



Fact sheet Developments with respect to domestic work¹

1. Public funded domestic and care-workers in private households

Since a care-worker working under the Home Service Regulations (HSR), supported by Bureau Clara Wichmann (BCW) and the Dutch Association for Women and Law (VVR), won her case for unemployment benefits at the Central Court of Appeal (CRvB) the legislation under the HSR had to be adapted. The Court ruled that the exclusion of social security benefits was forbidden indirect discrimination, contrary to Article 4 of Directive 79/7/EEC (March 2023).

More than two years later the government introduced a Bill to parliament (May 2025), aiming to remove the exceptions from all social laws within the scope of Directive 79/7/EEC as well as from labour laws within the scope of Directive 2006/54/EC with respect to public funded domestic and care. Consequently, these private households (PGB-holders) employing those workers would have to deploy more employer obligations than previously under the HSR. Moreover, they have to pay employer contributions social security for the domestic and care workers. A free, government funded, services centre (SVB-PGB) is available to help with those new employer obligations including salary administration. Compensation for the payment of employer contributions was also in place (for two years).

Contrary to previous experiences with 'repair-legislation' parliamentary proceedings took long in which process several MPs questioned the ruling of the CRvB (unusual in a constitutional democracy) presenting amendments to undo several of the proposed changes. Voting about amendments took place on 27 Januari 2026, while voting about the Bill will take place 3 February. If accepted (most likely) the Senate still has to approve (or reject) the Bill, without the authority to amend.

Most of the amendments to undo have been rejected. However, one was accepted that aims to delay implementation of the accepted change of labour legislation, mainly the protection against unfair dismissal. Partial implementation means that domestic and care workers still face forbidden indirect discrimination. The requirements for full implementation are not very clear: "legal necessity".

BCW and VVR think a strong recommendation from the Committee could be considered as "legal necessity" and help to promote full implementation. Therefore

¹ Addendum to *Mind the Gap: Addressing Policy Gaps in Women's Rights. Dutch NGOs Shadow report for CEDAW 4 July 2024* para 26

NGOs invite the Committee to raise the issue again with the Dutch government representatives in the dialogue on 6 February 2026. Public funded domestic and care workers in private households deserve the same labour rights that other workers enjoy, including protection against unfair dismissal.

2. Another legal procedure against Home Service Regulations

A domestic worker working for seven private households under the HSR started, with the help of BCW and VVR, legal proceedings against the Employee Insurance Agency UWV requesting a sickness benefit. She did not have any income after her employers had paid her wages only six weeks when she fell ill. UWV refused the sickness benefit, because of the exception (HSR) that limits the wage-payment by the employer in case of illness to six weeks (other workers 104 weeks).

On 17 april 2025 District Court Noord Holland ([ECLI:NL:RBNHO:2025:4135](#) – in Dutch) ruled that the limited entitlements to social security for domestic workers working under HSR are indirect discrimination, contrary to Article 4 of Directive 79/7/EEC. The Court ruled that no objective justification for this discrimination exists. UWV lodged an appeal to the Central Court of Appeal– a date for the session of the CRvB is not yet set. Claimants' solicitor explicitly asked the Court also to consider whether the HSR forms a violation of the Women's Convention (Article 11.1), citing CEDAW's recommendations in previous Concluding Observations.²

BCW and VVR invite the Committee to raise the issue of discrimination of domestic workers through the HSR once again in session 92. The solicitor will be more than happy to add another citation of the Committee's recommendations in this respect during the session at the Central Court of Appeal.

3. Lack of protection for care-workers in family relationships

The changes in the HSR will not apply to domestic care-workers who care for (close) family members. The idea behind is that these care-workers cannot enter into an employment agreement, as this is not possible for family members. Therefore, these workers are seen as 'self-employed'. The result hereof is that there is a large group of care-workers, mainly consisting of women, who lack all social protection. This group is also becoming larger, as municipalities more often take the view that this work should be done for free. This means that many of the women who do this work – for example take care 24/7 of their disabled child – have no opportunity to do paid work.

BCW and VVR kindly request the Committee to raise this issue with the Dutch government representatives in the dialogue on 6 February 2026.

² CEDAW/C/NLD/CO/5 2010, para 38 and 39. CEDAW/C/NLD/CO/6 2016, para 35 (g) and 36 (f)