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“WE JUST WANT SOME RIGHTS!”
MIGRANT CARE WORKERS DENIED
RIGHTS IN AUSTRIA
EXECUTIVE SUMMARY



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“Basically, we just want some rights. Our working conditions should be checked. The contract says one thing, but at work, when you start your job, it looks different. It is difficult to take breaks or to sleep. We are often overwhelmed by extra work.”

Hilda, a Romanian live-in carer working in Austria.

Migrant women who care for older people in Austria are under-protected and undercompensated. They receive low wages, work excessively long hours with no breaks, and have inadequate access to social security. Many women migrant workers experience racism, harassment and abuse with little protection, safeguarding or monitoring in place. There is little or no support to help them seek assistance or justice if they do suffer abuse or discrimination.

The COVID-19 pandemic has not only exacerbated the pre-existing precarity of live-in care workers. It also shone a light on the dire working conditions for migrant women live-in carers in Austria. During the first months of the pandemic, many migrant women working as live-in carers extended their working rotas in Austria to continue providing care to older people. Women interviewed by Amnesty International reported how they often ended up working 24/7 during the pandemic without adequate protection against excessively long-hours or to help them ensure they have regular rest breaks.

This report is based on research carried out between November 2020 and May 2021. In addition to desk research, Amnesty International researchers interviewed 32 people with either direct experience of care work, expertise in and/or roles relevant to the care work profession in Austria. The interviewees include six Slovak and seven Romanian women who were currently working or had worked in Austria as live-in carers.

The decision by Amnesty International to specifically investigate the situation of live-in care workers in Austria and the protection of their human rights stemmed from the particular challenges that these workers experienced in the context of the COVID-19 pandemic. In Austria, more than 92% of live-in care workers are women and more than 98% of them are migrants, mostly from Central and Eastern Europe, mainly Romania and Slovakia. Women working in this way are often referred to as “circular migrants” as they commonly migrate for short periods, and alternate working rotas of two or four weeks in Austria, then returning for a period to their countries of origin. As a consequence, restrictions on international travel had a particularly negative impact on live-in care workers in Austria.

Work in providing care to older people is a highly feminized profession and consequently undervalued and poorly paid. Austria has one of the highest gender pay gaps in Europe (19% in 2019). For women working in this area who are migrants the gap is even more acute, and they are often paid below minimum wage. In Austria migrant workers are paid 25% less than nationals and migrant women are paid 26.8% less than non-migrant women.

Austria has an increasingly ageing population – more than one fourth of the population will be older than 65 by 2040 – and thus a growing need for care workers. Policy decisions such as cash benefits and, until 2018, the responsibility being placed on older people for funding their own long-term care in residential care homes has resulted in many older people or their families choosing live-in carers. More than 60,000 live-in care workers, who

are often referred to as 24-hour care workers (*24-Stunden Betreuer*innen*), provide care for older people in their homes.

Although there is a high demand for live-in carers in Austria, this has not translated into the vital role they have being highly valued socially or politically.

THE LEGAL AND POLICY GAPS AND PRECARIOUS EMPLOYMENT SITUATION FOR LIVE-IN CARERS IN AUSTRIA

Live-in care workers can either be directly employed by the older person whom they care for or by a not-for-profit organization or be self-employed. More than 98% of live-in care workers are categorised as self-employed; many of them are matched with older people in need of care by placement agencies. Austrian law establishes minimum wage and working time protection for live-in care workers. However, these protections only apply to employed live-in care workers; therefore, the huge majority of live-in care workers has no legal protection for minimum wage and working hours. In theory, self-employed care workers should be able to negotiate their wages and their working time directly with the people they care for. In practice, however, they often do not have that autonomy. In addition, self-employed care workers do not receive sickness benefits (*Krankengeld*) until the 42nd consecutive day of sickness, unless they pay additional contributions to the social insurance scheme. While the tasks of employed and self-employed live-in care workers are essentially the same, the latter largely have no protection of the law in terms of wages and work hours and experience barriers in enjoying their human rights to just and favourable conditions of work and to social security.

LACK OF AUTONOMY IN DECIDING REMUNERATION, WORKING HOURS AND REST PERIODS

In practice live-in care workers are often not self-employed as they usually have little autonomy to negotiate their remuneration, working hours and rest periods. They are often recruited by placement agencies and have a contract with both the older person whom they care for and the placement agency acting as an intermediary. As live-in care workers are domestic workers who live in the same household as the older people whom they care for, women working or who had worked as live in carers told Amnesty International how they had to adapt to their daily routines and changing health needs, which often prevents them from making autonomous decisions over their working hours and rest periods, which are prerogatives of self-employment. Placement agencies equally exercise control while performing their function of intermediaries as they assess the needs of older people, which is the basis for the remuneration of care workers and their tasks, and often exercise the power to collect the earnings of care workers.

BARRIERS TO ACCESS COVID-19 BENEFITS

The COVID-19 pandemic has worsened the working conditions of live-in care workers, putting their health and well-being at risk. Amid restrictions on international travel, care workers often extended their working rotas in Austria and worked 24/7 for a minimum of six weeks during the lockdown. Although the Austrian authorities have put in place some support mechanisms either specifically for live-in care workers or for self-employed people more generally, they have failed in some instances to make them accessible to all migrant live-in care workers.

KEY RECOMMENDATIONS

Amnesty International calls on the Austrian parliament and government to make sure that all live-in care workers enjoy their rights to fair remuneration, favourable and just conditions of work and social security without any discrimination by:

- Extending minimum wage protection and working hours protection to all live-in care workers;
- Reviewing, clarifying and adapting laws and regulations in order to protect the rights of “self-employed” live-in care workers who in practice perform work in the context of an employment relationship. As recommended by the International Labour Organization (Recommendation R198), the authorities could

determine the employment status of live-in care workers by consulting with the most representative organizations of employers and workers themselves;

- Strengthening labour inspection mechanisms for example by carrying out regular unannounced visits of households of older people who make use of the services of live-in care workers throughout Austria and include the working conditions and situation of live-in care workers in the quality assessment of home care;
- Engaging and consulting with migrant women who are working as live-in carers in the process of developing reforms and responses to the concerns about their human rights;
- Taking measures to address discrimination against migrant women workers and introduce safeguards and support services to prevent and combat abuse or exploitation.