

Excluded workers and exempted employers: A qualitative study on domestic workers' access to social protection in the Netherlands

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Abstract

In the Netherlands, many part-time domestic workers fall within the scope of a particular type of labour law, that gives them fewer social protection rights and that renders private actors (households and workers) responsible for exercising those rights. Over the years, this policy has been criticised for institutionalising the differential treatment of domestic workers, which goes against ideas propagated in international initiatives, like the European Pillar of Social Rights. This contribution explores Dutch domestic workers' access to social protection in greater detail. Drawing on semi-structured interviews with 30 domestic workers, we show that the actual access to social protection greatly varies over different workers and over different employment relationships of individual workers, but generally falls below par. Our findings indicate that this is partly due to the fact that the Dutch policy option underestimates domestic workers' wariness of placing demands on the households they work for, which raises questions over the desirability of non-mediated employment relationships in the sector. We conclude with a brief discussion and suggestions for future policy directions.

KEYWORDS

domestic work, European pillar of social rights, social protection, the Netherlands

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1 | INTRODUCTION

Over the past decades, the European Union (EU) has witnessed an increase of new and non-standard forms of employment, including platform work, temporary agency work, domestic work, and voucher work (European Commission, 2017). This development has sparked debates on deepening labour market segmentation and the growing diversification within the group of non-standard workers (Seo, 2021). Particularly during the pandemic, it became clear that groups of non-standard workers lack access to adequate social protection against work-related losses of income (Spasova et al., 2021). At the same time, governments have adopted several (temporary) facilities that aim to protect these workers against the risks resulting from their working arrangement. At the EU-level, the introduction of the pillar of social rights (social pillar) has been a major step in providing Member States with a compass to guide them towards fairer and inclusive labour markets (European Commission, 2021b). It has given a new face to social Europe and has set ambitious goals; not least on providing access to adequate social protection to all workers, irrespective of the type of their employment relationship.

Within this scope, this contribution looks at the access to social protection of domestic workers in the Netherlands—here understood as workers that are hired by private households to perform tasks like cleaning and laundering.¹ Domestic work represents an interesting sector for two reasons. Firstly, most employment relations in the sector are informal or non-standard and prone to lack access to social protection (ILO, 2021). Secondly, political actors on the EU- and member state-level have come to stress the need to develop the sector in order to deliver upon multiple social agendas, like shouldering the growing care needs of ageing populations, promoting female labour market participation, curbing undeclared work and improving the quality of jobs for domestic workers (Jokela, 2017; Morel, 2015).

The Dutch policy on domestic work is of particular interest, as their policy scheme, the *Regeling Dienstverlening aan Huis* (RDaH), strongly deviates from the policies of their southern (e.g., France and Belgium) and Nordic (e.g., Sweden and Finland) neighbours (Ramos Martin & Munoz Ruiz, 2018). Specifically, the Dutch government has created a separate employment status for part-time domestic workers that are employed by private households, which places them somewhere in-between the self-employed and regular employees. While such third statuses of employment are extensively debated in relation to the ‘gig’ economy and platform workers (Defossez, 2022), the Dutch example suggests that similar discussions may also be relevant for occupations like domestic work. Unlike the self-employed, part-time domestic workers are entitled to some protection—for example, continued payment during short spells of illness—yet do not have automatic access to contributory unemployment benefits or sickness benefits in case of job loss or long-term illness like regular employees do. Yet, even these limited rights are far from guaranteed, as the RDaH is poorly marketised and weakly enforced, which is why few private households know about the existence of the RDaH, let alone abide to it (see Panteia, 2014).

Few studies have, however, addressed the RDaH from the perspective of the workers that fall under its scope. Moreover, existing studies have predominantly focused on (un)documented migrant domestic workers, that are particularly vulnerable due to their high dependence on their income from domestic work and lack of other income opportunities (e.g., Berntsen et al., 2022; Botman, 2011; Van Walsum, 2011). Drawing on semi-structured interviews with a diverse sample of 30 domestic workers, this contribution foregrounds the experiences of a broad pool of workers that fall under the scope of the RDaH. Specifically, it assesses to what extent these workers are protected against losses of income and it explores what factors might explain their degree of access to such protection. We primarily focus on protection against work-related losses of income due to sickness, cancelled work and job loss, as these tend to be involuntary and confront workers with sudden losses of income if no protection is in place.

This contribution is structured as follows. Firstly, it provides an overview of the literature on the quality of jobs in the sector for domestic work. Secondly, it elaborates on the RDaH and explores how it relates to ideas communicated in EU-level policies and initiatives, like the Social Pillar. Then, it turns to our empirical findings on domestic workers' on-the-ground experiences with social protection. It concludes with a discussion on the opportunities for strengthening the protection of domestic workers.

2 | SEGMENTED LABOUR MARKETS AND DOMESTIC WORK

Segmented labour market theories see a division of labour markets in 'external' and 'internal' labour markets (Doeringer & Piore, 1971), or 'good' and 'bad' jobs (Kalleberg et al., 2000). Workers on the internal market have good jobs with more favourable conditions. These jobs are often referred to as the 'standard employment relationship' with predictable working hours, stable pay and full social protection coverage. Conversely, people working in the external labour market are likely to have 'bad' jobs, characterized by low pay, few benefits and poor advancement prospects. Such characteristics of bad jobs tend to accumulate in certain occupational fields, especially those that are female-dominated or that employ many people from marginalized populations (England, 2005; Leschke, 2015). Jobs in domestic services are exemplary here, as the sector mainly employs (migrant) women (ILO, 2021), who often hold several marginal part-time jobs at multiple employers (Hondagneu-Sotelo, 1994), many of which are low paid, insecure, and offer little protection (Jokela, 2019). Although jobs in domestic work are themselves diverse and better jobs do undoubtedly exist, there are several reasons why working conditions in domestic work are likely to be and remain less favourable than those in other occupations.

Firstly, the price that households are willing to pay often is too low to create jobs with proper wages and social protection coverage. From an economic viewpoint, this could be explained by the elasticity of the demand for domestic services (Flipo et al., 2007), meaning that a change in the price of services heavily affects demand for those services, especially if households are physically able to 'self-produce' these tasks if they feel that the costs of outsourcing are too high (Bailly et al., 2013). Furthermore, theories of care work like the 'devaluation thesis' ascribe households' low willingness-to-pay to the cultural tendency to uncouple feminized tasks, like caring and cleaning, from the realm of salaried employment (England, 2005). Besides, it could be argued that the very idea that households could also produce these tasks themselves further reinforces the notion that domestic work requires no specific competences and should therefore not be remunerated too generously (Bailly et al., 2013).

Secondly, the high incidence of informal employment relationships in the sector is a driver of volatile and insecure working conditions (Adriaenssens et al., 2023; Figueiredo et al., 2018). Although 'informality' comes in many forms, we consider employment informal if earnings are not declared to the public authorities. Consequently, prices for informal services do not include social contributions or taxes and remain low. Such informality further normalizes low prices and represents unfair competition to formal jobs with social protection. Moreover, existing labour regulations that apply to all (domestic) workers *de jure* (e.g., minimum wage coverage) have little effect on those that work in informal arrangements (Bernhardt et al., 2013; Kim, 2020). While this finding is far from surprising, it does raise the question of how we can make employers aware of and comply with existing regulations, especially as enforcement in private households is generally considered to be 'off limits' (Chen, 2011).

Within this context, countries have adopted policies with which they aim to boost demand for domestic services on the formal market (Morel, 2015). Famous examples include the Belgian service vouchers, Swedish RUT (short for cleaning, maintenance and laundry), and French *Chèque Emploi Service Universel* (CESU), that subsidize households through direct subsidies (e.g., discounted vouchers) and/or indirect subsidies (e.g., tax credits or deductions). Although these policies differ in terms of form and generosity (Farvaque, 2015), they all recognize that households are unlikely to pay for jobs with full social protection coverage and therefore use tax money to chip in. Other countries, like the Netherlands and Germany opt for a different strategy, which fits the label 'formalization light' (Jaehrling & Weinkopf, 2018; p. 3), as these countries create intermediate employment statuses for domestic workers that allow for domestic workers to be treated differently than workers in other occupational fields (Ramos Martin & Munoz Ruiz, 2018). In the next section, we explore the Dutch policy scheme in greater detail and assess how it relates to recent EU-level social policy discussions.

3 | THE DUTCH RDaH AND “EUROPEAN” NORMS

In 2007, the Dutch government introduced the RDaH as the successor of their previous policy to boost demand for domestic services and to curb undeclared work—the *Regeling Schoonmaak Particulieren* (RSP). Unlike its predecessor, the RDaH does not subsidize jobs with full social protection coverage in domestic work, but allows for domestic workers to be treated less generously (Van Hooren, 2018). The rationale behind this policy was that many households continue to perform household tasks themselves, as they do not want to carry the burdens of employership or feel uncomfortable hiring an undeclared worker (Commissie Dienstverlening aan Huis, 2014). Following this logic, the government believed that the removal of financial and administrative barriers would boost demand for these services.

Practically, the RDaH consists of a set of exception clauses to regular employment relationships, which exempt households from several responsibilities of employership, like paying taxes and social contributions, applying for a permit for dismissal and registering the employment relationship. Yet, households are still obliged to pay minimum wage, respect a month's notice before dismissal, and continue payment during the first 6 weeks of illness (regular employees get 104 weeks). This weakened access to social protection was justified through the notion that most jobs in domestic work only serve as an addition to the household income and therefore do not require full protection (Van Hooren, 2018).

Domestic workers need to declare their earnings themselves, but only pay tax if the amount of taxes due exceeds existing tax credits. Declaring one's income could affect one's benefits (e.g., housing benefits), but does give workers the option to register at the public employment service (PES) to buy themselves into insurance against unemployment and sickness. In the case of sickness, insurance payments will only start after the first 6 weeks of sickness (as households are responsible to cover the first 6 weeks). Thus, whereas registration for unemployment and sickness benefits is mandatory and automatic for most regular employees, it is only optional for RDaH-based domestic workers. Taking out insurance is rather expensive as it can cost workers up to 19% of their insured wage.ⁱⁱ

The RDaH is wide in scope as it applies to all domestic workers that meet the following criteria. Firstly, jobs should be part-time, which is broadly defined as ‘not more than 3 days a week per household’, meaning that workers can combine multiple part-time jobs at different households and still fall within the scope of the RDaH. Secondly, workers and households should be in a direct employment relationship, which excludes company employees and the registered self-employed. To complicate things further, however, direct employment relationships can be mediated by a public intermediary, the social security bank (SVB), that mandatorily mediates direct employment relationships between cash-for-care recipients and their domestic help. Commercial intermediaries have also been using the RDaH, yet their use of the regulation is highly questionable from a legal perspective (Frenken et al., 2017).

All private households whose outsourcing behaviour fits these criteria qualify as employers and therefore need to abide to the RDaH. The fact that workers do not declare their earnings does not exempt households from doing their part. Similarly, the RDaH also applies when households are under the (often faulty) assumption that they are hiring a self-employed worker, which is important as most relations in the sector are likely to qualify as employment relationships according to Dutch labour law (Bijleveld & Cremers, 2010; Commissie Dienstverlening aan Huis, 2014). After all, the nature and location of the work make it likely that households give instructions (subordination) and that they require their domestic help to deliver the service personally (exclusivity of relationship) (Defossez, 2022). Consequently, the protection entitlements that the RDaH offers apply to many workers, ranging from publicly funded workers to undocumented migrants.

3.1 | International and EU-level policy discussions on domestic work

Although the RDaH has been subject of debate ever since its introduction (Van Hooren, 2018), attention for the RDaH skyrocketed in the wake of the ILO Domestic Workers Convention C-189 (ILO, 2011), which the

Netherlands could not ratify, as article 14 states that domestic workers should not be treated less favourably than other workers. In response, a dedicated committee studied the RDaH and argued that it was ineffective as it lacks means to enforce compliance and offers too weak incentives to enforce self-compliance (Commissie Dienstverlening aan Huis, 2014). Moreover, it argued that the scope of the RDaH is wider than its goals justify, as it also applies to domestic workers that are hired by cash-for-care recipients whilst such work does not need to be formalized (as spending's of cash-for-care budgets need to be accounted for anyway), nor promoted (as cash-for-care recipients are unable to self-produce these tasks to begin with). Notwithstanding the impact of the ILO convention on Dutch policy discussions, then, it has not yet been able to convince the Dutch government of abolishing the RDaH.

At the EU-level, domestic work has been discussed in relation to its potential to deliver upon multiple social agendas, like improving work-life balances, increasing female labour market participation, curbing undeclared work, shouldering the growing care needs of ageing populations, and tackling lower-skilled unemployment (European Commission, 2018; Farvaque, 2015; Morel, 2007; Morel, 2015). While these discussions also stress the need to improve the quality of jobs in the sector, domestic workers' position has often been discussed in instrumental terms, reducing it to one of many dimensions in demand boosting policies (Jokela, 2017). Lately, the European Pillar of Social Rights has reopened discussions in which (domestic) workers' interests are treated as goals in themselves.

As part of the Social Pillar, domestic work has been addressed in the development stage of Directive 2019/1152 on Transparent and Predictable Working Conditions (European Commission, 2021a). The European Commission (2017) estimates that 140,900 domestic workers in 12 Member States will be brought into the scope of the Directive. The Directive urges Member States to ensure that *all* workers are provided with clear information about the essential aspects of their work, enabling them to identify and address breaches of their rights. Recently, the Dutch government implemented the Directive, meaning that households now have to provide domestic workers with a written statement at all times, not just when workers explicitly ask them to, which had hitherto been the case (Bijleveld & Cremers, 2010). Yet it remains unclear to what extent the Directive will actually benefit domestic workers, as enforcement remains a pressing issue. Besides, the Directive still leaves room for the differential treatment of domestic workers in some respects (see Georgiou, 2022).

Furthermore, domestic work has been discussed in the recommendation on access to social protection for workers and the self-employed (European Commission, 2023), which invites Member States to improve the access to social protection for people with non-standard contracts and workers in specific sectors, like domestic work. Specifically, it invites Member States to provide workers with access to formal, effective, transparent and adequate social protection. The specificities of domestic work do however pose serious challenges here (Chen, 2011). In the Netherlands, for example, eligibility for unemployment benefits requires that one loses at least five working hours a week, which is problematic as, on average, jobs at single households last about 3 h a week (Panteia, 2014).

Notwithstanding the importance of international initiatives, sectoral specificities continue to foster the differential treatment of domestic workers. European laws on the equal treatment of men and women may however carry the potential to challenge this differentiation, especially the Directive 79/7/EEC on equal treatment of men and women in matters of social security. In a recent ruling, the European Court of Justice (C-389/20, CJ v TGSS) addressed for the first time the treatment of domestic work, focusing on the Spanish social security system (Chieragato, 2022). It ruled that the exclusion of domestic workers from unemployment benefits goes against the principle of equal treatment based on sex, as domestic work is almost exclusively performed by women (ILO, 2021). Similarly, a ruling in the Netherlands on the exclusion of publicly funded domestic workers from unemployment benefits concluded that the RDaH indirectly discriminates and lacks justifiable reasons for doing so in the case of publicly funded domestic workers (CRvB March 30, 2023, ECLI:NL:CRVB:2023:481).

TABLE 1 Overview of respondents.

Sex	(4) male (26) female
Age	(6) 31–40 (9) 41–50 (13) 51–60 (2) 61–70
Declaring earnings [†]	(11) Yes (19) No
Working through Intermediaries (public or commercial)	(8) Yes (3) Partial (19) No
Citizenship status	(23) Native Dutch/EU/regularized non-EU (7) Undocumented

[†]One respondent declares most but not all earnings from RDaH based work.

4 | RESPONDENTS, DATA & METHODS

In this contribution, we explore how the existence of the RDaH affects domestic workers' on-the-ground experiences with social protection by drawing on semi-structured interviews with 30 domestic workers, all working in the Netherlands (interviews were conducted between March and November 2022). The RDaH contains a broad definition of domestic services, ranging from cleaning to personal care. Yet, estimations show that cleaning is the most frequently outsourced task (Panteia, 2014). Therefore, we sampled domestic workers that are hired to clean other people's houses, not ruling out that they also perform other tasks. All respondents have work that falls within the scope of the RDaH or did until recently (two switched arrangement, one switched profession). If respondents combine RDaH work with domestic work on a regular part-time contract as an employee of a service provider, we only report on the share of their work that falls within the scope of the RDaH.

Initially, we used convenience sampling to familiarize ourselves with the sector. In doing so, we gradually learned what factors were important in shaping domestic workers' access to social protection. These findings then informed the further selection of respondents—that is, theoretical sampling (Morse & Clark, 2019). While all respondents were, in principle, entitled to the rights of the RDaH, we made sure that they differed in how they organize their work (e.g., whether they declare their income; whether they work for households directly or through intermediaries) and in terms of their ability to formalize their work (e.g., whether they receive conditional benefits, whether they are non-EU migrants with little chance of obtaining a permit for lower-skilled jobs). Consequently, we ended up with a sample that contains a multitude of relevant experiences with the matter at hand (Table 1).

Given the hiddenness of our research population, we adopted a wide variety of strategies to recruit respondents: we contacted brokers; put up flyers in public spaces and posted messages on social media and online marketplaces. While none of the strategies worked really well, all yielded some results. We opted for online interviewing through video calls, as online interviews only require a small time investment and enable respondents to talk freely in the safety of their own home without having to invite a stranger in. After the interview, respondents received a gift-card, which did not just serve as a thank-you, but also as a means to attract respondents that might otherwise not have participated.

Interviews lasted between 30 and 90 min (50 min on average). The topic list included questions on respondents' working history, number of working hours, number of employers, hourly wages, and access to mandatory and voluntary social protection. All topics contained practical questions (e.g., *what happens if you fall ill, do employers still*

pay you?), follow-up questions (e.g., *is this the same for all employers?*), and questions in which we invited respondents to reflect upon their situation. The majority of interviews were conducted in Dutch, seven were conducted in English. All quotes from interviews with Dutch speaking respondents used in this paper are translated by the authors.

5 | FINDINGS

This section provides an overview of respondents' jobs, focusing on their income and, most importantly, on what happens to that income if respondents are confronted with losses of working hours. Here, we observe large differences between individual domestic workers, but find that overall access to protection is low. Subsequently, we explore respondents' statements in greater detail and identify factors that could help explain domestic workers' perpetuating lack of access to social protection.

5.1 | A lack of protection & households' self-improvised attempts at good employership

Table 2 illustrates that the length of respondents' workweek in RDaH based domestic work ranges from three to nearly 60 h. Eighteen respondents work in marginal part-time employment (<15 h); seven work in part-time employment (16–35 h); and five work fulltime or more (≥36 h). Typically, respondents combine multiple small jobs at different households (21 work for ≥4 households), with most jobs consisting of 2 to 5 h on a weekly or biweekly basis. Having multiple employers may be associated with better working conditions, for example, higher wages, as it decreases dependency and boosts workers' bargaining power (Romero, 1988; Suleman & Figueiredo, 2018). On top of that, it enables workers to spread the risk of loss, meaning that a loss of working hours does not translate into a loss of all income. Yet, this only goes for losses that are employer-initiated, not if the absence is due to workers being unfit to work due to illness. Besides, respondents claim that cancellations accumulate during certain periods of the year, summer and holiday season in particular.

Looking at respondents' hourly wages, we find that some employers are more generous than others, with rates ranging from 10 to 25 euros an hour. Although these wages do not allow for a fully meaningful comparison (e.g., some are before tax; some include a travel fee or a holiday allowance), they do provide us with interesting insights. Firstly, we find that the average rate of about €15 an hour lies well above minimum wage (approximately €11 an hour back then). In fact, only two respondents have an employer that pays below minimum (€10/hour, both work undeclared). Secondly, rates do not just vary over workers, but also over different employers of individual workers. In total, 17 workers earn different wages at different employers, with differences being as large as €5 an hour.

Multiplying respondents' weekly hours with their hourly rates, shows that a guesstimated 21 workers would earn over €500 in 4 weeks, with eight making (well) over €1500. Whether they actually receive, that amount does however depend on several points. Having the key to employers' home or being asked to do deep cleaning when employers leave for holiday may, for example, reduce the risk of work cancellations. Furthermore, most respondents claim that demand exceeds supply, meaning that, in case of dismissal; many would probably be able to find new employers (albeit that some feel that demand is decreasing already). Most important for this contribution, however, is the question of whether households abide to the RDaH. Table 2 illustrates that most undeclared workers have no employers that do, and that protection is far from guaranteed for those that do declare their earnings as well. This image does however get less dim if we also take into account those instances of protection which are less generous than the RDaH dictates: some receive a Christmas bonus which makes up for (part of) the income they lose over the holidays; some still received (half of) their salary during COVID lockdowns; some get an "apology bonus" in case of

TABLE 2 Overview of jobs.

	Declared [†]	Undeclared
Weekly hours (mean)[‡]	18 h/week	19 h/week
(range)	(6–36)	(3–55)
Number of employers (mean)	6.5 employers	7 employers
(range)	(1–15)	(2–16)
Hourly wage (mean)[§]	€14.85/h	€15.25/h
(range)	(€12–20.5)	(€10–25)
Employers providing protection up to RDaH standards		
All	2	0
Some	4	3
None	5	16
Voluntary insurance against sickness & unemployment	0	N/A

[†]Earnings declared to taxation agency.

[‡]We use the average weekly number of hours over a period of 4 weeks to account for non-weekly jobs. Mind that some respondents seem to overestimate the number of working hours.

[§]If respondents had varying hourly wages, we took the mean of their highest and lowest hourly wage.

last-minute cancellations; and some are paid half their salary during illness, while others receive the full amount but not for 6 weeks.

Involuntary job loss is a less frequently recurring issue for respondents than cancelled work appointments are. In fact, many employment relationships were long lasting. It is for this reason that it is more difficult for us to establish what happens in case of dismissal—that is, whether there is a 1 month notice to protect workers against sudden losses of income. Only a few respondents had made explicit agreements on using a 1 month notice. For the others, experiences vary greatly. On one end of the extreme, there are stories of employers that would end relationships out of the blue, while, on the other end, there are examples of employers that positively deviate from the rules. One respondent, for instance, recalled how some employers were forced to fire him when they moved out of town, but decided to continue payments for months without expecting a single hour of work in return.

Looking at the above, we find that most respondents' employers do meet the minimum wage criteria of the RDaH, but do not abide to its terms when it comes to social protection. Yet, our findings indicate that this does not necessarily mean that employers shed all responsibility in that respect. What is problematic about private households' self-improvised attempts at good employership, however, is that they often are established ad hoc when a loss of working hours occurs, making these well-meant gestures unpredictable in themselves. This unpredictability is exacerbated by the fact that about 70% of the roughly 200 employment relationships in the sample is solely based on verbal agreements. Mapping domestic workers' access to social protection therefore results in a fuzzy image in which the degree of access to social protection differs greatly, yet tends to be low, both in terms of protection that households need to offer and in terms of longer-term protection that workers can arrange via the PES.

5.2 | Why rights do (not) translate into practice

Whereas most respondents are confident in asking newfound employers for a fair wage, they rarely ask for matters like sickness pay. If they do receive some sort of protection, it is rarely initiated by themselves. Firstly, there are those cases in which the employment relationship is mediated by an intermediary agency that ensures protection, particularly for publicly funded workers, as the public SVB ensures abidance to the RDaH. Commercial intermediaries provide advantages too (e.g., increase wages when they fall below minimum; charge employers in case of last-minute

cancellations), but do not guarantee access to other RDaH entitlements, like sickness pay. One respondent even feels that households that hire via intermediaries are “fooled by the computer”, as they are under the faulty assumption that intermediaries take care of all extras. Secondly, some employers offer protection themselves. Judging from respondents' statements, these are employers that prefer to play by the books; or that want to help out as they understand that a loss of income can be difficult, which often are households that respondents have close/long relationships with, thus illustrating that personalized employment relationships remain an important source of protection in the sector (Mendez, 1998).

What remains unclear is what keeps domestic workers from asking employers for matters like sickness pay themselves. In the remainder of this section, we identify three interrelated factors that stop them from doing so. Firstly, while the Social Pillar and ILO convention see knowledge as a prerequisite for domestic worker empowerment (European Commission, 2017; ILO, 2011), most respondents are fully unaware of the existence of the RDaH. In our study, only a few undocumented migrants that had joined interests groups know about its existence. Furthermore, respondents that work via intermediaries do know that their situation is different (as they once signed a written contract agreeing to the terms and conditions), but struggle to point out how it is different without using more common terminology, like: “*this is like solo self-employment*” or “*it's like a zero-hours contract*”. While this finding rules in favour of launching educational campaigns that could increase awareness, we also identify other factors that stop workers from asking employers for social protection, which raise doubt over whether respondents will indeed start claiming their rights if they are made aware of them (Suleman & Figueiredo, 2018).

The second factor relates to what we call ‘the immunization of households’. What we mean here is that, while households are responsible for protecting their employees, domestic workers do not consider households to be the *primary* carriers of responsibility in that respect, or they at least feel ambiguous about what demands they can place on households. Many Dutch native or regularized undeclared workers fit this category, as these workers see themselves as breakers of the law (which is true), not as carriers of labour rights (which is false). When households do offer payment for non-worked hours, they do not see it as an actualization of rights, but as a welcome act of kindness. The fact that one respondent that was paid half her wage when she suffered an injury wanted to reciprocate this kindness by bringing “*chocolates or flowers the next time she went over there*” is illustrative here.

Some respondents that do declare their earnings do, however, also feel ambiguous about their entitlement to protection, primarily as they associate social protection with jobs at “*normal companies*”, not with work via intermediaries or directly for households. Therefore, they see their lack of access to social protection as a consequence of not working at a normal company, a decision which most are happy with, as they now have lots of control over the work process, their schedules, and what people they want to work for—a type of control which is hard to find in lower-skilled employment (see Avril & Cartier, 2014). Not working for a “normal company” does however also mean that workers are directly employed by private households that are natural persons like themselves, not companies. Consequently, respondents question if it makes sense to ask households to take on the responsibilities of an employer, even when they themselves do their part as employees by declaring their earnings:

Those people that find me on [online marketplace], they casually hire me to clean their house because they work 40 h themselves. That's why I think, well I don't know, “what rights do I have then?”. Recently, one of my clients was moving, what should I have said to her when her house was empty, “you still owe me my holiday allowance?” [scoffs].

The third factor that keeps domestic workers from demanding protection is more mundane, that is: respondents do not feel comfortable bringing it up, as they struggle to find the right words and the right moment to introduce the topic. Consequently, respondents keep waiting for the right moment to bring it up (see block quotation below) or wait for households to bring it up (which may never happen). The fact that most respondents would need to bring up these issues at multiple employers does not make this easier for them. This reactive stance was characteristic of most respondents and would not just stop them from asking for sickness pay, but also from asking employers for

periodic pay raises, which is why hourly rates would only change on a far from yearly basis, or would not change at all.

I think that if I would explain it to them, they would handle things differently. [Interviewer: why don't you explain that to them?]. Well, I would if there was an opening, like "oh, good for you, but unfortunate for me, I will see if I can fill up the loss of hours elsewhere. This time of year [i.e., summer] is always tough for me.". I would try to phrase it so that they are able to see things through my eyes. But if there is no opening, I just leave it.

Others do not just feel uncomfortable bringing it up, but also fear that doing so could have adverse effects. One respondent's reasons for not asking employers for sickness pay are illustrative here, as he is "afraid that when [he asks them] on the first day of negotiations, they will probably be disappointed, so they might not employ [him]", but does not want to ask his long-term employers either, as he does not "want to piss them off". As such, these workers fear that addressing the issue could cost them a job or severe existing relations, which resembles the 'fear of retaliation' motives that Theodore et al. (2018) and Milkman (2023) identify. Such fears are most common among undocumented migrants, as they know that few income opportunities outside domestic work are available to them.

5.3 | Dependency on earnings and voluntary insurance

Although just over one-third of respondents explicitly claim that the income from RDaH work serves as a non-essential addition to the household income, others struggle to get by without it. The latter group using RDaH based work to generate a large share of, or a small but essential addition to, the household income. Yet, only those that declare their earnings are able to take out insurance against illness and unemployment ($N = 11$). About half of these respondents do not take out insurance as they consider themselves to be sufficiently insured via their partner or another job. Those that have no other things to fall back upon do however not opt for insurance either. While most have fairly well-known reasons for not doing so (e.g., some are not prone to worry, others think it is too expensive), one respondent had long paid for insurance, but stopped when she learned that payments would only start after 6 weeks of illness, which was problematic as none of her employers paid her during these first weeks. As such, the insurance scheme naively presupposes a proper functioning of the RDaH and thereby turns the available insurance scheme into an unattractive option for those that seek protection.

Granted, those workers that do declare their earnings and seek protection could, in principle, apply for a job at a service provider that delivers domestic services to the elderly (care-in-kind recipients), which tend to be jobs with full social protection coverage. Currently, most service providers struggle to fill their vacancies, making it easy for respondents to land such jobs—frankly, the most vocal opponent of domestic workers' differential treatment recently did. What is important however is that quite a few respondents have previous experience with working via such service providers and these experiences are not necessarily positive. In fact, most that did, entered RDaH based work when service providers could not provide them with sufficient working hours, or when providers laid them off when their temporary contracts had to be turned into open-ended ones. As one respondent that has been working via an intermediary for 6 years argued: "Here you're able to work for much longer. I worked at [service provider] for two years, but then they lay you off with a 'thanks, bye!'".

Respondents that do not declare their earnings are unable to take out insurance. While this was unproblematic for some, it could be problematic for those that are highly dependent on their income from domestic work and that lack the possibility to declare their earnings. The latter group consisting of undocumented migrant workers ($N = 7$) and conditional benefit recipients that generally enter domestic work as a means to illicitly correct for benefits that do not cover the costs of living ($N = 4$). Enabling these respondents to protect themselves does therefore not just

depend on sector specific policies like the RDaH, but also on policies relating to benefit conditionality and immigration law.

6 | CONCLUSION & DISCUSSION

In the Netherlands, many part-time domestic workers have a specific employment status, giving them weaker social protection rights than regular employees, but more protection than the solo self-employed. This stands in stark contrast with ideas put forth in EU-level initiatives, such as the European Pillar of Social Rights, which encourages Member States to provide access to adequate social protection to all workers, irrespective of their employment relationship. In this contribution, we have explored the ways in which the existence of the Dutch intermediate employment status affects domestic workers' on-the-ground experiences with access to protection against work-related losses of income.

Like an earlier study (Panteia, 2014), we find that the rights defined in the RDaH rarely translate into practice. Most positive exceptions were due to the presence of a public intermediary that mediated employment relations between workers and cash-for-care recipients. In most other cases, workers would either receive no protection, or would be protected through arrangements made up by their employers, which are well-meant, but hardly qualify as the adequate and predictable type of protection that the Social Pillar seeks to extend to all workers. Furthermore, our findings indicate that it is unlikely that domestic workers will start asking for protection themselves, even if they are aware of their rights. This is primarily because they struggle to see households as carriers of responsibility; as they dread the discomfort of bringing up the issue; or as they fear that claiming rights could have adverse effects.

Related to labour law, proponents of intermediate employment statuses, like the 'worker' status in the United Kingdom, argue that they can extend protections to otherwise excluded workers (Taylor, 2017). The same argument could be made for the RDaH, as it does entitle un(der)declared workers to some protections. Our findings do however indicate that the RDaH rarely improves the situation for excluded workers and that it may, in fact, negatively affect declared workers and the sector as a whole, particularly if you bring access to social protection into the discussion. Firstly, although the RDaH gives workers more rights than the self-employed, they are often dependent on private households for executing those rights. Besides, they are offered the opportunity to register for insurance against long-term illness or unemployment, yet the premiums for insurance might be unreasonably high for workers in a sector characterized by low wages. Secondly, it negatively affects the sector as a whole, as jobs with full social protection coverage do not just compete with low prices on a vast undeclared market, but also with a declared market on which prices are kept low through weakened protection rights.

Recent rulings in Spain and the Netherlands indicate that EU-level legislation on equal treatment could help challenge exclusionary policies like the RDaH. Our findings do however indicate that the abolition of the RDaH alone will change little for non-publicly funded domestic workers as long as the responsibility for claiming and granting rights continues to rest on the shoulders of private households and domestic workers. In light of the ILO's and EU's calls to give social protection to all workers, it seems worthwhile to further explore the role of public institutions in guaranteeing automatic access to social protection for domestic workers, including discussing options to extend the role of public intermediaries to safeguard domestic workers' rights. Such an exploration should draw on the experiences from more successful policy contexts, like France and Belgium, but also seek for ways to improve the actual protection of domestic workers, which require considerably less public spending.

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The authors declare no conflict of interest.

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Research data are not shared.

ETHICS STATEMENT

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ENDNOTES

ⁱ Others use the term ‘personal household services (PHS)’ to capture a wider variety of occupational fields.

ⁱⁱ <https://www.uvw.nl/particulieren/verzekeren/welke-verzekering-heb-ik-nodig/detail/wat-kost-verzekeren-bij-uwv>. Accessed on 26 September 2023.

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