regularisation of undeclared work

### 5.3.1 Existing instruments

Ireland has not introduced measures to tackle undeclared work specifically, although complaints can be made to the WRC in relation to undeclared work<sup>14</sup>. However, in recent years Ireland has launched a number of regularisation schemes through which undocumented migrants can seek to regularise their legal status, and these schemes may have an impact on undeclared work. These schemes were not created specifically for domestic workers but they were able to apply. The MRCI estimated in 2020 that there were 17,000-20,000 undocumented people in Ireland (noted in Polakowski and Quinn, 2022; v).

In 2018 Ireland introduced its first scheme for undocumented former students, through which 2,253 applicants were granted residence permission (Polakowski and Quinn, 2022; vi). In 2022 Ireland launched its *regularisation of long-term undocumented migrants scheme*, which was for people who had been undocumented in Ireland for at least four years at the start of the scheme, or for at least three years if they were part of families with children under 18

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<sup>14</sup> See [https://www.workplacerelations.ie/en/what\\_you\\_should\\_know/employment\\_types/undeclared-work/](https://www.workplacerelations.ie/en/what_you_should_know/employment_types/undeclared-work/).

(Department of Justice, 2022). There was a separate scheme established for those who had been in the international protection process for two years or more. Those who were granted residence were given a stamp 4, which allows them to live and work in Ireland. 11,537 people applied through the 2022 schemes and, as of February 2023, 7,809 applicants had been granted residence (MRCI, 2023).

In addition, since 2011 the WRC has been carrying out inspections of private homes as places of employment. In order to identify domestic work arrangements, the WRC “*utilised employer data from a variety of sources including Revenue, Social Protection, and other state bodies*” (European Commission, 2018; 2). Permission is required from the home-owner in order for an inspector to gain access. However, the ILO (2023) noted that a low number of inspections had been carried out in the domestic work sector.

## 5.3.2 Impacts

### 5.3.2.1 Direct measures

The regularisation scheme has allowed successful applicants to legally access the labour market. However, there are no impact assessments that show the regularisation scheme’s impact on the domestic work sector.

### 5.3.2.2 Indirect measures

There are no impact assessments that show the regularisation scheme’s impact on the domestic work sector.

## 6. Recent and ongoing reforms and debates

This section reviews the possible recent (since 1 January 2020) or ongoing reforms in the country whose aim is to enhance the social protection and labour protection of domestic workers (Section 6.1). Possible EU support for these reforms – through the European Social Fund Plus, the Recovery and Resilience Facility or the Technical Support Instrument (TSI)<sup>15</sup> – is discussed in Section 6.2. Finally, Section 6.3 covers the public debate in the country about the social protection and labour protection of domestic workers.

## 6.1 Reforms

### 6.1.1 Social protection

There do not appear to have been any specific reform measures in relation to domestic workers in the social protection field since 2020.

### 6.1.2 Labour protection

There do not appear to have been any specific reform measures in relation to domestic workers in the labour protection field since 2020.

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<sup>15</sup> The TSI helps EU Member States design and implement resilience-enhancing reforms by providing expertise to national authorities. The support is on demand and can include strategic and legal advice, studies, training and expert visits on the ground.

## 6.2 European Union support

### 6.2.1 European Social Fund Plus

There is no such EU support.

### 6.2.2 Recovery and Resilience Facility

There is no such EU support.

### 6.2.3 Technical Support Instrument

In 2023 the TSI financed the “towards person-centred integrated care in Ireland” reform support project. This will support ongoing work to promote person-centred and integrated care in the country, the outcomes of which may have an impact on domestic workers.

## 6.3 Public debate

It is important to note that there appears to be some confusion around the term “domestic worker” in an Irish context.

First, there is no legal definition of domestic workers established in Irish law and the term “domestic worker” is rarely used in government policies. The majority of public and political discourse around domestic workers in Ireland has centred on the experiences of au pairs and homecare workers.

Second, while the CIB notes that “domestic workers are generally hired directly by the homeowner” (so, for example, au pairs, cleaners, housekeepers, childminders, nannies, drivers, gardeners, and some carers), others, such as homecare assistants, are usually hired through public bodies, voluntary and community organisations, and private agencies to work in the private home. This can cause confusion as to *who* is the employer.

Third, some have tried to argue that some forms of domestic childcare do not constitute work. For example, au pair employment agencies, and some families who hire au pairs, have argued that these au pairs are not workers (Collins, 2017). Notably, in 2016 the Irish National Au Pair Association worked with the political party Fianna Fáil to try to enact an Au Pair Placement Bill 2016, which sought to classify au pairs as cultural exchange participants as opposed to workers (the bill did not pass).

Similarly, not all employers will be registered as employers, nor will they pay PRSI on their domestic workers’ behalf or deduct taxes. The lack of clarity around definitions of what constitutes a domestic worker, and what rights they have, has led to some cases being brought before the WRC, for example by au pairs. The WRC states that au pairs are workers (ICTU, 2016).

A significant overriding factor is also that a large amount of domestic work is undeclared and provided by undocumented workers who often face exploitative working conditions and who are unaware of their rights.

## 7. Improving social protection and labour rights for domestic workers

First, the primary mechanism that would improve domestic workers' access to social protection and labour rights would be to provide these workers with legal status. There is a need to create legal migration pathways for non-EU workers to enter the domestic work sector in order to counter the current informal, undeclared, and exploitative system. If these workers were able to obtain work permits and employment contracts, they would be in a better position to access their labour rights and social protection. Permits granted to workers in the homecare sector should be flexible, to allow mobility within the sector. There is also a need to create routes for those employed in the domestic work sector to regularise their status (akin to the 2022 regularisation scheme).

Second, the Irish government should define “domestic worker” in Irish law.

Third, the national guidelines on domestic workers' rights (especially au pairs' rights) need to be widely advertised and widely disseminated to inform households that domestic workers are *workers* and that they have the same protection and employment rights as all other workers working under a contract of employment (written or verbal).

Households that directly employ homecare workers or au pairs need to be better informed concerning their legally obligation to register as single employers with the Revenue.

Finally, there is a need to support and facilitate domestic workers to access labour complaints mechanisms.

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## Annex 1: Statistical annex

**Table A1: Number of domestic workers (in thousands), share of all people at work (%) and distribution by care/non-care sectors (%) (2023, EU-27 Member States, Bosnia and Herzegovina, and Serbia)**

	Number of domestic workers (in thousands)	Share of all people at work	Sector	
			Care	Non-care
<b>EU-27</b>	4080.8	2.1%	46%	54%
Austria	40.5	0.90%	51%	49%
Belgium	174.7	3.50%	16%	84%
Bulgaria	36	1.30%	70%	30%
Croatia	<b>9.5</b>	<b>0.60%</b>	<b>87%</b>	<b>13%</b>
Cyprus	19.6	4.40%	<b>4%</b>	96%
Czechia	56.9	1.20%	88%	12%
Denmark	101.1	3.60%	96%	4%
Estonia	<b>1.7</b>	<b>0.30%</b>	<b>81%</b>	:
Finland	41.1	1.60%	92%	<b>8%</b>
France	671.5	2.40%	38%	62%
Germany	560.5	1.40%	44%	56%
Greece	95.1	2.40%	6%	94%
Hungary	20.3	0.40%	62%	38%
Ireland	40.1	1.60%	:	100%
Italy	733.4	3.20%	47%	53%
Latvia	11.8	1.40%	64%	36%
Lithuania	4.6	0.30%	<b>44%</b>	<b>56%</b>
Luxembourg	4.3	1.40%	<b>20%</b>	80%
Malta	4.4	1.50%	61%	39%
Netherlands	153	1.70%	56%	44%
Poland	118.5	0.70%	59%	41%
Portugal	165.9	3.50%	46%	54%
Romania	67.2	0.90%	59%	41%
Slovakia	38	1.50%	95%	:
Slovenia	8	0.80%	73%	<b>27%</b>
Spain	739.8	3.60%	37%	63%
Sweden	151.4	3.00%	100%	:
<b>Candidate countries</b>				
Bosnia and Herzegovina	8.78	0.8%	<b>39%</b>	61%
Serbia	17.362	0.7%	37%	63%

Note: The numbers in **italics** have a low statistical reliability and should therefore be interpreted cautiously.

Source: Labour Force Survey (LFS), 2023, Eurostat data, DG EMPL calculation.

**Table A2: Distribution of domestic workers by socio-demographic characteristics (gender, age, educational level and country of birth), % (2023, EU-27 Member States, Bosnia and Herzegovina, and Serbia)**

	Gender		Age			Educational level			Country of birth		
	Women	Men	15-34	35-49	50+	Low	Medium	High	Natives	Other EU	Non-EU
<b>EU-27</b>	88%	12%	19%	35%	46%	39%	50%	11%	59%	10%	31%
Austria	89%	<b>11%</b>	20%	32%	48%	27%	58%	16%	60%	21%	19%
Belgium	94%	6%	22%	41%	37%	38%	51%	11%	50%	22%	27%
Bulgaria	82%	<b>18%</b>	<b>11%</b>	37%	52%	25%	67%	:	100%	:	:
Croatia	<b>96%</b>	:	:	<b>39%</b>	<b>54%</b>	<b>19%</b>	<b>79%</b>	:	<b>79%</b>	:	:
Cyprus	96%	<b>4%</b>	52%	31%	17%	38%	47%	14%	<b>4%</b>	<b>4%</b>	93%
Czechia	84%	16%	17%	38%	44%	15%	77%	8%	94%	<b>3%</b>	<b>3%</b>
Denmark	88%	12%	30%	29%	42%	15%	75%	10%	83%	<b>3%</b>	14%
Estonia	<b>87%</b>	:	:	:	:	:	:	:	<b>91%</b>	:	:
Finland	85%	15%	32%	31%	37%	16%	74%	10%	88%	:	<b>8%</b>
France	92%	8%	20%	32%	48%	35%	53%	12%	76%	8%	16%
Germany	89%	11%	22%	30%	48%	33%	59%	9%	67%	14%	19%
Greece	84%	16%	10%	47%	43%	32%	58%	10%	66%	<b>3%</b>	31%
Hungary	87%	:	17%	44%	39%	26%	71%	:	99%	:	:
Ireland	79%	21%	28%	36%	35%	31%	50%	<b>18%</b>	49%	24%	28%
Italy	87%	13%	11%	37%	52%	46%	45%	8%	33%	18%	49%
Latvia	90%	:	:	33%	58%	:	63%	<b>19%</b>	86%	:	:
Lithuania	<b>84%</b>	:	:	<b>30%</b>	<b>64%</b>	:	<b>75%</b>	:	96%	:	:
Luxembourg	92%	:	23%	40%	37%	75%	<b>23%</b>	:	<b>17%</b>	57%	26%
Malta	78%	<b>22%</b>	<b>30%</b>	53%	<b>16%</b>	31%	34%	35%	:	:	86%
Netherlands	90%	10%	24%	28%	48%	34%	58%	8%	79%	5%	17%
Poland	67%	33%	<b>16%</b>	45%	38%	<b>15%</b>	65%	20%	97%	:	:
Portugal	100%	:	13%	35%	52%	67%	28%	<b>5%</b>	78%	:	22%
Romania	83%	<b>17%</b>	17%	43%	39%	30%	66%	:	100%	:	:

	Gender		Age			Educational level			Country of birth		
	Women	Men	15-34	35-49	50+	Low	Medium	High	Natives	Other EU	Non-EU
Slovakia	83%	<b>17%</b>	:	35%	57%	:	87%	:	100%	:	:
Slovenia	82%	<b>18%</b>	<b>25%</b>	<b>37%</b>	<b>38%</b>	<b>17%</b>	63%	<b>20%</b>	87%	:	:
Spain	90%	10%	16%	40%	44%	54%	29%	17%	38%	7%	55%
Sweden	71%	29%	43%	25%	32%	22%	60%	18%	56%	5%	40%
<b>Candidate countries</b>											
Bosnia and Herzegovina	75%	<b>25%</b>	<b>26%</b>	<b>39%</b>	<b>35%</b>	<b>33%</b>	66%	:	96%	:	:
Serbia	84%	<b>16%</b>	<b>6%</b>	30%	64%	31%	62%	<b>8%</b>	89%	:	:

Note: The numbers in **italics** have a low statistical reliability and should therefore be interpreted cautiously.

Source: Labour Force Survey (LFS), 2023, Eurostat data, DG EMPL calculation.

**Table A3: Distribution of domestic workers by main job's characteristics (number of hours per week usually worked, employment status, and degree of permanency), % (2023, EU-27 Member States, Bosnia and Herzegovina, and Serbia)**

	Weekly hours			Employment status		Permanency	
	Fewer than 30	30 to 40	More than 40	Employees	Self-employed	Temporary contract	Permanent contract
<b>EU-27</b>	47%	45%	8%	94%	6%	18%	82%
Austria	59%	35%	:	80%	20%	:	93%
Belgium	50%	49%	<b>1%</b>	98%	2%	5%	95%
Bulgaria	:	90%	:	98%	:	30%	70%
Croatia	<b>19%</b>	<b>81%</b>	:	<b>95%</b>	:	<b>64%</b>	<b>36%</b>
Cyprus	<b>7%</b>	:	93%	89%	11%	89%	11%
Czechia	<b>4%</b>	72%	24%	39%	61%	19%	81%
Denmark	29%	68%	<b>3%</b>	100%	:	21%	79%
Estonia	:	:	:	<b>86%</b>	:	:	<b>91%</b>
Finland	46%	54%	:	95%	<b>5%</b>	14%	86%
France	62%	35%	3%	96%	4%	20%	80%
Germany	53%	44%	<b>3%</b>	98%	<b>2%</b>	12%	88%
Greece	25%	65%	10%	86%	14%	30%	70%
Hungary	:	100%	:	86%	<b>14%</b>	<b>15%</b>	85%
Ireland	65%	35%	:	100%	:	:	100%
Italy	53%	33%	15%	97%	3%	:	90%
Latvia	:	82%	:	93%	:	:	97%
Lithuania	:	<b>100%</b>	:	<b>83%</b>	:	:	<b>99%</b>
Luxembourg	100%	:	:	85%	<b>15%</b>	:	96%
Malta	:	100%	:	83%	<b>17%</b>	<b>30%</b>	70%
Netherlands	82%	16%	2%	89%	11%	23%	77%
Poland	:	51%	42%	66%	34%	33%	67%
Portugal	33%	64%	<b>3%</b>	100%	:	20%	80%
Romania	:	86%	:	72%	28%	<b>15%</b>	85%
Slovakia	:	61%	32%	72%	28%	:	93%
Slovenia	:	100%	:	96%	:	<b>16%</b>	84%
Spain	46%	47%	7%	98%	2%	23%	77%
Sweden	22%	73%	6%	100%	:	28%	72%
<b>Candidate countries</b>							
Bosnia and Herzegovina	:	71%	<b>29%</b>	79%	<b>21%</b>	<b>27%</b>	73%
Serbia	<b>34%</b>	66%	:	74%	26%	63%	37%

Note: The numbers in **italics** have a low statistical reliability and should therefore be interpreted cautiously.

Source: Labour Force Survey (LFS), 2023, Eurostat data, DG EMPL calculation.

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## **Finding information about the EU**

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Information about the European Union in all the official languages of the EU is available on the Europa website at: [https://europa.eu/european-union/index\\_en](https://europa.eu/european-union/index_en)

### **EU publications**

You can download or order free and priced EU publications at: <https://op.europa.eu/en/publications>. Multiple copies of free publications may be obtained by contacting Europe Direct or your local information centre (see [https://europa.eu/european-union/contact\\_en](https://europa.eu/european-union/contact_en)).

### **EU law and related documents**

For access to legal information from the EU, including all EU law since 1951 in all the official language versions, go to EUR-Lex at: <https://eur-lex.europa.eu>

### **Open data from the EU**

The EU Open Data Portal (<https://data.europa.eu/en>) provides access to datasets from the EU. Data can be downloaded and reused for free, for both commercial and non-commercial purposes.

