



WP3 on Discrimination Map Summary Tables of National and Comparative Reports

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CARE4CARE WP3 national report on 'Discrimination Map',
Summary table, France

This table summarises the WP3 national report on France. The national report assesses legislation, collective agreements and national policies in the care sector with a focus on gender equality and discrimination related to national origin, ethnicity, race and religion. The CARE4CARE project studies care workers, in the public and private care sector and in formal and informal economies, who perform paid work and provide personal and/or health care to the elderly, sick and persons with disabilities. The focus is on care workers who have at most a Bachelor's degree.

1. Gender

<p>Level of comprehensiveness and effectiveness of antidiscrimination legislation and prohibition of harassment</p>	<p>French law regulates both moral and sexual harassment. Effectiveness at the corporate level - Obligation for companies with at least 20 employees, their internal regulations must include the provisions relating to moral and sexual harassment and harassment based on sex set out in the Labor Code.</p>
<p>Level of female presence in the sector and ability of legislation and collective bargaining to consider this characteristic</p>	<p>Majority of women in the occupations of nursing, care assistants, home help assistants. Major collective bargaining activity in the care sector (and its regulation of professional equality).</p>
<p>Provisions in legislation and/or collective agreements on occupational classification and wages</p>	<p>The legislation provides for collective bargaining to regulate professional classification and salaries considering the objective of professional equality between women and men. In certain areas of the care sector, collective bargaining includes specific sections.</p>
<p>Legal disputes and court decisions on gender discrimination in the care sector in the following areas and level of visibility in public opinion: - job classification and employment contracts - remuneration - health and safety at work - termination of the contract</p>	<p>In the specific area of care, there are no visible disputes concerning the issues referred to.</p>

- access to social benefits	
Provisions in legislation and/or collective agreements to facilitate the work-life balance	The legislation includes measures for work-life balance, although there are no specific measures for work-life balance “for female workers” in the care sector in general or for each job in the care sector.
Presence, role and effectiveness of Equality Bodies	There are Equality Bodies with a special focus on gender issues. In any case, there have been no specific actions related to the rights of women in the care sector.
Issues of interest that may be noteworthy derived from reports issued by institutions referenced in national reports	Surveys show the importance of workers in the care sector but also the undervaluation of their work, sufferance of unequal treatment and discriminatory harassment in the exercise of their profession. These issues are poorly documented by institutions.

2. Immigrant status

Level of comprehensiveness and effectiveness of antidiscrimination legislation and prohibition of harassment	Racial or ethnic origin are systematically among the first criteria for prohibition of discrimination in French legislation.
Level of migrants' presence in the care sector, ability of legislation and/or collective bargaining to consider this element and to assess the presence of undocumented (or irregular) migrant workers in the care sector	Presence of immigrants in the different occupations, especially in home-help aides. In any case, over-representation of foreign-born employees in the care sector.
Measures to promote migrants' access in the care sector	Foreigners may work in the French civil service. However, depending on their nationality, the conditions of access and the status (civil servant or contract employee) to which they are entitled vary.
Presence and rights of undocumented (irregular) migrants in the care sector and measures for regularization	Foreigners who are illegally residing and working enjoy the same rights, regardless of the sector of activity or profession in which they are employed. There is no specific provision on this point for workers in the care sector. No right to regularisation.
Presence and role of Equality Bodies against racial, ethnic, religious discrimination	Equality Bodies deal with discrimination on these grounds. Reporting activity.
Provisions giving relevance to the migration status in legislation and/or collective agreements applicable to the care sector (i.e. wages)	Some collective agreements applicable to the care sector refer to the foreign worker status of the person working in the professions covered by these agreements: favouring the posting to overseas territories.
Legal disputes and court decisions on race/nationality/ethnic origins discriminations in the care sector in the following areas and level of visibility in public opinion: - job classification and employment contracts - remuneration - health and safety at work - termination of the contract - access to social benefits	There are court rulings on foreign domestic workers in an irregular situation when they are dismissed.

Issues of interest that may be noteworthy arising from reports issued by institutions or opinions expressed by the authors of the reports

Some reports echo that in order to combat discrimination on the basis of origin in all sectors of activity, many workers are in favour of "evaluating recruitment procedures to ensure that ethnic minority candidates have the same chance of being called for interviews or hired as other candidates with the same skills and qualifications."

CARE4CARE WP3 national report on 'Discrimination Map',
Summary table, Germany

This table summarises the WP3 national report on Germany. The national report assesses legislation, collective agreements and national policies in the care sector with a focus on gender equality and discrimination related to national origin, ethnicity, race and religion. The CARE4CARE project studies care workers, in the public and private care sector and in formal and informal economies, who perform paid work and provide personal and/or health care to the elderly, sick and persons with disabilities. The focus is on care workers who have at most a Bachelor's degree.

1. Gender

<p>Level of comprehensiveness and effectiveness of antidiscrimination legislation and prohibition of harassment</p>	<p>Legislation against gender discrimination and harassment (transposing EU Law). The Constitution prohibits gender discrimination, The German constitution (GG, Grundgesetz, Basic Law), in Art. 3 (2) and (3), provides a strong ban on discrimination of women, and on gender discrimination. However, it is not directly applicable to employment contracts. There is no data on effectiveness.</p>
<p>Level of female presence in the sector and ability of legislation and collective bargaining to consider this characteristic</p>	<p>Female dominated sector (81%-83%), in a male-dominated labour market. There are no specific provisions in legislation and collective agreements for women workers in the care sector. Wage differences between men and women performing the same job.</p>
<p>Provisions in legislation and/or collective agreements on occupational classification and wages</p>	<p>There are only forecasts for the care sector job category. Collective provision of care for the total time (working time and rest time) maximum 10 hours. In the public sector agreement (care/health sector) there are specific rules regarding salaries (experience, training...).</p>
<p>Legal disputes and court decisions on gender discrimination in the care sector in the following areas and level of visibility in public opinion: - job classification and employment contracts - remuneration - health and safety at work</p>	<p>There are no legal conflicts about the contracts, but there have been conflicts on the part of part-time workers because they are paid less and are usually women (indirect discrimination).</p>

<p>- termination of the contract - access to social benefits</p>	
<p>Provisions in legislation and/or collective agreements to facilitate the work-life balance</p>	<p>There are 3 years of maternity/paternity leave with 67% of your salary (minimum 300 euros per child). Until the child reaches the age of 8, you are permitted to take a leave of more than 24 months. Additionally, there is support for the provision of long-term care for family members, entailing a minimum reduction of 15 hours per week. Pregnant women and those who have recently given birth benefit from protective measures, ensuring they cannot be terminated during pregnancy or within the subsequent 4 months.</p>
<p>Presence, role and effectiveness of Equality Bodies</p>	<p>The Federal-Anti Discrimination Agency is an independent agency with the German Federal Ministry for Family Affairs, senior Citizens, Women and Youth, in the context of the EU Directives. The commissioner is elected by German Parliament. Provides information, counselling, support and carries out measures to prevent discrimination.</p>
<p>Issues of interest that may be noteworthy derived from reports issued by institutions referenced in national reports</p>	<p>Reports confirm the significant contribution of women workers in the sector, which is associated with lower wages.</p>

2. Immigrant status

Level of comprehensiveness and effectiveness of antidiscrimination legislation and prohibition of harassment	Discrimination based on origin is prohibited directly by the Constitution and applies to the public sector but it is not applicable to employment contracts.
Level of migrants' presence in the care sector, ability of legislation and/or collective bargaining to consider this element and to assess the presence of undocumented (or irregular) migrant workers in the care sector	Presence of migrants in the different occupations.
Measures to promote migrants' access in the care sector	<p>Health and care work is regulated by the federal and state law; some of these professions may only be practiced with a special authorization obtained with the relevant education.</p> <p>Since 2013 there is a special placement program for bilateral agreements with several countries (today: Bosnia and Herzegovina, Philippines, Mexico, Colombia, Indonesia, Jordan, India, Vietnam, and El Salvador) that aims to recruit qualified nurses from abroad and offers further vocational training for those who do not have their qualification fully recognised in Germany.</p>
Presence and rights of undocumented (irregular) migrants in the care sector and measures for regularization	<p>Undocumented migrants are typically not included in official data, but studies believe that there are many irregular domestic workers.</p> <p>There are no specific statistics on undocumented (irregular) care work, but it is estimated that there is a total of 11.2% of irregular work.</p>
Presence and role of Equality Bodies against racial, ethnic, religious discrimination	<p>The ADS, next to gender equality, also covers racial, ethnic or religious discrimination.</p> <p>Also exist The Office for the Equal Treatment of UE Workers and The German Institute for Human Rights, that is the general independent human rights institution.</p>
Provisions giving relevance to the migration status in legislation and/or collective agreements applicable to the care sector (i.e. wages)	<p>There are no key differences in labor rights between migrant workers (regular or irregular) and nationals. Furthermore, any collective agreements reflect migrant workers in the care sector.</p> <p>Only the public sector agreement recognises leaving for a few days due to family death (studies say it is used for the purpose of going to the country of origin).</p> <p>Migrants tend to have lower wages than nationals.</p>

<p>Legal disputes and court decisions on race/nationality/ethnic origins discriminations in the care sector in the following areas and level of visibility in public opinion:</p> <ul style="list-style-type: none"> - job classification and employment contracts - remuneration - health and safety at work - termination of the contract - access to social benefits 	<p>Little or no case law.</p> <p>Some cases of disputes have reached the media, without becoming legal disputes.</p>
<p>Issues of interest that may be noteworthy arising from reports issued by institutions or opinions expressed by the authors of the reports</p>	<p>Based on interviews with foreign nursing professionals, it shows the complicated cooperation between nurses educated in Germany (often also with a migrant background), and foreign nurses. Expectations and different professional experiences play an important role here.</p> <p>An article in the daily newspaper Süddeutsche Zeitung that reported on the research findings of this study, pointed out that structural racism in the nursing sector is also related to the fact that foreigners working as nurses in Germany are less likely (14%) to participate in daily meetings with their supervisors than German nationals (37%).</p> <p>Other studies about discrimination in the care sector establish that there are patients who do not want to be treated by nurses depending on their skin color.</p>

CARE4CARE WP3 national report on 'Discrimination Map',
Summary table, Italy

This table summarises the WP3 national report on Italy. The national report assesses legislation, collective agreements and national policies in the care sector with a focus on gender equality and discrimination related to national origin, ethnicity, race and religion. The CARE4CARE project studies care workers, in the public and private care sector and in formal and informal economies, who perform paid work and provide personal and/or health care to the elderly, sick and persons with disabilities. The focus is on care workers who have at most a Bachelor's degree.

1. Gender

Level of comprehensiveness and effectiveness of antidiscrimination legislation and prohibition of harassment	Extensive legislation against gender discrimination and harassment (transposing EU Law).
Level of female presence in the sector and ability of legislation and collective bargaining to consider this characteristic	Female dominated sector. Except for anti-discrimination and equal treatment legislation, no specific provisions in legislation and collective agreements for women workers in the care sector.
Provisions in legislation and/or collective agreements on occupational classification and wages	Scarce or not-relevant legislation on workers classification. 'Unitary classification' (<i>inquadramento unico</i>) for all workers provided by collective agreements. No legal minimum wage. Remuneration determined by collective agreements (no gender differentiation). Low level of wages and quality of working conditions in the care sector.
Legal disputes and court decisions on gender discrimination in the care sector in the following areas and level of visibility in public opinion: - job classification and employment contracts - remuneration - health and safety at work - termination of the contract - access to social benefits	Little or no anti-discrimination case law.

Provisions in legislation and/or collective agreements to facilitate the work-life balance	Statutory and collective bargaining regulation of leave, incl. e.g. sick leave, accident leave, and maternity and parental leave with some limitations for home caregivers.
Presence, role and effectiveness of Equality Bodies	Equality Councillors (<i>Consigliere di Parità</i>) deal with preventing and combating gender discrimination and are created at the provincial, regional and national levels.
Issues of interest that may be noteworthy derived from reports issued by institutions referenced in national reports	Reports confirm the significant role of women workers in the sector and the challenges they face. They also highlight the pandemic's impact on these workers through both reports and policies.

2. Immigrant status

Level of comprehensiveness and effectiveness of antidiscrimination legislation and prohibition of harassment	Extensive legislation against national, racial, ethnic, religious discrimination and harassment (transposing EU Law).
Level of migrants' presence in the care sector, ability of legislation and/or collective bargaining to consider this element and to assess the presence of undocumented (or irregular) migrant workers in the care sector	Significant presence of migrants in the care sector, especially concerning migrant women home caregivers.
Measures to promote migrants' access in the care sector	Consolidated Act on Immigration establishes complex procedures for legal entry into Italy and allows non-nationals to access the labour market through (temporary) residence permits.
Presence and rights of undocumented (irregular) migrants in the care sector and measures for regularization	Undocumented migrants are typically not included in official data. However, statistical analyses indicate that a sizeable portion of workers are undeclared or undocumented migrants. In 2020, a collective regularisation procedure was initiated (not yet concluded). The care sector was included in this regularization procedure.
Presence and role of Equality Bodies against racial, ethnic, religious discrimination	Office for the Promotion of Equal Treatment and the Elimination of Discrimination on the grounds of Race or Ethnic Origin (UNAR), with limited powers, deals with discrimination based on race and ethnic origin.
Provisions giving relevance to the migration status in legislation and/or collective agreements applicable to the care sector (i.e. wages)	According to the principle of non-discrimination, migrant workers are subject to the same contractual rules and remuneration as nationals. Limits are established for access to public employment. Low level of wages and quality of working conditions in the care sector.
Legal disputes and court decisions on race/nationality/ethnic origins discriminations in the care sector in the following areas and level of visibility in public opinion: - job classification and employment contracts - remuneration - health and safety at work - termination of the contract	Little or no case law. Some cases of conflict have reached the media, without becoming legal disputes.

- access to social benefits	
Issues of interest that may be noteworthy arising from reports issued by institutions or opinions expressed by the authors of the reports	The challenge in locating caselaw on matters of discrimination is noteworthy. The analysed reports underscore the pivotal role of migrants in general, with a particular emphasis on the contributions of migrant women.

CARE4CARE WP3 national report on 'Discrimination Map',
Summary table, Poland

This table summarises the WP3 national report on Poland. The national report assesses legislation, collective agreements and national policies in the care sector with a focus on gender equality and discrimination related to national origin, ethnicity, race and religion. The CARE4CARE project studies care workers, in the public and private care sector and in formal and informal economies, who perform paid work and provide personal and/or health care to the elderly, sick and persons with disabilities. The focus is on care workers who have at most a Bachelor's degree.

1. Gender

Level of comprehensiveness and effectiveness of antidiscrimination legislation and prohibition of harassment	The Constitution of the Republic of Poland provides a general principle of equality before the law and prohibits discrimination on various grounds, including gender. As Equality Act and Labor Code.
Level of female presence in the sector and ability of legislation and collective bargaining to consider this characteristic	There can be identifies several factors that contribute to the overrepresentation of women in the care sector in Poland. <ol style="list-style-type: none"> 1. Traditional gender roles. 2. Jobs in the care sector may offer more flexible working hours compared to other industries. 3. Gender pay gaps. 4. Education and training that are historically patterned by the assumption that care work is something inherent to women.
Provisions in legislation and/or collective agreements on occupational classification and wages	In Poland the occupations in the care sector can be divided into medical professions and non-medical professions. In Poland the is no one statutory catalogue of occupations in the care sector.
Legal disputes and court decisions on gender discrimination in the care sector in the following areas and level of visibility in public opinion: - job classification and employment contracts - remuneration - health and safety at work - termination of the contract	No disputes or legal conflicts have been identified in Poland regarding the reported issues

- access to social benefits	
Provisions in legislation and/or collective agreements to facilitate the work-life balance	Care workers are subject to the same rules as other sector workers in the matter of work-life balance.
Presence, role and effectiveness of Equality Bodies	Poland had equality bodies and institutions responsible for promoting and protecting equal treatment and non-discrimination, including gender equality.
Issues of interest that may be noteworthy derived from reports issued by institutions referenced in national reports	Polish general regulations regarding non-discrimination on the grounds of sex in the field of employment that apply to all workers, including care workers, comply with obligations arising from EU legislation.

2. Immigrant status

Level of comprehensiveness and effectiveness of antidiscrimination legislation and prohibition of harassment	The Constitution of the Republic of Poland provides a general principle of equality before the law and prohibits discrimination on various grounds, including race, ethnic origin, religion and belief.
Level of migrants' presence in the care sector, ability of legislation and/or collective bargaining to consider this element and to assess the presence of undocumented (or irregular) migrant workers in the care sector	The presence of migrant populations, including both EU and non-EU nationals, in the care sector in Poland is a complex and multifaceted issue.
Measures to promote migrants' access in the care sector	To facilitate access to work for migrants there were introduced a simplified procedure for employing a foreigner.
Presence and rights of undocumented (irregular) migrants in the care sector and measures for regularization	Theoretically migrants in an undocumented situation are entitled to the same rights as other workers, since labour law make any difference based on legal position of migrant worker. However, since their unclear legal position they are in practice employed illegally, therefore they labour rights are not respected.
Presence and role of Equality Bodies against racial, ethnic, religious discrimination	Poland had equality bodies and institutions responsible for promoting and protecting equal treatment and non-discrimination, including gender equality.
Provisions giving relevance to the migration status in legislation and/or collective agreements applicable to the care sector (i.e. wages)	No reference is made to this point.
Legal disputes and court decisions on race/nationality/ethnic origins discriminations in the care sector in the following areas and level of visibility in public opinion: - job classification and employment contracts - remuneration - health and safety at work - termination of the contract - access to social benefits	No information on disputes or legal conflicts could be retrieved.

Issues of interest that may be noteworthy arising from reports issued by institutions or opinions expressed by the authors of the reports	Polish labour laws on harassment apply to all workers in the country, regardless of their immigration status and sector where they work.
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CARE4CARE WP3 national report on 'Discrimination Map', Summary table, Sweden

This table summarises the WP3 national report on Sweden. The national report assesses legislation, collective agreements and national policies in the care sector with a focus on gender equality and discrimination related to national origin, ethnicity, race and religion. The CARE4CARE project studies care workers, in the public and private care sector and in formal and informal economies, who perform paid work and provide personal and/or health care to the elderly, sick and persons with disabilities. The focus is on care workers who have at most a Bachelor's degree.

1. Gender

Level of comprehensiveness and effectiveness of antidiscrimination legislation and prohibition of harassment	High level of comprehensiveness of anti-discrimination legislation and prohibition of harassment, Discrimination Act (2008:567). Effectiveness in terms of access to justice mainly through labour market dispute resolution mechanisms along with high trade union density, and, in addition, through equality body.
Level of female presence in the sector and ability of legislation and collective bargaining to consider this characteristic	High level of female presence in the sector. Swedish legislation, collective agreements, and employment contracts are gender neutral, with very few exceptions (mainly regarding pregnancy). Legislation and collective agreements may proactively promote gender equality and equal treatment. Gender specific provisions is normally considered sex discrimination.
Provisions in legislation and/or collective agreements on occupational classification and wages	No statutory provisions. In the social partners' joint wage statistics, different classification systems apply in the public sector, municipal and regional sectors, and the private sector respectively (Government Report SOU 2022:4, p. 242). Public statistics applies Swedish Standard Classification of Occupations, based on the international classification (ISCO-08).
Legal disputes and court decisions on gender discrimination in the care sector in the following areas and level of visibility in public opinion: - job classification and employment contracts - remuneration - health and safety at work	Almost all labour disputes are settled in grievance negotiations with the trade union or through Equality Body involvement before reaching court. Very few discrimination cases. In the care sector, three milestone cases on wage discrimination and work of equal value for midwives, are Swedish Labor Court cases AD 1996 No 41; AD 2001 No 13 (C-236/98) and AD 2001 No 76. Although lost, these cases increased public awareness of pay discrimination, and when the cases were pending, the midwives received the highest pay increases ever.

<p>- termination of the contract - access to social benefits</p>	
<p>Provisions in legislation and/or collective agreements to facilitate the work-life balance</p>	<p>In both legal legislation and collective agreements there are provisions on work-life balance.</p>
<p>Presence, role and effectiveness of Equality Bodies</p>	<p>The Equality Ombudsman monitors and may represent individuals before court. For many years, the authority has handled a notably low number of individual complaints, but from 2022, more complaints are investigated and will, where appropriate, be brought to court.</p>
<p>Issues of interest that may be noteworthy derived from reports issued by institutions referenced in national reports</p>	<p>Nothing to highlight.</p>

2. Immigrant status

<p>Level of comprehensiveness and effectiveness of antidiscrimination legislation and prohibition of harassment</p>	<p>High level of comprehensiveness of anti-discrimination legislation and prohibition of harassment on the ground of ethnicity and religion or other belief. Race, nationality or immigrant status are protected grounds, Discrimination Act (2008:567). Effectiveness (in terms of access to justice) mainly through labour market dispute resolution mechanisms along with high trade union density, and, in addition, through the equality body.</p>
<p>Level of migrants' presence in the care sector, ability of legislation and/or collective bargaining to consider this element and to assess the presence of undocumented (or irregular) migrant workers in the care sector</p>	<p>High level of migrants' presence in the sector. In labour legislation or collective agreements applicable to the care sector, there are no references to the status of workers as immigrants. No data on undocumented/irregular migrant workers in the care sector.</p>
<p>Measures to promote migrants' access in the care sector</p>	<p>For migrants with residence permit, measures include vocational training, language training, validation of foreign education and exam, supplementary training to a foreign exam for professions which require a license from The National Board of Health and Welfare.</p>
<p>Presence and rights of undocumented (irregular) migrants in the care sector and measures for regularization</p>	<p>Low presence of undocumented migrants in the care sector. Labor law framework applies to everyone, irrespective of residence or work permit. Illegal to hire people without a work permit, which must have been granted before entering Sweden, Aliens Act (2005:716). Asylum seekers denied asylum may apply for work permit without leaving Sweden.</p>
<p>Presence and role of Equality Bodies against racial, ethnic, religious discrimination</p>	<p>The Equality Ombudsman monitors and may represent individuals before court. For many years, the authority has handled a notably low number of individual complaints, but from 2022, more complaints are investigated and will, where appropriate, be brought to court.</p>
<p>Provisions giving relevance to the migration status in legislation and/or collective agreements applicable to the care sector (i.e. wages)</p>	<p>Swedish labour legislation, collective agreements, and employment contracts do not give relevance to migration status.</p>
<p>Legal disputes and court decisions on race/nationality/ethnic origins discriminations in the care sector in the following areas and level of visibility in public opinion: - job classification and employment contracts</p>	<p>Almost all labour disputes are settled in grievance negotiations with the trade union or through Equality Body involvement before reaching court. Very few discrimination cases. Swedish Labor Court case AD 2017 No 61: alleged harassment based on ethnicity and sexual harassment against a personal</p>

<ul style="list-style-type: none"> - remuneration - health and safety at work - termination of the contract - access to social benefits 	<p>assistant for a disabled persons conducted by that person's cohabiting partner in their joint home. The question was whether the cohabiting partner should be equated with an employee, and thus be included in obligation under the Discrimination Act (2008:567) for employers to investigate harassment between employees. The Court answered this question in the negative while pointing to the occupational health and safety responsibility of the employer company under the work environment legislation.</p>
<p>Issues of interest that may be noteworthy arising from reports issued by institutions or opinions expressed by the authors of the reports</p>	<p>Swedish migration policy is currently undergoing comprehensive changes supported by a broad political majority, and where the restructuring of labour immigration is an important element. The legal framework and policy can be expected to change soon. A current debate has revolved around the increased wage floor for work permits introduced to counteract exploitation and abuse, strengthen the position of labour migrants, prevent salaries of labour migrants from being undercut, and to discourage competition with low salaries. Other debates have concerned requirements of Swedish language proficiency for care workers, and forms of abuse of the labour immigration system, notably in relation work permits for personal assistants for a person with disabilities.</p>

CARE4CARE WP3 national report on 'Discrimination Map', Summary table, Spain

This table summarises the WP3 national report on Spain. The national report assesses legislation, collective agreements and national policies in the care sector with a focus on gender equality and discrimination related to national origin, ethnicity, race and religion. The CARE4CARE project studies care workers, in the public and private care sector and in formal and informal economies, who perform paid work and provide personal and/or health care to the elderly, sick and persons with disabilities. The focus is on care workers who have at most a Bachelor's degree.

1. Gender

Level of comprehensiveness and effectiveness of antidiscrimination legislation and prohibition of harassment	Spanish legislation covers the prohibition of discrimination based on sex and the different types of harassment, including discriminatory harassment. Society has little knowledge of the requirement of protective legislation.
Level of female presence in the sector and ability of legislation and collective bargaining to consider this characteristic	Women are in the majority in all occupations in the care sector. Collective bargaining plays an important role in some professions (e.g., nursing), but not in others (e.g., domestic work).
Provisions in legislation and/or collective agreements on occupational classification and wages	Labor legislation establishes a minimum wage, including domestic work performed on an hourly basis. It leaves the professional classification of workers to collective bargaining.
Legal disputes and court decisions on gender discrimination in the care sector in the following areas and level of visibility in public opinion: - job classification and employment contracts - remuneration - health and safety at work - termination of the contract - access to social benefits	There are no notable conflicts in the judicial sphere in care work. In the field of nurses, it is possible that their working conditions are precarious due to excessive working hours and salaries. It is not known that there is a significant number of work-related accidents (i.e., situations considered as work-related accidents or work-related illnesses) as shown in the statistics.
Provisions in legislation and/or collective agreements to facilitate the work-life balance	Spanish legislation provides for work-life balance measures. In general, these measures are accepted by collective bargaining.

Presence, role and effectiveness of Equality Bodies

In terms of gender equality, the measures taken by the Equality Bodies are important.

Issues of interest that may be noteworthy derived from reports issued by institutions referenced in national reports

The reports carried out by public institutions on care work maintain that statistical bodies should strengthen the production and updating of data disaggregated by sex to improve knowledge of the reality of women in the care sector.

The Institutions also encourage the institutions to take into account the diversity of women's situations in the care sector and to promote reconciliation measures, for example for women in care jobs.

2. Immigrant status

Level of comprehensiveness and effectiveness of antidiscrimination legislation and prohibition of harassment	<p>Spanish legislation regulates the different grounds of discrimination such as racial or ethnic origin and harassment on discriminatory grounds.</p> <p>There is an Equality Agency for discrimination based on racial or ethnic origin.</p> <p>It is detected that victims do not usually report situations of discrimination.</p>
Level of migrants' presence in the care sector, ability of legislation and/or collective bargaining to consider this element and to assess the presence of undocumented (or irregular) migrant workers in the care sector	<p>The presence of immigrant personnel is important in certain occupations in the care sector, especially in domestic work (approximately 45%).</p> <p>The family home service has become more of a labour niche for foreign workers.</p>
Measures to promote migrants' access in the care sector	<p>No specific measures have been taken.</p> <p>During the Covid-19 pandemic, the regularization of irregular migrants in the domestic sector was regulated.</p>
Presence and rights of undocumented (irregular) migrants in the care sector and measures for regularization	<p>In the care sector, the general regulation for all workers is followed: the possibility for the migrant to obtain residency in exceptional circumstances (for example, by demonstrating that he/she is working).</p>
Presence and role of Equality Bodies against racial, ethnic, religious discrimination	<p>The functions of the Equality Body are informative or advisory.</p>
Provisions giving relevance to the migration status in legislation and/or collective agreements applicable to the care sector (i.e. wages)	<p>Some collective bargaining agreements contain measures to promote equality between local and foreign workers.</p> <p>Also, to recognize rights in religious matters.</p>
Legal disputes and court decisions on race/nationality/ethnic origins discriminations in the care sector in the following areas and level of visibility in public opinion: <ul style="list-style-type: none"> - job classification and employment contracts - remuneration - health and safety at work - termination of the contract - access to social benefits 	<p>There are judicial conflicts in relation to domestic workers, particularly at the time of dismissal.</p> <p>The Court of Justice of the European Union ruled on the right of domestic workers to receive unemployment benefits because of the indirect discrimination that Spanish law does not recognize.</p>

Issues of interest that may be noteworthy arising from reports issued by institutions or opinions expressed by the authors of the reports	Equality bodies point out that it is necessary to increase the social valuation of the contribution to employment of these people who fill essential jobs (in care).
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CARE4CARE WP3 comparative report on 'Discrimination Map',

Summary table

This table outlines the content of the comparative analysis of the WP3 national reports on Discrimination Map. The comparative analysis assesses legislation, collective agreements and national policies in the care sector with a focus on gender equality and discrimination related to national origin, ethnicity, race and religion in six countries and EU Member States (France (FR), Germany (DE), Italy (IT), Poland (PL), Spain (ES), and Sweden (SE)). The CARE4CARE project studies care workers, in the public and private care sector and in formal and informal economies, who perform paid work and provide personal assistance and/or health assistance to elderly persons, sick persons, and persons with disabilities. Focus is on care workers who have at most a Bachelor's degree.

1. Gender

Level of comprehensiveness and effectiveness of antidiscrimination legislation and prohibition of harassment	National reports establish the existence of anti-discrimination and anti-harassment legislation. Importance of the Courts of Justice in their recognition. Some of them express the importance of Equality Bodies (Sweden, Spain) or of the attribution of duties to companies (France).
Level of female presence in the sector and ability of legislation and collective bargaining to consider this characteristic	Female dominated sector (all countries).
Provisions in legislation and/or collective agreements on occupational classification and wages	In Sweden, there are no statutory provisions. In Spain and France, legislation provides for collective bargaining to cover these areas. In Italy a unitary classification is established by the collective agreements; there is no statutory minimum wage; wages are established by collective agreements. In Poland the occupations in the care sector can be divided into medical professions and non-medical professions. In Poland there is no one statutory catalogue of occupations in the care sector.
Legal disputes and court decisions on gender discrimination in the care sector in the following areas and level of visibility in public opinion: - job classification and employment contracts - remuneration	Little judicial conflict in these areas in the care sector. In France and Spain, there is conflict in the area of dismissals. Germany and Sweden report cases of equal pay. Spain had to apply a decision of the Court of Justice of the European Union to recognize unemployment benefits for domestic workers.

<ul style="list-style-type: none"> - health and safety at work - termination of the contract - access to social benefits 	
Provisions in legislation and/or collective agreements to facilitate the work-life balance	In general, at the legislative and collective bargaining levels.
Presence, role and effectiveness of Equality Bodies	Existence of Equality Bodies in all countries.
Issues of interest that may be noteworthy derived from reports issued by institutions referenced in national reports	<p>Reports in Germany and Italy confirm the contribution of women workers in the sector (in Germany, they express their association with low salaries, and in Italy the impact that the 2020 pandemic had on this group).</p> <p>In France, surveys show the importance of jobs in the care sector but also the undervaluation of their work, the suffering of unequal treatment and discriminatory harassment in the exercise of their profession, but these issues are poorly documented by institutions.</p> <p>In Spain, the reports made by public institutions on care work maintain that statistical bodies should reinforce the production and updating of data disaggregated by sex to improve knowledge of the reality of women in the care sector.</p>

2. Immigrant status

<p>Level of comprehensiveness and effectiveness of antidiscrimination legislation and prohibition of harassment</p>	<p>The countries' legislation assumes the prohibition of discrimination on the basis of racial or ethnic origin. Importance of Equality Bodies in Sweden. Lesser impact of these bodies in Spain</p>
<p>Level of migrants' presence in the care sector, ability of legislation and/or collective bargaining to consider this element and to assess the presence of undocumented (or irregular) migrant workers in the care sector</p>	<p>In all countries, there is a presence of migrant workers in the care sector, especially third-country nationals. Figures vary between countries where statistics are available, ranging from 13% in Germany, 14.5% in France (counted as foreign-born employees), to 45% for certain jobs in the care sector (such as domestic work with care function) in Spain.</p>
<p>Measures to promote migrants' access in the care sector</p>	<p>In France and Spain, access to the civil service (care sector) is allowed, but the conditions of access vary with respect to nationals.</p>
<p>Presence and rights of undocumented (irregular) migrants in the care sector and measures for regularization</p>	<p>Data are not available for most countries, although in Germany it is estimated that in the care sector there may be 11.2% irregular work.</p>
<p>Presence and role of Equality Bodies against racial, ethnic, religious discrimination</p>	<p>Equality bodies exist in all countries, although with different competencies.</p>
<p>Provisions giving relevance to the migration status in legislation and/or collective agreements applicable to the care sector (i.e. wages)</p>	<p>Swedish labour legislation, collective agreements, and employment contracts do not give relevance to migration status. Italy and Spain regulate the same labour laws as nationals. Some collective agreements applicable to the care sector refer to the foreign worker status of the person working in the professions covered by these agreements: favouring posting to overseas territories.</p>
<p>Legal disputes and court decisions on race/nationality/ethnic origins discriminations in the care sector in the following areas and level of visibility in public opinion:</p> <ul style="list-style-type: none"> - job classification and employment contracts - remuneration - health and safety at work - termination of the contract - access to social benefits 	<p>There are no cases law brought before the courts. The media echo the reports of the equality organizations to address the issue of harassment or violence that migrant women workers may suffer.</p>

Issues of interest that may be noteworthy arising from reports issued by institutions or opinions expressed by the authors of the reports

In Germany, reports refer to certain national groups being discriminated against by patients and other workers.

In Sweden, legal changes are planned: the current debate has centred on raising the wage floor for work permits, introduced to counter exploitation and abuse, strengthen the position of labour migrants, prevent lower wages for labour migrants and discourage low-wage competition.

In Spain Equality bodies point out that it is necessary to increase the social valuation of the contribution to employment of these people who fill essential jobs (in care).

The report of Poland states that the existing regulation does not guarantee effective protection of employees' employment relationships homework, regardless of the fact that this employment is currently often grey zones, and, at best, domestic workers are employed on the basis of civil law contracts.