

Tailored guidelines summary: DEVELOPING RIGHTS AND OBLIGATIONS OF EMPLOYERS AND WORKERS

PHS work is on the rise. As participation in other areas of the economy increases, the demand for home care expands in tandem. In many countries, PHS jobs are characterised by an absence or low level of labour and social protection and ultimately marked by a power imbalance between PHS workers and their employers. There are in general three types of employment relationships:

- 1. Direct employment:** the household, the end-user or a representative of the end-user within the household directly negotiates and pays the worker;
- 2. Agency relationships:** the end-user works with the agency for all employment matters. The worker is under the supervision of the agency;
- 3. Public or public-private partnerships:** the end-user is identified as needing home support, and the local or national government organises support for them.

Within these forms of employment there are three primary stakeholders: the end-user, the employer, and the employee. In some cases, these roles overlap, however these are the three relationships which play a large role in the work environment.

The employee and employer share the responsibility of ensuring that workers' rights are upheld and obligations are met. These include:

1. Labour contracts: either negotiated independently or as part of a sectoral collective agreement, the employer must uphold the terms of the agreement
2. Right to organise, freedom of association and collective bargaining
3. Effective protection against all forms of abuse, harassment and violence (ILO 189, Art. 5)
4. Transparent and predictable working time (ILO 189, Art. 7, Art. 10)
5. Employment rights (ILO 189, Art. 8)
6. Living wages and access to benefits
7. Safe working environment
8. Role of private employment agencies (ILO 189, Art. 15)
9. Effective access to courts, tribunals or other dispute resolution mechanisms (ILO 189, Art. 16, 17, 18)
10. Occupational health and safety rights

Owing to the large imbalance in power, employers need to bear the brunt of the responsibilities. They will play an important part in ensuring that the industry continues to improve. Establishing social dialogue is an important step towards achieving a fairer and more just industry. Workers, governments and employers must work together effectively to ensure that the industry continues to grow, and that as it does more work becomes recognised, moving from the undeclared to the formal sector.

Partners



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Ad-PHS - Grant agreement
 no.: VS/2018/0344
 This project is funded by the European Union