

FRAMING THE FEMINISED HOME-BASED SERVICES SECTOR AT EUROPEAN LEVEL: THE EVOLVING ROLE OF TRADE UNIONS AND EMPLOYER'S ORGANISATIONS

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Framing the Feminised Home-Based Services Sector at European Level: the Evolving Role of Trade Unions and Employer's Organisations

Home services – in which working-class women make up the majority of the workforce – arrived on the European agenda in the 1990s. Since then, the attention of European institutions has focused on two main issues: labour market participation and workers' and human rights. What has been the role of workers' and employers' representatives in the emergence and shaping at European level of this new area of focus? This article shows that national and European business/employers' federations cooperated with the European Commission to frame home service work as a means of increasing employment rates but that alternative policy frames for home-based services also appeared. The activities of the International Labour Organisation (ILO) contributed to bringing frames that had developed in parallel to converge at European level.

Façonner le secteur féminisé des services à domicile au niveau européen : l'évolution du rôle des syndicats et des organisations patronales

Les services à domicile -dans lesquels les femmes des classes populaires constituent la majorité de la main-d'œuvre- sont arrivés sur l'agenda européen dans les années 1990. Depuis lors, l'attention des institutions européennes s'est concentrée sur deux questions principales : la participation au marché du travail et les droits humains et des travailleuses. Quel a été le rôle des représentants des travailleuses¹ et des employeurs dans l'émergence et le façonnement au niveau européen de ce nouveau domaine d'intérêt ? Cet article montre que les fédérations patronales nationales et européennes ont coopéré avec la Commission européenne pour présenter le travail à domicile comme un moyen d'augmenter les taux d'emploi, mais que d'autres façons de penser ces services sont également apparues. Les activités de l'organisation internationale du travail (OIT) ont contribué à développer des convergences des cadrages différents du problème au niveau européen.

1 Nous employons ici le féminin, dans la mesure où plus de 80 % de ces travailleurs sont des femmes.

Framing the Feminised Home-Based Services Sector at European Level: the Evolving Role of Trade Unions and Employer's Organisations

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Introduction²

Since the 1990s, numerous texts published by European actors have identified home services as a sector in which Member States and the European Union (EU) should intervene (Morel, 2015). These texts and the policy frames implied in them, although non-binding, had material consequences in the Member States, helping legitimise the introduction of national policies subsidising the development of welfare markets for home services in Member States such as France, Belgium, Denmark, Finland, Sweden, Germany, and Italy. Because they inspire national actors and constitute resources for them (see Jacquot and Ledoux, 2021), policy frames developed at the European level are important to study.

Research has shown that the employment situations of home service workers are generally highly precarious. Paid less than other workers in the EU, they are eligible for fewer social security benefits, work fragmented and atypical hours and find it difficult to make plans for their future (Farvaque, 2013; Ramos and Belen Munoz, 2020). Many of them work more or less than the typical working hours with insufficient rest periods (when they are declared) (*ibid.*). Working 'behind closed doors' in private homes, domestic workers are vulnerable to physical, verbal or even sexual abuse (Lutz, 2011). Home services therefore raise important questions of equality and inequality (Daly and Rake, 2003; Ciccia and Sainsbury, 2018; Van Hooren, 2018), which have also been more visible during the pandemic. Knowing that the definitions of public problems contribute to shaping public policies (Verloo and Maloutas,

2 I would like to thank Sophie Jacquot, Joanne Walker and the reviewers of *Politique européenne*, who helped to improve this article and the programs PROFAM — funded by the French National Research Agency (ANR) — and Alliance Europa — funded by the Région Pays de la Loire — which contributed to finance this research.

2005), this article aims at analysing how these problems have been framed at the European level. It focuses on the role played by the representatives of employers' organisations and trade unions –in interaction with other actors– in the definition and emergence of these public problems, and their potential solutions at EU level.

The role of trade unions in the creation of new regulations for these workers has already been studied at local and national levels (Van Hooren et al., 2022). Together with civil society organisations, trade unions have pressured regional organisations to end domestic workers' exclusion from labour law provisions (Poblete, 2018). At a global level, they have successfully lobbied for the introduction of the International Labour Organisation (ILO) Convention 189 ('ILO C189') on rights for domestic workers (Schwenken, 2011; Blackett, 2019; De Muñagorri and Poblete, 2021), which provides for decent working conditions, a minimum wage, rest periods and other rights. The role played by employers' organisations at a national level has also been underlined by scholars (Ledoux, de Muñagorri and Guiraudon, 2021). The existing literature sometimes mentions the role of European actors (Anderson, 2000) in the definition of policies for home services, but this level of regulation has almost been a blind spot for academics: only the discourse of the European Commission on this sector has already been studied, in relation to its programme for promoting growth and employment (Morel, 2015). However, the role of labour market actors in framing operations concerning home services has not been fully demonstrated.

After a theoretical and methodological part, this text distinguishes three partially overlapping sequences, corresponding to coherent frames. It identifies the role of social partners in each, in relation with different coalitions, and is structured along these sequences that cover either one or several frames (see table 1). First, we will show that national employers' organisations, in particular French and Belgian ones, have played a role since the 1990s in the emergence of a discourse by the Commission on home services as a "source of employment". Trade union organisations were not involved in this first framing but invested in the development of an alternative viewpoint, which was supported by the European Parliament. After 2006/2007, the European and international context changed as for the first time, different financial, cognitive and legitimising resources became available which enabled representatives of employers and organisations representing employees to engage in a dialogue leading to the creation of a common frame, but without constituting a European dialogue as such.

Using framing theory to analyse trade unions and employers organisations actions towards the home-based services sector

It seems relevant to ask how “classic” organised labour market actors have been involved, given that they might be expected to show an interest in a sector identified by the European Commission as early as 1993 as a source of new jobs. It is not surprising that this question remains largely unexplored. As Sophie Jacquot points out (Jacquot, 2021), the role of European social partners in the emergence of equality policy at European level has attracted little scholarly attention until now. This is especially so for policies which do not explicitly target equality as an objective but which implicitly concern equality, by conveying a conception of the place of individuals in society and their role, rights and social position. These policies nonetheless mould representations of gender, class and racialisation. Home-based services are a particularly salient example of these kinds of policies and understanding their framing is important.

Framing refers to selecting, defining, accentuating and assigning a meaning and “diagnosing” a problem, while also contributing to shared meanings. The issue of gender equality in home services is particularly open to varying interpretations and to contestation by different actors. Shaping gender equality can lead to its meaning being set, shrunk, stretched or bent (Lombardo, Meier and Verloo, 2009). Using frame analysis therefore requires looking at how different actors interpret a given social phenomenon and support or challenge a specific way of framing it. Equally, it calls for an understanding of the fact that the categories used to think about problems determine the type of public policy instruments used to respond to them. Policy frames transform “fragmentary or incidental information into a structured and meaningful policy problem, in which a solution is implicitly or explicitly enclosed” (Verloo and Maloutas, 2005, 4; Lombardo and Forest, 2012).

In this context, one of the challenges of lobbying is to frame the representation of a problem in a fashion which is consistent with the interests represented (Coen and Richardson, 2009; Laurens, 2015; Klüver, Mahoney, and Opper, 2015), so that they can be retained by political actors. Moreover, the capacity to impose the definition of a problem and its solutions is unequally distributed among the actors involved in these processes, at national level and even more so at European level (Campana, Henry, and Rowel, 2007, 35; Laurens, 2015, 81).

In the EU, the processes of defining public problems have received little academic attention beyond feminist analysis (Campana, Henry, and Rowell, 2007; Lombardo and Forest, 2012). The European political system is characterised by its highly fragmented nature and by the multiplication of entry points for private actors: "a battle over the correct definition of a public problem or action is never definitively won, since coalitions or groups that 'lose' in one area may win in another [...] and competing problem frames may coexist or overlap within the Commission" (Campana, Henry, and Rowell, 2007, 24).

Questioning the role of trade unions and employers' organisations in the emergence and shaping of public problems at the European level therefore seems best served by a constructivist perspective, which focuses on how problems are 'uttered', the grammar used to present them and the effects of discourse (Jakšić, 2016, Szelewa, 2016, Delage, 2017). Adopting this perspective also helps identify when employers' organisations and trade unions have been absent from the process of frame construction, when they have been proactive and how this investment, or lack thereof, can be explained by the resources they have at their disposal.

What role have the representatives of employers' organisations and trade unions played, in interaction with other actors, in the emergence and framing of the new area of action for the EU generally defined as home services? In order to answer this question, we analysed 30 administrative, legal and communication documents relating to home services produced by European institutions and organisations.³ This data was completed by 19 interviews carried out between February and September 2020 in Brussels (or on Skype or Zoom) with actors involved in the definition of problems and/or solutions related to home services at European level. Informants included current or former members of the European Commission, the European Economic and Social Committee and the European Parliament, as well as members of business/employers' organisations (European Federation for Services to Individuals - EFSI, European Federation for Family Employment and Home care - EFFE), home service voucher companies (EDENRED, Sodexo), trade unions (UNI Global Union, EFFAT) and a European think tank. These actors were chosen for their (past or present) involvement in the framing of home services and in the production of texts related to these services. Interviews were completed by several observations made during European conferences

3 The majority of these documents are mentioned either in the bibliography or in footnotes.

organised or supported by the EFSI, bringing together different European actors (2013, 2016, 2019, 2020 and 2021).

Table 1: The different framings of “home services jobs” in the EU

Year	Stakeholder promoting the frame.	Label	Description of the frame
Initial framing of “home services” (1990-2000)			
1993-1997	European Commission, French CNPF	« Home services »	“Home services as a « source of jobs »”: A source of low-productivity, low-cost jobs. A sector which could easily employ a low-skilled workforce.
Alternative frames (mid 1990’s-2007)			
1995-...	EASPD, EPSU	« Caring services »	“Home-caring services as social services of general interest (SSGI)”: Home-caring services as distinct from domestic work for non-vulnerable populations should be of high quality and governed by common public services principles.
1995-2001	European Forum of Left Feminists, European Women’s Lobby, European Parliament	« Domestic help »	“Migrant domestic workers as vulnerable”: Domestic workers are often women of colour with precarious employment and work conditions who are potentially victims of abuses.
The increasing impact of the ILO framing on EU actors (2007-2021)			
2012-...	European Commission, EFSI	Personal and Household services (PHS)	Amendments of the “PHS services as a « source of jobs »” frame: Low-productivity jobs, not « requiring particular qualifications » but likely to increase the productivity of the clients. Work essentially carried out by women working part-time, often with a migratory background and directly and irregularly employed by families.
2015-2016	European Parliament, individual members of trade unions	« Domestic workers and carers »	“Decent work and living conditions for domestic workers and carers”: Domestic workers are workers like any others and like no others (Blackett, 2019).
2016-2020	CESE, trade unions	« Live-in care workers »	“Decent working and living conditions for live-in workers”: Live-in care workers carry out public service missions and often have qualifications that are not recognised, as well as precarious working and employment conditions.
2019-...	EFSI, EFFE, trade unions	PHS and domestic workers	“Care and domestic workers and markets” need incentives for formalisation, inclusion in labour laws, collective bargaining and implementation of laws.

This article also uses the results of national campaigns of interviews with trade unions and employers' organisations, carried out mainly in Germany and France from 2004. All these interviews were analysed discursively to comprehend organisations' actions and relations.

The initial economic framing of « home services » by the European Commission in the 1990s

The first sequence corresponds to the emergence of a first way to frame home services as a public problem in the EU. This was introduced in the early 1990s by actors from the Directorate-General for Economic and Financial Affairs (DG ECFIN) and the Directorate-General for Employment, Social Affairs and Inclusion (DG EMPL) (at the time DG II and DGV, but we will keep the current titles for the sake of clarity). Supported by the concerns of national administrations, firms and employers' organisations, especially from France and Belgium, they contributed to the problems being formulated in economic terms; which encouraged the circulation of precise types of knowledge and the promotion of specific public policy instruments, such as service vouchers and income tax break.

Home services as a « source of jobs »

At the beginning of the 1990s, the European Commission, led by its French President Jacques Delors, was particularly concerned about rising unemployment and giving a social dimension to the European project at a time when the single currency was under construction (Leibfried and Pierson, 1998). One of the main objectives of the white paper it published in 1993, entitled "Growth, Competitiveness, Employment", was to reduce unemployment in the European Community (*ibid.*; Morel, 2015, 173). The DG EMPL and DG ECFIN translated these objectives in the different sectors of the economy.

Jean-François Lebrun, a member of the DG EMPL assigned to the DG ECFIN and a graduate in economics, was involved in writing the section on "new needs" in the 1993 white paper. He had worked on productivity differentials between services and industry.⁴ According to him, his aim was to understand how low productivity jobs could help to reduce unemployment in Europe.

4 Interview with Jean-François Lebrun, February 2020.

Through his contacts with the directors of the Accor Services Group (today named Edenred), he developed the idea that service vouchers could be useful tools to support the expansion of home services jobs.⁵ He was convinced of the importance both of the reduction of the cost of low-qualified work and of responding to unsatisfied « new needs » which were described as resulting from “changes in lifestyles, the transformation of family structures, the increase in the number of working women, and the new aspirations of the elderly and of very old people” (European Commission, 1993, 19).

In this context, the public “problem” was related to the fact that the development of local services –like home help for the elderly and handicapped, health care, meal preparation, domestic work and minding children- was either “left to the undeclared employment market, or [was] publicly funded, which [was] expensive” (European Commission, 1993, 20). Two public policy instruments were particularly put forward in the white paper: “income tax deductibility, or the local issuing of ‘vouchers’ [...] issued instead of providing the social services normally provided by employers and local authorities” (European Commission, 1993, 20). From the publication of this report onwards, Jean-François Lebrun became the main advocate for tax breaks and vouchers for home services within the DG EMPL, to the point that the issue came to be almost personal for him.

After the white paper, the Commission worked on defining a more precise list of promising jobs sectors associated with these “new needs” and French national employers’ organisations mobilised in order to see home services included in this list. The French representatives of the National Council for French Employers (*CNPF*) (now the *Mouvement des entreprises de France* or *MEDEF*) succeeded in convincing Pascal Lamy, the director of Jacques Delors’ cabinet, to add home services and childminding to the list⁶ (Jouen, 2000, 8).

While national organisations hurried to position themselves following this first study, especially in France where a tax break already existed but excluded at that time for-profit firms, social partners at European level mostly did not react. One exception to this was the already structured European cleaning sector, which had already defined their stance on this issue. Moreover, they later agreed on a common memorandum in October 1996 in which they indicated their wish to engage in a process of collective bargaining and the devel-

5 *Ibid.*

6 Interview with a former member of the *SESP*, January 2020.

opment of professional training (FENI and Euro-Fiet, 1996). However, this commitment left out a large number of workers, including all those employed by private individuals or carrying out caring roles.

The diffusion of a « prognosis » to national bureaucracies and employers' groups

Following the publication of the 1993 white paper, the Commission led systematic studies on the potential jobs in « home services » and participated actively in circulating knowledge. The DG Employment's services further developed estimates of the number of jobs which could be created through service vouchers, while micro-economic simulations were launched in four countries (France, Germany, United Kingdom and Spain) and the Commission's services consulted national experts (Jouen, 2000, 13). Seminars on countries' « best practice » were also organised by the DG EMPL, such as the ones held in December 1995⁷ or on 15th May 1996 (European Commission, 1996, 42) to which members of national administrations or national employers' federations were invited.

The European Commission also promoted the circulation of ideas developed by employers' organisations, voucher firms and/or national administrations, by describing in its later publications the different experiments introduced across Europe following the 1993 white paper. In January 1994, Denmark created an experimental two-year project in which subsidies were granted to businesses offering home services, while Finland later tested a three-year service voucher system for private childminding services (European Commission, 1996, 40-41). In 1994, Belgium extended to the whole of the country a system of vouchers that had already been experimented locally and could be used in local agencies employing unemployed people. The same year, France tested the "*chèque emploi service*", vouchers aimed at facilitating the employment of home service workers by private individuals; and in January 1996, tax breaks, which had previously been restricted to individuals and to non-profit home-based service providers, were widened to for-profit providers. Businesses or employee work committees were also able to distribute vouchers "*titres emploi service*" to employees as a perk. Although Scandinavian countries also experimented with new measures, France and Belgium were presented in EU documents as being more advanced in the implementation of policies. The DG

7 Interview with Jean-François Lebrun, February 2020.

EMPL also contributed to the identification of “success stories” (European Commission, 1995, 34). The first report on local development and employment presented the French case as being exemplary because it was consistent with the grammar that had already been developed in previous European policy documents (European Commission, 1996, 41). This is unsurprising, given all that the model promoted by the Commission owed to the circulation of actors and ideas between France, Belgium and the DG EMPL.

However, these different exchanges did not have much impact on the binding texts adopted at European level. Only one binding measure, introduced in 1999, concerned home services, creating the possibility for employers to benefit from reduced VAT rates in exceptional cases for labour-intensive services delivered directly to consumers. This policy was based on the idea that VAT reductions would lead to a fall in the cost of services and simultaneously increase demand and employment (Council of the European Union, 1999). In a context where decisions made in Brussels in this area were still taken unanimously in the Council and by simple notification in the Parliament, this measure was a direct result of the home-services French national employers’ organisation lobbying national administrations in order to influence European policy.⁸

No other text binding the Member states was signed and the Commission’s interest for social-fiscal instruments aimed at supporting home services as a « solution » to unemployment seemed to peter out at the end of the 1990s. A great deal of opposition to the Commission’s position had built up over the decade and Jean-François Lebrun lost momentum in the debates. When he chose, in 1997, to abandon his work on home services to transfer to the European social dialogue unit, still within the DG EMPL, no one else took over this issue which disappeared from the DG EMPL’s agenda. According to Jean-François Lebrun, “home services had their moment after the Delors report and after that, it all unravelled”.⁹ After this, only a few research projects were funded, such as the one on “Job Creation in Innovative Relational Services: the Case of Services to Private Individuals” coordinated by the ORSEU, a firm of experts specializing in advising employee representatives.¹⁰ This relative failure of the stabilisation of home services as a public problem can partly be

8 Interview with former members of the *SESP*, February 2018 and October 2018.

9 Interview with Jean-François Lebrun, February 2020.

10 Contract n°: HPSE-CT-2002-00120. Starting in 2003, it had a budget of €935,384.

explained by the existence of competing framings of the issue, one of which directly opposed the DG EMPL's vision.

To conclude, in this first phase, employers' organisations - mainly from France and Belgium - positioned themselves in support of the European Commission's economic framing of home services. Nevertheless, parallel to this, alternative framings emerged in other segments of the EU.

Alternative frames from the mid-1990's to 2007

In the middle of the 1990's, alternative frames emerged parallel to the one developed by the European Commission. The conceptualisation of home services as a source of jobs promoted by the DG Employment was not accepted by everyone. On the one hand, certain stakeholders in the Member States, including representatives of national trade unions and of non-profit employers' organisations, opposed it throughout the 1990s, refusing to associate housecleaning activities for non-vulnerable households with care activities carried out for individuals considered as vulnerable, which they wished to see attached to the idea of public service or social services of general interest (SSGI). On the other hand, on another European stage, the European Parliament, supported by transnational networks and trade unions, developed an understanding of domestic help which was centred on the social situation of the labour force, whose gender, subordinate and migratory experiences were highlighted.

Home-caring services as services of general interest

The framing of home services as sources of jobs generated opposition in Europe. National trade unions were relatively active in certain countries in resisting the development of home services, which they saw as the return of domestic servitude. Jean-François Lebrun explained, "at that time (in the middle of the 1990s), I went to European conferences in Sweden and in Belgium among others where I had a few fairly heated exchanges. For example, the Belgian *Femmes prévoyantes socialistes* (a left-wing feminist group) and other unions were saying 'but we have to make these domestic jobs disappear'".¹¹

11 Interview with Jean François Lebrun, February 2020.

Equally, European social partners in the cleaning sector called for a clear distinction to be made between public policies applying to social organisations responding to the needs of individuals with specific difficulties and those applying to the “development of services to individuals provided by commercial companies” (FENI and Euro-Fiet, 1996).

Besides, some national federations representing non-profit providers of home-based care services mobilized in Europe at the end of the 1990s to have their activities recognized as being in the public interest (see Table 1). They refused to be associated with the “services to individuals” sector, considering such a link to be a route to losing their identity, and sought instead to be attached to the medical-social sector. These non-profit organisations based their arguments on studies carried out on the social and solidarity economy. At European level, Marjorie Jouen, an ex-member of the European Commission’s Forward Studies Unit, declared in 2000 that a double barrier had thwarted the development of daily life services, built on the one hand by the federations of non-profit home-based care provider organisations, who almost had a monopoly in the area and on the other, by public authorities in the Member States. While federations of non-profit home-based care organisations were reluctant to see households turn towards private domestic services, public authorities feared that the principle of equal access to provision would be in danger if the EU supported the expansion of these daily life private services (Jouen, 2000).

These positions were reinforced when the Commission began to work on its directive on Social Services of General Interest. Faced with this initiative, in 2005-2006, several networks of organisations representing non-profit service providers and European trade unions coordinated their actions (Crespy, 2016). Among them, the *European Association of Service Providers for Persons with Disabilities* (EASPD) and the *European Public Service Union* (EPSU) affirmed the differences between social services of general interest -in which they situated non-medical home care- and other services (EPSU, 2006).

The “vulnerability” of “migrant domestic workers”

Parallel to the economic framing of home services as a source of employment, and the framing of home-care services as services of general interest, a third frame appeared in the 1990s which was affected by more large-scale transformations (see Table 1). Increasing mobilisation around the questions of violence towards women and human trafficking at international and European

level followed the constitution of the Coalition Against Trafficking in Women (CATW) in 1988 and the formation of the Global Alliance Against Traffic in Women (GAATW) in 1994 (Jakšić, 2016, 133-164). The latter advocated the widening of the definition of human trafficking to other forms of exploitation such as begging, forced marriages or domestic work (*ibid.*).

With the introduction of the third pillar in the Maastricht Treaty, the EU had greater means at its disposal to act on the question of violence (Jacquot, 2015). As a result of these transformations, the European Forum of Left Feminists succeeded in obtaining from the European Parliament the publication in 1995 of a report commissioned by the European Women's Lobby on black and migrant women in the Union. Basing its analysis on ILO publications, this report identified domestic services as "a growing area of employment for black and migrant women" and pointed out that they were often "invisible, unprotected and subject to great abuse" (European Parliament, 1995, 55). Home services were therefore not presented here as a source of employment for all, but a sector in which workers are mostly women, often of colour and likely to be victims.

At the same time, in the mid 1990's, comparative studies on the situation of what were referred to as female "domestic workers", funded by different segments of the EU, were carried out in Europe by sociologists (Anderson, 2000) and sometimes in association with organised workers. The DG EMPL's gender equality unit and the University of Leicester financed a research project on the living and work conditions of migrant domestic workers.¹² In the United Kingdom in particular, two organisations stood out: Waling-Waling, which was made up of self-organised domestic workers worked with Kalayaan, which brought together activists, legal experts, and academics such as Bridget Anderson (Schwenken, 2005).

On the basis of this cooperation between female domestic workers and academics and in order to find partners who shared their ideas, the members of Kalayaan saw an opportunity in the DAPHNE programme, launched in 1997 by the European Commission¹³ (Jacquot, 2015). The members of Kalayaan decided to ally themselves with SOLIDAR, an NGO based in Brussels that had good contacts among European stakeholders, to request funding from the

12 Private archives related to SOLIDAR.

13 In 1997, it received a budget of 3 million euros which was renewed in 1998 and in 1999 with 5 million euros, before becoming a multi-annual action program (2000-2004) in 2000.

DAPHNE programme to create the RESPECT (*Rights, Equality, Solidarity, Power, Europe, Cooperation Today*) transnational network (Schwenken, 2005). The network's first partners were found through Bridget Anderson's contacts.¹⁴ RESPECT cooperated with national trade unions (from Italy and the UK), as well as with the European trade union confederation (ETUC) and the international confederation of free trade unions. It diffused the experiences of the campaigns led in the UK, especially concerning the administrative regularisation of migrant workers.¹⁵ The EU played an important role in the founding of this network, which still works actively today with female home service workers (Apitzsch and Shire, 2021).¹⁶

In the same year (1997) as the RESPECT network, the international WIEGO (*Women in Informal Employment, Globalising and Organising*) network was also created, which brought together researchers, statisticians and political stakeholders wishing to work cooperatively to support female workers and entrepreneurs in the informal economy. In the 2000s, WIEGO activists, together with women working in the departments dedicated to atypical work in international trade union confederations, encouraged the foundation of a consultative structure to represent female domestic workers at a global level (Schwenken, 2011).

The experience of the RESPECT network did not go unnoticed by European feminists. In 2000, the European parliamentary representatives (MEPs) in the Women's Rights and Gender Equality Committee (FEMM) took on these questions and one of them, Miet Smet, a Flemish Christian Democrat, wrote a report which led to hearings of trade union representatives and national associations defending female domestic workers, as well as of researchers invested in the cause, like Bridget Anderson, representative of Kalayaan (European Parliament, 2000). The report highlighted the gendered and racialized identity of workers identified as "domestic workers", as well as the fact that they were often excluded from health, safety and anti-discrimination legislation and were underpaid and insufficiently covered by national social protection systems. The report focused on undeclared work in the home services sector and attempted to establish the boundaries of domestic work, by basing itself on the ILO's 1996 Home Work Convention (convention 177) and by defining

14 Interview with a former member of SOLIDAR, September 2020.

15 RESPECT bulletin, November 1998, private archives.

16 EU funding ceased in 2002 but the network continues to exist and highlights the fact that female domestic migrant workers wish to be recognised as workers and not as victims.

the tasks workers carry out. Inspired by the ILO, this framing therefore put employment and working conditions at the heart of its analysis.

In this case too, French and Belgian experiences were highlighted as a success for enabling the creation of rights for domestic workers; but the focus was no longer the unemployment rate but rather the employment and working conditions of the women providing home services. A year after its report was published, the European Parliament voted a resolution underlining the need to declare work, to develop a sectoral social dialogue, to “bring domestic work within the general framework of labour legislation and related collective agreements”, to inform workers and employers of their rights and to enable migrant domestic workers to acquire a work permit in due and proper form (European Parliament, 2001). Thus, from the beginning of the 1990s onwards, the identity of domestic workers as workers, women and migrants, and the rights they should have, were questioned by MEPs across the political spectrum and given a central place in debates on domestic services. National trade unions were also associated with this framing.

After the meetings organised by RESPECT, a first report by the European foundation for the improvement of working and living conditions (Cancedda, 2001), the European Parliament debates and above all the victorious experiences of female domestic workers’ movements in the United States and UK, the elites at the head of transnational trade union organisations also began to show a “top-down” interest in female workers in the home. In 2005, the European Trade Union Confederation organised a conference and published a report in which it underlined the vulnerability of domestic workers and the need for European trade unions to organise them; it questioned how best to structure them (European Trade Union Confederation, 2005).

The female domestic workers themselves created in November 2006 their own network, the IDWN (*International Domestic Workers Network*), following a conference organised in the Netherlands with the support of the Dutch trade union Federation FNV, and the worldwide union federation the *International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Association* (IUF), as well as its European affiliate EFFAT (*European Federation of Food, Agriculture and Tourism Trade Unions*). As a member of the IUF, the IDWN quickly became the *International Domestic Workers Federation* (IDWF), a worldwide trade union federation of female domestic workers within which only those who worked or had worked as domestic workers could perform a role. From 2007 onwards, WIEGO employed a European Advisor,

Karin Pape, who participated in the creation of the IDWN and then the IDWF and was WIEGO regional coordinator in Europe. At European level, the IDWF was affiliated with the IUF's European federation, EFFAT. In Europe, Belgian, British, German, Dutch, Italian, Swiss, and Turkish trade unions adhered to the IDWF, but the Scandinavian and Southern European unions did not or less.

In this alternative frame, NGOs, self-organised workers and academics were active in promoting a conceptualisation of the question that emphasised that “migrant domestic workers” were “vulnerable”. Inspired by ILO reports, they managed to convince MEPs, national, European and international trade unions, who became active in diffusing this frame. However, the stakes altered in the middle of the 2000s.

The increasing impact of the ILO framing on EU actors (2007-2021)

From 2007 onwards, the categorisations and configurations of stakeholders mobilised around home services in the EU changed dramatically, as a result of transformations in certain Member States, in the EU Commission as well as in another supranational organisation, the ILO. These factors contributed to changing the positions of business/employers' organisations and trade unions towards home-based services and bringing them to amend their previous framings and to cooperate.

The amendments to the “PHS as source of jobs” frame

After the beginning of the new century, European countries and especially France and Belgium, continued to follow the objectives defined by the European commission in the mid-1990s, which is not surprising considering the implication of these two countries in this first frame.

In France, the Borloo plan in 2005 extended previously existing measures for services to individuals and implemented the “*CESU*”, a universal service employment voucher scheme. Several distributors of vouchers were active, including the Accor group and Sodexo, a founding member of the French specific Employers' Organisation for Services to Individuals (*SESP*). In Belgium, a service voucher system was introduced in 2001 and federalised in 2005. It

could pay for domestic work provided by organisations, but not for care. A sole distributor of vouchers was designated by the federal government: first Accor and then Sodexo. Temporary employment agencies, represented at federal level by the Federgon federation, had already worked with vouchers for the unemployed and invested themselves in this new activity.

These changes in France and Belgium had consequences for the representation system at European level. Since its creation, the French *SESP* had become more structured¹⁷ and with the Belgian Federgon¹⁸ they saw an interest in forming a European federation, namely to ensure that the VAT rate would not change and that competition rules were respected (Ledoux, de Muñagorri and Guiraudon, 2021).

The voucher firms, on the other hand, sought to diffuse the voucher model. Also in 2006, the French *SESP*, Belgian Federgon, and the voucher firms Sodexo, Accor and Axa created the EFSI, the European Federation for Services to Individuals, which aimed to represent national federations and businesses involved in the development of services to individuals in Europe and promote the expansion of this sector. The French state supported the creation of this federation: in 2008, the French presidency of the EU organised a conference on services to individuals following the formalisation of the statutes of EFSI, which unsurprisingly was managed from Paris up until 2011.

At the same time as the EFSI was created in 2006, Jean-François Lebrun, mentioned above, became the head of the unit in charge of “New skills for new jobs” and the globalisation adjustment fund at the DG EMPL and quickly came into contact with the EFSI, “moving back” into a position allowing him to become involved in home services again. In 2010-12, the preparation of the “Employment Package”,¹⁹ overseen by the Commissioner for Employment and Social Affairs László Andor, seemed to be an opportunity to further Jean-François Lebrun’s home services project, as the director of the DG in charge of employment wished to elaborate proposals on jobs that were considered to be low-skilled. Jean-François Lebrun suggested including home services. The definition of these was a particularly delicate subject in a DG where “care”

17 Interview with a member and former member of the *SESP*, May 2006 and October 2018.

18 Interview with a representative of Federgon, March 2020.

19 The package was a set of policy documents that sought to propose a framework for national employment policies in Europe. The Commission was supposed to suggest ways in which Member States might create jobs.

was also identified as a home service job. After bitter internal negotiations, it was decided to include “caring activities” and “domestic services” in the same category, which meant that the units in charge of “Caring activities” and of “New skills for new jobs” within the DG had to work together to prepare a paper and the follow-up of the consultation to which this led.

The Commission’s staff working document on “Exploiting the employment potential of the personal and household services” was published in April 2012 as part of the Employment Package. It attached “Personal and Household Services” (PHS) to “white jobs”²⁰ and defined them as “a broad range of activities that contribute to well-being at home of families and individuals: childcare (CC), long-term care (LTC) for the elderly and for persons with disabilities, cleaning, remedial classes, home repairs, gardening, ICT support, and so on” (European Commission, 2012a). PHS were not, however, attached to a specific category of the Statistical classification of economic activities in the European Community (NACE). Thus, at the European level, the categorisation of the PHS was almost identical to that used for “services to individuals” in France, rather than the Belgian system which excluded care services from its service vouchers. In the working document, PHS jobs were above all considered to be low productivity jobs which do not “require particular qualifications” but are likely to increase the productivity of the clients who benefit from them by allowing them to dedicate themselves to activities other than domestic work. According to the Commission, these jobs were also mostly carried out by women who work part-time, have often immigrated and were irregularly employed by families.

This new way of formulating the problem remained focused on the economy and did not question the meaning of productivity measurements. It did not take into account the qualifications of a workforce that could have in many cases received a degree-level education in non-European countries and it did not show recognition of the real level of qualification needed to take care of a child or an older person. Job creation and finding a solution for a productive workforce were the main objectives. However, for the first time, the Commission recognised the gendered and racialized identity of the workforce in question and questioned their employment and working conditions: the framing of “Home services as a « source of jobs »” from the 1990s was therefore amended

20 In 2011, in its communication on growth, the Commission suggested setting up initiatives that facilitate the development of sectors with the greatest employment potential, among which the social and health sector, where jobs were defined as “white jobs”.

(table 1). In this document, the Commission also accepted the importance of stable work with a minimum number of hours and good working conditions, even though it did not make any concrete proposals to achieve this as its concerns remained centred on the ways in which jobs could be created at a low cost. Gender equality in home service work was therefore still framed from an economic perspective, as it is in many other areas of European policies developed by the Commission (Jacquot, 2015).

Following its publication, a consultation was organized on the Commission's staff working document, to which 70 stakeholders responded, including three national trade unions,²¹ the ETUC, the European Federation of Public Service Employees (EPSU), the Confederation of German Employers' Associations (BDA), the EFSI and the European Centre of Employers and Enterprises providing Public Services and Services of general interest (CEEP), as well as a new European federation representing private individual employers, the EFFE (European Commission, 2012b). In the summary document of this consultation, the DG EMPL acknowledged that the views of the organisations consulted differed on certain points and that the categorisation of the services in question was problematic for some. The European Commission recognised that for some of the organisations consulted, PHS partly overlap with social services of general interest (SSGI). It responded to this by stressing that "care" services fall fully within the scope of "white jobs", while domestic services remain at the fringes of this category.

The European Parliament also reacted to this document, indicating that it invited "the Commission to take into account, in any future policy proposals, the ILO Convention [189] on domestic workers to improve the existing working conditions in these sectors" (European Parliament, 2012). Here again, the European Parliament continued to base its position on the ILO frames, but this time referring to a new Convention. In January 2014, a Council decision was adopted to authorize Member States to ratify ILO Convention 189 (C189) in the interest of the EU (Council of the European Union, 2014).

The frames that had hitherto developed in parallel in different arenas were now finally in dialogue.

21 British, Irish, Danish.

“Decent work and living conditions for domestic workers and carers”: The effects of the ILO ratification on the EU system

Parallel to the renewal of the Commission’s interest in personal and household services, the worldwide movement of organisations representing female domestic workers succeeded in achieving major advances, including the introduction of a global standard on their employment and working conditions. In June 2011, workers, employers and governments met at the ILO General Assembly to adopt the ILO’s convention 189 (C189) on decent work for domestic workers. For this conference, 11 national trade union federations had designated a domestic worker to represent them and the IDWN organised a daily “morning assembly” bringing together up to 50 female domestic workers and NGOs to decide on strategies to adopt (Schwenken, 2011, Blackett, 2019). During these negotiations, the choice of the terms used to define the workers generated multiple debates (*ibid.*). In the end, the annual ILO conference decided to define a domestic worker as being: “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” (ILO, 2011, art. 1). This definition was integrated into a text aiming to develop decent work for domestic workers. The problem was no longer considered to be the resolution of unemployment and the satisfaction of “new needs” but rather the working and employment conditions of those identified by their condition of “domestic worker”. The convention provided that the States which ratified it commit themselves to putting in place measures to ensure greater equality of treatment between domestic workers and the rest of the workforce, the guarantee of weekly rest periods and a minimum salary and protection against discrimination, amongst other rights. The ILO’s convention on decent work for domestic workers thereby transformed both the actors and their way of talking and thinking about home services.

The European Parliament feminists’ use of ILO resources was further legitimised after the adoption of C189. The Parliament’s concern for the employment and working conditions of home services workers was expressed again a few years later in a report in 2015 and the adoption of a resolution on “Women employed as domestic workers, auxiliaries and childcare workers in the European Union” in 2016. Two MEPs from the Group of the European United Left/Nordic Green Left, Kostadinka Kuneva (Syriza) and Tania Gonzalez Penas (Podemos), were drivers for this report inspired by the ILO convention, which

considered the issue of domestic workers and carers from the point of view of the workers providing home services.

Kuneva, author of the report and member of the Parliament's FEMM Committee, is a Greek trade unionist who emigrated from Bulgaria. She had herself worked in the cleaning sector and was the victim of an acid attack a few years before the report because of her trade union activities. For her, and for Gonzalez, the central problem was the illegality of the work, the lack of protection by labour and social laws, harassment, monetary poverty and women workers' lack of access to rights (European Parliament, 2015, 10-11). She insisted on the need for Member States to ratify and implement the ILO Convention 189, and to adopt more protective common rules for these workers, incorporating specific provisions to better protect migrant women. However, although the EU authorised Member states to ratify C189 in 2014, only 8 of them (Belgium, Finland, Germany, Ireland, Italy, Malta, Portugal and Sweden) have actually (in 2021) done so. Identified as a "best case" as regards the first frame the Commission developed in the 1990s, France had still not, at the time of writing this article, ratified the ILO convention.

While the framing developed by the Parliament during the 1990s was only focused on "domestic help", in 2016, the Parliament used the cognitive and legitimising resources included in the ILO Convention 189 and also more explicitly added "caring activities" to the considerations concerning domestic workers.

Converging framings of employers' organisations and trade unions?

The Commission's staff working document and the ILO Convention contributed to transforming employers' organisations and trade unions positions in Europe. Several national home services employers'/business organisations in Europe understood that "something was happening" at European level in 2012, and decided to be represented there. New private service providers therefore joined the EFSI,²² an organisation that was by now well established at European level. The lure of Europe also led the French federation representing private individual employers, the *FEPPEM*, to seek to create another European federation dedicated to direct employment: the *EFFE*, the European Federation of

22 Interview with Aurélie Decker, director of the EFSI, February 2020.

Family Employment.²³ In the following years, the FEPEM participated via the EFFE in projects financed by the European institutions, such as PRODOME and AdPHS. Also, the EFSI reorganised its statutes, distinguishing “full members” from “associate members” and “corporate members”, thus allowing groups or companies to be direct members, as in the case of the French group *Oui Care (O2)* and the Belgian group *daenens*.

In the years following the publication of the Commission’s staff working document, the EFSI strengthened its ability to speak on behalf of PHS providers in Europe. The federation funded a study by the Idea Consult consultancy firm (Idea Consult, 2012), which quantified the cost of unemployment and showed the return effects for public finances of policies supporting PHS, thus following on from the work on social investment while retaining the idea of home services as a source of employment: investing in PHS became a means of saving on unemployment benefit. The challenge was to produce knowledge to support lobbying work, but also to enable members to better understand foreign markets. Starting in 2013, European conferences were regularly organized by the EFSI at the European Economic and Social Committee, bringing together a wide variety of actors, including sometimes actors who did not frame the question in the same way as the federation. The EFSI also participated in projects funded by the EU, as a coordinator or partner, such as *Impact, For Quality*, then *AdPHS*, with other European actors.

On their sides, after the adoption of C189, the European trade unions relied more on the resources of the ILO and the knowledge produced by global and transnational networks. In 2015, the EFFAT published a guide for trade unionists with the support of the Commission and the European representative of WIEGO, Karin Pape, also an EFFAT member. The objective was to explain what national trade unions can do for “domestic workers in Europe”, why it was important for them to address these issues and how the rights of these workers could be improved (EFFAT, 2015).²⁴ For the EFFAT, the issues

23 Created in 2012, this federation also brought together *IPERIA*, the institute in charge of organising the training of employees of private individuals in France, *Assindatcolfi*, an Italian organisation representing private individual employers of domestic workers, *le Grupo SSI*, a cooperative of services to individuals and home services based in the Spanish Basque Country, the French trade union *FO* and the *CFTC*. The EFFE’s aim was to have the specificity of direct employment recognised in Europe and to avoid it being mixed with other types of regulations. Interview with Aude Boisseuil, General Secretary of the EFFE, February 2020.

24 This booklet also used the data provided by the French FEPEM (EFFAT, 2015, 4), showing a circulation of knowledge between this national employer’s organisation and a European trade union federation.

of categorization between "care" and "domestic work" were not of primary importance because it considered trade unions should remain pragmatic, seeing that care workers and workers performing domestic work tasks "face the same problems of working in the home".²⁵ Later, the EFFAT created a specific section dedicated to domestic workers. Another European sectoral federation representing home service workers, Unieuropa (a member of Uniglobal), encouraged the negotiation of collective agreements between the national social partners.²⁶ Both the EFFAT and Unieuropa campaigned for the ratification of the ILO Convention 189.

Trade union actions in favour of home services workers did not only take place in European federations but also in the European Economic and Social Committee (EESC). It was in this arena that the Polish trade unionist Adam Rogalewski put the situation of live-in care workers on the agenda. Subsequent to his report, the EESC adopted a motion for these workers in 2016 (Comité économique et social européen, 2016), which Adam Rogalewski followed up to document the situation. From his point of view as a doctor in social sciences, categorization was extremely important, because the live-in care workers did not identify themselves as domestic workers or cleaning agents. On the contrary, he pointed out that the work done by these "care" workers constitutes a form of public service and requires skills which are insufficiently acknowledged. For example, qualifications acquired abroad are often not recognized. Thus, for him, "live-in care workers" were fundamentally different from "domestic workers", because those who need the former do not necessarily have significant financial means and are sometimes from the working classes, while "buying domestic work remains a privilege".²⁷ Moreover, "domestic workers" can go on strike, unlike "live-in care workers", who can be sued if they leave a vulnerable person alone. Following up the former SSGI framing, this report, which had little reach, was thus in opposition to both the Commission's and the Parliament's preferred frames, as it supported distinguishing between "live-in care workers" and "domestic workers". The attachment to different categories to designate home services workers underlines that after 2011, even if a common discourse developed, different frames still coexisted within the EU, even among representatives of trade unions.

25 Interview with Karin Pape, February 2020.

26 Interview with Mark Bergfeld, director of Property Services & UNICARE at Unieuropa, March 2020.

27 Interview with Adam Rogalewski, February 2020.

After 2012, the DG EMPL funded a series of thematic reports on different labour market issues, of which some focused on PHS, and were piloted or co-authored by ORSEU. These reports concluded that the jobs created were costly and precarious (Farvaque, 2013). Parallel to this, the DG EMPL unit “New skills for new jobs” continued to support many projects, including the Impact project, which, unlike ORSEU, demonstrated the many beneficial returns of budgetary support policies. The DG EMPL played a decisive role in giving the MEPs Kuneva and Gonzalez Penas the possibility to finance a final project on PHS, AdPHS. Just before he retired and before the PHS changed unit to be attached to the “Social Investment” Unit of the DG, Jean-François Lebrun tried to get very different organisations such as the EFSI, EFFE, EASPD, Unieuropa and EFFAT to collaborate and to meet potential national partners around the AdPHS project.

It was within this framework that in April 2020 the EFSI, EFFE, Unieuropa and EFFAT founded a coalition and signed a joint declaration calling for measures to protect the health of “PHS workers” against COVID-19, avoid loss of wages and facilitate access to social rights. Although the representatives of employers and trade unions at the European level are a long way from engaging in a sectoral social dialogue leading to the adoption of binding agreements, the AdPHS project and joint declaration mark the emergence of a collaboration between some organisations representing home-service employees and employers at the European level, a connection between opposing frames and the establishment of “PHS” as a recognised category of public action. In the continuity of this new coalition, these actors published together a report in 2021 celebrating the 10-year anniversary of the adoption of C189 and affirmed with a common voice the need to support the declaration of domestic workers, decent work conditions for them, to better include them in labour laws and collective bargaining. The interests of certain European employers, voucher firms and trade unions were thereby brought into alignment.

Conclusion

Home services as a public “problem” appeared on the agenda of the European Commission in the 1990s but did not become the subject of binding texts and policies. They remained mainly national competencies and were not included in the official European social dialogue. While the Commission has consistently framed home services from an economic perspective, alternative discourses

on these services have been developed at the EU level since the 1990s. The role played by trade unions and employers' organisations in the construction of these disparate framings has been different.

The economic framing of the problem of home services as a source of jobs by the European Commission, and its amended version in 2012, was built up in cooperation with national employers' representatives, vouchers firms, especially from France and Belgium. This frame had material consequences: it encouraged national policies and contributed to the creation and coordination of employers' organisations at European level. The European trade union confederation, global trade union federations and national trade unions did not participate in the construction of this first frame.

Instead, they were involved with national NGOs -especially from the UK- and transnational networks and academics in the building of an alternative frame supported by the European Parliament at the beginning of the new century, which presented domestic workers as vulnerable. Their ideas found greater resonance and legitimacy thanks to ILO norms, forcing the European Commission to incorporate their views and employers to establish a dialogue with them. After 2007, it seems that the combination of national reforms and the ILO 189 Convention have brought the European representatives of various labour market organisations to dialogue and to develop common frames which combine their different interests: care, domestic workers and markets need incentives for formalisation, inclusion in labour laws, collective bargaining and implementation of laws.

This study therefore shows that global norms, like those developed by the C189, can impact the framing of policies within the EU, by elaborating new resources for both organised European trade unions and trade unionists working in different segments of the political system, like the European Parliament. These global norms can provide new cognitive and legitimising resources and reconfigure the perception of actors' interests, bringing sectoral employers'/business organisations to find new common ground with trade unions.

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