



Regulation and governance gaps in the detection of labour exploitation in state-funded domestic services

Findings based on a three-year research study conducted between 2020 and 2023, as summarised in an academic article by Dr Caroline Emberson (published online in March, 2025)ⁱ

Key Findings

This 45-month study examines the detection of labour exploitation within the domestic care services in four European countries: France, Italy, Sweden and The Netherlands. It considers a range of municipal activities including whistleblowing procedures; care-worker professionalisation; the expansion of employee's roles and inter-agency data analysis.

The findings show that significant gaps exist in the regulation of labour exploitation among domestic workers, particularly in relation to live-in care workers who are usually beyond the reach of national labour inspectorates. The analysis suggests that initiatives to enhance individual agency (to encourage domestic workers to speak out about labour malpractices) are more commonly reported in traditionally familialⁱⁱ welfare regimes, while collective actions to tackle labour exploitation are more frequently described in countries which have had a more universalistⁱⁱⁱ approach to the provision of long-term care.

Without further reform and greater theoretical diversification, particularly in relation to its gendered nature, our understanding of potential avenues to improve the detection of labour malpractices seems unlikely to adequately address the evidential threat.

Why is this important?

Policy instruments such as Article 4 of the European Convention on Human Rights and the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT) aim to place human rights protections at the centre of European policymaking. Recent horizontal policy developments have opened up the possibility for public procurement to be used as a mechanism to achieve such social policy aims.^{iv} Legal scholars have identified both risks and dilemmas for the state

as it attempts to leverage its role as a 'buyer' to improve human rights.

However, there is a paucity of theoretical and empirical evidence related to the actions taken to respect human rights within the public sphere, and little is known about how the current practices of actors within the supply chains of state-funded public services may have developed to improve workers' conditions.

The state, sometimes in the guise of a local municipality, is an important funder and administrator of domestic care. The role that these local municipalities play in the improvement of domestic care workers' working conditions therefore warrants further investigation.

Recommendations

- 1. EU Member States must uphold the duty not only to protect but also to respect human rights in domestic services.**
- 2. Municipalities across the EU should work to ensure that domestic care workers work in acceptable conditions.**
- 3. The EU and its Member States should address the regulatory loophole that precludes labour inspection within private households.**
- 4. Regional governments should amend national legislation to provide equal rights for domestic care workers and work to ratify ILO convention C189.**
- 5. Nation states should introduce incentives for employers to encourage them to contract formally with domestic workers.**
- 6. Further research is required which examines labour exploitation through a gendered lens.**

Research methodology

The research involved analysis of data from secondary sources and semi-structured interviews conducted with stakeholders in four European countries: France, Italy, Sweden and The Netherlands.

Each country setting was chosen to enable a paired comparison of practices from different welfare regime trajectories: conservative familism (France and Italy) and universalist egalitarianism (The Netherlands and Sweden).^v

Interviewees included representatives from local government; care workers' unions, associations and federations; regulatory bodies; non-government organisations with an interest in antislavery or domestic workers' rights and federations with an interest in the provision of home-based, personalised, care services.

Research findings

The findings reveal a significant gap in the regulation of labour exploitation among domestic care workers. In every case, live-in care workers' conditions were beyond the scope of the respective national labour inspectorates, who were forced to view the domestic setting of this care work as a private domain. In addition, there were differences in the *nature* of the governance activities undertaken by regional state actors, particularly at the municipal level.

Individual and collective agency

In France and Italy, greater emphasis was placed upon the enhancement of the *agency of individuals* within a wider environment that placed significant reliance for long-term care provided by a cohort of individual domestic workers. In the cases from Sweden and The Netherlands there was greater emphasis on a *collective response* on the part of municipal actors who engaged collaboratively with other national bodies in their attempts to identify and eradicate labour malpractices.

Limited understanding of prevalence

Non-government organisations and the media have repeatedly highlighted the risk of exploitation among domestic workers and, in some cases, pointed specifically at the increasing risks faced by transnational migrant care workers in countries such as Italy and The Netherlands. What is missing from these accounts – and indeed warrants further study – is a real understanding of the nature and scale of the problem and, hence, the relative importance of these individualised and organisational attempts to uncover actual cases of abuse.

Political inertia tackling deep-seated, exploitative, gendered labour market policies

In each of the countries studied, the informants who engaged in this research had no doubt that the

phenomenon of exploitation was real, but even where municipal engagement to address these problems was most extensive, this collective action was hampered by evidence of deep-seated gender discrimination in legacy legislation. To take one specific example, in The Netherlands, the existence of legacy policies such as the Home Services Regulations conflict with the ambitions of the Convention for Domestic Workers (ILO C189), aimed primarily at raising the employment standards of those in domestic work.

Evidence of concerted municipal actions

Findings from the studies conducted in The Netherlands and Sweden do suggest that municipal roles to combat labour exploitation are starting to emerge. This is an important finding. In Amsterdam, this has been achieved through the appointment of a specialist coordinator and widening the responsibilities of other front-line workers such as those engaged in fire and building safety occupations. In Jonkoping, Sweden, specialist regional coordination roles have been introduced that work across organisations.

The limitations of an inspection-based enforcement regime

However, especially in the Swedish case, despite these apparently new and dedicated resources, the activities of the individuals appointed to these roles were predominantly focused on communal workplaces such as factories. The scrutiny of the domestic sphere was largely omitted. Limited resources, coupled with ambiguity regarding the nature of permissible home care surveillance activities continued to make it difficult for these municipal employees to uncover exploitation in private dwellings.

Recommendations

- **Recommendation 1: EU Member States must uphold the duty not only to protect but also to respect human rights in domestic services.** A broader understanding of the state's role is required with respect to human rights by identifying its responsibilities as a funder of domestic care work. This is an important point and worthy of further elaboration. The state cannot divest itself from its responsibilities towards the women employed and paid for on its behalf, even if no direct employee relationship exists.
- **Recommendation 2: Municipalities across the EU should work to ensure that domestic care workers work in acceptable conditions.** These research findings suggest that municipalities could do more if they are to play a part in the eradication of the most severe forms of labour exploitation from state-funded domestic care services. If greater protection is to be enshrined in current operational regimes, one finding of this study is the immediate need to expand the roles of municipal employees to facilitate the detection of the worst forms of

labour abuse. In addition, state responses could serve to increase simultaneously both individual and collective agency.

- **Recommendation 3: The EU and its Member States should address the regulatory loophole that precludes labour inspection within private households.** Cultural norms related to privacy in the home mean traditional inspection-led approaches to the assurance of decent working conditions are inoperable in the domestic setting of home-based care. As elsewhere, in Europe labour inspectors do not generally have the right to enter the home, making identification of labour exploitation among care workers, and other forms of domestic abuse, difficult to detect. This effectively precludes monitoring activities by national and regional labour inspectorate bodies.
- **Recommendation 4: Regional governments should amend national legislation to provide equal rights for domestic care workers and work to ratify ILO convention C189.** To be effective, labour inspection strategies need to be embedded within a conducive social policy landscape. The rights of domestic workers such as those providing home-based care need not only to be regulated by national law but, in line with the Domestic Workers Convention ILO C189, should ensure that domestic care workers are entitled to rights on no less favourable terms than other workers.
- **Recommendation 5: Nation states should introduce incentives for employers to encourage them to contract formally with domestic workers.** According to the study's informants, further incentives for employers are needed if they are to contract formally with their domestic workers. Informants from Italy suggested the need for changes to labour law,

tax and means-tested welfare benefits, including assistance in the form of tax-deductible credits, to make legal employment more attractive than undeclared work.

- **Recommendation 6: Further research is required which examines labour exploitation through a gendered lens.** The theory of labour exploitation remains gender-blind despite the apparently incontrovertible truth that labour exploitation, including at its most severe form of modern slavery, is experienced most frequently by women. A gendered lens is essential if further progress is to be made towards its eradication.

ⁱ Emberson, C. (2025) Regulation and governance gaps in the detection of labour exploitation in state funded domestic services, *Journal of Common Market Studies*, <https://doi.org/10.1111/jcms.13723>

ⁱⁱ A familial welfare regime focuses primarily upon enabling family support for the provision of welfare services such as long-term care.

ⁱⁱⁱ In a universalist egalitarian welfare regime, the state aims to provide equal access to adequate welfare services for all those in need.

^{iv} Grandia, J. and Meehan, J. (2017). Public procurement as a policy tool: using procurement to reach desired outcomes in society, *International Journal of Public Sector Management*, 30 (4), pp.302-309. <https://doi.org/10.1108/IJPSM-03-2017-0066>

^v Esping-Anderson, G. (1990). *The three worlds of welfare capitalism*, Cambridge: Policy Press.