



# WP2 on Job Quality and Inclusive Working Conditions Summary Tables of National and Comparative Reports

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## CARE4CARE WP2 national report on 'Job Quality and Inclusive Working Conditions', Summary table, France

This table summarises the WP2 national report on France. The national report analyses job quality and inclusive working conditions of care workers. The report includes analysis of law and policy, labour market characteristics, and industrial relations, as well as analysis of the interplay between national law and EU/European and international law. 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. Introduction

<b>Labour law and industrial relations system</b>	<b>Welfare state and social security system</b>	<b>Regulatory framework of the care sector</b>
Continental-European labour law and industrial relations system	Mainly Bismarck system	<p>Uniform labour law regulatory framework, however, some diversification follows from differences between the public and private sector and elements of specific regulation of the care sector</p> <p>Major differences as regards labour law regulation in the public and private sector, although a recent statutory reform has increased the similarities between the two regulatory regimes</p> <p>Emphasis on the interplay between statutory regulation and collective bargaining</p>

## 2. Care work and domestic work

<b>Care sector</b>	<b>Care workers</b>	<b>Domestic work</b>	<b>Current debates</b>
Both public care sector and private care sector Minor element of undeclared work in the care sector	Two main categories: domestic workers in the field of care and personal service and assistance in the field of care. Three care professions: nursing, nursing auxiliary, and home care Female-dominated care occupations	Major element of domestic work in care work, although most of the care provided is in residential care and institutional care workers outnumber home care workers No ratification of ILO Convention 189 on Domestic Work	Staff shortage, recruitment, and talent management in the care sector Low level of wages, quality of working conditions, and numerous health and safety concerns in the care sector

## 3. Fundamental trade union rights, social partners, collective bargaining, and industrial relations

<b>Fundamental trade union rights</b>	<b>Social partners and industrial relations</b>	<b>Collective bargaining</b>	<b>Employee representation, influence, and whistleblowing</b>
Constitutional and statutory regulation on freedom of association, right to collective bargaining, and right to collective action	Various trade unions and employer's organisations in the public and private care sector Major influence of the social partners Low rate of trade unionisation	Multi-employer collective bargaining, increased decentralisation and company-level collective bargaining and introduction of collective bargaining in civil service Extensive collective bargaining coverage Major role of collective bargaining in regulating the care sector and care work Statutory legal framework of collective bargaining	Statutory regulation of employee representation and influence Trade unions and social and economic committees and a dual-channel model of employee representation Constitutional and statutory regulation of freedom of expression and statutory regulation of whistleblowing about health and safety at work

		Normative and binding effects of collective agreements Extension of collective agreements	
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#### 4. Employment status, flexible forms of employment, and employment protection

<b>Employment status</b>	<b>Flexible forms of employment</b>	<b>Employment protection</b>
Statutory notion of employee Care workers are mainly employees	Statutory and collective bargaining regulation of flexible forms of employment, i.e.: <ul style="list-style-type: none"> <li>- fixed-term work</li> <li>- temporary agency work</li> <li>- part-time work</li> </ul> Major element of these flexible forms of employment in the care sector	Statutory and collective bargaining regulation of employment protection Regulation on summary dismissal, dismissal for personal reasons, and dismissals for reasons of redundancy Extensive employer obligations in the context of dismissals, e.g. obligation to provide alternative work and to apply selection rules in collective dismissals, different rules apply in the public (civil service) and private sector Employee influence in dismissal situations

#### 5. Wages and benefits

<b>Wages and benefits</b>	<b>Minimum wages</b>
Statutory and collective bargaining regulation of wages and other benefits	Statutory regulation of minimum wages (statutory minimum wage introduced in the 1950s, the report entails an analysis of French law in relation to the (2022/2041/EU) Directive on adequate minimum wages in the European Union)

6. Working time, health and safety, implications of the COVID-19 pandemic, and training and competence development

<b>Working time and leave</b>	<b>Health and safety</b>	<b>Implications of the COVID-19 pandemic</b>	<b>Training and competence development</b>
<p>Statutory and collective bargaining regulation of working time, incl. e.g. part-time work, working hours (daily, weekly, and annual), overtime, and rest periods</p> <p>Statutory and collective bargaining regulation of leave, incl. annual leave, and maternity, paternity, and family-related leave</p>	<p>Statutory and collective bargaining regulation of health and safety</p> <p>Employee influence through social and economic committees</p>	<p>Minor role of social partners, social dialogue, and collective bargaining in the COVID-pandemic</p> <p>Care workers negatively affected by the pandemic in multiple ways, and future focus e.g. on health and safety risk assessment, prevention of spread of infection, and vaccination</p>	<p>Statutory and collective bargaining regulation of training and competence development</p>

7. Social security coverage and benefits

<b>Social security coverage</b>	<b>Social security benefits</b>	<b>Role of collective bargaining</b>
<p>Extensive social security coverage</p>	<p>Social security benefits in the care sector in the areas of pensions, sickness insurance, unemployment insurance, and parental benefits.</p>	<p>Minor role of collective bargaining in social security, except for some supplementary coverage as regards health and retirement</p>

## CARE4CARE WP2 national report on 'Job Quality and Inclusive Working Conditions', Summary table, Germany

This table summarises the WP2 national report on Germany. The national report analyses job quality and inclusive working conditions of care workers. The report includes analysis of law and policy, labour market characteristics, and industrial relations, as well as analysis of the interplay between national law and EU/European and international law. 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. Introduction

<b>Labour law and industrial relations system</b>	<b>Welfare state and social security system</b>	<b>Regulatory framework of the care sector</b>
Continental-European labour law and industrial relations system	Bismarck system	Uniform national labour law regulatory framework Major differences as regards labour law regulation in part of the public sector Emphasis on the interplay between statutory regulation and collective bargaining

### 2. Care work and domestic care work

<b>Care sector</b>	<b>Care workers</b>	<b>Domestic work</b>	<b>Current debates</b>
Both public care sector and private care sector Minor element of undeclared work in the care sector	Two main categories: nursing staff and domestic workers. The category of nursing staff is further divided into the care occupations of nursing assistants, nursing professionals, health	Major element of domestic work in care work Ratification of ILO Convention 189 on Domestic Work	Staff shortage in the care sector Low level of wages in the care sector Precariousness of domestic care workers, especially migrant care workers

	<p>professionals in nursing. The category of domestic workers is further divided into the care occupations of care assistants and live-in-workers</p> <p>Female-dominated care occupations</p>		
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### 3. Fundamental trade union rights, social partners, collective bargaining, and industrial relations

<b>Fundamental trade union rights</b>	<b>Social partners and industrial relations</b>	<b>Collective bargaining</b>	<b>Employee representation, influence, and whistleblowing</b>
<p>Constitutional, statutory, and collective bargaining regulation on freedom of association, right to collective bargaining, and right to collective action</p>	<p>Various trade unions and employers' organisations in the public and private care sector</p> <p>Several non-governmental organisations in the care sector</p> <p>Major influence of the social partners</p> <p>Low rate of trade unionisation in the labour market in general</p>	<p>Dual structure of collective agreements: a collective agreement (<i>Tarifvertrag</i>) concluded between a trade union and an employer/an employer's organisation and a works agreement (<i>Betriebsvereinbarung</i>) concluded between a works council and an employer</p> <p>Multi-employer collective bargaining and autonomous collective bargaining</p> <p>Medium high collective bargaining coverage in the labour market in general</p> <p>Major role of collective bargaining in regulating the</p>	<p>Statutory regulation of employee representation and influence</p> <p>Trade unions and works councils and a dual-channel model of employee representation</p> <p>Constitutional and statutory regulation of freedom of expression and whistleblowing</p>

		<p>care sector and care work, although collective bargaining in this sector is fragmented</p> <p>Statutory legal framework of collective bargaining</p> <p>Normative and binding effects of collective agreements, collective agreements takes precedence over works agreements and employment contracts</p> <p>Extension of collective agreements, with a diversity of extension instruments</p>	
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4. Employment status, flexible forms of employment, and employment protection

<b>Employment status</b>	<b>Flexible forms of employment</b>	<b>Employment protection</b>
<p>Statutory notion of employee</p> <p>Care workers are mainly employees</p>	<p>Statutory and collective bargaining regulation of flexible forms of employment, i.e.:</p> <ul style="list-style-type: none"> <li>- fixed-term work, on-call work and zero-hours contracts</li> <li>- temporary agency work</li> <li>- part-time work</li> </ul> <p>Major element of these flexible forms of employment in the care sector</p>	<p>Statutory and collective bargaining regulation of employment protection</p> <p>Regulation on summary dismissal, dismissal for personal reasons, and dismissals for reasons of redundancy</p> <p>Extensive employer obligations in the context of dismissals, e.g. a just cause-requirement for dismissal, obligation to provide alternative work, training, and rehabilitation, and to apply selection rules in collective dismissals</p> <p>Employee influence in dismissal situations</p>



## 5. Wages and benefits

<b>Wages and benefits</b>	<b>Minimum wages</b>
Statutory, collective bargaining, and employment contract regulation of wages and other benefits	Statutory minimum wage legislation, introduced prior to the adoption of the (2022/2041/EU) Directive on adequate minimum wages in the European Union (which in the national context is widely considered <i>ultra vires</i> ) Specific minimum wage legislation for the care sector

## 6. Working time, health and safety, implications of the COVID-19 pandemic, and training and competence development

<b>Working time and leave</b>	<b>Health and safety</b>	<b>Implications of the COVID-19 pandemic</b>	<b>Training and competence development</b>
Statutory regulation and regulation in collective agreements and work agreements of working time, incl. e.g. working hours, overtime, shift work, rest periods, and breaks Statutory and collective bargaining regulation of leave, incl. annual leave, and maternity and paternity leave	Statutory regulation and regulation in collective agreements and work agreements on health and safety Employee influence through works councils Involvement of health and safety specialists	Minor role of social partners, social dialogue, and collective bargaining in the COVID-pandemic Care workers negatively affected by the pandemic in multiple ways.	Statutory regulation of training and competence development

## 7. Social security coverage and benefits

<b>Social security coverage</b>	<b>Social security benefits</b>	<b>Role of collective bargaining</b>
Extensive social security coverage	Social security benefits in the care sector in the areas of pensions, sickness insurance,	Minor role of collective bargaining in social security, however, collective bargaining is relevant around occupational pensions

	unemployment insurance, and parental benefits.	
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## CARE4CARE WP2 national report on 'Job Quality and Inclusive Working Conditions', Summary table, Italy

This table summarises the WP2 national report on Italy. The national report analyses job quality and inclusive working conditions of care workers. The report includes analysis of law and policy, labour market characteristics, and industrial relations, as well as analysis of the interplay between national law and EU/European and international law. 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. Introduction

<b>Labour law and industrial relations system</b>	<b>Welfare state and social security system</b>	<b>Regulatory framework of the care sector</b>
Southern-European labour law and industrial relations system	Mix of Bismarck and Beveridge systems	Diversified labour law regulatory framework, with elements of specific regulation of the care sector, especially for home caregivers  Major differences as regards labour law regulation in the public and private sector  Emphasis on the interplay between statutory regulation and collective bargaining

### 2. Care work and domestic care work

<b>Care sector</b>	<b>Care workers</b>	<b>Domestic work</b>	<b>Current debates</b>
Both public care sector and private care sector, and a development towards	Home caregivers, basic care workers, social and care workers, and health	Major element of domestic work in care work Ratification of ILO Convention 189 on Domestic Work	Staff shortage in the care sector Low level of wages and quality of working conditions in the care sector

increasing privatisation and outsourcing of services Major element of undeclared work in the care sector	professionals with at most a Bachelor's degree Female and migrant-dominated care occupations		Risk of exploitation and discrimination of care workers and domestic workers
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### 3. Fundamental trade union rights, social partners, collective bargaining, and industrial relations

<b>Fundamental trade union rights</b>	<b>Social partners and industrial relations</b>	<b>Collective bargaining</b>	<b>Employee representation, influence, and whistleblowing</b>
Constitutional, statutory, and collective bargaining regulation on freedom of association, right to collective bargaining, and right to collective action	Blue-collar and white-collar trade unions and employer's organisations, respectively, in the public and private care sector, trade union pluralism and elements of 'yellow trade unions' Major influence of social partners, with some exceptions for homecare workers Medium-high rate of unionisation in the labour market in general	Multi-employer collective bargaining Extensive collective bargaining coverage in the labour market in general Major role of collective bargaining in regulating the care sector and care work Statutory legal framework of collective bargaining and a private law approach Normative and binding effects of collective agreements No system for extension of collective agreements	Statutory and collective bargaining regulation of employee representation and influence Trade unions, 'Workplace Union Structure' or 'Unitary Workplace Union Structure' (RSA and RSU, respectively) and a dual-channel model of employee representation are present in production facilities with more than 15 employees Constitutional and statutory regulation of freedom of expression and whistleblowing

#### 4. Employment status, flexible forms of employment, and employment protection

<b>Employment status</b>	<b>Flexible forms of employment</b>	<b>Employment protection</b>
<p>Statutory notion of employee Care workers are mainly employees</p>	<p>Statutory and collective bargaining regulation of flexible forms of employment, i.e.:</p> <ul style="list-style-type: none"> <li>- fixed-term work, on-call work, and zero-hours contracts</li> <li>- temporary agency work</li> <li>- part-time work</li> </ul> <p>Major element of these flexible forms of employment in the care sector</p>	<p>Statutory and collective bargaining regulation of employment protection Regulation on summary dismissals, dismissals for personal reasons, dismissals for reasons of redundancy, and collective redundancies, and varying rules depending on the size of the enterprise Some employer obligations in the context of dismissals, e.g. the obligation to justify dismissal, to follow disciplinary procedures, and to apply selection criteria for collective redundancies, less strict obligations for individual employer of home-caregivers. Trade union influence in collective dismissals</p>

#### 5. Wages and benefits

<b>Wages and benefits</b>	<b>Minimum wages</b>
<p>Constitutional legal basis and regulation of wages and other benefits by way of collective bargaining and employment contracts</p>	<p>Collective bargaining regulation of minimum wages Current proposal to introduce statutory regulation of minimum wages linked to discussions on the implementation of the (2022/2041/EU) Directive on adequate minimum wages in the European Union</p>

6. Working time, health and safety, implications of the COVID-19 pandemic, and training and competence development

<b>Working time and leave</b>	<b>Health and safety</b>	<b>Implications of the COVID-19 pandemic</b>	<b>Training and competence development</b>
Statutory and collective bargaining regulation of working time, incl. e.g. overtime, rest periods, and night work with particular provisions for home caregivers 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	Statutory and collective bargaining regulation on health and safety Employee influence through local trade unions, the 'Workers' Representative for Safety (RLS), and the 'Workplace Union Structure' or 'Unitary Workplace Union Structure'	Minor role of social partners, social dialogue, and collective bargaining in the COVID-pandemic Care workers negatively affected by the pandemic in multiple ways and domestic care workers excluded from some protections	Statutory and collective bargaining regulation of training and competence development

7. Social security coverage and benefits

<b>Social security coverage</b>	<b>Social security benefits</b>	<b>Role of collective bargaining</b>
Extensive social security coverage	Social security benefits in the care sector in the areas of pensions, sickness insurance, unemployment insurance, and parental benefits with some limitation for home caregivers.	Minor role of collective bargaining in social security especially in case of individual employers or small businesses

## CARE4CARE WP2 national report on 'Job Quality and Inclusive Working Conditions', Summary table, Poland

This table summarises the WP2 national report on Poland. The national report analyses job quality and inclusive working conditions of care workers. The report includes analysis of law and policy, labour market characteristics, and industrial relations, as well as analysis of the interplay between national law and EU/European and international law. 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. Introduction

<b>Labour law and industrial relations system</b>	<b>Welfare state and social security system</b>	<b>Regulatory framework of the care sector</b>
Eastern-European labour law and industrial relations system	Bismarck system	Uniform national labour law regulatory framework Minor differences as regards labour law regulation in the public and private sector Emphasis on statutory regulation and employment contract regulation

### 2. Care work and domestic care work

<b>Care sector</b>	<b>Care workers</b>	<b>Domestic work</b>	<b>Current debates</b>
Both public care sector and private care sector Major element of undeclared work in the care sector	Two main categories: basic care work and specialized care work. The category of basic care work is further divided into the care occupations of technicians and associate professionals, service providers, and basic workers. The category of specialized care	Major element of domestic work in care work No ratification of ILO Convention 189 on Domestic Work	Staff shortage in the care sector and outflow of skilled workers, incl. health care professionals Quality and improvement of working conditions for care workers

	<p>work is further divided into the care occupations of health professionals and technicians and associate professionals</p> <p>Female-dominated care occupations and major element of migrant workers in the care sector</p>		<p>Quality, professionalization, and accessibility of care services, e.g. in the light of ageing populations</p>
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### 3. Fundamental trade union rights, social partners, collective bargaining, and industrial relations

<b>Fundamental trade union rights</b>	<b>Social partners and industrial relations</b>	<b>Collective bargaining</b>	<b>Employee representation, influence, and whistleblowing</b>
<p>Constitutional and statutory regulation on freedom of association, right to collective bargaining, and right to collective action</p>	<p>Various trade unions and employer's organisations in the public and private care sector</p> <p>Several non-governmental organisations in the care sector</p> <p>Minor influence of the social partners</p> <p>Low rate of trade unionisation in the labour market in general</p> <p>Element of tripartite social dialogue</p>	<p>Single-employer collective bargaining</p> <p>Restrictive collective bargaining coverage in the labour market in general</p> <p>Minor role of collective bargaining in regulating the care sector and care work</p> <p>Statutory legal framework of collective bargaining</p> <p>Normative and binding effects of collective agreements</p> <p>Extension of collective agreements</p>	<p>Statutory regulation of employee representation and influence</p> <p>Trade unions and works councils and a dual-channel model of employee representation</p> <p>Constitutional regulation of freedom of expression and statutory regulation of whistleblowing</p>



#### 4. Employment status, flexible forms of employment, and employment protection

<b>Employment status</b>	<b>Flexible forms of employment</b>	<b>Employment protection</b>
<p>Statutory notion of employee</p> <p>Care workers can be both employees and self-employed, concern about the incidence of 'bogus self-employment' in the care sector</p>	<p>Statutory regulation of flexible forms of employment, i.e.:</p> <ul style="list-style-type: none"> <li>- fixed-term work, on-call work, and zero-hours contracts</li> <li>- temporary agency work</li> <li>- part-time work</li> </ul> <p>Major element of these flexible forms of employment in the care sector</p>	<p>Statutory regulation of employment protection</p> <p>Regulation on summary dismissal, dismissal for personal reasons, and dismissals for reasons of redundancy</p> <p>Rather extensive employer obligations in the context of dismissals, e.g. obligation to provide justified reasons for dismissals, to provide alternative work and to apply selection rules in collective dismissals</p> <p>Employee influence in dismissal situations</p>

#### 5. Wages and benefits

<b>Wages and benefits</b>	<b>Minimum wages</b>
<p>Statutory, collective bargaining, and employment contract regulation of wages and other benefits</p>	<p>Statutory regulation of minimum wages</p>

#### 6. Working time, health and safety, implications of the COVID-19 pandemic, and training and competence development

<b>Working time and leave</b>	<b>Health and safety</b>	<b>Implications of the COVID-19 pandemic</b>	<b>Training and competence development</b>
<p>Statutory regulation of working time, incl. e.g. overtime, rest periods, and on call-work</p> <p>Statutory regulation of leave, incl. e.g. annual leave</p>	<p>Statutory regulation on health and safety</p> <p>Employee influence through trade union and works councils representatives</p>	<p>Minor role of social partners, social dialogue, and collective bargaining in the COVID-pandemic</p> <p>Care workers negatively affected by the pandemic in multiple ways</p>	<p>Statutory regulation of training and competence development</p>

## 7. Social security coverage and benefits

<b>Social security coverage</b>	<b>Social security benefits</b>	<b>Role of collective bargaining</b>
Extensive social security coverage	Social security benefits in the care sector in e.g. the areas of pensions, sickness insurance, unemployment insurance, and parental benefits.	Minor role of collective bargaining in social security

## CARE4CARE WP2 national report on 'Job Quality and Inclusive Working Conditions', Summary table, Spain

This table summarises the WP2 national report on Spain. The national report analyses job quality and inclusive working conditions of care workers. The report includes analysis of law and policy, labour market characteristics, and industrial relations, as well as analysis of the interplay between national law and EU/European and international law. 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. Introduction

<b>Labour law and industrial relations system</b>	<b>Welfare state and social security system</b>	<b>Regulatory framework of the care sector</b>
Southern-European labour law and industrial relations system	Mix of Bismarck and Beveridge systems	Diversified national labour law regulatory framework, with elements of specific regulation of the care sector Minor differences as regards labour law regulation in the public and private sector Emphasis on the interplay between statutory regulation and collective bargaining

### 2. Care work and domestic care work

<b>Care sector</b>	<b>Care workers</b>	<b>Domestic work</b>	<b>Current debates</b>
Both public care sector and private care sector Major element of undeclared work in the care sector	Home caregivers, professional carers (incl. nursing assistants and nursing care technicians), and health professionals (incl. nurses and midwives)	Major element of domestic work in care work Ratification of ILO Convention 189 on Domestic Work	Undervaluing of care work and the need for recognition of the professional qualifications of care workers Low level of wages, quality of working conditions and lack of

	Female-dominated care occupations and major element of migrant workers in the care sector		effective enforcement of working conditions and protection for care workers
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### 3. Fundamental trade union rights, social partners, collective bargaining, and industrial relations

<b>Fundamental trade union rights</b>	<b>Social partners and industrial relations</b>	<b>Collective bargaining</b>	<b>Employee representation, influence, and whistleblowing</b>
Constitutional and statutory regulation on freedom of association, right to collective bargaining, and right to collective action	<p>Various trade unions and employer's organisations in the public and private care sector</p> <p>Major influence of the social partners, however the influence varies depending on the conditions of specific care sectors</p> <p>Low rate of trade unionisation in the labour market in general</p>	<p>Multi-employer collective bargaining, but also increased decentralisation</p> <p>Extensive collective bargaining coverage in the labour market in general</p> <p>Major role of collective bargaining in regulating the care sector and care work, however, collective bargaining is more prevalent and effective in some specific care sectors than in others</p> <p>Statutory legal framework of collective bargaining</p> <p>Normative and binding effects of collective agreements</p> <p>Extension of collective agreements</p>	<p>Statutory regulation of employee representation and influence</p> <p>Trade unions and works councils and a dual-channel model of employee representation</p> <p>Constitutional and statutory regulation of freedom of expression and whistleblowing</p>

#### 4. Employment status, flexible forms of employment, and employment protection

<b>Employment status</b>	<b>Flexible forms of employment</b>	<b>Employment protection</b>
Statutory notion of employee Care workers are mainly employees	Statutory regulation of flexible forms of employment, i.e.: <ul style="list-style-type: none"> <li>- fixed-term work</li> <li>- temporary agency work</li> <li>- part-time work</li> </ul> Major element of these flexible forms of employment in the care sector	Statutory regulation of employment protection Regulation on summary dismissals, dismissals for personal reasons, and dismissals for reasons of redundancy Some employer obligations in the context of dismissals Employee influence in dismissal situations

#### 5. Wages and benefits

<b>Wages and benefits</b>	<b>Minimum wages</b>
Statutory, collective bargaining, and employment contract regulation of wages and other benefits	Statutory regulation of minimum wages (in place before the adoption of the (2022/2041/EU) Directive on adequate minimum wages in the European Union)

#### 6. Working time, health and safety, implications of the COVID-19 pandemic, and training and competence development

<b>Working time and leave</b>	<b>Health and safety</b>	<b>Implications of the COVID-19 pandemic</b>	<b>Training and competence development</b>
Statutory and collective bargaining regulation of working time, incl. e.g. working hours and overtime Statutory and collective bargaining regulation of leave, incl. annual leave, and maternity and paternity leave	Constitutional and statutory regulation of health and safety Employee influence e.g. through health and safety committees Statutory health and safety protection was recently extended to domestic workers. There are widespread risks of	Minor role of social partners, social dialogue, and collective bargaining in the COVID-pandemic Care workers negatively affected by the pandemic in multiple ways	Statutory and collective bargaining regulation of training and competence development

	violence and sexual harassment and violence in the domestic care sector		
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7. Social security coverage and benefits

<b>Social security coverage</b>	<b>Social security benefits</b>	<b>Role of collective bargaining</b>
Extensive social security coverage Regulation was recently introduced to extend the coverage of unemployment insurance to domestic workers following a judgment by the Court of Justice of the European Union in a Spanish case ( <i>CJ v Tesorería General de la Seguridad Social (TGSS)</i> , Case C-389/20)	Social security benefits in the care sector in the areas of pensions, sickness insurance, unemployment insurance, and parental benefits	Minor role of collective bargaining in social security

## CARE4CARE WP2 national report on 'Job Quality and Inclusive Working Conditions', Summary table, Sweden

This table summarises the WP2 national report on Sweden. The national report analyses job quality and inclusive working conditions of care workers. The report includes analysis of law and policy, labour market characteristics, and industrial relations, as well as analysis of the interplay between national law and EU/European and international law. 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. Introduction

<b>Labour law and industrial relations system</b>	<b>Welfare state and social security system</b>	<b>Regulatory framework of the care sector</b>
Nordic labour law and industrial relations system	Scandinavian system	Uniform labour law regulatory framework Minor differences as regards labour law regulation in the public and private sector Emphasis on the interplay between statutory regulation and autonomous collective bargaining

### 2. Care work and domestic care work

<b>Care sector</b>	<b>Care workers</b>	<b>Domestic work</b>	<b>Current debates</b>
Mainly public care sector, with a growing private care sector Minor element of undeclared work in the care sector	Home caregivers, basic care workers, health professionals in nursing with a Bachelor's degree, and health professionals in nursing with a Master's degree	Major element of domestic work in care work Ratification of ILO Convention 189 on Domestic Work	Staff shortage, recruitment, and talent management in the care sector Low level of wages, quality of working conditions, flexible work, and health and safety concerns in the care sector

	Female-dominated care occupations		
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### 3. Fundamental trade union rights, social partners, collective bargaining, and industrial relations

<b>Fundamental trade union rights</b>	<b>Social partners and industrial relations</b>	<b>Collective bargaining</b>	<b>Employee representation, influence, and whistleblowing</b>
Constitutional, statutory, and collective bargaining regulation on freedom of association, right to collective bargaining, and right to collective action	Blue-collar, white-collar, and professional trade unions and employer's organisations, respectively, in the public and private care sector. Major influence of the social partners High rate of trade unionisation in the labour market in general	Multi-employer and sectoral collective bargaining, and 'organised decentralisation' Extensive collective bargaining coverage in the labour market in general Major role of collective bargaining in regulating the care sector and care work Statutory legal framework of collective bargaining Normative and binding effects of collective agreements No system for extension of collective agreements	Statutory and collective bargaining regulation of employee representation and influence Trade unions and a single-channel model of employee representation Constitutional and statutory regulation of freedom of expression and whistleblowing

### 4. Employment status, flexible forms of employment, and employment protection

<b>Employment status</b>	<b>Flexible forms of employment</b>	<b>Employment protection</b>
Case law-based notion of employee Care workers are mainly employees	Statutory and collective bargaining regulation of flexible forms of employment, i.e.:	Statutory and collective bargaining regulation of employment protection



	<ul style="list-style-type: none"> <li>- fixed-term work, on-call work, and zero-hours contracts</li> <li>- temporary agency work</li> <li>- part-time work</li> </ul> <p>Major element of these flexible forms of employment in the care sector</p>	<p>Regulation on summary dismissals, dismissals for personal reasons, and dismissals for reasons of redundancy</p> <p>Extensive employer obligations in the context of dismissals, e.g. just cause-requirement for dismissal, obligation to provide alternative work, training, and rehabilitation, and to apply seniority rules in redundancy dismissals</p> <p>Employee influence in dismissal situations</p> <p>Elaborate employment protection</p>
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#### 5. Wages and benefits

<b>Wages and benefits</b>	<b>Minimum wages</b>
Collective bargaining and employment contract regulation of wages and other benefits	Collective bargaining regulation of minimum wages, however, not provisions on minimum wages in all collective agreements Critical discussion and debated implementation of the (2022/2041/EU) Directive on adequate minimum wages in the European Union

#### 6. Working time, health and safety, implications of the COVID-19 pandemic, and training and competence development

<b>Working time and leave</b>	<b>Health and safety</b>	<b>Implications of the COVID-19 pandemic</b>	<b>Training and competence development</b>
Statutory and collective bargaining regulation of working time Current discussion e.g. on working time allocation and	Statutory and collective bargaining regulation on health and safety Employee influence e.g. through local health and safety representatives	Major role of social partners, social dialogue, and collective bargaining in the COVID-pandemic	Statutory and collective bargaining regulation of training and competence development e.g. in cross-sectoral 'transition' collective agreements

daily and weekly rest, and part-time work. Statutory and collective bargaining regulation of leave, incl. annual leave and parental leave	Current discussion e.g. on stress and workload		
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7. Social security coverage and benefits

<b>Social security coverage</b>	<b>Social security benefits</b>	<b>Role of collective bargaining</b>
Extensive social security coverage	Social security benefits in the care sector in the areas of pensions, sickness insurance, unemployment insurance, and parental benefits.	Major and complementary role of collective bargaining in social security

## CARE4CARE WP2 comparative report on job quality and inclusive working conditions

### Summary table

This table outlines the content of the comparative analysis of the WP2 national reports on job quality and inclusive working conditions of care workers. The comparative analysis covers analysis of law and policy, labour market characteristics, and industrial relations, as well as analysis of the interplay between national law and EU/European and international law, 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. Introduction

<b>Labour law and industrial relations system</b>	<b>Welfare state and social security system</b>	<b>Regulatory framework of the care sector</b>
Continental-European labour law and industrial relations system (DE, FR) Eastern-European labour law and industrial relations system (PL) Nordic labour law and industrial relations system (SE) Southern-European labour law and industrial relations system (ES, IT)	Mainly Bismarck system (DE, FR, PL) Mix of Bismarck and Beveridge systems (ES, IT) Scandinavian system (SE)	Variations between the countries as regards the character of the national labour law regulatory framework, from a uniform regulatory framework for the entire labour market to a diversified regulatory framework, with elements of specific regulation of the care sector or specific care occupations Variations between the countries when it comes to the degree of differences between the labour law regulation in the public and private sector In most countries the regulatory framework is characterised by an emphasis on the interplay between statutory regulation and collective bargaining

## 2. Care work and domestic care work

<b>Care sector</b>	<b>Care workers</b>	<b>Domestic work</b>	<b>Current debates</b>
<p>Mainly public care sector, with elements of private care sector (SE)</p> <p>Both public care sector and private care sector (DE, ES, FR, IT, PL)</p> <p>An overall trend towards increased privatisation of the care sector</p> <p>Minor (DE, FR, SE) or major (ES, IT, PL) element of undeclared work in the care sector</p>	<p>Care workers who provide personal assistance and/or health assistance to elderly persons, sick persons, and persons with disabilities</p> <p>A multitude of care occupations and categories of care workers depending on the national context and its welfare state, care sector, and labour law and industrial relations characteristics</p> <p>Female-dominated care occupations in all countries, in some countries also migrant-dominated care occupations</p>	<p>Major element of domestic work in care work in all countries</p> <p>Ratification of ILO Convention 189 on Domestic Work (DE, ES, IT, SE)</p>	<p>Staff shortage, recruitment, and talent management in the care sector</p> <p>Low level of wages, quality of working conditions, incl. flexible work, health and safety concerns, and lack of effective enforcement of working conditions and protection for care workers</p> <p>Undervaluing of care work and the need for recognition of the professional qualifications of care workers</p> <p>Risk of exploitation and discrimination of care workers, especially domestic and migrant care workers</p>

## 3. ILO, Council of Europe, and EU legal and policy framework

<b>ILO legal and policy framework</b>	<b>Council of Europe legal framework</b>	<b>EU primary law framework</b>	<b>EU secondary law, soft law, and policy framework</b>
<p>Fundamental rights framework and Fundamental Conventions, e.g. on forced labour, freedom of association, and occupational safety and health</p>	<p>Fundamental rights framework through the European Convention of Human Rights and the European Social Charter</p>	<p>Fundamental rights framework through the EU Charter of Fundamental Rights</p> <p>Provisions in the Treaty on European Union and the Treaty</p>	<p>EU Directives on issues linked to job quality and working conditions, e.g. employee representation and influence, whistleblowing, flexible work, minimum wages, working</p>

<p>ILO Conventions and Recommendations on issues linked to job quality and working conditions, e.g. domestic work, flexible work, employment protection, wages and working time, health and safety, violence and harassment at work, and social security</p> <p>ILO CEACR General Survey and ILO policy reports on the care economy and care work</p>		<p>on the Functioning of the European Union on labour law and social policy</p>	<p>conditions, working time, and health and safety</p> <p>EU soft law and policy framework, e.g. the European Pillar of Social Rights, the European Employment Strategy, the European Care Strategy, and policy reports on the care economy and care work</p>
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4. Fundamental trade union rights, social partners, collective bargaining, and industrial relations

<b>Fundamental trade union rights</b>	<b>Social partners and industrial relations</b>	<b>Collective bargaining</b>	<b>Employee representation, influence, and whistleblowing</b>
<p>Constitutional, statutory, and collective bargaining regulation on freedom of association, right to collective bargaining, and right to collective action</p>	<p>A multitude of trade unions, employer's organisations, and other social actors in the care sector depending on the national context and characteristics of the care sector and the industrial relations system</p> <p>Minor (PL) or major (DE, ES, FR, IT, SE) influence of the social partners in the labour market in general, with varying</p>	<p>Multi-employer (DE, ES, FR, IT, SE) or single-employer (PL) collective bargaining, with decentralisation elements in several countries</p> <p>Varying rates of collective bargaining coverage in the labour market in general</p> <p>Minor (PL) or major (DE, ES, FR, IT, SE) role of collective bargaining in regulating the care sector and care work,</p>	<p>Statutory regulation of employee representation and influence, with complementary collective bargaining regulation in some countries</p> <p>Trade unions and a single-channel model of employee representation (SE)</p> <p>Trade unions and works councils (or similar bodies) and a dual-channel model of</p>

	<p>influence of the social partners in the care sector and in specific care occupations</p> <p>Varying trade unionisation rates in the labour market in general</p>	<p>although collective bargaining in the care sector is fragmented in some countries</p> <p>Statutory legal framework of collective bargaining</p> <p>Normative and binding effects of collective agreements</p> <p>Extension of collective agreements (DE, ES, FR, PL)</p>	<p>employee representation (DE, ES, FR, IT, PL)</p> <p>Constitutional and statutory regulation of freedom of expression and whistleblowing</p>
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#### 5. Employment status, flexible forms of employment, and employment protection

<b>Employment status</b>	<b>Flexible forms of employment</b>	<b>Employment protection</b>
<p>Statutory (DE, ES, FR, IT, PL) or case law-based (SE) notion of employee</p> <p>Care workers are mainly employees in all countries</p> <p>Debate on 'bogus self-employment' and the employment status of some categories of care workers in some countries</p>	<p>Statutory regulation, with complementary collective bargaining regulation in some countries, of flexible forms of employment, i.e.:</p> <ul style="list-style-type: none"> <li>- fixed-term work (and in some countries also on-call work, and zero-hours contracts)</li> <li>- temporary agency work</li> <li>- part-time work</li> </ul> <p>Major element of these flexible forms of employment in the care sector in all countries</p>	<p>Statutory regulation of employment protection, with complementary collective bargaining regulation in some countries</p> <p>Varying regulation on summary dismissals, dismissals for personal reasons, dismissals for reasons of redundancy, and collective dismissals</p> <p>Varying employer obligations in the context of dismissals, e.g. just cause-requirement for dismissal, obligation to provide alternative work, training, and rehabilitation, and to apply selection criteria in dismissals for reasons of redundancy/collective dismissals</p> <p>Varying degrees of employee influence in dismissal situations</p>

## 6. Wages and benefits

<b>Wages and benefits</b>	<b>Minimum wages</b>
Statutory, collective bargaining or employment contract regulation of wages and other benefits, or a combination of these forms of regulation	Statutory regulation of minimum wages (DE, ES, FR, PL) or collective bargaining regulation of minimum wages (IT, SE) Varying debate and legal and industrial relations impact of the (2022/2041/EU) Directive on adequate minimum wages in the European Union in the countries

## 7. Working time, health and safety, implications of the COVID-19 pandemic, and training and competence development

<b>Working time and leave</b>	<b>Health and safety</b>	<b>Implications of the COVID-19 pandemic</b>	<b>Training and competence development</b>
<p>Statutory and collective bargaining regulation of working time</p> <p>Current discussion in various national contexts on working time aspects, such as working time allocation (incl. daily and weekly rest, on-call work, and inconvenient hours), part-time work, and over-time work</p> <p>Statutory and collective bargaining regulation on leave, incl. e.g. annual leave and parental, maternity, and paternity leave</p>	<p>Statutory and collective bargaining regulation on health and safety</p> <p>Varying forms of employee influence through local health and safety, trade union or works council representatives, in some countries also involvement of health and safety specialists</p> <p>Current discussion in various national contexts on health and safety aspects, such as stress, workload, working hours, and violence and harassment</p>	<p>Minor (DE, ES, FR, IT, PL) or major (SE) role of social partners, social dialogue, and collective bargaining in the COVID-pandemic</p> <p>Care workers negatively affected by the COVID-19 pandemic in multiple ways</p> <p>Some remaining effects of the COVID-19 pandemic in the care sector, e.g. staff shortage, stress, workload, and working time aspects</p>	<p>Statutory and collective bargaining regulation of training and competence development</p>

8. Social security coverage and benefits

<b>Social security coverage</b>	<b>Social security benefits</b>	<b>Role of collective bargaining</b>
Extensive social security coverage	Social security benefits in the areas of pensions, sickness insurance, unemployment insurance, parental benefits, although the qualification requirements, benefit levels, and lengths of payment periods vary depending on the national regulatory framework	Minor (DE, ES, FR, IT, PL) or major (SE) role of collective bargaining in social security