



Mobilecare

Social dialogue as a tool to improve the
conditions of functioning of intra-EU labour
mobility in home-based care services

Policy Recommendations

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intra-EU labour mobility in home-based care services

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Policy recommendations

Before formulating the policy recommendations it is necessary to define the most severe obstacles to achieve the desired aim envisaged in #18 of the European Pillar of Social Rights: **Universal access to affordable long-term care**. Two conflicting values are in the background of the obstacles. On one hand, we have caregivers' rights to fair working conditions, including decent remuneration and protection of rest time. On the other hand, we have limitations of affordability resulting from the fact that the recipients of the care services are not only consumers (not companies like in other sectors of services), but also vulnerable ones because of the need of care. According to Mobilecare experts estimates, the cost of the service today is approximately 3000 € a month. However if the cost of hiring caregivers for 24 hours service or for just being ready to assist, the cost of employment would be approximately 12 000 € a month. Even if the state or /and social security system would subsidise the difference, there are non-financial reasons to refrain from changing the caregivers every 8 hours. Such changes are causing stress to the care recipients.

Here comes a heavy responsibility, but also an opportunity for social partners to construct national systems of employment of caregivers, and of carrying out the care service in a way that these conflicting values are complementary and not excluding each other.

Based on the findings in the national reports, and two rounds of the Delphi method, here are specific policy recommendations for future regulatory frameworks:

1. Comprehensive Legalization and Standardization of Live-in Care Work

- Establish clear and uniform regulations for the employment of domestic caregivers, particularly in transnational intra-EU and cross-border (extra EU) contexts.
- Implement a legally secure basis for 24-hour care work, as indicated in #18 of the EU Social Pillar, adapting the rights and obligations of both employers and employees to the specific characteristics of this type of service.

2. Reducing undeclared employment in care services and unfair competition

- Introduce stricter enforcement mechanisms against the undeclared employment of caregivers, including regular inspections and penalties for non-compliance. This is difficult to achieve not only

because of limited resources of control authorities, but also because of the protection of a household in which the service is delivered.

- Develop incentives for families to employ caregivers legally, such as tax benefits, non cash refundable care vouchers or subsidies.

3. Transnational Coordination and Harmonization of Regulations

- Establish bilateral agreements between sending and receiving countries (both within EU and outside of EU) to regulate employment conditions, social security, and taxation of caregivers. Yes – sector specific approach is needed here with flexible working time but stricter rules on time off.
- Develop EU-wide frameworks to address intra-EU caregiving arrangements and ensure compliance with labour standards on one hand and specific features of care services on the other.
- Without more flexible approach to work time the labour contract is not applicable to care services, as it would entail 3,6 full time shift a day. One caregiver per one patient is already a heavy burden ratio. If we apply 3,6 caregiver per one patient the affordability would be close to none. Labour contract in this service is so far economically impossible. The solution is heavy public subsidy.

4. Ensuring Fair Employment Conditions and Social Security

- Introduce standard employment contracts based on tasks and not on time. Resolve the question of benefits in kind, (lodging and maintenance) which would have to be exempted from personal income tax and social security contributions.
- Extend social security coverage, including health insurance and pension contributions, to all domestic caregivers, regardless of their contract type. Subsidise their social security contributions so that they are not practically excluded from the system.

5. Professionalization and Certification of Care Work

- Create a formal certification system for live-in caregivers, ensuring minimum standards of training and qualifications. Include training of caregivers in occupational education
- Encourage professional development programs to improve caregiving skills and career progression opportunities.

6. Crisis-Resilient Care Systems

- Develop contingency plans to maintain the mobility of care workers during crises like the COVID-19 pandemic.
- Strengthen public-private partnerships to ensure a stable supply of care workers and sustainable financing of care services.

7. Recognise caregiver as a profession on deep demand and introduce a fast track access for third country, non-EU nationals to national labour markets and allow for smooth and controlled posting within the framework of the freedom to provide services.

The New law of 20 March 2025 on the access to the Polish labour market is an example of unsuccessful initiative in this respect. Experts have defined an administrative barrier to deliver care services to another MS. It is the obligation to specify the work place on the territory of Poland in the work permit application or in the declaration of entrusting work to TCN. The experts agreed that it must be made possible to declare the true work place in the application or declaration, which may be in a different Member State than the place of employment. While the place of work of a posted caregiver is outside the territory of Poland, he or she remains the part of the labour market of Poland. The experts concluded the following implication of the new law on the conditions of admissibility of entrusting work to third country nationals on the territory of the Republic of Poland:

The posting of third-country nationals employed in the territory of the Republic of Poland to other EU member states is permissible, in line with the principles of the EU single market, and fully legal. Throughout the entire posting period outside Poland, the foreign worker remains part of the Polish labour market and does not seek to occupy a job position in the host country [Rush Portuguesa]. As a result, they cannot be required to obtain a work permit in the country to which they are posted [Vander Elst]. Moreover, since their employer operates in Poland, the employer cannot even apply for such a permit on their behalf—especially since the worker already holds one issued by Polish authorities.

A foreign national crossing internal EU borders under this arrangement does not exercise the free movement of persons but rather enables their Polish employer to exercise the freedom to provide services. Therefor there must be a legally compliant possibility to declare that the physical place of work of the TCN will be in another country, which does not change the fact that this person is employed in Poland and throughout the duration of the posting he/she is lawfully employed in Poland.



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