

Labour Migration Branch

*Promoting integration for migrant domestic workers in Belgium*

**Joris Michielsen**

Roos Willems

Ward Nouwen

Steffie Jalhay

Jozefien Didden

Center for Migration and Intercultural Studies (CeMIS)

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## Preface

The ILO discussion paper series International Migration Papers aims to disseminate results on relevant and topical labour migration issues among policy makers, administrators, social partners, civil society, the research community and the media. Its main objective is to contribute to an informed debate on how best to address labour migration issues within the overall agenda of decent work. The primary goal of the International Labour Organizations (ILO) is to contribute, with member States and constituents, to achieve full and productive employment and decent work for all, including women and young people, a goal embedded in the 2008 ILO Declaration on Social Justice for a Fair Globalization, which has now been widely endorsed by the international community.

In Europe, as in many other parts of the world, domestic work has the characteristic of attracting large and increasing numbers of migrants, most of whom are female. While domestic work has been a source of employment for at least 2.5 million men and women in Europe, most of whom are migrants, increasingly restrictive national immigration policies leave many migrants trapped in situations of irregularity of status or in informal employment, remaining excluded from the enjoyment of fundamental labour and human rights despite the existence of regulatory frameworks in most European countries.

Since the adoption of the ILO Convention (2011, No. 189, hereafter C189) and its accompanying Recommendation 201 (R201) on decent work for domestic workers, there has been a renewed interest from EU Member States and national social partners to improve the working and living conditions of domestic workers and migrant domestic workers, and to promote their integration in their countries of destination. The current report was commissioned by the Labour Migration Branch of the ILO with the financial support of the European Commission's Integration Fund, as part of the policy-oriented research project entitled Promoting integration for migrant domestic workers in Europe, implemented by the ILO in collaboration with the European Trade Union Confederation (ETUC), Forum Internazionale ed Europeo di Ricerche sull'Immigrazione (FIERI), and the Fundación José Ortega y Gasset-Gregorio Marañón (FOYG), and with the support of the Centre for Migration and Intercultural Studies of the University of Antwerp (CeMIS) and the Institut National d'Etudes Demographiques (INED). Based on the analysis of existing national statistics, on original qualitative data collection and wide consultation with national stakeholders, the authors focus on the "labour trajectories" of migrant domestic workers in Belgium. They explore the diverse perspectives, opinions, and strategies of migrant domestic workers in their search for higher quality work and integration opportunities, and of the social actors in their efforts to improve the quality of work in the domestic work sector. The report concludes with policy recommendations that address several gaps and opportunities for European governments, employers, trade unions, and other social actors to improve the integration of and decent working conditions for migrant domestic workers.

We hope that this paper will contribute to efforts to better analyse and understand the impact of national and EU-level migration and integration policies on the work and lives of migrant domestic workers and their employers, and support policymakers in the design and implementation of policies and programmes that serve to promote decent work for all migrant workers.

Michelle Leighton  
Chief  
Labour Migration Branch

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## 1. Introduction: Migrant domestic workers in Belgium

Domestic workers provide an invaluable contribution to societies, yet still too often their work is not valued as such, and they remain a largely hidden and often vulnerable workforce. The Convention of the International Labour Organization (ILO) on Decent Work for Domestic Workers, 2011 (No. 189), can be perceived as recognition of the value of domestic work and as a call for action addressing the exclusion of domestic workers from protective regulatory frameworks. At the time of this writing, Belgium is discussing the possibility of ratifying ILO Convention No. 189. In 2012, the social partners and the National Labour Council were consulted for advice. At the beginning of 2013, the options for the necessary adaptations in social security law and in the law on well-being at work were presented to Parliament, with a view to submitting a draft law to approve the Convention. The main objectives are to favour an official recruitment process giving the domestic workers access to labour law, social protection and social dialogue, and an official employment relationship. Additionally, the Belgian policymaker wants to promote internationally its existing system of service vouchers as an exemplary legal organization reducing the risks of undeclared work and providing decent work and employment conditions. Migrant domestic workers are, however, not the direct focus of these changes.

Rough estimates on the number of domestic workers in Belgium vary widely. Whereas LABORSTA in 2008 estimated that 42,100 workers were employed in private households in Belgium, the trade union CSC Food and Services speaks of 100,000 workers in the domestic sector. Although the policies regarding the development and regulation of the domestic work sector never targeted migrants, therefore not creating a domestic work migration route, a large part of this workforce has a migration background. Detailed estimates of this share are difficult to make on the basis of available data. Moreover, a large number of irregular migrants usually working in the informal domestic work market are invisible to policymakers and social actors, such as trade unions. Due to their cultural, linguistic and often physical isolation, migrant workers in particular tend to have little access to existing support services and networks and face specific decent work challenges.

Understanding the interrelation between migration, employment regulation and the labour market dynamics is key to a comprehensive and coherent policy response to facilitate their integration to the benefit of both migrants and societies of destination. The Belgium country report first presents an overview of the major migration and labour policies, with a specific focus on the domestic work sector and migrant domestic workers. The desk review presents an overview of the Belgian policy context and the impact of migration and labour market policies on the labour market integration of both non-EU27 and EU27 migrant domestic workers. This review will shed light on the specific characteristic of domestic work in Belgium and the situation of migrant domestic workers with regards to their migration and employment status, including the conditions of entry and the regulation on the right to stay, and the protection of labour and social rights of migrants and domestic workers. Secondly, the results of a qualitative analysis of the migration careers of 57 migrant domestic workers present how the complex interplay between the migration trajectory, labour trajectory and social network shapes the migrant domestic workers' quality of work and their opportunities to enhance their labour market mobility and broader socio-economic integration. Finally, based on the desk review and qualitative research, some conclusions and policy recommendations are made.

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## 2. Desk review and descriptive statistics on migration, labour and domestic work

### 2.1 Migration in Belgium

#### 2.1.1 A history of migration policy

In order to understand Belgian migration policy, a brief overview of Belgian migration history is necessary. In the period between World War II and the economic crisis in the early 1970s, migration to Belgium existed mainly in the context of labour needs which forced the Belgian authorities to look to foreign labour pursuing bilateral agreements with Italy (1946), Spain (1956), Greece (1957), Morocco (1964), Turkey (1964), Tunisia (1969), Algeria (1970) and Yugoslavia (1970). These labour migration regimes were accompanied by a flexible work permit regime and tolerant family reunification regulations (Petrovic, 2012). Because shortages on the industrial labour market persisted during the golden 1960s, the Ministry of Justice stopped with the strict application of legislation governing immigration. A work permit, which was the main tool to regulate the entry of labour migrants since 1936, was no longer considered a prerequisite for a residence permit. In this sense, the market and public policy encouraged clandestine immigration, with many immigrant workers arriving in Belgium as tourists. Only later did they formalize their work permit and residence in the country (Rosenfeld et al., 2010). The worsening economic situation, with rising unemployment in the late 1960s and early 1970s, forced the labour immigrants to find employment in other industries such as iron and steel, chemicals, construction and transportation. It also forced the Belgian government to tighten the policy practices in the field of immigration (Martiniello and Rea, 2003).

With the aim of regulating the migration flows in line with the economic needs in Belgium, the Ministry for Employment and Work proposed measures in March 1969 to cut the awarding of work permits, to end the clandestine entry and to expel unemployed labour migrants. However, because of the strong reaction of the trade unions, the government withdrew the latter measure (Martiniello and Rea, 2003). On 1 August 1974, Belgium introduced a formal cap, which means that Belgium officially closed its doors to foreign workers, except those with specific qualifications that were absent on the Belgium labour market. Similar to other European countries, the stop on immigration did not result in halting immigration. Immigration has simply changed forms, especially with regard to new types of migration and nationalities of the migrants.

Aside from a small regularization programme when the country developed more restrictive immigration policies in 1974, Belgium did not consider a large-scale regularization programme until 1999. Before 2000, regularizations were granted on a case-by-case basis with the Minister of Internal Affairs in charge, who has the discretionary jurisdiction to provide a positive decision based on Article 9 of the Law of 15 December 1980.<sup>1</sup> Pressed by the development of the National Movement for the Regularization of Undocumented Immigrants and Refugees and the growing movement of irregular migrants (the *sans papiers*) who – incited the treatment of a Nigerian asylum seeker who was suffocated while the police were deporting her – occupied churches and universities together with

<sup>1</sup> See Annex 13 for a complete list of all laws and other legislation cited in this report.

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civil society organizations protesting against the complex and non-transparent regularization procedures, the new government in power launched a massive “one-shot” regularization programme on 6 January 2000. However, a structural solution for the growing number of irregular migrants in Belgium failed to appear. During the following years, civil society requested clear regularization criteria. The public opinion was, however, divided along the communitarian strife. Whereas the Walloon Socialist Party and Walloon Christian-Democrat Party defended in particular a regularization based on humanitarian criteria, the Flemish Liberal Party sought regularization because of economic reasons. The latter accepted the humanitarian portion in order to maintain control over the issue, thereby nominating the first Federal Minister of Migration and Asylum Issues in Belgium history. Although a government agreement was passed on 18 March 2008, it was not until July 2009 that the regularization campaign had begun. While the undocumented immigrants were hopeful after the government agreement, this hope was quickly dashed when it became clear that the Minister of Migration and Asylum Issues would not change her position. Hence, they started again protesting through regular hunger strikes and the occupation of construction sites. During the summer of 2009, the Walloon parties took over power on the immigration issue: the Minister of Migration and Asylum Issues was replaced by a Christian-Democrat Secretary of State for Migration and Asylum under the authority of the Minister of Social Affairs. This internal reorganization paved the way for a breakthrough on the immigration issue and a regularization campaign. Nevertheless, the Foreigner Office created very restrictive and vague criteria lacking transparency, limiting significantly the number of regularized immigrants (see section 2.2.). Most of the specific criteria were only applicable during the limited delay of three months. The other permanent general regularization criteria, however, remain extremely vague. Hence uncertainty of the irregular immigrants remained, forcing them to try out one procedure after another with or without success.

In 2011, the Flemish Liberal Party again held the position of Secretary of State for Migration, Asylum and Integration, implementing a more restrictive policy with focus on tackling social fraud and sham marriages; easing the return of migrants by the development of a return programme and agreements with home countries; limiting the influx of migrants by prevention campaigns in the home countries and the development of a list of so-called secure countries of origin to smooth the asylum procedure; facilitating the migration of highly skilled workers through the adoption of 2009/50/EG of the Council of 25 May 2009 on the European Blue Card; and increasing the efficiency of regularization procedures with clear-cut and more strict criteria and faster processing. Slowly the delays in processing of applications for regularization are decreasing, partly because of the more effective procedures and partly because of a decreasing number of asylum seekers (due to the list of so-called secure countries) and immigrants filing applications for regularization.

### **2.1.2. Breakdown of foreign population and migration in Belgium**

Recent EUROSTAT data from 2011 on the number of foreigners shows that the foreign population and foreign-born population represented respectively 10.6 per cent (1.16 million) and 14.8 per cent (1.63 million) of the total population in Belgium (Vasileva, 2012). Belgium Statistics recorded 166,177 entries in 2010,<sup>2</sup> of which 25,802 from

<sup>2</sup> In 2008, Belgium Statistics modified the calculation of emigrants and immigrants by including, respectively, the migrants who are officially removed from the national registers and the migrants who are re-entered in the national registers or whose residence status changed in the registers. Figures prior to the 2007 data are estimations.

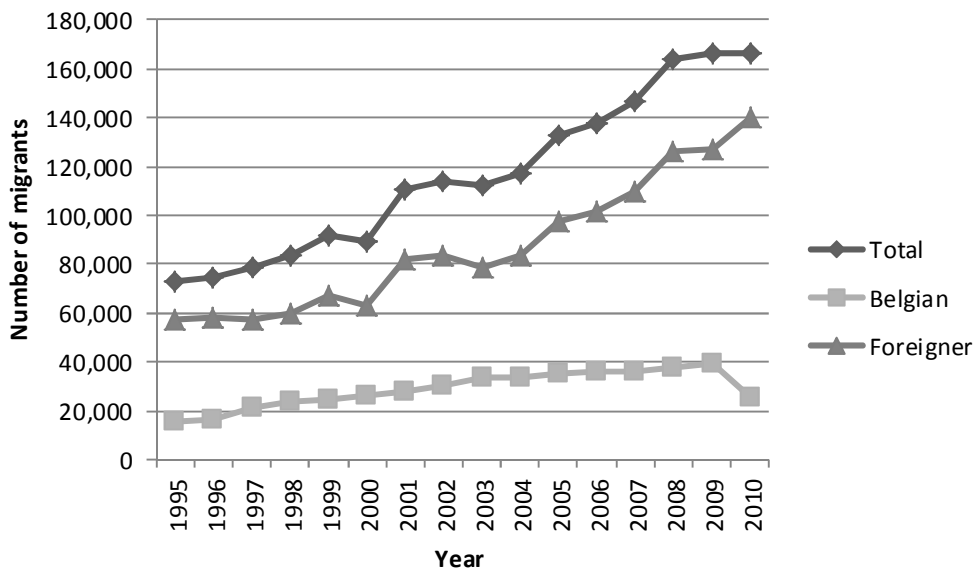


Belgians and 140,375 from non-Belgians. Compared to 2009, immigration figures slightly decreased, mainly due to a decline in entries of Belgians. The immigration figures of non-Belgians, on the other hand, show an increase of 10.6 per cent between 2009 and 2010.

The immigration flow in Belgium is characterized by an over-representation of migrants coming from other EU27 countries. In 2009, 34 per cent and 19 per cent of the immigrants came from other EU15 and new EU27 Member States respectively (Belgium Statistics, 2012). A similar trend is found using EUROSTAT data (OECD, 2012). In 2010, the three most common foreign nationalities in Belgium were Italian, French and Dutch (Vasileva, 2012).

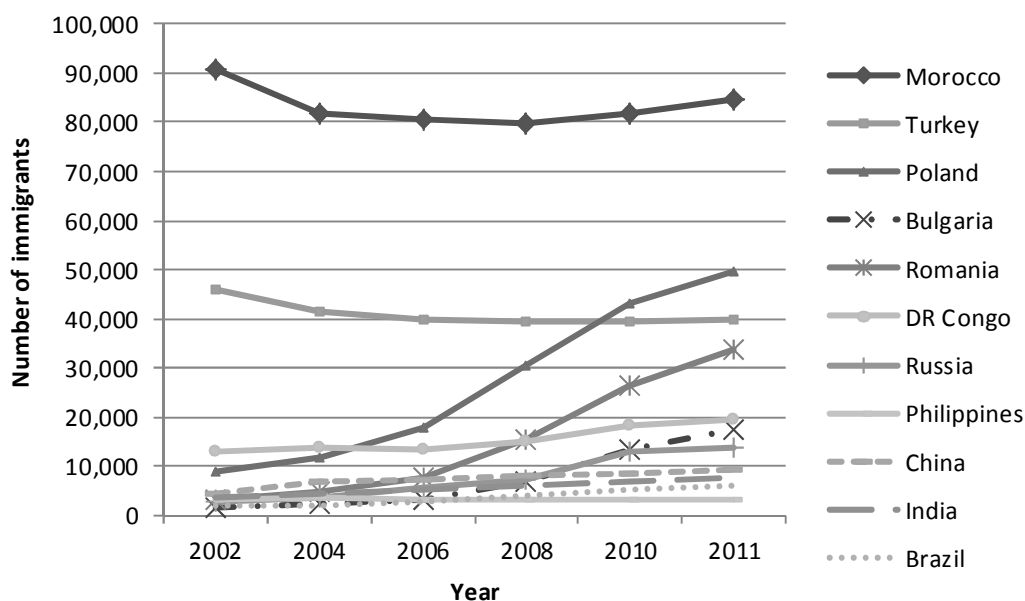
Since the EU enlargement in 2004 and 2007, the number of nationals from Eastern Europe (mainly Poles, Bulgarians and Romanians) residing in Belgium has more than doubled (Centre for Equal Opportunities and Opposition to Racism, 2012). The largest concentrations of third-country nationals are formed by citizens coming from the traditional sending countries of Morocco and Turkey and, to a lesser extent, from the Democratic Republic of Congo, Russia, the United States, Algeria, China, Serbia (and Montenegro), Cameroon and India (Wets, 2011). See Annex 1 and Annex 2 for more details on the evolution in the stock of foreigners for important groups of immigrants.

**Figure 1. Evolution of total number of immigrants in Belgium, 1995-2010 (absolute numbers)**



Source: Belgium Statistics, 2012; own calculations

**Figure 2. Evolution in number of immigrants by nationality (broad groups), 2002-2011 (absolute numbers)**



Source: Belgium Statistics, 2012; own calculations

If all nationalities are taken into account, the number of foreign nationals is slightly male-dominated (see Annex 3). A closer look shows differences across nationalities however. While male migrants from Iraq, India, Afghanistan, Pakistan, Tunisia and Algeria outnumber their female compatriots, there are significantly more female than male migrants coming from Thailand, the Philippines, Vietnam, Ukraine, Belarus, Russia, Peru, Brazil and Ecuador (see Annex 4). Although the presented information is based on the number of foreign nationals in Belgium and therefore does not provide a clear picture of the increase in the inflow and outflow of the female migrants from the respective countries, it partly confirms the results of earlier research on the feminization of migration flows to Belgium (Timmerman et al., 2012), which described the migration coming from Russia, Ukraine, Belarus and the Philippines as female migration. The accessible data on labour market participation and economic activities of migrants do not provide enough detailed information to evaluate if these nationalities and sex ratios are reflected in the domestic work sector.

### 2.1.3. Entering Belgium

The halt to migration in 1974 did not mean that entry to Belgium became impossible. It remained possible to enter the country, even with the purpose of employment; however, a system of work permits was installed mainly targeting third-country nationals as a protective measure to regulate access to the Belgian labour market. Nationals of Member States of the European Economic Area, Swiss, holders of permanent residence permits, spouses of Belgian nationals, recognized refugees and diplomatic staff do not need a work permit. A significant influx of labour migrants remained, especially coming from other EU27 countries and Eastern Europe. Next, family reunification had become a privileged immigration route as well as study purposes and asylum (Petrovic, 2012).

### Box 1. Four migration routes into Belgium

Several possibilities exist in Belgium to be eligible for being granted *asylum or refugee status*: foreigners who left and cannot return to their country of origin because their personal safety is in danger; victims of human trafficking for both sexual and economic exploitation; unaccompanied minors; and stateless persons who do not possess any nationality. In 2006, additional rights were introduced for asylum seekers who do not meet the Geneva Convention criteria but are in fear of further persecution. In 2007, modifications to the Law of 15 December 1980 were made with a reformation of the appeal procedure to make the asylum procedure faster and easier.

Family members of Belgians or foreigners with right of residence in Belgium can be granted the right to residence through *family reunification or formation*. The rules vary widely depending on nationality, roughly separating between family of a Belgian, family of an EU citizen, family of a third-country national and family of workers for whom a bilateral agreement exists with their country of origin. The Law of 8 July 2011 introduces stricter conditions for family reunification: sponsors must prove that they possess sufficient income, housing and health insurance; time period for demonstrating a stable relationship has doubled from one to two years; and applicants have to meet a certain level of integration.

Belgium gives young foreigners the opportunity to *study at a Belgian university or school*. Candidates receive a residence permit for the period of their studies and they are supposed to leave the country at the end of their studies.

Concerning *labour immigration*, restrictive measures are applicable since the stop to migration of 1974. In general, labour migration is limited to a group of mostly specific professions and highly educated persons. The Law of 15 December 1980, however, does not stipulate any specific conditions regarding the entry of labour migrants. The Law of 30 April 1999 defines a work permit system regulating the entrance of labour migrants.

The Law of 15 December 1980 on the Access of Foreigners to the Territory, Their Residence, Establishment and Removal is the main law regulating migration in Belgium with regulations on entry, right to stay, settlement and removal of foreigners. Migrants who want to enter and reside in Belgium have to apply for the necessary documents regularizing the duration of their stay. For EU citizens, presenting an identity card or passport is sufficient. Third-country nationals may need to present an identity card and an eligible visa (Algemene Directie Toezicht op de Sociale Wetten, 2005). The conditions of the work permits are defined by the Federal Government in the Law of 30 April 1999. The implementation of the law is the competence of the regional governments, which issue permits and define lists of occupations with a labour supply shortage. In addition to salaried employment, a foreign worker may become self-employed. Self-employed workers do not need a work permit, but have to apply for a professional card. In general, work permits B are only granted to a limited group of highly skilled third-country nationals.

However, nationals from the new EU Member States of Romania and Bulgaria still need a work permit B, as defined by the Decrees of 19 December 2006, 18 December 2008 and 28 December 2011. After each enlargement, the existing EU members have a right to impose some restrictions – the requirement of a work permit B – on the free movement of labour from the new Member States for a certain transitional period up to seven years after entry. However, those nationals can profit from a fast-track procedure for permits for professions for which there is an officially recognized shortage in labour supply. The conditions of the work permits are defined by Federal Government in the Law of 30 April 1999 and Decree of 9 June 1999. The implementation of law is the competence of the regional governments, which issue permits and define lists of occupations with a labour supply shortage. In Belgium, three types of work permit exist involving different application procedures and target groups (Box 2).

## Box 2. Different types of work permits

Labour migrants have to apply for a *work permit B*. Employers must submit the application (to VDAB, FOREM, Actiris or Arbeitsamt), together with an application for a labour license, before the worker enters Belgium (Decree of 23 May 2006). The permit is valid for one specific job position with one specific employer for one year (extendable in certain circumstances). Employers can only apply for a permit B for a job that pays a minimum wage and suffers a shortage on the Belgian labour market. The regional governments conduct labour market research to see if shortages on the labour market exist. If migrants can prove that they have worked for four years with a permit B during a maximum period of legal residence of ten years, they can apply for a *work permit A*. The worker must apply for the permit at the provincial centres for labour migration. The permit is valid for an unlimited period for all salaried professions and all employers. Most holders of a permit A are automatically granted a permanent residence permit, which implies no requirement of a work permit anymore.

Highly skilled third-country nationals can apply for a *European Blue Card* (work permit and residence permit) (Decree of 17 June 2012 and 3 August 2012). The employer has to apply for a labour license at the provincial centres for labour migration. The migrant has to apply for the card at diplomatic centres before migration or, when residing regularly in Belgium, at the administration of Belgian local governments.

Migrants whose intention was not labour migration (students, family members of diplomatic staff, or migrants in specific regularization processes such as asylum seekers, medical reasons, victims of human trafficking, family reunification or subsidiary protection) can apply for a *work permit C* (Decree of 2 April 2003). The permit is valid for one year (extendable in certain circumstances) for all salaried professions and all employers.

Most third-country nationals have to apply for a work permit B. At this point, Belgium has a very restrictive attitude: in principle, a permit B will only be granted after an assessment of the labour market needs, which strongly limits the amount of permits B that are issued (Cobbaut, 2005). In general, permits B are only granted to a limited group of highly skilled workers. For low-skilled female third-country nationals, obtaining a work permit is almost impossible in practice, since typical professions for low-skilled women – like working in the service voucher system or cleaning – are not on the lists of occupations with a labour shortage. Another side-effect is the lack of flexibility workers have to change employers, due to the fact that the employers have to apply for the work permit and the permit is not transferable to other employers. This tends to force the workers in a dependency relationship (Gutiérrez and Craenen, 2010).

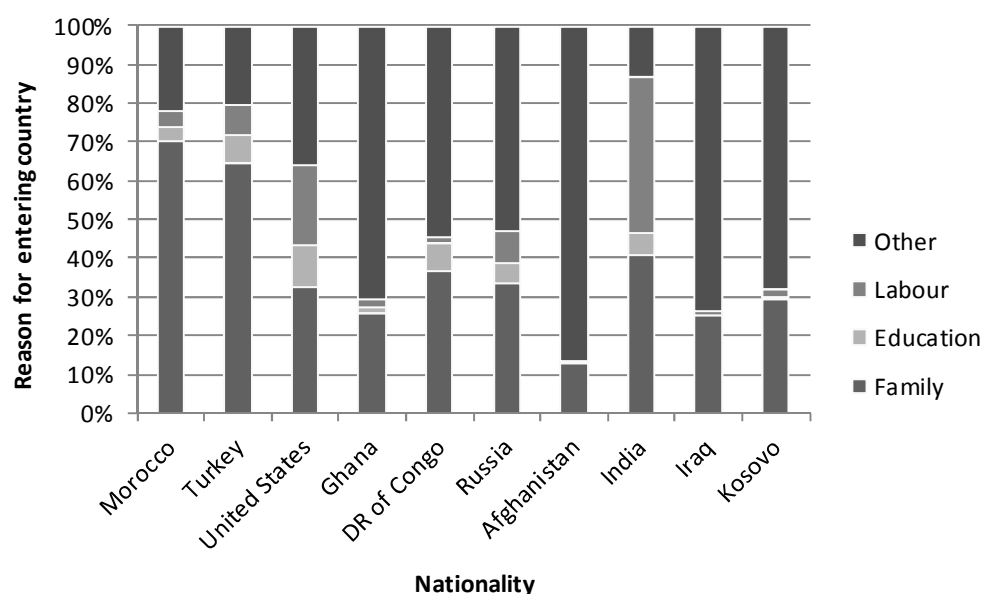
In addition to salaried employment, a foreign worker may become self-employed. Self-employed workers do not need a work permit, but migrants who are not citizens of a Member State of the European Economic Area and migrants who have not been exempted from the requirement to have a permit for other reasons have to apply for a professional card. Additional conditions are the registration in the commercial register and proof of professional competence.

According to the General Directorate for Supervision of Social Legislation, sham self-employment is one of the worst distortions in the Belgian labour market. Third-country foreigners can become self-employed in Belgium and, in doing so, avoid the requirements of applying for a work permit, but in reality they still work under the authority of an employer-contractor. Problems with sham self-employment seem to occur mainly with Romanians and Bulgarians, because they still need to apply for a work permit B up to 31 December 2013. Some Romanians and Bulgarians indeed opt for self-employment in order to escape the current restrictive measures or detach themselves or let themselves be detached to Belgium. However, they are often unaware about existing labour rights and social security benefits. In most cases, they are misled by fraud companies that promise to pay the social security contributions for them in return for their services (Knockaert, 2012). These structures often lead to poor working conditions, partly or no social security coverage, and serious exploitation of migrant workers (Centre for Equal Opportunities and Opposition to Racism, 2010). Several recent studies (Touquet and Wets, 2013; Mampaey, 2013) confirmed the reality of practices where, in particular Romanian and Bulgarian workers, are detached by companies or forced to be contracted as sham self-employed with the false promise that the contractor will pay the social security contributions.

### 2.1.4. Breakdown of legal reasons for entry and stay of third-country nationals

The data of the Immigration Office show that the important groups of third-country nationals who were issued a first residence permit in 2011 came from Morocco (8,161), Turkey (2,986), the United States (2,381), Guinea (2,338), the Democratic Republic of Congo (2,337), Russia (2,266) and Afghanistan (2,242) (Department of Foreign Affairs, 2011).

Figure 3. Legal reason for entering Belgium by nationality for major groups of applicants (permits issued 2011) (percentage)



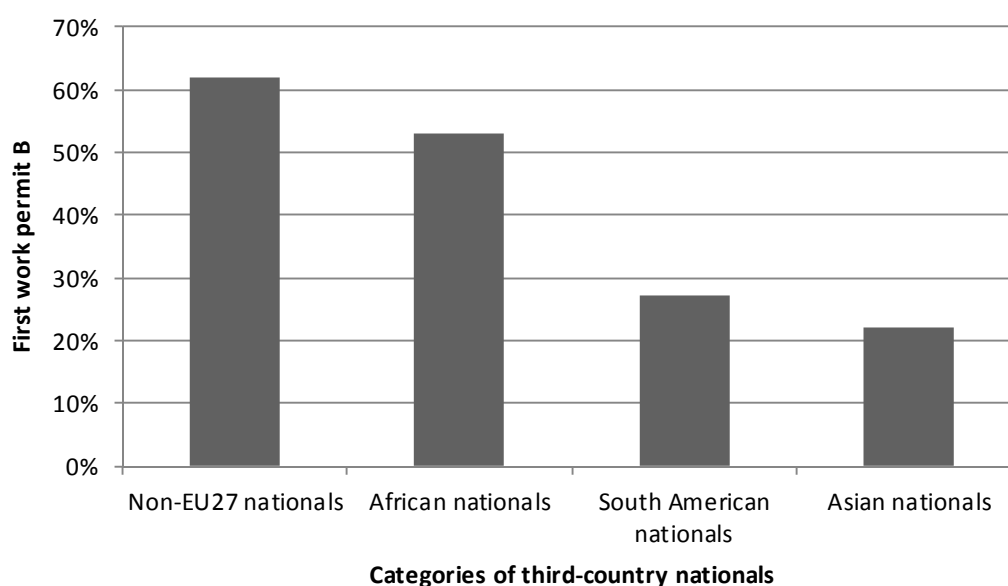
Source: EUROSTAT, 2012

Family reunification remains the main reason to obtain a residence permit, especially for Morocco and Turkey. Permits to nationals from Guinea, the Democratic Republic of Congo, Russia and Afghanistan are mainly issued for humanitarian reasons. Permits issued for labour activities are concentrated among nationals from India, the United States and China. See Annex 5 for more details on the evolution of the reasons to stay of important groups of immigrants. Annex 6 presents details on the reasons to stay of the majority of immigrant groups in Belgium.

In 2011, 58,550 work permits were issued in Belgium, which is an increase by about 15 per cent from 2010 (Federale Overheidsdienst Werkgelegenheid, Arbeid en Sociaal Overleg, 2012). This growth is mainly caused by an increase in the issued permits B between 2010 and 2011 (Federale Overheidsdienst Werkgelegenheid, Arbeid en Sociaal Overleg, 2012). In 2003, the total amount of issued first work permits B declined for the first time since their introduction in 1999. This decline is largely explained by a decline in applications from African nationals who, from 2003 onwards, apply for a work permit C as students or asylum seekers. In 2002, African nationals accounted for 21.5 per cent of the total number of first work permits A and B, whereas their share decreased to 12 per cent in 2003 and 2 per cent in 2007. Since 2007, the share of African nationals increased again to about 10 per cent in 2010 (Centre for Equal Opportunities and Opposition to Racism, 2012). A second important decline occurred between 2008 and 2009 due to the raise of the labour market restrictions for nationals coming from EU Member States that joined in 2004. Between 2005 and 2008, the country experienced a nearly 600 per cent growth in the number of permits B (from 2,122 to 12,320) issued to Polish nationals (Federale

Overheidsdienst Werkgelegenheid, Arbeid en Sociaal Overleg, 2012). After lifting the transitional arrangements, nearly 48 per cent of the total decrease of issued permits B could be explained by a steep decline in work permits B issued to Polish nationals (to 1,943) (Centre for Equal Opportunities and Opposition to Racism, 2012). Only nationals from Romania and Bulgaria still require a work permit B. In the Flemish Region, about 70 per cent of the total number of 22,449 work permits B were issued to nationals of Romania and Bulgaria (Vlaams Subsidieagentschap voor Werk en Sociale Economie, 2012). Except for nationals of from Northern America, 2010 again presented a growth in first work permits B among third-country nationals compared to 2009: non-EU27 European nationals (+62 per cent), African nationals (+53 per cent), nationals from South America (+27 per cent) and Asian nationals (+22 per cent) (Centre for Equal Opportunities and Opposition to Racism, 2012).

**Figure 4. Increase in first work permits issued to major categories of third-country nationals (2009-2010)**



Source: EUROSTAT, 2012

Next, data from the Cross Road Bank for Social Security (CBSS) for 2009 show that 25 per cent of migrants coming from EU27 countries and 12 per cent of third-country nationals are registered as self-employed in Belgium. Data of the National Institute for the Social Security of the Self-Employed show an increase of self-employed migrants: 6.6 per cent of the self-employed in 2001 were foreigners (52,420) compared to 9.6 per cent in 2011 (93,668) (NISSE, 2012). This is explained by a significant growth in self-employed coming from countries that joined the EU in 2004 (especially Poland) and 2007 (Bulgaria and Romania), respectively by a factor of 9.6 and 76.7. If the economic sectors are considered, the growth in foreign self-employed is concentrated mainly in the construction sector, the medical and para-medical sector, the cleaning sector, and the sector of private education (higher education and education within households).

## 2.2. Irregularity and regularization in Belgium

Migrants who entered Belgium without valid documents or overstayed the duration of their residence permit are considered irregular migrants. The possibility remains of regularizing their residence situation during one of the one-off regularization campaigns in 2000 and 2009, or on the basis of medical regularization criteria, family reunification or the permanent criteria which came in to place in July 2009 (see Annex 7 for detailed data on the number of regularizations between 2005 and 2011). In 2007, Van Meeteren et al.

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estimated there were about 100,000 irregular migrants in Belgium, about 1 per cent of the total population. Data of the Department of Foreign Affairs on third-country nationals found to be in an irregular residence status during a police or administrative control demonstrate the presence of 27,161 irregular migrants in Belgium in 2011. The main countries of origin are Algeria, Romania, Morocco and India (Department of Foreign Affairs, 2012). Estimations of the number of migrant workers working in the informal labour market are difficult to make. It is argued that most irregular migrants are working in the informal market (in construction, agriculture, hotels, food service, cleaning and domestic work) because it forms one of the only options to earn an income for surviving. However, workers without a regular residence status form only a small portion of the informal workers. The majority of informal workers are Belgian citizens (O.R.C.A., 2012). Informal workers have the same basic rights in Belgium as formal workers: minimum wage, safe work, compensation after a work-related accident, sick pay and minimum labour protection against dismissal. However, most informal workers can hardly access these rights in practice due to their vulnerable status as irregular migrant workers (Gutiérrez and Craenen, 2010). While they would not be penalized for working informally, they nevertheless risk expulsion from the country if they do not possess a valid residence permit.

To date, two important regularization campaigns took place in Belgium during which irregular migrants could regularize their residence status and apply for a residence permit. The first one-off general regularization campaign in Belgium took place in 2000. The Royal Decree accompanying the new Law of 22 December 1999 stipulated that migrants living in Belgium before 1 October 1999 could apply for regularization on the basis of four principal grounds: a pending lengthy asylum procedure or other lengthy successive procedures; serious illness; non-removability due to pressing humanitarian reasons or families with school-going children; or the existence of durable social ties (living in Belgium for at least six years without receiving an order to leave the country). The regularization campaign of 2000 itself was set up at very short notice with an application period limited to three weeks in January 2000. The campaign is of particular interest for two reasons. First, because of its encompassing and unconditional nature: people without legal residence were able to apply for regularization on broad grounds. Unlike in some countries, they did not need to demonstrate that they had a job or the intention and possibility of becoming economically active. Second, the beneficiaries acquired permanent residence rights.

On 19 July 2009, the State Secretary for Migration and Asylum Policies issued new instructions to the executing administration, the Immigration Office, concerning the regularization of irregular migrants. On top of the already existing criteria based in Article 9 of the Law of 15 December 1980, two criteria were added: sustainable local anchoring based on durable social ties and economic regularization. The latter criteria were declared temporarily for applications lodged only between 15 September and 15 December 2009. Third-country nationals who had resided in Belgium without interruption since 31 March 2007 and could present a labour contract for a full-time position of at least one year paying at least the gross minimum wage of €1,387.49 could apply for economic regularization. Additionally, the regional authorities had to agree to deliver a work permit B. However, on 9 December 2009, the Council of State annulled the instructions made by the State Secretary because such measures could not be implemented by ministerial instructions but by an act of Parliament. The instructions remained *de facto* in force, since the minister in charge remained the discretionary jurisdiction to regularize on a case-by-case basis.

The interviews with key informants revealed that this possibility of economic regularization was perceived by many social organizations as an opportunity for migrant workers to regularize their residence situation. Subsequently, some organizations started to inform their target groups about these specific modalities of economic regularization. However, in general the economic regularization did not live up to these expectations. The

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2009 campaign was less extensive than the 2000 campaign. While 50,000 people were regularized in 2000, only 15,400 obtained the same regularized status in 2009 (Vandemeulebroucke, 2011). An evaluation of the 2009 campaign in 2009 has shown that few migrants became regularized by the criteria on economic anchoring: 1,332 migrants were regulated on the basis of the employment criterion (Forum Asiel en Migraties, 2011). Since 2009, only about 6,550 conditional regularizations on the basis of economic reasons were issued, hence a same amount of work permits B were issued between 2009 and 2012: 56 per cent in the Brussels-Capital Region, 34 per cent in the Flemish Region and 9 per cent in the Walloon Region (Godin, 2013). Gutiérrez and Craenen (2010) described some factors that restrained the employers' enthusiasm to provide migrant domestic workers with a full-time contract in order to support their application for regularization: the complex and long procedure, and the anxiety of discovery for having employed a domestic worker on an irregular basis. Although by the end of 2010 it seemed that in the Brussels-Capital Region 40 per cent of the claims for a work permit B via economic regularization were introduced under the service voucher system (Vandemeulebroucke, 2011), not all service voucher agencies were keen to provide full-time contracts for at least one year to the migrant domestic workers applying for economic regularization. It seems uncommon for private for-profit agencies and temporary work agencies, which are the type of service voucher agencies where migrant domestic workers usually work, to provide a starting migrant domestic worker with a long-term full-time contract (IDEA Consult, 2012). Furthermore, the organization for undocumented migrants (OR.KA.) warns that, because of the current stricter monitoring of service voucher agencies following recent policy initiatives of the Ministry of Labour (see section 2.4.2), some service voucher agencies risk losing their license, which subsequently results in the regulated migrant domestic workers losing their work permits B and residence permits since the regularization on the basis of economic anchoring involves a work permit B which is tied to the employer.

## **2.3. Integration in Belgium**

### **2.3.1. A complex structure of responsibilities shared between different institutional levels**

Integration policy in Belgium is shaped by a complex structure of responsibilities shared between different institutional levels: the federal government, regional governments and communities. For a long time, the Belgium integration policy had a *laissez-faire* attitude without any clear measure or programme. It is only in the 1980s that the Belgian government started developing integration policies to encourage immigrants to settle and to foster their social and economic inclusion in society. The federal government introduced in 1984 the new Nationality Code, which established the principle of *jus soli* and simplified the procedure for naturalization (Martiniello and Rea, 2003). To counter the electoral gains of the extreme right party in Flanders in 1989, the position of the Royal Commissioner for the Policy on Immigrants was created. Further, the increasing popularity of the extreme right party and the revolt by young immigrants in Brussels denouncing discrimination forced the federal government to establish the Centre for Equal Opportunities and Opposition to Racism in 1990, which is responsible for promoting equality of opportunity and fighting all forms of discrimination and exclusion (Petrovic, 2012). Social policies as well were implemented aiming at improving the relations between Belgians and foreigners and at the upgrading of the conditions in the neighbourhoods in which many immigrants live (Martiniello and Rea, 2003).

After the constitutional reform following the Law of 8 August 1980, implementation of the integration and reception policy became a competence of the communities. In Flanders, this authority was transferred to the government of the Flemish Region. In the French-speaking part of Belgium, the competence was transferred from the French community to, respectively, the government of the Walloon region and the Brussels-Capital region in



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1993 (Goeman and Van Puymbroeck, 2011). In the mid-1990s, Integration Decrees were introduced by the regional governments providing the newcomers rights and duties to follow an integration trajectory. In both communities, integration-supporting frameworks for language, access to the labour market and housing were developed. Overall, the integration policy in Flanders is more coordinated compared to the programmes in the French-speaking parts (OECD, 2008).

In 2004, the first Flemish Minister on Integration was appointed and the position was given the responsibility for the integration and civic integration programmes in Flanders. In contrast to the Walloon and Brussels-Capital integration policies, which had been focused on social inclusion from the start, the Flemish approach shifted from a minority policy in the 1990s and 2000s to an overall inclusive policy in 2009. The recent integration policy is implemented by the following two policy streams: an indirect integration policy based on emancipation, social cohesion and access to services, and a direct civic integration policy with specific focus on ethnic minorities (Goeman and Van Puymbroeck, 2011). With the Civic Integration Decree of 28 February 2003, the Flemish government created a number of facilities to facilitate the integration of newly arrived third-country nationals. Since then, newcomers have to follow an integration project composed of language training, initiation in the Flemish socio-cultural norms and values, orientation courses concerning future professional activities and individual counselling. The employment services in Flanders also provide special services offering professional advice and training for the recruitment process, career counselling and outplacement (International Organization for Migration, 2010). Persons with refugee status, asylum seekers and some groups of third-country nationals are obliged to follow the integration programme; if not, they can be sanctioned through a fine. Moreover, in practice, following the integration programme and mastering Dutch gradually becomes a condition for social housing and job counselling (Goeman and Van Puymbroeck, 2011). Other immigrants, in particular the migrants from EU27 countries, have the right to follow the integration programme. The Decree of 14 July 2006 broadened the target group of civic integration programme with so-called “oldcomers”. The governments of Wallonia and the Brussels-Capital Region have not been pursuing a specific integration policy targeting immigrants, but rather a general programme towards all socially disadvantaged groups. Primary focus is on social support and mediation. Language courses, training and school mediation are organized by separated local associations. This, however, is changing with the recognition of discrimination in the fields of education, housing and employment (International Organization for Migration, 2010).

The federal government kept a number of powers that are related to the integration policies at the regional level comprising residence law, the definition of the conditions of work permits, and anti-discrimination and anti-racism policy. This complexity raises serious governance and accountability questions. There is a lack of coordination between the different policies in place with very little interaction between the different actors between the regions, between the regions and the federal ministries concerned as well as within regions (Goeman and Van Puymbroeck, 2011). In its report on labour market integration, the OECD (2008), for example, illustrated the negative impact such a complex institutional structure has on the labour market integration of immigrants in Belgium. Being a sub-federal competence, language training in both communities focuses principally on the official regional language; however, for immigrants the lack of knowledge of the second national language often forms one of the key employment obstacles.

### **2.3.2. Labour market integration**

Overall, with a seventh place on the MIPEX index, newcomers in Belgium benefit from integration policies in general which are some of the best in Europe. Progress is made in the field of naturalization legislation, anti-discrimination, family reunification and education. However, in the field of political participation and labour market integration Belgium is not performing that well compared to other countries in Europe. Belgium still

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restricts basic access to the labour market for third-country nationals and families. They can use general job support and some targeted measures to become better-skilled and qualified. However, they may be legally excluded from the very careers that they are qualified for, because of a low proficiency in Dutch, French or German, and complex and lengthy administrative procedures to regulate one's residence status or to get one's previous qualifications and experiences recognized (OECD, 2008; MIPEX, 2012).

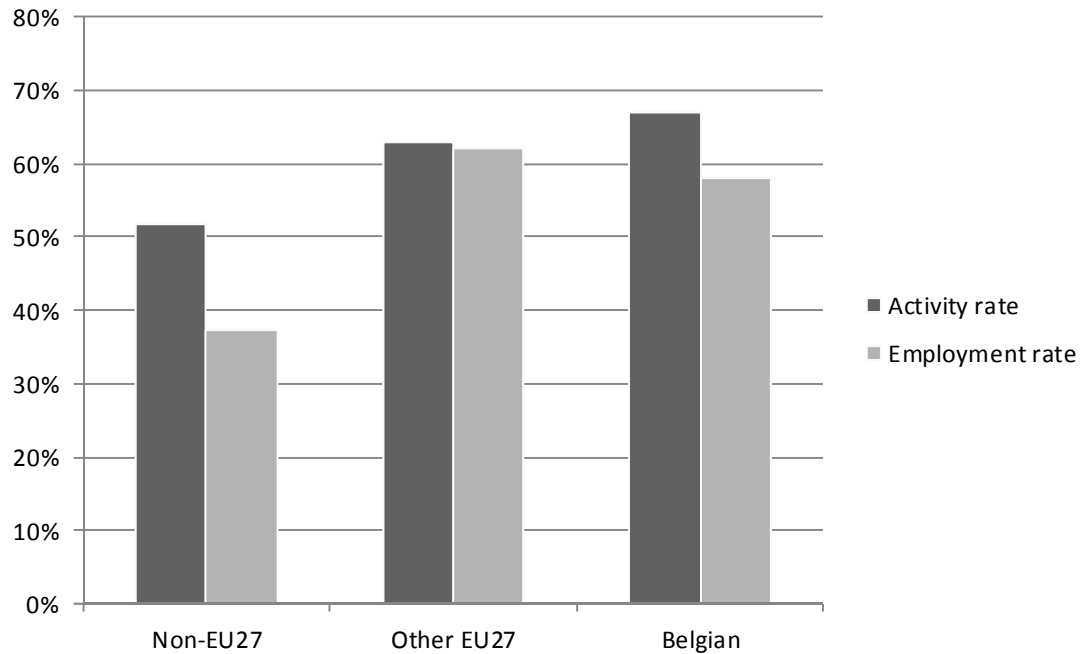
The administrative procedure to get the eligible residence and work permits usually takes time. The family reunification procedure in Belgium, for example, is not transparent and takes at least nine months, during which the respective applicant is not granted the permission to work in the formal economy (Vassart et al., 2011). Since 2001, measures are in force to accelerate the asylum procedure; consequently, new applications are processed as soon as possible and older cases have to wait. Hence, some people have been in the same residence procedure and administrative status for years (Vandeloo, 2002). The procedures for recognizing foreign qualifications are a responsibility of the three language communities. They check whether the diploma corresponds to a Belgian educational diploma. Agencies responsible for skill validation were created only a decade ago (30 April 2004 in Flanders and 24 July 2003 in Wallonia) to grant official recognition of professional knowledge and expertise acquired outside conventional training routes (De Keyser et al., 2012). The procedures for skill validation or recognition are, however, lengthy and complex with little gain to success. Based on data from the Belgian Labour Force Survey *ad hoc* module 2008, Belgium Statistics reveals that, while 11 per cent of the immigrants have applied for and obtained equivalence of their foreign diploma, 83.7 per cent have not acquired such equivalence and 5.3 per cent have been refused equivalence or are waiting for a response. This can result in an over-qualification of migrant workers, in which people have more skills or formal qualifications than their job requires. While in 2010 workers born in Belgium and other EU27 countries have about similar rates of over-qualification (respectively 21.6 and 20.3 per cent), third-country nationals have an over-qualification rate 1.6 times higher than that of native-born workers (De Keyser et al., 2012).

Furthermore, however hard to assess, there still exists a large degree of discrimination in the recruitment process. The Eurobarometer Survey of Discrimination conducted by the European Commission in 2012 demonstrates that skin colour or ethnic origin is the main selection criteria against a candidate with a migration background if a firm has a choice between two candidates with the same skills and qualifications. The Centre for Equal Opportunities and Opposition to Racism revealed that candidates with foreign origin are treated differently when it comes to inviting candidates to attend a job interview (Capéau et al., 2011). Moreover, until they naturalize, immigrants cannot hold permanent public sector jobs (MIPEX, 2012).

Especially third-country nationals hold a worse labour market position as compared to migrants coming from the EU27 countries and Belgian nationals. According to the EUROSTAT data, more than one-tenth of the active population aged 15 to 64 in Belgium in 2011 is a foreign national, with 7 per cent migrants coming from other EU27 countries and 4 per cent migrants coming from third countries. However, only 2 per cent of the total employed population in Belgium is a third-country national (35,800) and 7 per cent is coming from other EU27 countries (297,600). Further, the unemployment rate of third-country nationals (27.8 per cent) is 2.7 times higher than the unemployment rate of EU27 nationals and 4.4 times higher than the unemployment rate of Belgian nationals. Age and sex seem to have an impact on the activity rate, employment rate and unemployment rate. In general, women have a lower activity rate and employment rate than men. The employment rate and activity rate in the younger (15-24) and older age (50-64) groups are lower than in the middle age group. These effects of age and sex are more pronounced for third-country nationals as compared to Belgian nationals and EU27 nationals. The activity

rate and employment rate of female third-country nationals is almost twice as low as the activity rate and employment rate of male third-country nationals.

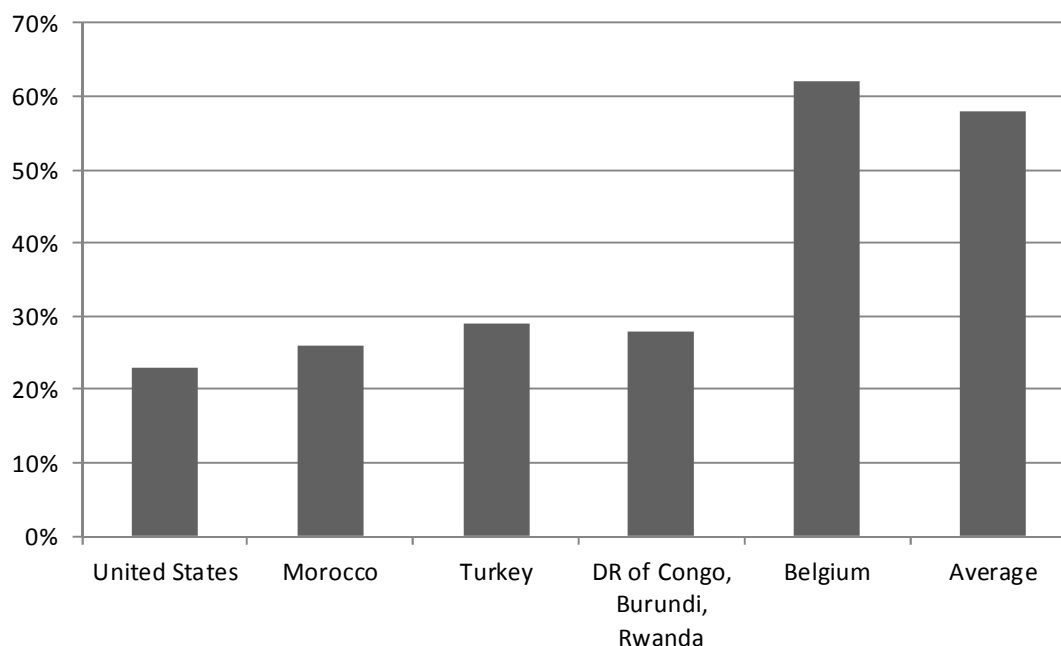
**Figure 5. Activity and employment rate by major nationality groups in 2011 (percentage)**



Source: EUROSTAT, 2012

Figure 5, based on the latest available data of the CBSS that provide information on nationality, shows that in 2009 the employment rate of nationals coming from Northern America, Morocco, Turkey and the Democratic Republic of Congo-Burundi-Rwanda is considerably lower compared to the average employment rate and the employment rate of Belgian nationals. The data also show that employees from Morocco (34 per cent), Asia (36 per cent) and South America (46 per cent) are more likely to work in part-time jobs than Belgian nationals (31 per cent). Also, nationals coming from the Eastern EU Member States (44 per cent) are more likely to work in part-time jobs. In general, part-time labour seems to be a female matter. About 80 per cent of the population that works in part-time jobs are female. The female share rises to 94 per cent for Eastern European migrants who work in part-time jobs. Only for Morocco and Turkey is there an equal share of male and female migrants working in part-time jobs (CBSS, 2012).

**Figure 6. Employment rate by selected nationalities in 2009 (percentage)**



Source: CBSS, 2012

On the basis of the Labour Force Survey data, De Keizer et al. (2012) reveal that in 2010 temporary employment contracts applied to 7.3 per cent of native Belgian workers, 10.7 per cent of workers born in another EU27 country and 16 per cent of those born in a non-EU27 country. In about three-quarters of the cases, regardless of the worker's origin, these temporary contracts were involuntary resulting from a failure to find a permanent job position. A study of Desmarez et al. (2011), using a sample of CBSS data for 2007, shows that Turkish, African and Moroccan women are respectively six, five and four times more likely to work in occasional jobs than Belgian women. Also, their male counterparts are more than six times more likely to work in occasional jobs than Belgian men. Finally, the study shows a concentration of Moroccan and Turkish workers in the sectors of industrial cleaning, temporary employment agencies and the restaurant sector. African women are over-represented in the sector of temporary employment agencies and the industrial cleaning sector, whereas African men are concentrated in the agriculture, hotel, temporary employment agencies, industrial cleaning and sport sectors. Among Asian women, a concentration exists in the restaurant sector and higher education, whereas Asian men mainly work in the restaurant, domestic work, agriculture and hotel sectors.

## **2.4. The Belgian domestic work sector**

### **2.4.1. Multiple types of domestic workers in Belgium**

If occasional babysitting and targeted personal care (medical, paramedical and household), which falls under the social policies of the community governments, is not taken into account, domestic work in Belgium can be covered by workers under at least six different contractual arrangements and social security regimes. Three types of contracts exist under Belgian labour law defining a direct labour relationship between private employers or households and the domestic worker: domestic servants, non-manual domestic workers and manual domestic workers. A widespread programme to formally employ domestic workers in Belgium is the service voucher system which introduces a third party, the service voucher agency, in the traditional relationship between private employers and domestic workers. Finally, two separate labour systems are worth mentioning: the *au pair* system

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and the domestic workers working as diplomatic personnel. Table 1 presents details about the terms of employment, social security coverage and labour protection of each statute, as well as the major objectives and the opportunities for migrants to work in the respective statute.

#### **2.4.2. Major policies and actions to regulate the domestic work sector in Belgium**

It was only after World War II that some action was taken to improve the social and employment conditions of domestic workers. Before the 1940s, developing a legal framework to regulate the domestic work sector was of no concern to policymakers because of the female character of domestic work and the elite character of the employers (De Keyzer, 2001). The association of the Female Catholic Youth started in 1948 with political agitation to change the social and labour conditions of female domestic workers. In 1955, the association developed a blue print of a domestic work contract in collaboration with the Catholic Trade Union (ACV). The growing political voice of women after the war and the decline of domestic workers resulting from the fact that many domestic workers entered other labour sectors or started to work in part-time live-out positions, urged the Belgian policymakers – most of whom were employers of domestic workers themselves – to come up with some solutions regarding the labour and social security rights of domestic workers. Only in the 1970s did domestic workers get a social statute and consequently were perceived as labourers. However, to reduce the costs of domestic work resulting from the introduction of the social statute, some tax benefits for the employers were inscribed in the law.

Since the employer is exempted to pay social security contributions for domestic servants not working more than four hours a day for the same employer and not more than 24 hours a week for one or more employers, these workers do not have access to any social security benefit. This system further contributes to the vulnerable status of domestic servants, since employers benefit more if they hire a part-time servant (Vandeloo, 2002). The oldest legal framework still in use concerning domestic work dates back to 1978 and defines the labour regime of domestic servants. The Law of 3 July 1978 deals with the labour agreements regarding the specific statute of domestic servants. This contract agreement for domestic services is an agreement whereby the domestic servant commits to do domestic work for the employer's household or for his/her family against wage and under authority of an employer. Mental labour practices like governesses, nurses and private teachers cannot be part of the domestic servant statute. Other regular workers in the domestic sector are working under general labour legislation for manual and non-manual employees.

Table 1. Typology of domestic work arrangements in Belgium

	Maid, servant, butler	Nanny, governess, gardener, driver	Service voucher system	Domestic worker in diplomatic sector	Au pair
<b>Legal status</b>	Domestic servant contract. Under JC 323 since 2003.	Labour contract for manual or non-manual workers. Under JC 337 since 2011 (manual and non-manual workers); 144, 145 or 146 (gardeners).	Labour contract for manual worker in service voucher system or PWA contract. Under JC 322.01 since 2004 or JCs of respective sector if agencies offer other services in addition to service vouchers, e.g. cleaning (121), non-profit social care (318 or 330).	Diplomatic employee with special ID card (Model IV). Under supervision of Protocol Directorate.	No labour contract.
<b>Law</b>	Labour Law of 16 March 1971, 26 July 1996 and 3 July 2005. Labour Contracts Law of 3 July 1978, 1 February 2011 and 12 April 2011. Decree of 28 November 1969 (on exemption of social security contribution for part-time servants).	Labour Law of 16 March 1971, 26 July 1996 and 3 July 2005. Labour Contracts Law of 3 July 1978, 1 February 2011 and 12 April 2011. Decree of 28 November 1969 (on exemption of social security contribution for part-time servants).	Labour Law of 16 March 1971, 26 July 1996 and 3 July 2005. Labour Contracts Law of 3 July 1978, 1 February 2011 and 12 April 2011. <i>Service vouchers</i> : Law of 20 July 2001; Decree of 12 December 2001, 7 June 2007 and 13 July 2007. <i>PWA</i> : Law of 30 March 1994 and 7 April 1999; Decree of 25 November 1991, 10 June 1994, 13 June 1999 and 14 November 2002.	Circular No. 1415 of 7 June 1999 and No. 755 of 12 December 2002 of the Ministry of Foreign Affairs, External Trade and Development Cooperation.	Law of 30 April 1999 on employment of foreigners. Decree of 9 June 1999 and 12 September 2001.
<b>Policy aims</b>	Creating employment in domestic work sector to reduce unemployment. Improve labour status and labour and social security rights of maids. Provide a legal framework for employer of domestic servants.	Creating employment in domestic work sector to reduce unemployment. Improve the labour status and labour and social security rights of domestic workers. Provide a legal framework for employer of domestic workers.	Stimulate economic integration of long-term unemployed and semi-skilled workers. Reduce the development of informal domestic work. Support dual-income households to combine work with family responsibilities.	Install some regulatory (even tough, not restrictive) framework to regulate domestic work staff in diplomatic sector.	Regulate foreign youth who are hosted for maximum of one year in a family with children. Define minimum regulation on compensation, working hours, living conditions, language and cultural training, and recruitment procedure.

	<b>Maid, servant, butler</b>	<b>Nanny, governess, gardener, driver</b>	<b>Service voucher system</b>	<b>Domestic worker in diplomatic sector</b>	<b>Au pair</b>
<b>Tasks</b>	<p><i>Manual work in domestic sector:</i> personal care, home care, cleaning, cooking, child care, babysitting, elder care (except intellectual and educational tasks).</p> <p>Flexible regulations and exemptions regarding employment during nights, weekends and public holidays.</p>	<p><i>Manual work in domestic sector:</i> driver, gardener, housekeeper ...</p> <p><i>Non-manual work in domestic sector:</i> nursing care, child raising as private teachers, governess ...</p> <p>Maximum 38 hours/week.</p> <p>No employment during nights, weekends and public holidays.</p>	<p><i>Manual labour in domestic sector:</i> cleaning, cooking, washing and ironing, shopping.</p> <p><i>Manual labour outside:</i> ironing, guidance of impaired ...</p> <p>Minimum 10-13 hours/week.</p> <p>Maximum 38 hours/week.</p> <p>No employment during nights, weekends and public holidays.</p>	<p>Manual labour in domestic sector.</p> <p>Flexible regulations and exemptions regarding employment during nights, weekends and public holidays.</p>	<p>Occasional babysitting and light domestic work.</p> <p>Maximum of 4 hours per day and 20 hours per week.</p> <p>Flexible regulations and exemptions regarding employment during nights, weekends and public holidays.</p>
<b>Gross minimum wage (2013)</b>	9,28 (8,36 <21) – 11,03 €/hour (can partly be paid in kind).	<p><i>Manual workers:</i></p> <p>PC 323: 9,41 (8,47 &lt;21) – 11,70 €/hour</p> <p>PC 144: 8,61(6,34 &lt;21) – 9,98 €/hour</p> <p>PC 145: 11,36 (8,14 &lt;21) – 14,06 €/hour</p> <p>PC 146: 9,78(6,85 &lt;21) – 10,42 €/hour</p> <p><i>Non-manual workers:</i></p> <p><i>Depending on employee contract:</i> 1501,82 (1051,27 &lt;21) – 1559,38 €/month</p>	<p><i>Service voucher:</i> 10,28 – 10,93 €/hour</p> <p><i>PWA:</i> 4.50 + unemployment pay (484 – 1090 €/month)</p>	9,28 (8,36 <21) – 11,03 €/hour (can partly be paid in kind)	450 €/month pocket money, plus board and lodging.

	<b>Maid, servant, butler</b>	<b>Nanny, governess, gardener, driver</b>	<b>Service voucher system</b>	<b>Domestic worker in diplomatic sector</b>	<b>Au pair</b>
<b>Social security</b>	Employer has to buy accident insurance. Limited paid sickness leave, limited paid leave due to a work accident, health insurance, old-age pension, paid maternity leave, unemployment benefits, no child allowance Employers only pay social security contributions for full-time servants. Part-time servants do not receive any social security benefits.	Employer has to buy accident insurance. Paid sickness leave, paid leave due to a work accident, health insurance, old-age pension, paid maternity leave, unemployment benefits, child allowance. Exception for paying social security contributions for weeks where performance does not exceed eight hours.	Employer has to buy accident insurance. Paid sickness leave, paid leave due to a work accident, health insurance, old-age pension, paid maternity leave, unemployment benefits, child allowance.	Employer has to provide social security coverage in the Belgian system or an equivalent coverage under a foreign social security system.	Family has to buy accident insurance.
<b>Labour protection</b>	First 14 days are always considered as a probation period (two days' notice; in case of seven days of sickness, no notice required) After a probation period, a resignation period stipulated in Labour Contracts Law is in effect. No financial compensation for economic unemployment.	After a probation period, a resignation period stipulated in Labour Contracts Law is in effect. Financial compensation for economic unemployment.	Workers receive a permanent contract after subsequent temporary contracts exceed three months. After a probation period, a resignation period stipulated in Labour Contracts Law is in effect. Temporary employment agencies have flexible rules regarding dismissal. Financial compensation for economic unemployment.		<i>Au pairs</i> are not considered workers.
<b>Client</b>	Private family.	Private family.	Private family.	Diplomatic staff.	Private family.
<b>Employer</b>	Private family.	Private family.	Local governmental bodies, non-profit organizations, for-profit companies, temporary employment agencies.	Diplomatic staff.	No official employer.



	<b>Maid, servant, butler</b>	<b>Nanny, governess, gardener, driver</b>	<b>Service voucher system</b>	<b>Domestic worker in diplomatic sector</b>	<b>Au pair</b>
<b>Opportunity for migrants</b>	<p>EER citizens can work without permits, they need valid residence papers.</p> <p><i>Third-country national (plus Romania and Bulgaria):</i> Work permit A, B or C and valid residence permit.</p> <p>A work permit B is rarely granted for activities as domestic servant. Sometimes permits B are provided to full-time live-in servants.</p>	<p>EER citizens can work without permits, they need valid residence papers.</p> <p><i>Third-country national (plus Romania and Bulgaria):</i> Work permit A, B or C and valid residence permit.</p> <p>A work permit B is rarely granted for activities as domestic worker. Often permits B are provided to health workers or workers under JC 144-146.</p>	<p>EER citizens (except Romania and Bulgaria) can work without permits, they need valid residence papers.</p> <p><i>Third-country national (plus Romania and Bulgaria):</i> Work permit A, B or C and valid residence permit.</p> <p>A work permit B is rarely granted on the basis of economic activity in the service voucher system.</p>	<p>Special ID card.</p> <p>A work permit B or long-term residence permit is rarely granted on the basis of economic activity as a domestic worker in the diplomatic sector. After the termination of the validity of the ID card, they have to leave the country.</p>	<p>Work-permit B.</p> <p>A long-term residence permit is never granted to <i>au pairs</i>. After the termination of the validity of the work permit, they have to leave the country.</p>

Note: In Belgium, Joint Committees function as a consultative between employees and employers aimed at social dialogue. These were introduced on the basis of the Act of 5 December 1968 on collective agreements and Joint Committees. The Joint Committees are ordered to conclude collective agreements, prevent or settle social disputes, and advise the government, the National Labour Council or the Central Economic Council.

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Parallel to the system of domestic servants, a system of service vouchers was introduced on 1 January 2004 with the aim of stimulating the economic integration of the low-skilled and long-term unemployed; formalizing the wide-spread informal employment in the domestic sector; satisfying the unmet needs for domestic help; supporting dual-income households to reconcile work and family; and supporting economic growth (Pacolet et al., 2010). Workers with a regular residence status, who were conducting undeclared work, were given the opportunity to obtain social security rights like any other worker. Service voucher workers are relatively well protected in terms of labour contracts, social security and working conditions. Further, working in a system of service vouchers ends the unilateral relationship between the workers and the household they are working for. The system introduces a third party, a for-profit or non-profit service voucher agency, in the traditional relationship between households and domestic workers. A licensed service voucher agency (employer) acts as an intermediary between households (client) and the domestic worker (employee). Hence, the domestic labourer has a labour contract with the agency. The households hire the domestic services through an agency which send a domestic worker. The households pay the domestic labourers by means of service vouchers bought from the government. The agency collects the vouchers and, in turn, pays the wage to the domestic workers and contributes to the worker's social security benefits. This therefore creates more visibility of both the worker and employer. The service voucher system is one of the responsibilities that will become a regional competence after the sixth State Reform (2012-14).

Two other systems are worth mentioning since they concern in particular migrant domestic workers: *au pairs* and domestic workers working as diplomatic personnel. Policies concerning these statutes will be presented in the next paragraph on the opportunities for migrant domestic workers.

The plethora of legal statutes regulating the domestic work sector causes some serious downsides, negatively affecting the working conditions of workers in the sector. The different statutes involve different labour rights, social security systems and labour content. However, differences within the statutes exist resulting from the fact that, depending on the employer's labour market sector, different workers are represented by different Joint Committees where social partners and employers negotiate on the wages and working and employment conditions. Domestic workers in the service voucher system, for example, can be represented by general sub-committee 322.01 created for the service voucher sector or the joint committee of the non-profit social care sector (318 or 330). In general, the labour and employment conditions and possibilities for employer-provided training are better in the non-profit social care sector than the other sectors by which service voucher workers can be represented. Furthermore, this representation by different Joint Committees also creates a confusing situation, which makes it difficult for domestic workers to know about and claim their labour and social rights. Moreover, it risks providing opportunities for employers to unfairly exploit this confusion. Recently, some parliamentarians of the Flemish Christian-Democratic Party (Nahima Lanjri, 22 February 2011 and Dirk Claes, 5 May 2012) introduced propositions to change the law on domestic servants and introduce a new general category. In doing so, they want to resolve the confusion in the labour law between the categories of manual domestic workers and domestic servants, providing equal treatment to domestic servants and manual domestic workers with respect to social security benefits. Also the Nederlandstalige Vrouwenraad advised the Minister of Labour to introduce a general and broad statute of domestic workers with a differentiation of tasks, create a third party similar to the voucher system to regulate the domestic work sector outside the service voucher system, function as an information source and administrative help for both domestic workers and potential employers, and liberalize the work permit procedures so that migrant domestic workers can more easily apply for work permits which are not connected to one specific employer.

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The federal government, however, is not very keen to initiate considerable changes in the statute of domestic workers, which can be seen in the meagre adaptations that will accompany the ratification of ILO Convention No. 189. The interviews with key stakeholders revealed that the most important changes would be the removal of the exemptions to pay the social security contributions for part-time domestic servants, which left the latter without any social security benefit and the adaptation of the Law on Well-being of Labourers, since currently this law is not applicable to domestic servants. Policymakers, however, are not enthusiastic about creating a new broad statute for domestic workers or to adapt the work permit regularization (see section 2.4.5). They argue that a service voucher system already exists and provides good working conditions, labour protection and social security coverage, and it foresees that the category of domestic servants will disappear because all servants will shift to the service voucher system. Moreover, since the current priority of the broad discussion is on the equalization of the statute of manual and non-manual (i.e. employees) workers in Belgium, the time is not right to open the discussion on the creation of such a broad statute for domestic servants.

However, not all tasks performed under the other domestic work statutes are allowed in the service voucher system. Further, the service voucher system is criticized by many because of its high costs for the government due to the high subsidies and tax exemptions (Pacolet et al., 2010). For each service voucher, the agency is paid €22, of which on average €10.5 is paid to the service voucher worker, while the household currently pays only €8.50. The Belgian federal government pays the difference. On top of the attractive price, the households using the system benefit from a tax reduction of 30 per cent of the total cost of the purchased vouchers. Nowadays, the system costs the federal government more than 1,6 billion euros yearly. An important question is if the regional governments could pay these costs, since the service voucher system will become a regional competence after the sixth State Reform (2012-14). Next, the eligibility criteria to start a service voucher company are low and monitoring is virtually absent: nearly anyone can start a service voucher agency. The type of employer has changed since the launch of the service vouchers system in 2004. Whereas the non-profit and public companies were the predominant type of employer during the first years, underlining the social aim to create opportunities for activating the long-term unemployed and vulnerable groups at the labour market, private for-profit companies are dominating the service voucher sector, turning it into a profit-making sector (IDEA Consult, 2012). The large number of providers, however, does not always guarantee reliable entrepreneurship and efficient use of public funds (IDEA Consult, 2009). According to the website *Vacature.com*, with more and more private for-profit companies entering the service voucher system, the sector is increasingly becoming the victim of high competition, social exploitation, trafficking and shady subcontractors (Soenens, 2012). It has been demonstrated that these for-profit agencies do not always sufficiently inform their workers about their rights to labour protection, wages and social security benefits (IDEA Consult, 2012). Some even consciously misinform their workers, discriminate and violate their labour rights. The long-term virtual absence of any systematic control of service voucher sector by a government body aggravates this situation. This is striking, since it happens in a system that is subsidized by the government (Charkaoui and Spaas, 2012). Further, Pacolet et al. (2010) also nuance the role service vouchers can play in combating irregular work. According to their empiric material, one can no longer prove the efficiency of the service voucher system in achieving its intended objectives. The authors argue that their impact on irregular work and fraud is overrated and that it can even be the source of new forms of misuse. OR.C.A., for example, has shown how the service voucher system is used to employ live-in full-time domestic workers. The service voucher system is, however, not created to support families in need for full-time or live-in domestic workers. For this reason clients can only buy a limited number of service

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vouchers, however, some households still manage to accumulate enough vouchers to hire a domestic worker full-time by gathering the vouchers of separated household members. In this way, users can lower the costs in comparison to full-time domestic servant contracts (Gutiérrez and Craenen, 2010).<sup>3</sup> Finally, career opportunities for service voucher workers also seem to be low. Service voucher employees are relatively low-skilled and thus limited in job opportunities (IDEA Consult, 2012).

<sup>3</sup> Despite the limit on the purchase of service vouchers, some families found a way to use the system for full-time employment. Families, with the exception of certain groups, can purchase a maximum of 500 vouchers per person per year. But, some families take up the vouchers of all family members. A family with five members can, for example, purchase 2,000 vouchers each year (Gutiérrez and Craenen, 2010).

### Box 3. The demand for domestic services

In 2003, Bucquoye et al. (2003) already expressed the growing need for domestic work in Belgium. The authors hereby addressed the demand for private household services and an even further growing need in the future with the ageing of the Belgian population, changing family structures, lack of affordable child care, lack of facilities for elder care and other socio-cultural transformations. The demand for domestic work has spread outside elite sections of society since more and more Belgian women take up responsibilities elsewhere on the labour market, making it difficult to combine their work with their domestic tasks. The Belgian government aimed to fulfil the needs of dual-income families by supporting the service voucher system. Further, it has been argued that the presence of international organizations in the Brussels-Capital attracts an international workforce of expats, international representatives and diplomat personnel. In fact, the migration of migrant workers in the domestic sector cannot be considered independently from the migration of elite workers to Brussels. A “globalization from the top” of the professional ladder is concurrently being matched with a “globalization from below”, within which families outsource domestic services to immigrants (Godin, 2013).

Other frequently cited factors explaining why certain households choose this solution are the lack of adequate public care services and insufficient market supply in the case of elder care and child care (Dejonckheere, 2008). However, market searches to determine this growing need are not performed systematically in Belgium. Further, the latest available data of the Special Eurobarometer 283/Wave 67.3 *Health and long-term care in the European Union* show that, among the EU27 countries, Belgium has the highest level of satisfaction with regard to the quality, availability, access and affordability of publicly funded care services for dependent people. On the other hand, the growing demand for and consequent shortages in public and private institutional or private child care is a frequent topic of studies and newspaper articles. For example, in both Flanders and Wallonia, more than 10 per cent of the households with young children do not find any child care for their minors and more than 15 per cent only find such care after a search of 15 months (Test Aankoop, 2010; Vlaamse Overheid, 2012). The Brussels-Capital Region seems in urgent need of institutional or private child care: in 2016, a minimum of 4,000 additional positions will be necessary to adequately cover the amount of children in Brussels; however, the average annual growth rate between 2010 and 2012 was only 25 positions (ECV, 2013). Also the growing shortages in institutional and external elderly care and the long waiting list are making the news frequently. A study of ITINERA (2012) shows crippling staff supplies in the elder-care sector and projects a growth of shortages in elder care of 19,000 positions in the coming seven years in Flanders. The increase in the amount of job vacancies that are not filled could also illustrate the growing demand for specific care professionals: for example, the number of unfilled vacancies for nursing staff increased from 1,040 in March 2006 to 1,793 in March 2012; for professional cleaning staff, 468 to 738; for qualified caring staff, from 316 to 593; and for child care, from 184 to 328. Further, the popularity of the service voucher system demonstrates the need for domestic services among the Belgian population: in 2011, about 109 million service vouchers were issued by 844,347 clients compared to about 8 million by 98,814 in 2012 (IDEA Consult, 2012). Moreover, a key informant from the service voucher sector stressed that more and more elderly are misusing the system in order to find cheap elder care, although personal care is not allowed under the system. Similarly, it seems that about a quarter of the service vouchers are used to pay for child care, which is also forbidden under the system.

However, despite the high demand and labour supply shortages in the domestic work sector, the government is not actively promoting policies that focus on economic migration to fill these positions. For example, although cleaning, nursing and para-medical care is on the list of occupations for which a labour supply shortage exists, domestic servants and service voucher workers are not on this list, which hampers migrant domestics in applying for the necessary work permits to access Belgium and the Belgian labour market. One of the arguments of the policymakers for not including domestic work in the service voucher system on this list seems the initial objective of the service voucher system, that is, the hiring of the long-term unemployed and other vulnerable groups in Belgium. This objective is reinforced by the Decree of 22 June 2012, which, among others, stipulates that service voucher agencies are required to employ 60 per cent of long-term unemployed. This will definitely have a negative impact on the possibility of migrant domestic workers entering the service voucher system.

Some parliamentarians of the Ecologist Parties have introduced a proposition (Cécile Thibaut Freya Piryns and Jacky Morael, 10 November 2011) to change the legal framework regulating the service vouchers system to improve the quality of work and sustainability of the system. Subsequently, the current Minister of Labour implemented some programmes and reforms, and intensified the control of service voucher agencies. On 20 April 2012, the law which is co-introduced with the Year Budget (*Programmawet*) included a legal framework to combat the misuse of temporary unemployment in the service vouchers system and social fraud by tightening the criteria for creating a voucher

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agency and by forcing the agencies to deposit a sum of €25,000 to obtain a business license. This deposit could be used in case the agency is not paying for social security benefits. Further, the Decree of 22 June 2012 on the changes of the regulations on the service voucher system stipulates that agencies that combine activities with service vouchers with other activities have to keep separate accounts, and that the service voucher agencies have to include 60 per cent of long-term unemployed individuals. If the agencies do not comply with these requirements, they risk losing their certification. Although the latter requirement revives one of the initial goals of the service voucher system (to facilitate the integration of long-term unemployed and low-skilled workers in the labour market), this stipulation raises a lot of criticism. From the part of the service voucher sector, agencies are complaining that the system will no longer be economically profitable, and that it is extremely difficult to persuade the long-term unemployed to start working in the system, which will lead to increased labour shortages and consequently difficulties to fill the high demands for services. The latter is one of the reasons why many agencies are actively recruiting migrant domestic workers. There is an increased anxiety on the part of the social organization representing migrant domestic workers that the opportunities for migrant workers that can work formally in the service voucher system will diminish, which will push many of them again into the informal economy.

#### **2.4.4. Mobilization of domestic workers and migrant domestic workers through unions and social associations**

In 2003, after years of campaigning by the three main trade unions (Christian, Liberal and Socialist), domestic servants were brought under the Joint Committee of the sector of the management of buildings and real-estate agencies. This enables social partners to negotiate on the wages and working conditions of all domestic servants in Belgium every two years. Nevertheless, it is difficult for the trade unions to facilitate adequately the social dialogue concerning domestic servants. Firstly, although both main unions have some domestic servant membership, they are few in number and they are not really active. The key informants of the trade unions express that it is difficult to find members who are willing to represent the case of domestic workers in the Joint Committee 323, which tempers the enthusiasm of the trade unions to invest a lot of effort in initiating a social drive to improve the conditions of the domestic servants. As a key informant of the socialist union ABVV/FGTB explains:

“Jusqu’en 2004 [l’invention des titres services] le statut des travailleurs domestiques était réglé plus ou moins par la loi sur le contrat de travail, et en exclusion une partie de la sécurité sociale, il y avait une commission paritaire des concierges et cetera, et on avait remis les travailleurs domestiques dedans. Syndicalement il n’y avait pas d’affiliés, je veux dire c’était pas du tout un secteur dans lequel le syndicat investissait parce que la difficulté est que les travailleurs sont très isolés et le syndicat ne parvient pas à les organiser, ce n’était pas une priorité du syndicat de s’en occuper”

Social dialogue and collective bargaining is further weakened because of the non-representation of employers of domestic workers. Being private households, employers of domestic servants are not well represented in Joint Committee 323 (cf. the service voucher system where agencies are the employers of the domestic workers). Moreover, Joint Committee 323 concerns the whole of the sector of the management of buildings, real-estate agencies and domestic servants. Hence, with little representation of domestic servants and their employers, it is the representatives of the other workers in the management of buildings and real estate that participate in the dialogue on the working and employment conditions of domestic servants. In the service voucher system, trade unions have managed to organize workers and elected representatives. According to ACV/CSC Food and Services, participation of service voucher employees in trade unions is high (Barrez, 2010). In the service voucher system, known employers and registered employees

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can organize themselves and take part in joint negotiations (Gutiérrez and Craenen, 2010). However, the fact that the service voucher workers can be represented in different Joint Committees depending on the economic sector of the employer, as explained in a previous paragraph, effectively disperses the collective voice of the service voucher workers.

Apart from some recent initiatives of CSC and FGTB to mobilize diplomatic domestic workers in Brussels, migrant domestic workers do not seem to be receiving specific attention from trade unions. The fact that migrant members are usually very passive and not eager to take up representative roles within the union can serve as one of the explanations for this. Hence, migrant domestic workers are included in the general actions on domestic work and legal and financial services of the central bureaus of the trade unions. The attitude of the trade unions towards irregular migrants is ambiguous, and only at CSC was there a decision of the central bureau to create specific services targeting and mobilizing irregular migrants. In the other trade unions, some services for irregular migrants are developed by the regional branches, for example in the big cities.

With regard to irregular migrants, the Organization for Undocumented Workers (OR.C.A.) is a Brussels-based NGO that has been operational since 2005 and aims to defend the rights of undocumented workers. Irregular labour migrants can directly consult OR.C.A.'s helpdesk in search of legal advice or social support. OR.C.A.'s mission is twofold: on the one hand, giving information on the labour rights of undocumented workers and, on the other hand, raising awareness about policies concerning undocumented workers. Since 2009, the category of domestic workers has received special attention in OR.C.A.'s operation. Other non-profit organizations, for example, anti-poverty (e.g. CAW in the Flemish region), migrant rights (e.g. FOYER), women's rights (e.g. La Voix des Femmes), and community (e.g. Samahan), do not specifically target irregular migrants or migrant domestic workers, but provide services to them through their general programmes. Domestic workers who became victims of human trafficking can go to specialized centres in the three different Belgian regions: "Payoké" in Flanders, "Sürya" in the Walloon Region and "Pagasa" in the Brussels-Capital Region. All three centres are associations focusing on psycho-social counselling, legal support and advocacy (Cobbaut, 2005). However, discussions with representatives of these organizations revealed that on a yearly basis domestic workers only accounted for a small proportion of reported cases of human trafficking, almost all being diplomatic domestic workers. With respect to trafficking, the Centre for Equal Opportunities and Opposition to Racism (CGKR) is competent at the level of the federal government. Since 1995, CGKR has the task of coordinating, stimulating and following up on the policies concerning human trafficking. The centre coordinates the cooperation between the three above-mentioned specialized centres.

#### **2.4.5. Opportunities for migrant workers in the Belgian domestic work sector**

Legal job opportunities for migrant domestic workers in Belgium are, although somewhat depending on typologies, rather scarce. Through several policies regarding domestic work, such as the introduction of the service voucher system, Belgian policymakers never had the intention of creating specific opportunities for migrant domestic workers. This is also reflected in the efforts the government makes in exploiting the opportunity of the ratification of ILO Convention No. 189 by solving the problem of the over-representation of migrants which are irregularly working in the domestic work sector. During an interview with the representative of the administration of the Ministry of Labour, this attitude was justified by stating that irregular migrants and work permits are the competence of the federal government. However, it is clear that a high number of domestic workers, especially those employed as full-time workers, have a foreign background. Because of the high demand for their services, finding work does not seem to be problematic, even for irregular migrants. In different care services and in the service voucher sector, even in times of economic crisis, both households and third-party

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employment agencies are constantly in search of employees. The contribution of domestic workers, however, is often not taken into account in debates on labour migration.

In Belgium, domestic work is predominantly integrated in general labour law. Exceptions exist for the specific legislation on *au pairs* and domestic workers in diplomatic households, but these do not address the majority of workers in the domestic sector who work under general contracts for manual and non-manual workers. Considering work permits legislation, third-country nationals in the domestic work sector can apply for a work permit B for one year. However, as a study by Gutiérrez and Craenen (2010) demonstrates, work permits B are almost always denied to domestic workers. Applications for a full-time live-in domestic servant are sometimes granted because few Belgian nationals still want to work in this type of position. The study further revealed the existence of law firms specialized in preparing the files for expats to apply for a work permit B for their migrant domestic servants on the basis that the migrant domestic worker is employed full time and lives in and demonstrates better proficiency of the expat's native language and culture compared to domestic workers of Belgian origin.

The modality of regularization on the basis of proven, strong economic anchoring that was provided in the regularization campaign of 2009 was seen by many social organizations working with irregular migrant domestic workers as an opportunity to regulate their residence status and acquire a work permit B. Some of them started to actively mobilize their target groups to use this opportunity; however, in general, this economic regularization did not work out as expected. Gutiérrez and Craenen (2010) described some factors that restrained the employers' enthusiasm to provide migrant domestic workers with a full-time contract in order to support their application for regularization: the complex and long procedure, and the anxiety of being discovered as having employed a domestic worker on an irregular basis. Further, although by the end of 2010 it seemed that in the Brussels-Capital Region 40 per cent of the claims for a work permit B via economic regularization were introduced under the service voucher system (Vandemeulebroucke, 2011), not all service voucher agencies were keen to provide full-time contracts for at least one year to the migrant domestic workers applying for economic regularization. It seems uncommon for private for-profit agencies and temporary work agencies, which are the type of service voucher agencies where migrant domestic workers usually work, to provide a starting migrant domestic worker with a long-term, full-time contract (IDEA Consult, 2012).

The system of work permit B as one of the only possibilities to enter salaried employment as a domestic worker increases the vulnerability of migrant domestic workers: since they are dependent on a contract with one specific employer, they are limited in their ability to leave a employer for a better one, or to raise their voice against abuses. Moreover, the residence permit is related to this work permit, which reinforces this dependency and vulnerability. If migrant domestic workers lose their job, they need to leave the country. Hence, some key informants did not support the inclusion of domestic work on the list of jobs that suffer from labour market shortages because it would only reinforce the traditional power imbalance that already existed in the relationship between domestic workers and their employers. Another problem faced by migrant domestic workers, especially live-in domestic workers and irregular migrants, is the inviolability of private property. In case of a dispute between the employer and the domestic personnel working in the private property, both parties can call upon the Inspection of Social Laws, even in the case of an informal job. Nonetheless, several difficulties hamper a thorough inspection. A first and most fundamental difficulty is proving the existence of an employment relation in case of informal labour, which can almost only be established by detecting the domestic worker at work. A second difficulty concerns workers without a legal residence permit. Although the inspectorate is qualified to prosecute employers, this is not an interesting option for irregular workers since they risk detention while defending their rights in public (Cobbaut, 2005). Thirdly, the inspectors cannot enter private properties without permission



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from the police court. This, of course, limits their possibilities as a control agency, since they have to give extensive justification for their decision. Following the arguments of the necessity of an extensive protection of privacy, Belgian policymakers seem to have no intention under the framework of the ratification of ILO Convention No. 189 to make legislative or policy changes that would provide the Inspection of Social Laws easier access to private accommodations.

Two separate labour systems are worth mentioning because they especially provide opportunities for migrant domestic workers: the *au pair* system and domestic workers working as diplomatic personnel. Under Belgian law, *au pairs* are not considered workers. The main goal of the *au pair* scheme is considered a cultural exchange and language training. However, paradoxically, they need a specific valid visa and a work permit B to enter Belgium. In 2008, 170 different inspections did take place in guest families. The motivation was to check if the required conditions for lodging an *au pair* were respected. Only a few *au pairs* were found to actually have the intention of improving their language skills or education. Most were girls from developing countries who wanted to send money to their family. Furthermore, guest families often look for cheap domestic workers and flexible babysitters (Dienst voor het Strafrechtelijk Beleid, 2007/2008). Other forms of abuse that were registered concerning *au pairs* were unfair compensation, discrimination and sexual assault, excessive working hours, and so on. Private for-profit intermediating agencies play an important role in the employment of *au pairs*, taking care of the administration and travel tickets, while often commercializing *au pairs* with the intention of providing cheap labour (Vlaams Subsidieagentschap voor Werk en Sociale Economie, 2011).

Domestic workers can also work in diplomatic households. Diplomatic personnel fall under the diplomatic jurisdiction, and need to apply for a special ID and diplomatic visa which is attached to the respective diplomat. For this reason, domestic workers in diplomatic households do not fall under Belgian labour law. The residence of diplomatic domestic personnel in Belgium is regulated by the Decree of 30 October 1991 concerning the residence documents for certain categories of foreigners. Diplomats hold certain privileges and immunities, which makes the labour relationship an unequal one. As a solution, the Belgian government integrated a specific section on “victims of trafficking working for diplomatic personnel” into the Ministerial Circular of 26 September 2008. The aim of this circular was to facilitate investigations and prove the existence of a crime, while respecting the rules governing diplomatic immunity (Kartusch, 2011). In case of abuses, diplomatic staff do not always have the possibility of leaving the employer, because without perspectives of a new labour contract providing them with a work permit B, they risk being deported since the validity of the special ID card is attached to the respective diplomat. They can apply for a status of victim of human trafficking; however, the procedures are long and the abuse is difficult to prove because of the impossibility to enter the diplomat’s house due to privacy regulations and the immunity status. Moreover, there is no Belgian legislation to turn long-term stays with a diplomatic ID card into permanent residence permits. Employees with a work permit B can obtain permanent residence after four years and other foreigners after five. Diplomatic personnel are trapped in this statute of insecurity (Gutiérrez and Craenen, 2010). However, since they are only registered with the Protocol Office of Foreign Affairs, they cannot prove the duration of their stay in case of resignation, which makes it impossible to apply for a residence permit. Recently as a consortium, the Brussels branches of the Belgian trade unions, supported by the Ministry of Labour, are trying to unionize the diplomatic domestic workers in order to improve their working conditions, to support them in filing claims against abuses, and to lobby at political level to create a more easy way for diplomatic domestic workers to acquire a residence permit after a long-term stay in Belgium.

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#### **2.4.6. Breakdown of the Belgian domestic work sector**

Rough estimates on the number of domestic workers in Belgium vary widely. According to LABORSTA in 2008, 42,100 workers were employed in private households. The trade union CSC Food and Services speaks of 100,000 workers in the domestic sector (Schwenken and Heimeshoff, 2011).

As already stressed by others (Simonovsky and Luebker, 2011; Abrantes, forthcoming; Schwenken and Heimeshoff, 2011), translating domestic work into a useful statistical definition is a difficult task. Different approaches to measuring domestic work co-exist using different existing statistical classifications: the task-based approach, based on the International Classification of Occupations (ISCO); the status-in-employment approach, based on the adapted International Classification by Status in Employment (ICSE); the household-roster approach for live-in domestic workers, based on household roster in the Labour Force Survey questionnaires; and the industry-based approach, based on the ISIC/NACE codes. In Belgium, few databases exist that include enough details on tasks, industry and socio-demographic characteristics to accurately analyse the trends in the number and profiles of domestic workers, or even to give an exact figure of the total number of domestic workers employed formally. This is made even more complex when considering the variety of contracts and statutes in the domestic work sector in Belgium. The NACE97 code “activities of households as employers” underestimates the number of domestic workers, as it does not account for the service voucher workers because their employer is a voucher agency. Membership in Joint Committees could be useful to count domestic workers; however, this would result in serious miscalculations as well. For example, some service voucher workers will be registered under Joint Committee 322 or 121, but these Joint Committees also include other workers in the temporary employment agency or cleaning sector. Using Joint Committee 323 data results in a serious underestimation, because only full-time servants are counted. Finally, counting informally employed domestic workers in Belgium poses an even bigger challenge, because they are not recorded in administrative data sources (Gutiérrez and Craenen, 2010). According to key informants, however, a significant portion of irregular migrants are active in the informal domestic work market.

Based on the NACE97 code, the data show 2,701 domestic workers in Belgium in 2010, which is a slight increase compared to 2,548 domestic workers in 2009. In 2009, 72 per cent of these domestic workers were women. About 71 per cent were Belgian nationals, 19 per cent held a nationality from another EU27 country, and 9 per cent were third-country nationals.

**Table 2. Domestic workers in Belgium based on administrative data sources, by sex and broad nationality groups (percentages)**

	PC232 Domestic servant (2009)	NACE 97 (2009)	Service voucher (2011)
Total (number)	1,005	2,548	149,827
Female	76.7%	72.9%	97.0%
Male	23.3%	26.9%	3.0%
Unknown	0%	0%	0%
Belgian	48.1%	70.8%	73.4%
Female	82.4%	76.0%	97.4%
Male	17.6%	24.0%	2.6%
Unknown	0%	0%	0%
Other EU27	34.6%	19.7%	18.6%
Female	73.6%	66.1%	97.3%
Male	26.4%	33.9%	2.7%
Unknown	0%	0%	0%
Non-EU27	17.3%	9.3%	8.0%
Female	67.2%	67.4%	93.2%
Male	32.8%	30.9%	6.8%
Unknown	0%	1.7%	0%

Source: EUROSTAT, 2012; CBSS, 2012; IDEA Consult; own calculations

The Joint Committee 323 reveals a slight decrease in the number of domestic servants since 2008. In 2011, 976 domestic workers were registered with a status of domestic servants. In 2009, about 77 per cent were women. Nearly half were Belgian nationals, 35 per cent were other EU27 nationals and 17 per cent were third-country nationals. This could confirm the opinion of key informants that full-time live-in domestic work is losing popularity among native-born Belgians.

A large share of employment within the formal domestic work sector concerns working in the service voucher system. In 2011, 149,827 people were working in the service voucher system (IDEA Consult, 2012). During the first years after the creation of the service voucher system, the sector experienced a steady growth in workers with a growth rate of nearly 290 per cent between 2005 and 2007. From 2006 onwards, the total amount of workers is still increasing, however the yearly growth is slowing down. Whereas the yearly growth rate in 2007 was still 41.1 per cent, the number of workers increased only by 9.4 per cent between 2010 and 2011.

**Table 3. Growth in the service voucher sector, numbers and rate, 2006-2011**

Number of workers	2006	2007	2008	2009	2010	2011
Workers	61,759	87,152	103,437	120,324	136,915	149,827
Growth rate		41.1%	18.7%	16.3%	13.8%	9.4%

Source: IDEA Consult, 2012

The service voucher system is a female-dominated sector with 97 per cent of female workers in 2011. The number of workers in the service voucher system without Belgian nationality is increasing steadily: from 13 per cent in 2006, over 17 per cent in 2008, to 26.6 per cent in 2011. Moreover, migrants have a higher probability of working in the service voucher system as compared to the Belgian nationals: 8.6 per cent of the active population in Belgium is not of Belgian nationality, whereas 26.6 per cent of the total workforce in the service voucher sector are third-country nationals or hold nationality of another EU27 country.

**Table 4. Activity rate in Belgium versus employment rate in the service voucher system across broad nationality groups, 2011 (percentage)**

Broad nationality groups	Belgium (N= 4,451,000)	Service voucher (N = 149,827)
Belgian	91.4	73.4
Other EU27	6.6	18.6
Non-EU27	2.0	8.0

Source: IDEA Consult, 2012, p. 109

The majority of these migrant domestic workers come from other EU27 countries, with the biggest group being Polish migrants (8.2 per cent of the total amount of workers in the service vouchers system). The influx of Polish migrants in the service voucher system results from the removal of the transitional arrangements in 2009 that restricted the free labour movement of citizens coming from the new Member States of the 2004 EU enlargement.

**Table 5. Regional spread of service voucher workers across broad nationality groups, 2011 (percentage)**

Broad nationality groups	Total (N = 149,827)	Brussels (N = 20,194)	Flanders (N = 89,126)	Wallonia (N = 39,619)	Outside Belgium (N = 888)
Belgian	73.4	23.0	79.8	86.1	18.2
Other EU27	18.6	55.1	13.4	10.2	81.2
Non-EU27	8.0	21.9	6.8	3.7	0.6

Source: IDEA Consult, 2012, p. 17

The presence of migrant domestic workers in the service voucher system displays differences across the regions, with more than half of the workers in the service voucher system in the Brussels-Capital Region not holding Belgian nationality. Compared to the total workforce in the service voucher system, the third-country workforce presents more male workers (respectively 3 per cent versus 6.8 per cent) and more higher-educated workers (respectively 4.7 per cent versus 8.1 per cent). Compared to Belgian workers, migrant domestic workers work more in for-profit companies: 60 per cent of Belgian workers work for for-profit companies compared to 87 per cent of workers with a nationality of one of the other EU27 Member States and 83 per cent of the third-country nationals. Migrant domestic workers predominantly work for private for-profit companies, private individuals and temporary work agencies. In particular, temporary employment agencies show an over-representation of third-country nationals (IDEA Consult, 2012). A key informant from the service voucher sector explained that this phenomenon was due to the fact that recently lots of companies appear to be targeting specific nationalities of migrant domestic workers. Many of these companies are established by employers with a migration background themselves. Due to their limited proficiency in Dutch or French, migrant domestic workers face difficulties in accessing the public service voucher companies and non-profit companies, because the type of work (more caring tasks) requires a good knowledge of the client's language. However, the for-profit agencies – and especially those established by migrants – do not provide the same quality of work standards in terms of employment conditions, training and working conditions as the public companies and non-profit companies. The evaluation of IDEA Consult (2012) supports this argument. Finally, compared to Belgian workers and workers with a nationality from another EU27 country, more third-country nationals are dissatisfied with their job in the service voucher system. They suffer longer periods of inactivity, receive less training and have less knowledge of their rights.

Two other specific categories in the domestic work sector are *au pairs* and domestic workers working in diplomatic households. Gutiérrez and Craenen (2010) estimated the number of diplomatic servants at around 600, of which about two-thirds are working as live-in domestic servants. In a study on domestic work in the diplomatic sector, the German Institute for Human Rights (Kartusch, 2011) estimated the number of domestic

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workers to be 500 in 2008, with another 200 special ID cards granted for other unspecified service staff. In most cases, these servants are third-country nationals. In the last few years, the number of *au pairs* with a work permit B is growing, particularly in Flanders: the number sextupled in a period of ten years, with 51 *au pairs* in 2001 and 316 in 2011. The majority of the *au pairs* in Flanders were female youth from the Philippines (83), South Africa (33), Ukraine (29), China (19), Peru (18) and Russia (15) (Vlaams Subsidieagentschap voor Werk en Sociale Economie, 2011). In comparison, the Brussels-Capital government issued 52 work permits B and the Walloon government 55 work permits B in 2009 for *au pairs* (Godin, 2013).

Recently, the Centre for Equal Opportunities and Opposition to Racism determined problems of fraud and sham self-employment in the cleaning and domestic work sector. It concerns reports on economic exploitation and trafficking practices in the cleaning industry performed by criminal organizations. Firms employ persons in irregular stay or sham self-employed as sub-contractors of big enterprises. These large enterprises often act as the principal in this system and therefore stimulate exploitation practices (Centre for Equal Opportunities and Opposition to Racism, 2010).



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## 3. Methodology of qualitative research

### 3.1 Research protocol

An international team composed of researchers from the ILO, FIERI, INED, OyG and CeMIS developed a research protocol defining snowball criteria and interview themes; a matrix with interview topics ordered in a life-course manner across different trajectories and migration stages (see Annex 7); a bio-fact sheet structuring biographical information of informants (see Annex 8); and an age-event grid (see Annex 9). The tools were tested during pilot interviews in Belgium, Italy and Spain.

#### Box 4. Snowball criteria

##### Sample selection criteria

- Sample size is dependent on the “saturation” of the already collected data, a tentative target is set at 60 informants
  - 48 third-country nationals, 12 EU nationals
  - At least 10 informants in irregular status
  - Two to 15 years of stay in the host country
  - Currently employed in the domestic work sector, or have left in past 12 months
- Each informant should refer at most two to three contacts
- There should be a minimum of five points of entry per country

##### Diversity criteria

- Nature of tasks of domestic work: personal care, home care
- Nationality: at least five different countries of origin
- *Language*: not only participants fluent in the host country's dominant language
- *Gender*: male migrant domestic workers are not to be excluded, but need not be actively searched for
- Directly employed by *household* or employed by a *third party*
- *Live-in or live-out*

### 3.2 Team of interviewers

To overcome language issues due to the multitude of countries of origin of migrant domestic workers in Belgium and to facilitate an insider perspective (Van Mol et al., 2013), CeMIS decided to create a local team of six experienced international interviewers. The team was proficient in Dutch, English, French, Polish, Portuguese, Spanish, Russian, Romanian and Ukrainian. The interviewers were responsible for locating the informants on the basis of the entry points provided by CeMIS, holding the interviews, and translating and transcribing verbatim the audio recordings using predefined codes for silence, laughter, noise, etc. Two interviews were conducted using an informal interpreter.

### 3.3. Data collection

All interviews took place in the language and the time and place chosen by the informants. The informants were not compensated for the interview except for some drinks during the interview process. Owing to certain circumstances, two interviews are interviews in which two respondents (relatives) participated at the same time.

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All interviewers carried the printed topic matrix with them, however some used a three-page version with each track (migration, social, education and labour) printed on a separate sheet of paper. Nevertheless, this seems to have had no impact on the results of the interview. All the interviews were started with the question “When did you arrive in Belgium?”, elaborating first on the process of arrival and the motives, and second on their employment in the sector. The interviewers were instructed to not interrupt the respondent unless the discussed topic departed too much from the topic under study. The interviewers followed the matrix very closely, but not in a structured way. Depending on the respondent, the interview lasted from 40 minutes to two hours. The bio-fact sheet was completed at the end of the interviews. Not all respondents were willing to share information in this detailed manner. The interviewers were also introduced in the use of the age-event-grid, but were instructed to use their judgement if the grid was completed during the interview or after the interview.

All respondents gave their written or oral consent (recorded), depending on the eagerness and situation of the respondent. The consent forms were, however, only available in English. All interviewers provided the respondents with contact details of the principal researcher.

### 3.4. Sample

In total, 57 of the 58 interviews conducted were analysed covering 21 nationalities (see Annex 10). During the process of the interview, it was found that three informants had been in Belgium for over 15 years. One Moroccan informant did not speak Dutch, English or French. She also did not remember the date of arrival. After checking with her sister, she reported having been in Belgium since 1975. The interview was difficult with a lot of misunderstandings and short answers. During the interview, she described a very beautiful situation. It was only after the interview that she started to discuss her problems. This informant was excluded from further analysis.

Most informants come from third-countries with one-third from Latin America, ten from Africa, nine from Asia, and eight from non-EU European countries. Twelve informants come from EU countries: Poland, Romania and Bulgaria. The sample includes 13 migrants with irregular residence status, 42 migrants with a regular status, and three migrants who did not want to disclose information about their residence status. Most informants experienced periods of irregularity prior to their regular status. There is an under-representation of Northern African, South Asian and Turkish migrants. All informants with irregular residence status worked in the informal economy for private households. The majority of informants with a regular residence status were working in the service voucher system, four worked in the informal domestic sector and seven mixed their work in the voucher system with positions in the informal domestic work sector. It demanded some effort to find male informants who were willing to participate in the research, resulting in the presence of only seven male informants in the sample: Philippines (2), Nigeria (1), Ecuador (2) and Bulgaria (1).

Overall, the snowballing procedure did not work out properly. Few informants were willing to share contact information and the possible “snowballed” informants who were contacted were not eager to participate, sometimes because they felt insulted because their contact information was shared. Most informants were located by the interviewers or via social organizations. Most of these organizations provided one or two entries. Only Samahan and La Voix des Femmes provided more than three entries: Samahan because they could provide us with *au pairs*, and La Voix des Femmes provided ten entries (of which six were used) spread across four nationalities.



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### 3.5. Analysis

On the basis of the analyses by each international team of a few of their interviews, a coding tree composed of two streams was developed by CeMIS and FIERI based on the broad structure of the topic matrix and put to test. After the pilot coding of the first coding tree by CeMIS, FIERI and OyG with logistic support of ILO Geneva, CeMIS decided to develop a more simple one-stream design (see Annex 11). At CeMIS, two researchers participated in the analysis. In a first phase, the interviews were coded and introduced in NVivo 9. Next, gaps in the bio-fact sheet and age-event grid were completed and a summary of the interview was prepared. Finally, the researchers executed a vertical, horizontal and transversal analysis using NVivo9, the bio-fact sheet, age-event grid and the summary defining major themes.



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## 4. The qualitative research: Stories of 57 migrant domestic workers in Belgium

The concept of migration careers (Martiniello and Rea, 2011) is useful to explain the dynamic interplay between labour trajectories and quality of work; individual characteristics, such as educational and working experiences and language proficiency; and contextual opportunities, such as changes in the administrative migration status, access to services and social capital. Most migrant domestic workers in our sample entered the domestic work sector to ensure an income, because they faced difficulties in overcoming a complex set of barriers to other forms of employment or social opportunities, including limited language proficiency, unfamiliarity with local labour market institutions and practices, low or no recognition of their work experience and qualifications gained abroad, and the struggle to regularize their administrative status. The interviews reveal three major phenomena determining the labour market mobility and employment conditions of the interviewed migrant domestic workers.

First, similar to what has been demonstrated by others (Sohler and Lévy, 2013; Rosenfeld et al., 2010), the improvement in living and working conditions of the migrant domestic workers in our sample is closely linked to the regularization of their residence status and, consequently, the access to declare employment in the formal economy. In general, informants move from the informal to the formal domestic work sector, in particular to the service voucher system, once they manage to regularize their residence status. Second, language proficiency – more than educational attainment – seems to influence the possibilities of the informants to improve their working and employment conditions by changing from informal to formal positions in the domestic work sector, or by entering other labour market sectors. Third, for most informants, the social network (co-nationals, friends, employers, neighbours, family, etc.) seems to play an important role in regulating their residence status and for accessing the job market inside and outside the domestic work sector. It has been demonstrated elsewhere that migrant careers evolve in close interaction with the development and strengthening of the migrants' social networks (Timmerman et al., 2012; Colruy et al., 2008; Godin, 2013). Besides their role in the recruitment process, social networks also seem to serve as important sources of information or assistance, for example, in finding accommodation, or during and after the regularization procedure.

In the following sections, these migration careers are analysed in more detail, also looking more closely at the flaws in working conditions they encounter in the domestic sector and the strategies they deploy to overcome these flaws. First, the migration trajectories and the motivations of migrants to enter the domestic sector are presented. Second, the quality of work standards are analysed critically in both the informal and formal economies. Finally, the strategies to improve working conditions and advancements in migration careers are discussed.

### 4.1. Migration trajectories

#### 4.1.1. *Different motivations to migrate lead to different trajectories in domestic work*

Not all interviewed migrant domestic workers migrated to Belgium for the purpose of entering the domestic work sector. In fact, only a small group of informants migrated to Belgium for the purpose of working as a domestic worker. Most of them already had a well-developed social network in Belgium through which they obtained the information of possible jobs in the domestic work sector. This group mainly includes migrant domestic

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workers from Latin America, in particular migrants from Ecuador, and migrant domestic workers coming from the Philippines. In the case of the Philippines, there seems to exist very active and sometimes formally organized channels through which domestic workers are recruited especially to work in diplomatic households and as *au pairs*. However, except for the migrants that enter Belgium under special programmes, such as *au pairs* and the domestic workers in diplomatic households, none of the informants were granted residence and work permits on the basis of their work as a domestic worker at the time of arrival. Some key informants underline that it is very difficult to obtain a work permit B on the basis of domestic work, since domestic work is not on the list of jobs for which a labour supply shortage exists. Other migrant domestic workers in our sample came to Belgium for educational purposes, or for economic reasons to escape economic crisis and find a better job in Belgium.

A particular group of informants are international students, especially coming from African and Eastern European countries, since most of them were issued a student visa valid until the end of their respective study programme. Hence, they entered Belgium in a regular way and were granted a residence permit and a student work permit C for the period they were officially enrolled in the study programme. Although most of them are usually granted a work permit C, they do not all work in the formal domestic work market. Some prefer the informal economy because it is more profitable considering their short stay and lack of aspirations to remain a domestic worker. What typifies this group is that domestic work is voluntarily chosen in function of their studies. In their search to find a part-time job position to cover additional costs (rent of the room, course material, transportation, food, tuition fees, etc.), the students entered the sector due to the flexible character of domestic work making it possible to combine work and study. As a domestic worker, it is possible to work only for a few hours a week and to reduce job engagements during periods of examination. This makes it easy to combine the job with their studies. They mainly find the job positions through ads in the newspapers, the internet, job agencies or message boards at the universities. Most of them do not have the intention to keep working in the sector after graduation. They want to find a job that matches their expertise in Belgium, their country of origin or elsewhere. Because most of the informants in this group were still finishing their studies at the time of the interview, it is difficult to evaluate if these aspirations to find a job outside the domestic work sector or to return to their country of origin hold. One informant from Gambia, who arrived in Belgium in 2004, overstayed her student visa and residence permit and married a Belgian national to regularize her situation. However, she did not finish her masters due to financial constraints. She remained in the domestic work sector still hoping to finish her studies and escape the sector:

“Fortunately I met with a Belgian man. We got married so I could stay here longer because after 2005 I had to go back. I could not pay my school fees so I got married to stay here. This is how I got my stay residence. In doing so I could help my family in Africa. I did start to work in domestic services in 2005.”

Another group of informants migrated to Belgium for general economic reasons, such as the poor living conditions and absence of beneficial and stable jobs in their country of origin. Some of them were convinced by relatives in Belgium to find a job on the Belgian formal or informal labour market. Others came on an individual basis without contacts searching for better socio-economic conditions in Belgium. Next, there is a specific group of repeat migrants, in particular from Latin America that already acquired Spanish, Italian or Portuguese citizenship, but who are currently fleeing the economic crisis which hit hard

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in Southern Europe.<sup>4</sup> Another group of migrant domestic workers in our sample is the groups of Polish, Romanian and Bulgarian nationals who mainly arrived after the EU enlargements in 2004 and 2007.<sup>5</sup> Further, some informants migrated to Belgium for family reunification or training purposes, for changing their life completely after experiencing some negative life course events or for seeking asylum. Nevertheless, for the latter group of informants, economic motives seem important drivers to migrate. A lot of them entered Belgium illegally or overstayed the valid period of their permits and visas, therefore becoming an irregular immigrant. Although, at the moment of the interview, most informants resided regularly in Belgium with a large number of them holding five-year residence permits, several were trapped for many years in an irregular situation having a history of long and obscure regularization procedures. What typifies this group is that their main purpose for migration was not to work in the domestic work sector, but several reasons, such as non-recognition of their foreign diploma or work experience, lengthy regularization procedures or their low proficiency in Dutch or French forces them into the domestic work sector. Their aspirations are to improve their working conditions by changing from informal to formal domestic work positions, or by entering other labour market sectors, considering domestic work as a temporary necessity to ensure a living. These aspirations depend on age, the prospect of regulating their residence status, their educational attainment and professional experience, the previous migration experiences and experiences as domestic workers.

#### **4.1.2. Different regularization paths lead to different trajectories in domestic work**

The interviewed migrant domestic workers entered Belgium in various ways and with various types of visas, which highly determines the options available to the respective migrant domestic workers to regularize their residence. Because they are holding the citizenship of another EU27 country, it is relatively easy for Polish migrants or repeat migrants with Spanish, Italian or Portuguese citizenship to regulate their stay and find a job in the formal economy. Illustrative is the case of the Polish informants who described that, before the removal of the transition arrangements imposed on workers from Member States that joined the EU in 2004, it was nearly impossible to work as a formal domestic worker. After the removal of the restrictions in 2009, many of them were easily provided with a contract by service voucher agencies because they could bring along a lot of their own clients from their previous informal live-out positions. On the other hand, migrant workers from Romania and Bulgaria still face labour market restrictions in Belgium until the end of 2013. They can only receive a residence permit if they find a job from the list of jobs for which a labour supply shortage exists or if they settle themselves as self-employed. In other labour market sectors, it has been found that, in order to circumvent these transitional arrangements, Romanian and Bulgarian workers are detached by companies located in their respective countries, or convinced to be contracted as sham self-

<sup>4</sup> The influx of repeat migrants as well as native-born citizens from Spain and Portugal are confirmed in the interviews with key informants. Because of the delay in data entry in the available national data sets, it is difficult to confirm this phenomenon statistically; however, some local data sources [for example, the neighbourhood monitor (*buurmonitor*) of the city of Antwerp] show a recent influx of Spanish nationals in Antwerp.

<sup>5</sup> The recent influx of Polish, Bulgarian and Romanian migrants into the domestic work sector is also described by other interviewed migrant domestic workers as well as the key informants in the sector. This correlates with studies and data on the recent migration flows from Middle and Eastern Europe (Wets, 2011) and the significant representation of migrant domestic workers with a Polish background in the service voucher system (IDEA Consult, 2012).

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employed individuals. Often, these practices lead to poor working conditions and partial or no social security coverage for the workers in question. Also among the interviewed migrant domestic workers, three of the Romanian informants were persuaded to set up their own company, which gave them the opportunity to work legally. In reality, however, they had an occupation under the authority of a contractor and were rarely aware of the obligations attached to having a self-employed status. In most cases, the contractor promised them to pay for social security. However, frequently he did not stick to this promise, as is the case with the following female migrant from Romania:

“We registered as helpers of an independent at the municipality, he told us that he would pay everything needed, but what happened was that he never paid these contributions and we had to pay €2000 to Acerta [Belgian organization responsible for the social security of independent workers].”

Most informants from other Middle and Eastern European countries and ex-Soviet countries and some African informants came as asylum seekers applying for refugee status in Belgium, and were provided with material, medical, legal, psychological and social assistance, and language and vocational courses during the asylum procedure, in accordance with Belgian asylum law. If the asylum seeker has not received a decision after six months, he or she can apply for a work permit C, which provides unlimited access to the labour market. All interviewed asylum seekers highly appreciate the guidance of the social worker, which increased their abilities to integrate socio-economically once they received a positive decision and were granted refugee status. On the other hand, if the application is declined, the material, medical, legal, psychological and social assistance is reduced to the general medical emergency care, leaving the migrant who irregularly overstays in Belgium no other option than to enter the informal labour market in search of a job and support from other social organizations. An Armenian informant, for example, ended up with a good level of Dutch and a number of vocational training certificates; however, he was unable to capitalize on this training, since no employer could hire him due to his irregular status. He was therefore forced to safeguard the family income with occasional positions in the informal domestic work sector.

Many informants tried to regularize their residence situation during one of the one-off regularization campaigns in 2000 and 2009, or on the basis of medical regularization criteria, family reunification, or the permanent criteria which came in to place in July 2009. Some key informants stressed that the possibility of economic regularization, which was provided in the regularization campaign of 2009, was perceived by many social organizations as an opportunity for the migrant domestic workers to get their residence situation regularized. Subsequently, they started to inform their target groups about these specific modalities. A lot of our informants submitted regularization applications based on multiple criteria: children enrolled in school; parents with minors; other humanitarian reasons, such as family members in need of personal and medical care; and long durable social or economic integration. For the latter criteria, many of the interviewed migrant domestic workers asked their employers to write recommendation letters stating that they were employed as a domestic worker and that the employers would provide them with a formal contract if the respective domestic workers would receive a positive decision. However, although some of our informants were provided with a full-time contract and a work permit B by the service voucher agencies, only one seemed to have regularized her residence status via the economic regularization as a live-in domestic worker.

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## **4.2. Main drivers to enter the sector**

### **4.2.1. Domestic work as a “fire-man” job**

In addition to the high living costs in Belgium, informants also pointed out indirect pressures to accept an easy-to-access job as a domestic worker, such as repayment of debts related to their migration trajectory, or remittances to their family in their country of origin. A female migrant domestic worker from Romania, for example, considers domestic work as a temporary necessity:

“For me this type of work is like a ‘fire-man job’ to save the family budget, to survive here. But I cannot do it forever: I do not like it; I am tired and so on. But I understood that this is what Romanian women do all the time. ... I know women who no matter what profession they had in Romania work here in cleaning for 9 years now. Legally or illegally.”

Moreover, the administrative procedure to regulate their situation or get eligible residence and work permits takes time. Family reunification in Belgium, for example, demands at least nine months during which the applicant is not allowed to work (Vassart et al., 2011). Other interviewed migrant domestic workers waited several years for a decision on their regularization application submitted during the one-off regularization campaigns in 2000 or 2009. This long waiting period tends to push migrant domestic workers into the informal domestic work sector.

### **4.2.2. Low-level of knowledge of Dutch or French**

Another reason reported by the interviewed migrant domestic workers to work in the sector is the language barrier. They state that it is very difficult to find a decent job if you are not able to speak the language. They solve this problem by entering the domestic work sector, where you can work for someone who speaks the same language, or by accepting a job in cleaning where you do not need to communicate at all. Especially in the informal economy, low language proficiency is not perceived as a big problem, since employers are found through the migrants’ social network and therefore it is more likely that they speak the native language of the migrant domestic worker. As the following female migrant from Chile demonstrates:

“I cannot have the chance to get another work because I don't have the conditions to do that. The conditions are that I don't speak French and I don't know to write it correctly and I don't know to speak it ok. So I wanted other job, but I want to do what I am doing ok. What I am doing is something that the Belgian people don't do. They don't clean houses nor look after children.”

### **4.2.3. Male migrants entering the female-dominated domestic work sector**

During the interviews, the male domestic workers state that their sex does not affect their relationship with the employers or clients. One Filipino and one Ecuadorian informant reported that their clients even prefer their services over those of their female predecessors. The interviews, nevertheless, demonstrate that male domestic workers predominantly perform cleaning tasks. This was confirmed by the female informants describing the caring tasks as typical women’s tasks.

Rosenfeld et al. (2010) explained the under-representation of male migrants in the domestic work sector as a result of the different opportunities by which male migrants can find jobs in other economic sectors. However, some male informants state that to enter the sector was a deliberate choice for a more stable income as well as avoiding the risk of getting caught by the police on construction sites. Domestic work is a more permanent and

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recurrent job in contrast to, for example, painting or tiling which needs to be done only once. Further, domestic work seems less demanding with better working conditions compared to other sectors in which male migrants usually work, such as industry, farming or construction. An irregular male domestic worker from Bulgaria states:

“I stayed in cleaning because it's the same salary, almost, like in construction. And I would prefer to work in cleaning than in construction because in construction it is a bit hard and gives the same money.”

#### **4.2.4. Hopping from the formal to the informal domestic work sector**

An important influencing factor in the decision to work as a formal or informal domestic worker is better working and employment conditions, including paid holidays, social security coverage with health insurance and pension, and the higher salaries that are characteristics of formal work. However, the migrant domestic workers who were interviewed indicated that working in the informal sector was not always a matter of personal choice, since their ability to work in the formal sector is strongly determined by their administrative migration status. In general, it seems that informants tried to move out from the informal to the formal domestic work sector, in particular the service voucher system, once they managed to regularize their residence status. Whereas all informants with irregular residence status work in the informal economy for private households, the majority of informants with a regular residence status are working in the service voucher system. Seven mix their work in the voucher system with positions in the informal domestic work sector. Reasons to do so are the higher degree of flexibility and short-term benefits of informal work, as described by a Brazilian migrant domestic worker who works in the voucher system:

“So I work around 19 hours per week ... I didn't ask for more ... That's almost €1000 which is enough for me. The director of service voucher agency is always asking if I want to work more but I always tell her: 'No'. But if I can find a house like this [informal position]: for instance, I do a house on Saturday outside the agency, I clean one office and they pay me cash. That means that I have cash in hand. That makes it easier to get to the end of the month. I have to save my body for those hours as well, I need to rest. ... If I relied only on the agency, it would be good in one sense, but bad in another, in the sense that I could damage my health. I need days off to take care of some things, either bureaucratic, my documents, or even in my home, anything that I need to do.”

Box 6 presents some advantages and disadvantages of informal and formal work reported by the informants, which influence the decision to shift from informal to formal work.



**Table 6. Advantages and disadvantages of informal and formal domestic work**

	<b>Informal work</b>	<b>Formal work (depending on contract)</b>
<b>Advantages</b>	<ul style="list-style-type: none"> <li>▪ Easier to find a job if you are not proficient in Dutch or French</li> <li>▪ Possible if undocumented</li> <li>▪ Flexibility in agenda planning</li> <li>▪ Cash in hand</li> </ul>	<ul style="list-style-type: none"> <li>▪ Insurance</li> <li>▪ Health insurance</li> <li>▪ Social security</li> <li>▪ Paid public holidays</li> <li>▪ Paid vacation</li> <li>▪ Vacation bonus</li> <li>▪ New Year bonus</li> <li>▪ (Partial) transportation fee</li> <li>▪ Right to take a break</li> </ul>
<b>Disadvantages</b>	<ul style="list-style-type: none"> <li>▪ If you do not work, you do not get paid (e.g. in case of sickness, when employer on vacation)</li> <li>▪ No transportation fee</li> <li>▪ Anxiety of being caught</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Service voucher</i>: not allowed to clean windows, babysit ...</li> <li>▪ Language proficiency required</li> <li>▪ Not possible without work permit</li> </ul>

### **4.3. Low standards of quality of work in both formal and informal economy**

In general, the interviews demonstrate that the conditions in the informal economy are worse compared to those in the formal economy, both in terms of contractual status, wage level, working hours and social protection coverage. Better working conditions and social security benefits were the main reasons why informants wanted to find a job in the service voucher system. However, even the informants working in the voucher system, which is nowadays being promoted internationally as one of the good practices to regulate the domestic work sector, encounter flaws in quality of work standards.

#### **4.3.1. Exploitative employment and working conditions in the informal sector**

The reported wages of the informal domestic work market are very low, ranging from €3 to €7 per hour, which is lower than the general minimum wage in Belgium.<sup>6</sup> The irregular status of migrant domestic workers, their immediate necessity to accept the work to earn an income to survive, and their dependency on the employer resulting from the few effective options to leave a bad employer for a better one, seems to provide the employer with bargaining power to maintain these low rates. The interviews highlight two additional contextual factors that seem to keep wages low: a recent influx of labour migrants from Southern Europe accepting very low wages, and the introduction of the service voucher system, since some employers tend to refer to the cost of a voucher worker (cost of a

<sup>6</sup> The minimum wage for an individual older than 21 years of age is established at a minimum of €8,43 per hour for a 38-hour week since 1 October 2008.

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subsidized voucher minus tax benefits) as a standard. The latter phenomenon is explained by the following Romanian female worker:

“A family where I was working the most hours paid only €5 [an hour]. The woman wanted me to start working for her legally in the voucher system. They were just starting to appear back then but I was still struggling to get my papers then. So I could not work for her legally. And she told me she would wait for me because I was hard working. But she told she could hire me only in these conditions so she did not want to pay me more because she could find somebody else for the same amount of money to work legally for her. She was paying me only €5.”

Working with a written contract defining the content of work, working hours and remuneration does not seem to be a common practice in the informal economy. This frequently causes problems with the employer modifying the oral agreement unilaterally: the agreed upon wage is not paid, supplementary and usually unpaid tasks, working hours are imposed by the employer, jobs are cut on short notice without compensation, etc. Regarding worker-induced absence, for example in case of sickness, most informal workers are not paid for their leave, which forces them to keep on working even when they suffer from serious health problems.

Several informants describe situations in which they were not paid the wage they agreed upon, as demonstrated in the following story of a female Chilean live-in domestic worker:

“I was very clear and I told her that for three weeks I could work earning an amount of €800, the amount I was paid [per month]. But she told me that after two months on probation I would be paid €1000. She never paid me. I had to live with them and they charged me the rent and the food... When I asked after six months of work about the agreement of the €1000, she told me that it was included because they were charging me €200 because of that, and that, and that other thing... Then I told her that it was not the agreement and we had to agree because I was not happy. But due to my lack of contacts outside, I could not quit.”

Although contracts defining the terms of employment are often absent, some informants are provided with a written list of tasks that they had to execute. A few workers, in particular male informants and Polish migrants, exclusively perform cleaning services, mainly in live-out positions. Most live-in, and many live-out, domestic workers combine cleaning, cooking, babysitting, shopping and occasionally personal care services. Usually the task load largely exceeds the amount of hours and payment employers foresee to complete all tasks. To have too little time to complete the tasks is something which causes a lot of stress in the informants. They want to perform the best they can in order not to be replaced by another worker. Moreover, it affects their self-respect since, as domestic workers, they want to complete the tasks and leave the house tidy and clean. Hence, it is a common practice among the domestic workers in the informal economy to stay and finish the tasks which are commanded on an unpaid basis. Another phenomenon frequently reported is an increase in supplementary working hours demanded by the employers, but usually left unpaid or underpaid. One female domestic worker from Ecuador, who is waiting for a decision on her regularization application, reported such an experience with her previous employer. In 2005 she started working for an elderly man, two days a week during the weekend, executing household tasks; but the position gradually developed into a 24/7 live-in position giving household, personal, and even light para-medical care. Although her task load, responsibilities and working hours increased considerably, her wage did not rise proportionately: from €1200 per month for five days a week during daytime hours only, to €2000 per month for the 24/7 position.

Arrangements about compensation for periods when the domestic worker's services were not required seem rare as well. Dates of work and holiday are mainly decided by the employers without negotiation with the workers. Many informants report that cancellation of a job on very short notice was a common practice. During the employers' holiday, most migrant domestic workers are left without income. Others report that they were obliged to join the employer during the holidays to continue working.

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### **4.3.2. Flaws in quality of work standards in the service voucher system**

As soon as their administrative migration status got regularized, the majority of interviewed migrant domestic workers seem to start working in the service voucher system. Most informants are contracted by private, for-profit agencies and temporary work agencies, which correlates with the data published by IDEA Consult (2012). The interviews show that the agencies are not keen to provide a starting domestic worker with a long-term, full-time contract. Most informants started with temporary contracts for a limited number of hours and received a permanent contract automatically once they had been on contracts with the same company for more than three months. The migrant domestic workers interviewed indicated difficulties in finding an agency to work for. They underline the fact that there are more and more migrant domestic workers who offer themselves to work in the service voucher system. Therefore, agencies would only accept workers who can bring a high number of potential clients with them. This makes it difficult for those domestic workers who do not have such a high number of employers, such as full-time live-in domestic workers who want to shift to the service voucher sector. Workers who do have employers attempt to bring these along as clientele to the agency. In this way, the migrant domestic worker has a greater chance of being employed at the agency. As a Russian service voucher domestic worker with regular residence status describes:

“In our agency told us: ‘Find your own customers’. And I have to find myself the clients, who will purchase the checks in agency and then the agency can employ me officially. Only then they will sign a contract. ... Many domestic workers want to work with vouchers, but many of them are working illegally because the agency does not want to employ them officially when they did not bring to the firm their own clients. ... You should find clients for a minimum of 13 hours per week to get contract. If you only have 2 clients and 8 hours per week the agency says: ‘It is not for us, you should find more customers at least 5 hours and then we will arrange a legal contract.’ Hence, they forced me to work illegally, without a contract.”

Although contracts in the service voucher system clearly states the terms of employment, including the working hours and wages, many informants complain about the lack of transparency in the calculation of the wage, the arrangements when the client does not show up, and the content of work they should and are allowed to execute. Moreover, few agencies seem to explain workers about their social security benefits, unemployment benefits, labour rights and insurance. Sometimes, they even consciously misinform workers. A Russian worker, for example, was told by her Russian employer that she would not receive paid sick leave and was threatened with dismissal if she would take such leave. Another domestic worker reported that the service voucher agency run by a Romanian tried to convince her that she did not have the right to take a break for lunch:

“As a worker I have some rights and some obligations. We only know our duties, and are never told about our rights. One whole year we were told we have no right to take a break. We were told that in Belgium there is no lunch break”

The interviews also demonstrate that in case of non-presence of the client due to, for example, a last-minute cancellation or when the client departed on holiday for a few days, it is not always replaced by another position. More often, the workers are not paid or are demanded by the agency to take a day off. This is, for example, illustrated by the following experience of a domestic worker with regular residence status from Belarus, who works but who was not paid after the last-minute cancellation of one of her clients:

“They do not pay because he did not say anything in advance! But that is not my fault. Or may he call you at 9 p.m. and say that tomorrow he does not need you? First, why he is calling at 9 p.m.? Nobody will call to any Belgian in the evening or at 7 a.m. Nobody. And we must explain it to our agency.”

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To resolve the issue of non-presence of the client, private for-profit companies and temporary employment agencies frequently seem to resort to the possibility of temporary unemployment, during which workers can claim unemployment benefits from the trade union. According to the key informants from both the socialist and Christian Labour Union, the system of temporary unemployment is increasingly misused by private for-profit companies. This correlates with the evaluations of IDEA Consult (2010).

The tasks that workers can perform in the service voucher system are clearly defined. It is, for example, not allowed to provide personal care or babysitting. However, informants report that clients demand such services and it is difficult to judge whether they are allowed to perform them. Few companies communicate in detail which tasks can be performed. Some workers contact the agency to inquire about whether they are allowed to fulfil the clients' demand. But informants also face difficulties in discussing with clients about the eligibility of the clients' demand, because the workers themselves do not possess a contract with the clients containing such information, as explained by the following domestic worker from Belarus:

“One client told me to clean the car interior when it was very cold: - 15° Celsius. I cleaned it and she said: “Tomorrow as well”. It was cold, I got sick. Then I called to my agency and asked them: “What should I do?” They told me not to do that job. But why was this not written in the contract? ... So I asked please write what we should do and what not because many workers do not know!”

Moreover, very often domestic workers who brought their own clientele along stick to the agreements they made with their clients when they were working for them informally. This implies that they continue doing some tasks that are forbidden in the service voucher system.

Although the number of working hours is well defined and formal domestic workers are not allowed to work as many hours as in the informal economy, a lot of informants complained about the workload and required flexibility as well. Most domestic workers in the service voucher system combine different clients with an average of two positions a day. However, these positions are not always close to each, other resulting in a high loss of time on commuting. Although most agencies partly cover these transportation costs, the costs for loss of time do not seem to be compensated. Another stress factor occurs if the number of tasks that clients expect of the workers exceeds the working hours the clients agreed upon with the agency. Moreover, many clients seem to come up with additional tasks when the working time is nearly finished. This, as a female domestic worker of Kenya explained, puts the workers in a difficult position, because they want to finish the tasks out of feelings of self-respect, to please the client, and, by extension, to please the agency in order not to lose the job. Performing the additional tasks, however, implies that they need to hurry to their next job where they cannot be late.

#### **4.4. Strategies to improve working conditions and advancements in migration careers**

The interviewed migrant domestic workers deploy different strategies to improve their working and employment conditions and foster their socio-economic integration. Most interviewed domestic workers<sup>7</sup> know at least some of their labour rights.<sup>8</sup> The main

<sup>7</sup> This does not mean that all migrant domestic workers know their rights. An irregular female migrant from Chile explains that irregular migrants “*are living like slaves because they have doubts*”

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information sources are legal assistance provided by specialized social organizations and trade unions, vocational training, and gatherings with other migrant workers during social events. However, few informants in both the informal and formal economy actually seem to use this information and assistance to claim their labour rights.

The interviews reveal that a common way for migrants with either irregular or regular status to improve their working conditions is the exit strategy: a lot of informants attempt to change the harsh live-in positions where they started working during the first years of irregular stay in Belgium, first to live-out positions in the informal economy, then to a job in the formal economy under the service voucher system. Nevertheless, despite the promise of better working conditions, labour protection and social security coverage in the formal economy, some informants decided to stay in the informal economy because of the higher degree of flexibility and short-term benefits of informal work. Others evaluate the opportunity costs for changing jobs as too high and not worth the effort. This is particularly the case if the informants developed close social and emotional ties with their employers. Overall, few informants actually claim their labour rights by approaching trade unions and voice their complaints in direct dialogue with the employers. Migrant domestic workers in the informal economy perceive that they are rarely in the position to refuse the modifications in the employment conditions unilaterally made by their employer. However, workers in the service vouchers sector do not always take action in case of a violation of rights either. Most informants who were working under the service voucher system were members of a trade union for the instrumental reason that the union provides compensation in the event of temporary unemployment. But few informants turned to the unions in case of a violation of their labour rights. Most of the informants did not react to the ineligible and unrealistic demands or other abuses of clients. In addition to the traditional power imbalances between workers and the employers or clients and the emotional bonding, the options of migrant domestic workers to foster their labour market mobility and socio-economic integration by deploying such exit and voice strategies highly depends on their opportunities to broaden and strengthen their social network, to improve their knowledge of Dutch and French, and to regularize their residence status.

#### **4.4.1. Emotional bonding and power imbalances both in the informal and formal economy**

The relationship between worker and employer in the informal domestic work sector is typified by strong power imbalances, paternalism, dependency and, in addition, is characterized by strong feelings of social and emotional attachment of the workers towards the employers. As already demonstrated above, the dependency of the informal domestic workers on the employers puts the employers in a powerful position to define the terms of employment and the working conditions. Especially at the time of arrival, migrants are

*because never were told about [their rights]. Nobody never informed them and due to the fear to ask for they continue with the same situation ... But the fear exists until you know you have rights ... until you know you are supported by some organization*". The fact that the snowballing procedure was partly channeled through social organizations working with migrant domestic workers could result in the increased awareness of the informants in our sample.

<sup>8</sup> On paper, non-EU migrant domestic workers with regular residence status working with regular permits in the formal domestic work sector have the same employment rights: the standards of wage, working time, contracts and job security; and the entitlements to social security as other EU workers. Also migrant domestic workers working in the informal economy, irrespective of holding a regular or irregular residence status, are by general labour law guaranteed a minimum of rights to a legal minimum wage in cash, to safe work and compensation after a work-related accident, to sick pay, and to a minimum of labour protection against dismissal.

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forced to accept low wages and long working hours to have an income to survive and/or a place to stay. This is particularly the case for migrants with an irregular residence status, but often also for migrants who enter Belgium with the necessary residence papers, due to the sometimes long administrative procedure necessary for the regularization of their stay, or for accessing social benefits. These feelings of dependency seem to be reinforced by the constant fear of being dismissed and left without an income. As explained by a Bolivian female migrant domestic worker with irregular status:

“As I told you: if you don't have documents. ... In the beginning they told me not to come during the coming week. But the problem is that they get used to do and take profit of you more often. I don't complain because then I suddenly think that I can have a problem, and they get mad and upset and do not call me anymore and fire me. So, I have to go with it. For example: they phoned me today to let me know that I do not have to work tomorrow. And I did not complain at all.”

The interviews show that live-in domestic workers, above all, are pushed into such dependency relationships since they depend on the employer for their accommodation and they sometimes face physical isolation that hampers their access to existing support services and networks that provide valuable alternatives. Such was the case for the Chilean live-in domestic worker, described above, who accepted the unilateral modification of the terms of employment made by the employer because she could not quit. Further, the perceptions that, due to the informal character of the work, the whole employment relationship takes place outside the scope of labour rights seem to cultivate a feeling among the irregular migrant domestic workers that the employers are entitled to award rights and compensations as a reward for good performance. Some informants report that their employers foresee the provision of some compensation in case they do not need the workers' services, to avoid that the workers have to take up other jobs. A female domestic worker from the Philippines is paid a part of her daily wage (€25 instead of €40) by one of her employers if the employer goes on holiday. However, the decision-making power to grant such benefits seems to remain with the employers. An Ecuadorian female domestic worker, for example, was provided with financial help by her employers when she had to undergo serious surgery; but, in the end, she lost her job in that household because she had to stay home for a long time during her recovery. Thirdly, because domestic work is performed in the intimacy of the private household, the relationship between the worker and employer seems prone to strong emotional bonding, both from the part of the workers and the employer. A lot of informants feel as though they are part of the family, feelings which are sometimes reinforced by the fact that employers give them presents, help them to learn the language, recommend them to their acquaintances, or provide them with information about how to regularize their residence status. The downside is, however, that by this emotional bonding, the workers are placed in a very contradictory position. For some, the feelings of being a part of the family prevent them from perceiving exploitative situations. Others seem to acknowledge the abuses and violations of their rights by the employers, but the emotional bonding prevents them from leaving the abusive employers for a better employer because they feel responsible for the family. In the same vein, feelings of reciprocity towards the employer may prevent them from fighting the abuses or raising their voice out of fear of endangering the friendship. These feelings of responsibility are sometimes manipulated by the employers, begging the domestic worker not to leave the job because the children are so fond of them.

The interviews show that that even in the service voucher system, which receives a lot of attention internationally as one of the good practices to improve the situation of the domestic workers, the migrant domestic workers perceive themselves as having little power to successfully negotiate with their employers and clients to ensure their labour rights and improve their employment and working conditions. The interviews show that the power imbalance in the relationship between worker and client and the dependency feelings of the domestic workers remain. Many clients continue to demand unreasonable tasks, and few workers feel themselves capable of reacting. The fact that most interviewed

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migrant domestic workers had to bring along their own clients reproduces the dependency feelings. Usually, the workers approach the employers, asking them to join the service voucher agency. The employers have the power to decide not to join if, for example, the worker does not want to, or will not be able to keep doing the tasks and working under the same circumstances as they did as an informal domestic worker. At times, however, there also seems to exist an intense emotional bonding between the domestic worker and the employer, which makes the domestic worker feel obligated to do the same tasks, and prevents them from recognizing and reporting abuses and violation of their rights. This seems even more relevant for the informants who experienced that their previous employers helped them to regularize their residence status or to formalize their employment status, as is the case, for example, of the following Polish female domestic worker.

“If I must wash piece of wall I can go up and wash it. I will not make a problem from it. Since I worked the same unofficially and I will do it because I do not want to lose my clients. ... I do not want to lose them. Because they also helped me when they agreed to sign a contract with my agency to employed me officially.”

Further, the fear of the migrant domestic workers to lose clients and risk their job, combined with the difficulties in finding a service voucher agency to work for, and the fact that in cases of dispute between clients and workers, many agencies take the side of the clients, reinforces these feelings of incapacity and dependency. In some cases, informants approached the trade union for advice when, for example, they were not paid correctly; however, they did not go ahead to file a claim in the end. The most important reason is not to jeopardize the relationship with the agency and the clients. A Brazilian domestic worker reports some events where her working hours were not billed correctly. She was convinced by the trade union to file a claim, but she decided not to take the case further.

“To be honest, I did not take it up with the boss, I could have called to him and told him ‘look, I worked some hours and they were not billed. Why is this?’ I don’t want to make enemies. If I would do that my relationship with them would already have been strained.”

The professionalism in the working relationship resulting from the formalization of the previous worker-employer relationship by the introduction of a tripartite relationship was manipulated by the clients by commanding additional tasks when the working time is nearly finished. This sometimes surprises the workers, recalling the human relations with their employers and flexibility during the time when they were working informally. A female domestic worker from Morocco explained how she felt disrespected as an individual by her client.

“I did all what she left me, I did not take a break and I finished 5 or 10 minutes earlier. After that she told me there are 10 minutes left, that I can do that. And then I looked at her and I told her: “Listen, in these 4 hours I did what nobody would have managed to do.” She said, “Yes, it’s true. It’s not like that, I am very, very pleased with your work, and nobody does what you do”. I said: “Do you know I did not take my 15 minutes break? Now I finished because I did everything. If I finish 5 or 10 minutes earlier I think I can leave.” And she said: “No, I pay you for 4 hours”

#### **4.4.2. Social capital**

For most informants, their social networks (community, friends, employers, neighbours, family, etc.) seem to play an important role in the process of finding jobs, both inside and outside the domestic work sector, and within both the formal and informal labour markets. The information about job advertisements is usually spread by word of mouth, especially in the informal domestic work sector. However, due to the requirement of bringing along one’s own clients, which many service voucher agencies impose upon their workers, the social network seems important as well for the migrant domestic workers in the service

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voucher system. Moreover, since trust is a salient element in employing someone at home, personal recommendations by other domestic workers, clients or employers seem to play an important role in hiring domestic workers. Besides their role in the recruitment process, social networks seem to be important sources of assistance and social support to overcome difficulties faced in terms of working and living conditions; for example, the practice of passing on jobs by social network members can help to overcome sudden periods of unemployment or to change positions.

Upon arrival, or even before arrival, many informants were channelled into a live-in position on the recommendation of family or friends who are also working in the domestic work sector. Once the migrant domestic workers started to broaden their networks by attending activities of social organizations, chatting on the internet or consulting the advertisements in newspapers, message boards and on websites, they would usually find out about other vacancies, which empowers them to leave the live-in position for a combination of several live-out positions. However, live-in positions have a high risk of resulting in physical and social isolation of the migrant from society, in particular when the live-in position is located outside the city centre. A Russian migrant domestic worker explains that, despite the good working and living conditions, the solitude as a live-in worker was depressing, and hindered her social integration and labour-market mobility because it was difficult to leave the house to follow a language course, attend activities of social organizations, or broaden her social network to find new positions. The interviews also demonstrate that the support given by the social network of colleague migrant domestic workers is not always for free, as another Russian female domestic worker explained.

“I had friend from Ukraine ... she also works in the houses and she gave me a few families to work. Of course not just gave, for the money. One monthly salary I gave to her as a payment for the service, for the information that she gave me.”

As soon as the informants started working in live-out positions, employers also seem to play a significant role in these networks, recommending the good performing workers in their circle of acquaintances. However, such dependency on the network of employers or clients and the emotional and social bonding that frequently accompanies it bears the risk of reinforcing the power imbalance and undercutting the power of the migrant domestic workers to react when their labour rights are violated.

For several interviewed domestic workers, their membership in socio-cultural and religious organizations also played an important role in the further development and strengthening of their social network. As demonstrated by the following experiences of a female domestic worker from Nicaragua:

“I also told the sisters of the Church: “If any job is available, please let me know”. And I was spreading the need to everyone. Everything. And once, a sister said to me: “My employer needs somebody to take care of his mother”. So, the priest phoned and spoke in French with my employer.”

Some informants also mentioned that the engagement in such communitarian organizations fills them with pride and self-respect and improves their social position as they can demonstrate that they are respectable persons. Another advantage of this network is that it is possible to find an employer who is proficient in the migrant domestic worker's language, since they attend masses or join socio-cultural organizations within their language community. Further, in search of a way to circumvent their low proficiency in Dutch or French, some informants with regular residence status seem to turn to service voucher agencies owned by members of their communitarian network. In addition to the information that is provided in the migrant's native language, workers can also benefit from the fact that some of the clients will share the same origin as the workers. Moreover, some migrant domestic workers interviewed stated that working for a company created by



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a fellow countryman provides more understanding, for example, for the long periods of leave taken by the migrants in order to return to their country of origin to visit family or attend social events. However, during the interviews, these agencies were also more frequently accused of poor employment conditions and providing misinformation about labour and social security rights.

Gradually, most informants came into contact with other social associations, non-governmental organizations, or public programmes that help them to broaden their network on other than ethnic, social or religious ties. These networks seem to have the biggest impact on the migrants' administrative migration status and actual improvement in quality of work standards since the migrant domestic workers receive more accurate information about rights and opportunities to regularize their status through these networks, and assistance to claim their rights. Or, as stated by the following irregular female domestic worker from Chile:

“Irregular people are afraid. But the fear exists until you know you have rights. ... until you know you are supported, too. When you start to claim your rights is because you know you are... supported by something. I think that most of the girls that come to our group [a self-help group organized by a social organization] have doubts. They are living like slaves because they have doubts because never were told about. Nobody never informed them and due to the fear to ask for they continue with the same situation ...”

#### **4.4.3. Knowledge of Dutch and French**

Language proficiency, more than educational attainment, seems to influence the possibilities of the informants to improve their working and employment conditions by changing informal for formal positions in the domestic work sector, entering other labour market sectors, or claiming their rights through trade unions. The highest achieved diploma of the migrant domestic workers seems to influence their aspirations to change jobs or sectors, whereas the proficiency in Dutch or French influences their actual mobility on the labour market. Many informants are highly educated and experienced (directors, bank managers, engineers, etc.),<sup>9</sup> but started as domestic workers because their foreign diploma or expertise was not recognized. Additionally, their low level of language proficiency, together with their administrative migration status significantly seems to hamper their upward labour market mobility. As is the case for a female engineer with 22 years of professional experience in an international oil company in Romania:

“Whenever I entered an interim office the first thing they asked was Dutch. So from the very beginning you were dismissed for not speaking Dutch with them. After that, the identity card I needed but did not get yet. ... Even if I found somebody nice who was willing to help me to find a job even in English, the person faced the problem of making me a permit of work. The person did not want to go through all the hustle to make me a permit of work. So there is no chance, you have no chance. ... At that point, without knowing Dutch and without connections, I realized that as an engineer I could not find anything. So I started to look for something else.”

Whereas low language proficiency is not perceived as a big problem in the informal domestic work sector, having a basic knowledge of Dutch or French is perceived by most informants as a prerequisite to finding a job in the service vouchers system. For some, this is a felt need since working within the service voucher system implies having a number of

<sup>9</sup> Seven informants hold foreign masters degrees, 11 foreign bachelor degrees and seven finished additional non-compulsory education in high school in the country of origin.

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native Belgians among the clients. Others report that they are not provided with contracts by voucher agencies because of their low language proficiency; however, this criterion seems arbitrarily used by agencies, sometimes as a means to cover up other forms of discrimination. One female domestic worker from Morocco wearing a head scarf and highly competent in speaking Dutch, for example, explains that she was almost never directly confronted with the fact that she was wearing a head scarf, but instead was told that her Dutch was not sufficient. Only one company complained about the scarf, yet she was allowed to wear it because she could deliver a high number of clients. In addition to delivering clients, having a driver's license and a car seems to be a valuable asset to compensate for poor language proficiency. This is reported by a Romanian female, as well as a Nigerian male domestic worker, who were contracted because they were able to use their personal car, although they could not speak Dutch or French fluently.

Another common strategy of circumventing the low proficiency in Dutch or French is by applying to agencies created by compatriots. Many Russian migrants seem to start working in a service voucher agency of Russian employers; the Brazilian migrants enter the service voucher sector via Portuguese-speaking company owners.

In addition to the increased opportunities to exit the informal domestic work sector – characterized by exploitation and poor working and employment conditions – for a position in the formal labour market, the interviews also reveal that low proficiency in French or Dutch often hampers the migrant domestic workers' ability to improve their working conditions by raising their voice and claiming rights. Most informants who were working under the service voucher system were members of a trade union for the instrumental reason that the union provides compensation in case of temporary unemployment. But few informants turned to the unions in case of a violation of their labour rights. The unions are accused of solely providing services in the official regional language, which seems to strongly undermine their function of defending domestic workers' rights because the informants found it too difficult to explain their problems in another language than their own.

Hence, language proficiency seems to be a prerequisite for economic integration, and many interviewed migrant domestic workers want to learn Dutch or French. However, many informants seem to face difficulties in combining their job with language training. This is the case for domestic workers in the informal as well as the formal sector, since language trainings that provide them with certificates mainly take place during working hours. But also language classes during evenings are difficult because the demanding character of domestic work fatigues them. Moreover, when they return home, many have to take care of their own household work as well. Some informants purposely limited the hours of work or stay in the informal sector because it offers more flexibility to follow classes. However, these informants were usually able to do so because they could depend on the income of their spouse or the material support of others. Many other informants started language courses but were forced to stop because of the lack of time, or change in residence status that did not allow them to enrol in the free public language course. For many, the cost of taking a language course is too high, as a Chilean female domestic worker explains.

“One time I was at a temporary employment agency to register myself, they also interviewed me, they said my Dutch is not good and that I need to study it more. But if you find work and the job lasts for the whole day, you are then too tired to start learning. You go to work for the whole day and after that to go to class. When you need the money, I prefer to rather work than to learn the language. It is like that.”

The price of language training also acts as a barrier. After they manage to regularize their residence status, many informants enroll in the free public language courses provided by the regional governments in Belgium under the framework of their integration policies. However, since only newcomers and old comers with residence permits are allowed to

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follow integration trajectories, access is restricted as soon as migrants enter an irregular status. For informants who encountered such a situation, it is difficult to understand the underlying logic of such an integration policy, as expressed by the following female domestic worker from Chile:

“You do not have rights because you do not know French. But because you do not have a permit you cannot go to study. Because even for that you have advantages: to go to study. And it is cheaper. Much cheaper. So, figure out that you want to study a course and they charge you €500 and with a residence permit have to pay less, you can arrange some time to go to study and go every day. These are basic things! They ask you for integration, but the first condition for integration is to know the language in order to demand your rights. But if you do not have the permit, how do you do that? You have to accept things as they come, right? But abuses are because of that, because they know that you cannot speak and understand.”

#### **4.4.4. Migration trajectory**

As already demonstrated above, the improvement in working conditions and the labour market mobility of the migrant domestic workers in our sample is closely linked to the available options to regulate their residence status and consequently their access to declared employment in the formal sector. The lack of necessary residence and working permits is also perceived by migrants with irregular residence status as hampering their actual capability to exploit the opportunities to claim rights or raise voice. As discussed in the previous paragraphs, the lack of valid residence permits frequently pushes them in a dependency relationship with the employers. Further, they do not want to make too much noise and cause too much trouble since they want to keep a low profile, fearing that they will be deported from Belgium if it is discovered that they overstayed their visa/work permit.

Having declared employment and improving one’s working and social security conditions seem to be just two of the motivating factors for starting the regularization procedure. Other major motivations reported by the informants are the constant risk of being caught and deported by the authorities, and the prospect of overcoming the separation from family who remained in the country of origin by travelling without administrative hurdles or through family reunification. Further, most of the migrant domestic workers who plan to stay in Belgium see the regularization of their residence status and their shift to the formal labour market as a way of asserting their contributions to Belgian society. As demonstrated by the following female domestic worker from Chile with irregular residence status:

“I think that is not too much what I am asking for: to be legal, to pay your taxes, to be quiet. We can see the other way: if I work in the black market, I don't pay anybody. Who is losing: me or the state? I am earning because I can give the 100 per cent of the total amount I can earn. But I want to pay as any other citizen, I want to be quiet and enjoy at least one week of vacations. As anybody else.”

The interviews show that the language proficiency and social networks seem to affect significantly the integration of migrant domestic workers in Belgium. Firstly, many interviewed migrants are astonished that public servants only want to provide services in their regional languages, given the fact that Belgium as a country has three official languages. This makes it difficult to collect information necessary for fulfilling administrative requirements, for example, to register themselves in the community or to regularize their work status. Moreover, the information provided in English on official government websites is inadequate. A Brazilian migrant domestic worker with regular residence status recounts:

“They do not have any respect for you. It does not matter if you are Brazilian, Italian, Portuguese: you do not speak the language! But they do not have the least amount of tact or manners. Often they just show you the door without resolving your problem. You cannot

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... speak with them in another language than French or Dutch. You cannot speak English. If you go there with someone that does speak French they are very unwilling to help you. ... Their unwillingness to help is discriminatory. ... So a lot of people prefer to keep being here illegally, making €7 per hour, being exploited, working in inhuman conditions.”

Moreover, in most cases, informants who filed an application for regularization used advocates that were promoted within their social networks. In general, the informants underlined the difficulties in communicating with the advocates who were taking care of their application. Some of them refused to speak a language other than Dutch or French, which made it difficult for the migrants who are not fluent in Dutch or French to explain their case. In the case of the Armenian asylum seeker mentioned above, the advocates who were handling his case suddenly changed law firms without informing or putting him in contact with his new lawyer. Other advocates just do not seem to be trustworthy, and exploit the precarious situation of their clients.

Secondly, it has been demonstrated elsewhere as well that migrant careers evolve in close interaction with the development and strengthening of the migrants' social networks (Timmerman et al., 2012; Colruy et al., 2008; Godin, 2013). Besides their role in the recruitment process, social networks seem to serve as important sources of information or social assistance, for example, to find accommodation during the regularization procedure and beyond.

A few informants deliberately avoided contact with compatriots and community members because they perceived the communitarian networks as reproducing the power hierarchies and constraining social control they wanted to escape when emigrating from their country of origin. Rather than being trapped in such bonding networks, they preferred to bridge the cultural and ethnic boundaries in order to facilitate their socio-economic integration in Belgium by trying to develop friendships with Belgian nationals and attending the programmes of non-community-based social organizations.

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## 5. Conclusions and recommendations

Domestic workers provide an invaluable contribution to societies, yet still too often their work is not valued, and they remain a largely invisible and often vulnerable workforce. The situation of migrant domestic workers remains largely unexplored. Due to their cultural, linguistic and sometimes physical isolation, migrant workers in particular also tend to have little access to existing support services and networks and face specific decent work challenges. Understanding the interrelation between migration, employment regulation and the labour market dynamics is key to a policy response to facilitate their integration. This report presented an overview of the major migration and labour policies with a specific focus on the domestic work sector and migrant domestic workers. Further, the results of a qualitative analysis of the migration careers of 57 migrant domestic workers were presented. Some conclusions and policy recommendations will be made in this section.

### 5.1. Labour market integration of migrant workers in Belgium

In the period between World War II and the economic crisis in the early 1970s, migration to Belgium existed mainly in the context of labour needs that forced the Belgian authorities to look to foreign labour, pursuing bilateral agreements with several countries in Southern Europe and Northern Africa to do so. The worsening economic situation with rising unemployment in the early 1970s forced the Belgian government to tighten the policy practices in the field of immigration. On 1 August 1974, Belgium introduced a formal cap, which means that Belgium officially closed its doors to foreign workers except those with specific qualifications that were absent on the Belgian labour market. Similar to other European countries, the immigration stop did not result in halting immigration. Immigration has simply changed forms, especially with regard to new types of migration and nationalities of the migrants. It remains possible to enter the country, even for the purpose of employment; however, a system of work permits was installed as a protective measure to regulate access to the Belgian labour market, mainly targeting third-country nationals. Next, family reunification, along with study and asylum, has become a privileged immigration route. Hence, there still is an influx of migrants in the Belgian labour market. An inflow of labour migrants from EU27 countries and highly skilled third-country nationals remains. Additionally, immigrants holding work permits B or C acquired as part of the family reunification programme, as international students or as asylum seekers, attempted to enter the salaried labour market (Wets, 2011). Further, an increasing number of immigrants, especially from Eastern EU27 countries, settled in Belgium as self-employed (Wets, 2011; Touquet and Wets, 2013; Mampaey, 2013). Finally, since they do not possess valid residence and work permits, the majority of this important group of migrants with irregular residence status in Belgium search for a job in the informal labour market (OR.C.A, 2012).

If one looks at the labour market integration of the migrant population, Belgium is not performing well. Third-country nationals hold a worse labour market position compared to EU27 migrants and Belgian nationals. They have an unemployment rate that is more than double the unemployment rate of EU27 migrants and Belgian nationals. They present a higher prevalence of being over-qualified for the job they are executing. They seem to be over-represented in part-time and occasional jobs, and are concentrated in physically demanding sectors characterized by lower working and employment conditions, such as industrial cleaning, construction, temporary employment agencies, agriculture, hotel and catering (De Keyser et al., 2012). Furthermore, even without the government actively developing policy measures to resolve the existing labour supply shortages in the domestic work market, both regular and irregular migrants present a higher prevalence of being

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employed in the domestic work sector. Whereas 8.6 per cent of the active population in Belgium has a non-Belgian nationality, 26.6 per cent of the total workforce in the service voucher sector comprises third-country nationals or nationals of another EU27 country (IDEA Consult, 2012). Domestic work seems also an important source of employment of irregular migrants (Gutiérrez and Craenen, 2010).

The lower labour market position of third-country nationals in particular results from a combination of factors, namely the conservative work permit procedure that highly restricts labour market mobility; the low proficiency in Dutch, French or German of most migrants; the complex and lengthy administrative procedures to regulate one's residence status and work permits; lack of recognition or validation of qualifications and experiences gained abroad; and the existence of discriminatory practices in the recruitment process (OECD, 2008; MIPEX, 2012; De Keyser et al., 2012; Capéau et al., 2011).

The interviews with the 57 migrant domestic workers confirm all of these challenges. For many of the informants, domestic work seems to be the only available work opportunity that is easily accessible without good knowledge of Dutch or French, and even without the required residence or work permits. The difficulties to overcome the complex set of barriers – from limited language proficiency and unfamiliarity with local labour market institutions and practices, to the difficulties faced in having their work experience and qualifications gained abroad recognized, and the sometimes lengthy struggle to regularize their administrative status – forces them to enter the domestic work sector in order to make a living. Additionally, the social network of relatives that they can depend upon at time of arrival includes other migrant domestic workers, and therefore seems to channel them into the domestic sector.

## **5.2. Labour market integration of migrant domestic workers in Belgium**

The position of migrant domestic workers in the domestic work market seems worse compared to the positions of native Belgian domestic workers generally – even when taking into account the inequalities and flaws in labour protection, working conditions and social security coverage deriving from the plethora of different statutes that exist in the Belgian domestic work sector. This position at the bottom of the pyramid results from the very fact of being migrant workers. Indeed, when Belgian policymakers introduced policies on domestic work, such as the service voucher system, they had no intention of creating specific opportunities for migrant domestic workers, nor to facilitate a domestic worker migration route. As a result, the options left to non-EU27 workers to migrate to Belgium and work as domestic workers in the formal sector are (1) under the systems of work permit B, mostly as live-in domestic workers, *au pairs*, or diplomatic domestic workers, all of which systems are typified by dependency, strong power imbalances and very limited labour mobility; (2) to enter the exploitative irregular domestic work sector; or (3) to work with little labour and social security protection (Gutiérrez and Craenens, 2010).

However, even in the service voucher system, migrant domestic workers seem to hold worse positions. Migrant domestic workers tend to work more in private, for-profit companies. Particularly the temporary employment agencies show an over-representation of third-country nationals. However, these for-profit agencies do not seem to provide the same quality of work standards in terms of employment conditions, training and working conditions as do the public companies and non-profit companies. Furthermore, the non-EU27 migrant domestic workers seem to suffer longer periods of inactivity, receive less training, and have less knowledge of their rights. Finally, it has been shown that migrant domestic workers also face discriminatory practices on the part of agencies and clients (IDEA Consult, 2012).

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The results of the qualitative research demonstrate that the conditions in the informal sector are worse compared to those in the formal sector, in terms of contractual status, wages, working hours and social protection coverage. The wages in the informal domestic work market are very low. Usually, the tasks largely exceed the hours and remuneration foreseen by the employers, causing a lot of stress in the domestic workers and forcing them to finish work on an unpaid basis. Working with a written contract does not seem to be a common practice in the informal sector. This frequently causes problems with the employer modifying the oral agreement unilaterally: the agreed amount of wage is not paid, supplementary but usually unpaid tasks and working hours are imposed, jobs are cancelled on short notice without compensation, etc. Regarding worker-induced absence, such as sick leave, most informal workers are not paid for their leave, which forces them to keep on working even while suffering from serious health problems.

Informants working in the service voucher system, which is being promoted internationally as one of the good practices to regulate the domestic work sector, also report serious flaws in quality of work standards. Although contracts in the service voucher system clearly state the terms of employment, including working hours and wages, many informants complain about the lack of transparency in the calculation of the wage. Few companies seem to clearly inform workers of their social security benefits, unemployment benefits, labour rights, insurances and content of work, sometimes even consciously misinforming workers. In case of last-minute cancellations by clients, workers are often not paid, or they are instructed to take a day off. The tasks in the voucher system are clearly defined by law: it is, for example, not allowed to provide personal care or babysitting. However, informants report that clients demand such services and it is difficult to judge whether they are allowed to perform them, and equally difficult to discuss the eligibility of the clients' demand, because the workers do not have a contract with the client containing such information. Although working hours are well defined, informants also complaint about an overbearing workload.

### **5.3. Strategies to improve working conditions and advancements in migration careers**

A common way for migrants with irregular as well as regular status to improve their working conditions is the exit strategy: a lot of informants attempted to change the harsh live-in positions where they started working during the first years of irregular stay in Belgium for live-out positions in the informal sector, to a job position in the formal sector under the service voucher system. However, the use of both exit and voicing confrontation strategies seems to be affected by the power imbalances in the relationship with the employers and/or clients resulting from dependency and emotional bonding between workers and employers. Similar to what has been demonstrated elsewhere (Godin, 2013; Solher and Lévy, 2013; Rosenfeld et al., 2010), the qualitative analysis reveals that relationships between workers and employers in the informal domestic work sector as typified by a strong power imbalance, paternalism, dependency, and strong feelings of social and emotional attachment of workers towards the employers. The combination of these dynamics has prevented the workers from exiting a situation of abuse, exploitation or simple dispute in order to preserve the relationship with their employer and consequently keep their job. Feelings of dependency and emotional bonding seem to remain when the migrant domestic workers shift to a position in the service voucher system.

The above findings respond to one of the implicit hypotheses underlying the international popularity of the service voucher system: namely, that the introduction of a tripartite relationship would equalize the power hierarchy between the employers and workers and therefore improve the working conditions. The findings of this qualitative study seem to support an argument to the contrary, formulated by Godin (2013, p. 38), that: “the affective and symbolic component of such an exploitative relationship between ‘master’ and

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‘servant’ is ‘naturally’ being reproduced from the informal to the formal sector. Women who realize how exploitative these relationships are do not always dare to change them”. The fear of the migrant domestic workers of losing clients and thereby endangering their job, combined with the faced difficulties in finding a service voucher agency to work for, and the fact that in cases of dispute between clients and workers many agencies take the side of the clients, reinforces this feelings of incapacity and dependency.

The options of migrant domestic workers to make use of exit and voicing strategies, and thereby fostering their labour market mobility and socio-economic integration highly depend on the complex interplay of social capital, language proficiency and the migration trajectories of the migrant domestic workers, including the opportunities they have had to broaden and strengthen their social network, to improve their knowledge of Dutch and French, and to regularize their residence status. First, similar to what has been demonstrated by others (Sohler and Lévy, 2013; Rosenfeld et al., 2010), the improvement in living and working conditions of the migrant domestic workers in our sample is closely linked to the regularization of their residence status and consequently the access to declared employment in the formal sector. In general, informants move from the informal to the formal domestic work sector, in particular the service voucher system, once they manage to regularize their residence status. Second, language proficiency more than educational attainment seems to influence the possibilities of the informants to improve their working and employment conditions by changing from informal to formal positions in the domestic work sector or entering other labour market sectors. Then again, the possibilities of improving language proficiency seem to be affected by the administrative migration status as well. Third, for most informants, the social network (co-nationals, friends, employers, neighbours, family, etc.) seems to play an important facilitating role for regulating their residence status and for accessing the job market inside and outside the domestic work sector. It has been demonstrated elsewhere as well that migrant careers evolve in close interaction with the development and strengthening of the migrants’ social networks (Timmerman et al., 2012; Colruy et al., 2008; Godin, 2013). The interviews tend to support Granovetter’s (1973) traditional argument of the different role of strong and weak ties. Whereas the strong familial and communitarian ties seem to provide material, social and psychological support during the first settlement period, and launch the newcomers into the domestic work sector, the development of weak ties contribute to the migrants regularizing their residence status.

#### **5.4. Some recommendations**

Little accurate data exist on the number and profile of domestic workers in general and migrant domestic workers in particular, let alone irregular migrant domestic workers. In Belgium, few databases exist that include enough details on tasks, industry and socio-demographic characteristics to accurately analyse the trends in the number and profiles of domestic workers, or even to give an exact figure of the total amount of domestic workers employed formally. This worsens when considering the variety of contracts and statutes in the domestic work sector in Belgium.

Although qualitative research, such as that used to produce this report, can provide relevant insights in how processes and events can influence labour, migration and social trajectories of migrant domestic workers and how those trajectories are intertwined, it is difficult to define exactly what trends and changes result from specific policy measures in the field of migration or the domestic work sector. However, to know about the existing needs and learn from previous policies directly or indirectly affecting the migrant domestic work sector, such quantitative information is necessary.

Following the recommendations of the Nederlandse Vrouwenraad and some parliamentarians, it seems necessary that the responsible government(s) in Belgium place



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on their political agenda the development of a *general, more clear statute for domestic workers*, including the different existing statutes and taking into account the different type of tasks existing in the domestic work sector. The plethora of different statutes creates inequalities among domestic workers in terms of employment and working conditions, labour protection and social security coverage. It creates a confusing situation that makes it difficult for domestic workers to know about and claim their labour and social rights, hence, enabling employers to unfairly exploit this confusion, whether knowingly or unknowingly.

The routes towards such a statutory change could be multiple, ranging from developing a new third-party organization, such as proposed by the Nederlandse Vrouwenraad, to the gradual incorporation of all domestic workers under the service voucher system. However, if the latter option is chosen by the government, the amount and nature of tasks allowed under the service vouchers system has to be renegotiated. If not, the shift of domestic workers from the informal market to the formal market could create grey zones, where domestic workers continue to perform tasks which are currently not allowed in the voucher system, due to emotional bonding with the employer and the power imbalance, which transcend the informal and formal markets. Secondly, the interviews also show the necessity of installing better monitoring systems to control the service voucher sector, with the aim of keeping all employers in the system accountable for the labour and social rights of the service voucher workers. The development of such a general statute for all domestic workers would also support the trade unions in organizing the workers, as well as effectively organizing social dialogue, since the workers would not be scattered anymore across different Joint Committees.

The plans of the federal government on limiting the adaptations in the Belgian domestic work sector, ensuing from the *ratification of ILO Convention No. 189* to the removal of the exemption on social security contributions, is a missed opportunity to solve the shortcomings of the service voucher system already mentioned above, and to recognize the reality of the labour supply shortages within the domestic work market.

Putting all the eggs in the basket of the service vouchers system seems a rather irresponsible attitude of the federal government, keeping in mind that it remains unclear if the regional governments could pay the high costs linked to the system, since the service voucher system will become a regional responsibility after the sixth State Reform (2012-2014). Moreover, because the return on investment caused by the reduced costs of unemployment benefits will continue to benefit the federal government, unemployment benefits remain a federal responsibility.

To solve the labour supply shortages in the domestic work sector, it would be advisable to start a policy dialogue specifically on the options to regulate the residence statute of the high number of irregular domestic workers, including the different Ministries of Foreign Affairs and of Labour at the federal level, and the Ministries of Integration at the regional levels. To do so, it would be necessary to develop a more flexible work permit system for migrant domestic workers, or a specific regularization procedure for migrant domestic workers to regulate their residence status. This could easily be done at regional level by including domestic work on the list of jobs for which a labour supply shortage exists. However, it is necessary that such procedures go beyond the existing system of work permits B or the previous possibility for economic regularization under the one-off regularization campaign of 2009, since the current work permit B is connected to the employer instead of the employee, which reinforces the power imbalances between worker and employer and limits the capacities of the migrant domestic workers to leave bad employers.

Admittedly, the interviews show that a lot of migrant domestic workers did not migrate with the intention of working in the Belgian domestic work sector. In fact, a large

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proportion of the migrant domestic workers interviewed seem to be highly skilled, but they end up trapped in the domestic work sector due to the lengthy administrative procedures to obtain their regularization. Hence, *more simple and rapid procedures for regularization and recognition of foreign diplomas* are necessary in order to enhance the labour market integration of these migrants and optimally use their expertise.

Since language proficiency seems to be a very important factor determining the upward labour mobility of both regular and irregular migrant domestic workers, it is advisable that the regional governments reconsider their decision to limit the *free language and orientation courses* to migrants holding a regular status in order to incorporate irregular migrants also.

Language also seems to play a pivotal role in the effectiveness of *trade unions* in developing a long-term strategy to hold the state and employers accountable for respecting the migrant domestic workers' rights. Providing migrant domestic workers with the opportunity to express themselves in their native language would initiate the necessary emancipatory trust in unions, so that the migrant domestic workers might opt for the more risky solution of voicing their complaints and claiming their rights, instead of silencing their voices because of feelings of dependency and emotional bonding. The fact that trade unions only provide services in Belgium's official languages triggers in migrant domestic workers the feelings of being excluded and discriminated against.

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## **Annexes**

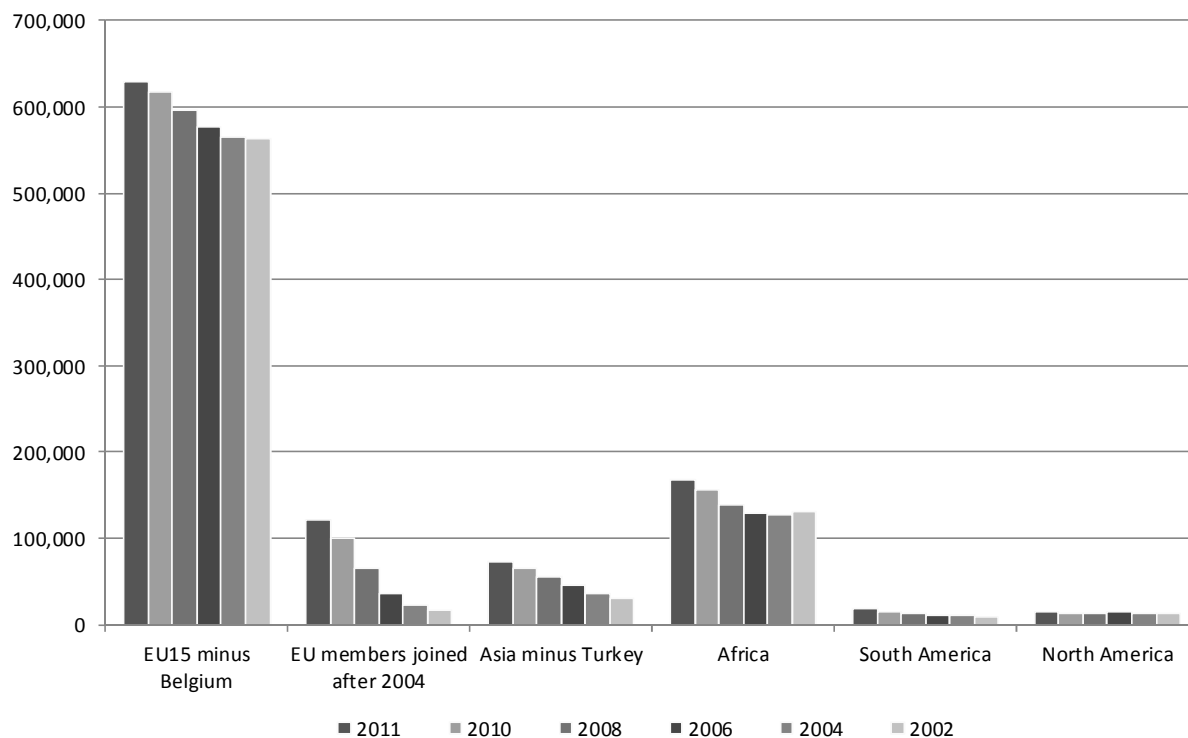


**Annex 1. Evolution of number of foreigners (main migrant groups) by nationality, 2002-2011 (absolute numbers)**

Year	Morocco	Turkey	Poland	Bulgaria	Romania	DR Congo	Russia	Philippines	China	India	Brazil
2011	84,735	39,828	49,661	17,275	33,600	19,647	13,954	298	476	693	227
2010	81,943	39,551	43,085	13,171	26,383	18,056	12,813	113	646	928	234
2008	79,858	39,532	30,392	6,709	15,253	15,027	7,176	109	986	163	860
2006	80,602	39,664	18,026	3,279	7,535	13,454	5,469	133	452	300	721
2004	81,763	4,366	11,570	2,214	4,617	13,823	3,655	405	883	363	160
2002	90,642	45,866	8,884	1,507	3,135	12,974	2,930	276	472	589	840

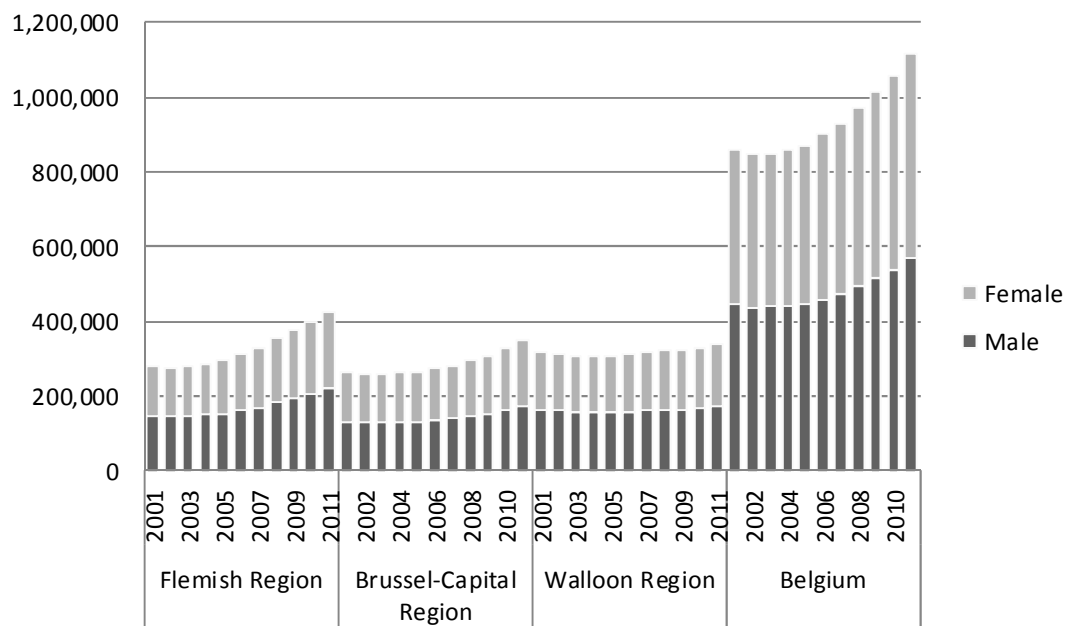
Source: Belgium Statistics, 2012; own calculations

**Annex 2. Evolution of number of foreigners (broad nationality groups) by region of origin, 2002-2011 (absolute numbers)**



Source: Belgium Statistics, 2012; own calculations

**Annex 3. Evolution of foreigners across regions by gender, 2001-2011 (absolute numbers)**



Source: Federale Overheidsdienst Werkgelegenheid, Arbeid en Sociaal Overleg, 2012, stock data per 1 January; own calculations

**Annex 4. Number of foreigners per country by gender  
(January 2011) (absolute numbers)**

Country of origin	Male	Female	Total	Female/male ratio
American countries	13,409	16,772	30,181	1.3
Oceania	448	517	965	1.2
Other European countries	40,600	42,669	83,269	1.1
Asia	32,471	33,739	66,210	1.0
Africa	79,722	76,739	156,461	1.0
New EU Member States (2004 and 2007)	367,568	347,553	715,121	0.9
Other EU	320,205	297,231	617,436	0.9
Unknown	3,015	2,444	5,459	0.8
Belgium	4,774,988	5,007,251	9,782,239	1.0
Thailand	506	2,650	3,156	5.2
Philippines	786	2,327	3,113	3.0
Ukraine	1,050	1,964	3,014	1.9
Peru	360	655	1,015	1.8
Vietnam	421	746	1,167	1.8
Belarus	519	898	1,417	1.7
Brazil	2,008	3,226	5,234	1.6
Ecuador	1,060	1,560	2,620	1.5
Russia	5,701	7,112	12,813	1.2
China	3,939	4,707	8,646	1.2
Japan	2,092	2,451	4,543	1.2
Democratic Republic of Congo	8,705	9,351	18,056	1.1
Morocco	40,798	41,145	81,943	1.0
Turkey	19,869	19,682	39,551	1.0
Algeria	5,216	3,768	8,984	0.7
India	4,128	2,800	6,928	0.7
Pakistan	2,281	1,546	3,827	0.7
Tunisia	2,443	1,522	3,965	0.6
Afghanistan	1,288	762	2,050	0.6
Iraq	2,118	1,190	3,308	0.6

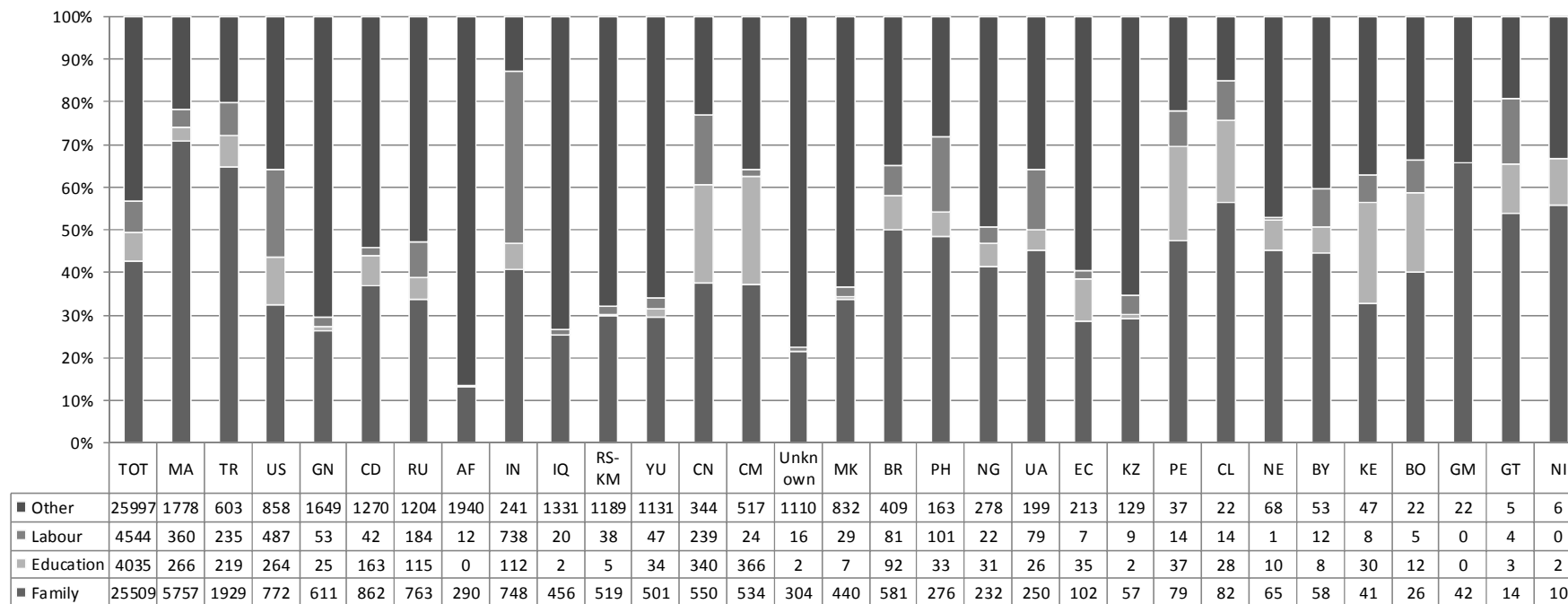
Source: Belgium Statistics, 2012; EUROSTAT, 2012; own calculations

**Annex 5. Evolution of reasons of foreigners for staying by first-issued permit by nationality (main migrant groups), 2008-2011 (absolute numbers)**

Year	Reason	Total first permits	Morocco	Turkey	United States	Ghana	DR Congo	Russia	Afghanistan	India	Iraq	Kosovo	
2008	Family	20,320	5,985	2 121	581	206	639	352	143	645	149	87	
	Education	6,743	623	393	583	32	312	131	0	164	5	4	
	Work	7,097	147	336	723	2	60	164	1	1	1	0	
	Other	12,041	338	372	10	621	1	1	259	978	27	764	2
2009	Total	46,201	7,093	3 222	1 897	861	2 193	1 777	403	2 814	919	93	
	Family	28,523	7,972	2 526	664	481	1 143	615	155	671	289	271	
	Education	7,222	581	427	619	38	297	154	2	230	3	9	
	Work	5,391	308	208	555	20	23	128	20	1	4	4	
2010	Other	17,803	432	489	6	616	1	1	341	254	62	731	778
	Total	58,939	9,293	3 650	1 844	1 155	2 869	613	518	2 317	1 027	1 062	
	Family	28,667	7,556	2 359	738	475	865	929	235	829	339	641	
	Education	5,695	474	331	312	35	216	148	0	204	0	10	
2011	Work	4,134	224	218	456	8	25	146	3	841	1	20	
	Other	29,157	1,810	877	655	1	1	946	318	1	1	1	
	Total	67,653	10 064	3 785	2 161	1 858	2 643	3 183	1 184	2 192	1 563	2 499	
	Family	25,509	5,757	192 9	772	611	862	763	290	748	456	519	
2011	Education	4,035	266	219	264	25	163	115	0	112	2	5	
	Work	4,544	360	235	487	53	42	184	12	738	20	38	
	Other	25,997	1,778	603	858	1	1	1	1	241	1	1	
	Total	60,085	8,161	2 986	2 381	2 338	2 337	2 266	2 242	1 839	1 809	1 751	

Source: Belgium Statistics, 2012; own calculations

### Annex 6. Reasons for staying by nationality (permits issued in 2011) (percentage)



Note: MA = Morocco; TR = Turkey; US = United States; GN = Ghana; CD = Democratic Republic of Congo; RU = Russia; AF = Afghanistan; IN = India; IQ = Iraq; RS-KM = Kosovo; YU = Former Yugoslavia; CN = China; CM = Cameroon; MK = The Former Yugoslav Republic of Macedonia; BR = Brazil; PH = Philippines; NG = Nigeria; UA = Ukraine; EC = Ecuador; KZ = Kazakhstan; PE = Peru; CL = Chile; NE = Niger; BY = Belarus; KE = Kenya; BO = Bolivia; GM = Gambia; GT = Guatemala; NI = Nicaragua.

Source: Belgium Statistics, 2012; own calculations



**Annex 7. Overview of data on regularization on the basis of Articles 9a, 9bis and 9ter of Ministerial Instructions of 19 July 2009, 2005-2010**

Year	New applications (files)	Total of previous applications (files)	Average of persons per file	Regularized persons	Applications still in process at the end of the year
2005	15,927	10,971	2.14	11,630	n/a
2006	12,667	13,399	1.89	10,207	22,016
2007	13,883	18,957	1.81	11,335	n/a
2008	19,371	22,531	1.68	8,369	15,572
2009	26,232	15,152	2.06	14,840	23,846
2010	36,848	28,216	1.57	24,199	40,241
2011	17,771	30,736	n/a	9,503	28,845

Source: Federale Overheidsdienst Binnenlandse Zaken, 2012

### **Annex 8. Matrix with interview topics**

Trajectory	Migration	Social	Educational and professional out DWs	Educational and professional in DWs
<p>“<b>THERE</b>” (before leaving, preparation of departure)</p>	<ul style="list-style-type: none"> <li>• Circumstances of emigration               <ul style="list-style-type: none"> <li>→ Administration: permits/visa</li> <li>→ Channels</li> <li>→ Authorities</li> <li>→ With whom?</li> </ul> </li> <li>• Place(s) of destination</li> <li>• Reasons and expectations</li> <li>• Problematic situations</li> </ul>	<ul style="list-style-type: none"> <li>• Family situation before leaving</li> <li>• Significant others THERE [child(ren), parents, husband/wife, family ...]               <ul style="list-style-type: none"> <li>→ Number</li> <li>→ Age</li> <li>→ Care-giving status</li> <li>→ Reasons to leave behind</li> </ul> </li> <li>• Support of social network/family HERE</li> <li>• DW within Ego's family</li> </ul>	<p><b>Education</b></p> <ul style="list-style-type: none"> <li>• Schooling, training and diploma</li> </ul> <p><b>Labour</b></p> <ul style="list-style-type: none"> <li>• Professional experience</li> </ul>	<p><b>Education</b></p> <ul style="list-style-type: none"> <li>• Schooling, training and diploma</li> <li>• Vocational training</li> </ul> <p><b>Labour</b></p> <ul style="list-style-type: none"> <li>• DW within Ego's family</li> <li>• DW in professional sector</li> </ul>

Trajectory	Migration	Social	Educational and professional out DWs	Educational and professional in DWs
<p><b>FROM “THERE” TO “HERE”</b> (arrival, settlement process)</p>	<ul style="list-style-type: none"> <li>• Circumstances of immigration               <ul style="list-style-type: none"> <li>→ How?</li> <li>→ With whom?</li> <li>→ Administration: permits/visa</li> <li>→ Contact with authorities: border control/questioning/ rejection ...</li> </ul> </li> <li>• Living conditions: housing, material resources, finances, health, social assistance</li> <li>• Security and controls</li> <li>• Problematic situations</li> </ul>	<ul style="list-style-type: none"> <li>• Support of social network/family in Belgium/France/Italy/Spain in administration, housing, work ...</li> <li>• Joining associations: religious, social, school, labour, migrant ...</li> </ul>	<p><b>Education</b></p> <ul style="list-style-type: none"> <li>• Schooling, training and diploma</li> <li>• Recognition of diploma</li> </ul> <p><b>Labour</b></p> <ul style="list-style-type: none"> <li>• Entering the labour market               <ul style="list-style-type: none"> <li>→ Sector</li> <li>→ Channels for finding a job</li> </ul> </li> <li>• Job corresponding to education</li> <li>• Working conditions               <ul style="list-style-type: none"> <li>→ formal/informal</li> <li>→ Content, hours, breaks, payment</li> <li>→ Contract and social security: reason</li> <li>→ Relationship with employer</li> <li>→ Leave and holiday modalities</li> <li>→ Employment protection and dismissal</li> </ul> </li> <li>• Motivation for accessing (and leaving) job(s) and expectations</li> </ul> <p><b>Inactivity</b></p> <ul style="list-style-type: none"> <li>• Unemployment, parental leave, study/training, migration, illness ...               <ul style="list-style-type: none"> <li>→ Social benefits</li> <li>→ Employment protection</li> <li>→ Re-entering job</li> </ul> </li> </ul> <p><b>Professional and social rights</b></p> <ul style="list-style-type: none"> <li>• Registration in trade union               <ul style="list-style-type: none"> <li>→ Function and activities</li> <li>→ Perceived and received benefits</li> <li>→ Advocacy of interest</li> </ul> </li> <li>• Localizing social and professional rights               <ul style="list-style-type: none"> <li>→ Knowledge and awareness</li> <li>→ Working conditions issues, respect of rights and action: legal action, denunciation, negotiation, nothing</li> </ul> </li> </ul>	<p><b>Education</b></p> <ul style="list-style-type: none"> <li>• Vocational training, on-the-job training               <ul style="list-style-type: none"> <li>→ Promoters and organization</li> <li>→ Facilities to access</li> <li>→ Certificate: type and value</li> </ul> </li> </ul> <p><b>Labour</b></p> <ul style="list-style-type: none"> <li>• Entering DW               <ul style="list-style-type: none"> <li>→ Channels for finding job</li> <li>→ Reasons and expectations</li> </ul> </li> <li>• Type DW job(s) and work organization               <ul style="list-style-type: none"> <li>→ Caring/cleaning</li> <li>→ Live-in/live-out</li> <li>→ Transportation to work</li> <li>→ Full-time/part-time/mix: reasons</li> <li>→ On-the-side work: which jobs</li> </ul> </li> <li>• Working conditions               <ul style="list-style-type: none"> <li>→ Formal/informal</li> <li>→ Content, hours, breaks, payment</li> <li>→ Contract and social security: reason</li> <li>→ Relationships employer/family/DWs</li> <li>→ Leave and holiday modalities</li> <li>→ Employment protection and dismissal</li> </ul> </li> <li>• Professional mobility in DW               <ul style="list-style-type: none"> <li>→ Changing job(s)</li> <li>→ Improvement in working conditions</li> <li>→ Promotion within DW hierarchy</li> <li>→ Changes in sector: conditions, demand</li> </ul> </li> <li>• Positive and negative dimensions of DW</li> </ul>

Trajectory	Migration	Social	Educational and professional out DWs	Educational and professional in DWs
<p><b>“HERE” (AND “THERE”)</b> (current situation)</p>	<ul style="list-style-type: none"> <li>• Changing administrative status               <ul style="list-style-type: none"> <li>→ Obtaining and renewing permit/visa</li> <li>→ Experiences: irregular ↔ regular</li> </ul> </li> <li>• Changing reasons/motivation of stay               <ul style="list-style-type: none"> <li>↔ Family</li> <li>↔ Friends</li> <li>↔ Work</li> <li>↔ Study</li> <li>↔ Other</li> </ul> </li> <li>• Changing identity and socio-spatial self-placement</li> <li>• Circular migration and mobile life</li> <li>• Changing living conditions</li> <li>• Security and controls, detentions</li> <li>• ...</li> <li>• Use of public services               <ul style="list-style-type: none"> <li>→ Health system</li> <li>→ Social benefits</li> </ul> </li> <li>• Difficulties faced</li> </ul>	<ul style="list-style-type: none"> <li>• Changing family status               <ul style="list-style-type: none"> <li>→ Marital status</li> <li>→ Child(ren)</li> <li>→ Reunification of family members</li> <li>→ Mortality HERE and THERE</li> </ul> </li> <li>• Developing a social network HERE</li> <li>• Maintaining relationships with people THERE               <ul style="list-style-type: none"> <li>→ Division of reproductive work THERE and HERE</li> </ul> </li> </ul>	<p style="text-align: center;">See above column</p>	<p style="text-align: center;">See above column</p>
<p><b>“HERE” OR “THERE”</b> (future)</p>	<ul style="list-style-type: none"> <li>• Aspirations               <ul style="list-style-type: none"> <li>→ Migrating to other destinations</li> <li>→ Returning</li> <li>→ Staying</li> </ul> </li> <li>• Applying for nationality</li> </ul>	<p>Ego's future representation</p>	<ul style="list-style-type: none"> <li>• Looking for a job outside DW or staying in DW               <ul style="list-style-type: none"> <li>→ Motivation</li> </ul> </li> <li>• Looking for formal position or staying in informal sector               <ul style="list-style-type: none"> <li>→ Motivation</li> </ul> </li> <li>• Educational and professional aspiration</li> </ul>	

**Annex 9. Bio-fact sheet (to complete at end of interview with Ego)**

CODE |\_\_|\_\_||\_\_|\_\_|      **First name:** \_\_\_\_\_

**Date of the interview:** \_\_\_\_\_ **Interviewer's name:** \_\_\_\_\_

---

**Professional position (ego)**

	Written contract		No written contract		Other
	Permanent	Fixed-term	Oral contract	No contract	
<b>Domestic work</b>					
Private household					
Service vouchers					
Self-employed/independent					
Other					
<b>Other job</b>					
<b>Other job</b>					
<b>Student</b>					

---

**Socio-demographic profile (ego)**

**Age:** \_\_\_\_\_ **City of residence:** \_\_\_\_\_  
**Nationality:** \_\_\_\_\_ **Administrative migration status:** \_\_\_\_\_  
**Country of origin:** \_\_\_\_\_ **Date of entry into Belgium:** \_\_\_\_\_  
**Member of social association:** \_\_\_\_\_ **Member of trade union:** \_\_\_\_\_

---

**Partner**

If so  
 Married  
 Other  
 Professional situation  
 Schooling, diploma  
 Living area (main)

---

**Children**

If so

Birth date	1.
	2.
	3.
	4.
Schooling, diploma or professional situation	1.
	2.
	3.
	4.
Living area (main)	1.
	2.
	3.
	4.

---

**Relatives**

	Mother	Father	Siblings
Living area (main)			
Professional situation			
Schooling, diploma			

## Annex 10. Age-event grid

CODE | | | | |

First name: \_\_\_\_\_

Duration	Years	Migration	Employment-training in domestic work sector (home care/personal care)	Employment-training outside domestic work sector	Social	Events
13	1999					Instalment or regulatory framework for <i>au pairs</i>
12	2000					<b>Snel-Belg-Wet</b> (Rapid-Belgian-Law) → a fast procedure to get Belgian nationality or naturalization status
11	2001					September 11
10	2002					
9	2003					
8	2004					<ul style="list-style-type: none"> <li>▪ 2004: Start service voucher system</li> <li>▪ 2004: Domestic servants become part of JC 323</li> <li>▪ 2004: Enlargement EU: Cyprus, Czech, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia</li> <li>▪ 2004-2005: Orange revolution Ukraine</li> </ul>
7	2005					
6	2006					Civil war in Iraq
5	2007					EU enlargement: Bulgaria, Romania
4	2008					Barack Obama elected US president
3	2009					National campaign for regulation
2	2010					Arab spring
1	2011					Convention No. 189
0	2012					Du Rupo I

**Annex 11. Background information on the migration trajectory of migrant domestic workers in the sample of the qualitative research**

Sex/origin	N	Legal status			Date of entry			
		Regular	Irregular	Unassigned	< 2000	2000-2004	2005-2009	≥ 2010
<b>FEMALE</b>	50							
Poland	5	5				2	3	
Romania	6	6				1	3	2
Armenia	1		1					1
Belarus	2	2				1	1	
Kosovo	1	1						1
Russia	4	3	1			1	1	2
Bolivia	1		1			1		
Brazil	3	3					1	2
Chile	2		2				2	
Ecuador	8	5	1	2	1	6		1
Nicaragua	1		1				1	
Peru	1	1				1		
RD Congo	1	1			1			
Gambia	2	2				1		1
Kenya	2	2					1	1
Morocco	2	2			1		1	
Nigeria	1	1				1		
Kazakhstan	1	1					1	
Philippines	6	2	4			1	3	2
<b>MALE</b>	7							
Bulgaria	1		1				1	
Ecuador	2	2			1			1
Niger	1	1						1
Nigeria	1	1				1		
Philippines	2	1	1			2		
<b>TOTAL</b>	<b>57</b>	<b>31</b>	<b>13</b>	<b>2</b>	<b>4</b>	<b>16</b>	<b>13</b>	<b>13</b>

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## **Annex 12. Coding tree: First version of simple design CeMIS**

### **Thematic nodes**

- 100 Experience of others
  
- 110 Educational trajectory
- 111 Professional trajectory inside DW
- 112 Professional trajectory outside DW
- 113 Migration trajectory
- 114 Living conditions
- 115 Access to private services
- 116 Access to public services and social assistance
- 117 Access to social security
- 118 Knowledge of professional, migration and social rights
- 119 Use of professional, migration and social rights
  
- 120 Before arrival
- 121 First settlement (until first formal or informal job)
- 122 Following events
- 123 Currently
- 124 Future
  
- 130 Family in country of origin
- 131 Family in destination country
- 132 Social network in country of origin
- 133 Social network in destination country
  
- 140 Community
- 141 Friend
- 141a Boyfriend or girlfriend
- 142 Social organization
- 143 Client
- 144 Trade union
- 145 Significant other
- 146 Agency
- 147 Public authority
- 148 Colleague
- 149 Family
  
- 150 Change in family or marital situation
  
- 160 Language training
- 161 Integration course
- 162 Professional training DW
- 163 Other training



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170	Formal work
171	Informal work
172	Contract
180	DW: household care
181	DW: personal care
183	DW: other
190	Au pair
191	Diplomat
192	Living in
193	Living out
194	Service voucher ( <i>dienstencheque</i> )
195	Other
200	Employer: agency
201	Employer: household
202	Employer: nationality
210	Working conditions
220	Reason to work in DW
230	Source of information
231	Source of work
232	Source of assistance
233	Other (job ad, internet, paper ...)
240	Reason to migrate
250	Changes in administrative migration status
251	Residence permit
252	Work permit
260	Regularization campaign
262	Enlargement of EU
262	Economic crisis
270	Positive experiences
271	Negative experiences
272	Difficulties

- 
- 280 Emotional bonding
  - 281 Isolation
  - 282 Recommendation
  - 283 Indebtedness
  - 284 Remittances
  - 285 Language proficiency
  - 286 Power hierarchy and dependency
  - 287 Other issues

**Attributes**

Gender

- Unassigned
- Not applicable
- Female
- Male

Age group

- Unassigned
- Not applicable
- <20
- 20-29
- 30-39
- 40-49
- 50-59
- >60

Country of birth

- Unassigned
- Not applicable
- Poland
- Romania
- Bulgaria
- Russia
- Belarus
- Kosovo
- Kazakhstan
- Cameroon
- RD Congo
- Gambia
- Kenya
- Morocco
- Niger
- Nigeria
- Gambia
- Bolivia
- Brazil
- Chile
- Ecuador
- Nicaragua
- Peru
- Philippines

Legal status

- Unassigned
- Not applicable
- Regular
- Irregular

---

Administrative migration status

Unassigned  
Not applicable  
Belgian nationality  
Residence permit  
Special ID  
Au pair  
Student  
Tourist  
Refugee  
Other

Marital status

Unassigned  
Not applicable  
Married  
Living together  
Single  
Divorced  
Widowed

Children

Unassigned  
Not applicable  
Yes  
No

Close family in country of origin

Unassigned  
Not applicable  
Yes  
No

Educational level

Unassigned  
Not applicable  
None  
Primary education  
Secondary education  
Higher education

Type of work

Unassigned  
Not applicable  
Private household  
Service voucher  
Self-employed  
Other

Contract

Unassigned  
Not applicable  
Written contract, permanent  
Written contract, fixed-term  
Oral contract  
No contract

---

Date of entry  
Unassigned  
Not applicable  
Before 2000  
2000-2004  
2005-2009  
After 2010

Member of association  
Unassigned  
Not applicable  
Yes  
No

Member of trade union  
Unassigned  
Not applicable  
Yes  
No

Working hours  
Unassigned  
Not applicable  
<24  
24-38  
>38

Legal status of work  
Unassigned  
Not applicable  
Formal  
Informal  
Mixed

---

## **Annex 13. References to legislative texts in report**

The following list provides the full titles of the laws and regulations mentioned in the report. It is by no means an exhaustive list. For a complete overview of laws and regulations related to migration, visit the official websites of the Belgian Government:

<https://dofi.ibz.be/sites/dvzoe/NL/Pages/Wetgeving.aspx>

[http://www.emnbelgium.be/sites/default/files/publications/org\\_of\\_migration\\_and\\_migration.pdf](http://www.emnbelgium.be/sites/default/files/publications/org_of_migration_and_migration.pdf)

[http://diplomatie.belgium.be/en/policy/policy\\_areas/striving\\_for\\_global\\_solidarity/asylum\\_and\\_migration/asylum/](http://diplomatie.belgium.be/en/policy/policy_areas/striving_for_global_solidarity/asylum_and_migration/asylum/)

<http://just.fgov.be/>.

### Laws related to migration and integration

#### *International*

**Council Directive 2009/50/EC of 25 May 2009** on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (the “Blue Card Directive”)

#### *National*

**Law of 8 August 1980** on the institutional reform (Article 6, §1, IX, 3°) related to the competence of executing the work permit and work authorisation regulations [Bijzondere wet van 8 augustus 1980 tot hervorming van de instellingen (artikel 6, §1, IX, 3°) met betrekking tot de uitvoering van de wetgeving op de toekenning en aflevering van arbeidskaarten en vergunningen]

**Law of 15 December 1980** relating to the access to the territory, residence, establishment and removal of foreigners (the “Aliens Act”), modified by the law of 15 September 2006 [Wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen]

**Law of 30 April 1999** on the employment of foreign workers [Wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers]

**Law of 22 December 1999** on Regularization [Wet van 22 december 1999 betreffende de regularisatie van het verblijf van bepaalde categorieën van vreemdelingen verblijvend op het grondgebied van het Rijk]

**Act of 8 July 2011** to amend the Aliens Act 1980 on the conditions of family reunification [Wet van 8 juli 2011 tot wijziging van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen wat betreft de voorwaarden tot gezinshereniging]

**Royal Decree of 30 October 1991** on the documents for residency in Belgium for certain foreigners [Koninklijk Besluit van 30 oktober 1991 betreffende de documenten voor het verblijf in België van bepaalde vreemdelingen]

**Royal Decree of 9 June 1999** implementing the law of 30 April 1999 on the employment of foreign workers [Koninklijk Besluit van 9 juni 1999 houdende de uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers]

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**Royal Decree of 5 January 2000** implementing the Regularization Law 1999 [Koninklijk Besluit van 5 januari 2000 betreffende de samenstelling en de werking van de Commissie voor regularisatie en houdende de uitvoering van de wet van 22 december 1999 betreffende de regularisatie van het verblijf van bepaalde categorieën van vreemdelingen verblijvend op het grondgebied van het Rijk]

**Royal Decree of 2 April 2003** on Work Permit C [Koninklijk Besluit van 2 april 2003 tot bepaling van de modaliteiten van indiening van de aanvragen en van aflevering van de arbeidskaart C]

**Royal Decree of 23 May 2006** on work permits and work authorisations [Koninklijk Besluit van 23 mei 2006 betreffende de modaliteiten van indiening van de aanvragen en aflevering van de arbeidsvergunningen en arbeidskaarten bepaald in artikel 38<sup>quater</sup>, § 3, van het koninklijk besluit van 9 juni 1999 houdende uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers]

**Royal Decree of 19 December 2006** related to the transitional immigration measures with respect to work permits and work authorisations applicable for new EU member states, Romania and Bulgaria [Koninklijk Besluit van 19 december 2006 tot wijziging van het koninklijk besluit van 9 juni 1999 houdende uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers naar aanleiding van de toetreding tot de Europese Unie van Bulgarije en Roemenië]

**Royal Decree of 18 December 2008** related to the extension of the transitional immigration measures with respect to work permits and work authorisations applicable for new EU member states, Romania and Bulgaria [Koninklijk Besluit van 18 december 2008 tot wijziging van het koninklijk besluit van 9 juni 1999 houdende uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers, naar aanleiding van de verlenging van de overgangsbepalingen die werden ingevoerd bij de toetreding van Bulgarije en Roemenië tot de Europese Unie]

**Royal Decree of 28 December 2011** related to the extension of the transitional immigration measures with respect to work permits and work authorisations applicable for new EU member states, Romania and Bulgaria [Koninklijk Besluit van 28 december 2011 tot wijziging van het koninklijk besluit van 9 juni 1999 houdende uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers, naar aanleiding van de verlenging van de overgangsbepalingen die werden ingevoerd bij de toetreding van Bulgarije en Roemenië tot de Europese Unie]

**Royal Decree of 17 July 2012** implementing the Blue Card Directive (2009/50/EC of 25 May 2009) [Koninklijk Besluit van 17 juli 2012 tot wijziging van het koninklijk besluit van 9 juni 1999 houdende uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers, strekkende tot de toekenning van een voorlopige arbeidsvergunning in het kader van het verkrijgen van een Europese blauwe kaart]

**Royal Decree of 3 August 2012** implementing the Blue Card Directive (2009/50/EC of 25 May 2009) [Koninklijk Besluit van 3 augustus 2012 betreffende de regels voor het indienen van de aanvragen en het afleveren van voorlopige arbeidsvergunning in het kader van de aanvraag door een buitenlandse werknemer ter verkrijgen van een Europese blauwe kaart]

**Ministerial Circular of 6 January 2000** to announce a regularization campaign

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**Ministerial Circular of 26 September 2008** concerning the introduction of a multi-disciplinary cooperation as regards the victims of trafficking in human beings and/or of certain more serious kinds of smuggling in human beings

**Ministerial Instructions of 19 July 2009** with respect to the old Art. 9,3 and Art. 9bis of the Aliens Act 1980 [Instructie van 19 juli 2009 m.b.t. de toepassing van het oude artikel 9,3 en het artikel 9bis van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen] – Art. 9al.3 = Art. 9,3; Art. 9bis = regularization; and Art. 9Ter = medical regularization

***Regional***

**Decree of 28 February 2003** on the civic integration policy of the Flemish Government (the “Flemish Civic Integration Decree”) [Decreet van 28 februari 2003 betreffende het Vlaamse inburgeringsbeleid (het “Vlaamse Inburgeringsdecreet”)]

**Decree of 14 July 2006** to amend the the Flemish Civic Integration Decree 2003 [Decreet van 14 juli 2006 tot wijziging van het decreet van 28 februari 2003 betreffende het Vlaamse inburgeringsbeleid]

Laws related to domestic work

**Law of 5 December 1968** on collective agreements and joint committees (Collective Agreements and Joint Committees Act 1968) [wet van 5 december 1968 betreffende de Collectieve Arbeidsovereenkomsten (CAO) en Paritaire Comit es (PC)]

**Law of 3 July 1978** on Employment Contracts (Labour Contract Law) [Wet van 3 juli 1978 betreffende de arbeidsovereenkomsten]

**Royal Decree of 22 June 2012** on the changes of the regulations on the service voucher system [ontwerp koninklijk besluit of 22 June 2012 tot wijziging van het stelsel van de dienstencheques]