
From lack of awareness to meticulous action. Strategies toward old-age pension insurance among Polish migrant domestic workers in Germany

A significant proportion of migrant workers around the world have difficult access to social protection, especially long-term benefits such as pensions. Domestic care workers are a particularly vulnerable group in this regard. Analysing the example of Polish migration to Germany, the aim of this paper is to present the strategies that migrants aged 45 and over undertake in the context of pension plans and ensuring an adequate level of social protection while working abroad. Using empirical material collected during semi-structured interviews with migrant care workers, representatives of employment agencies and experts, the article sheds light on the diverse conditions that influence the strategies of individual workers. Depending on the general knowledge of their social rights, their migration strategy or their personal situation, migrants adopt three main strategies called (1) escape from problems instead of social security, (2) secure and legal work above all and (3) an informed and inquisitive insured worker.

Key words: Germany, migrant care workers, old-age pension insurance, Poland, posting of workers, workers' strategies

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Introduction

According to the International Organization for Migration (IOM), there were at least 67.1 million domestic workers worldwide in 2013, and this number is steadily increasing. It is estimated that one in six workers in this sector (*i.e.* 11.5 million people) was a migrant. However, given the imprecision of these figures and the multiplicity of available forms of work-taking and migration, the actual scale is several times higher.^{1, 2} There is a growing group of countries where migrants dominate the employment in the domestic work sector, facilitated by the creation of immigration policy instruments dedicated to this group and the condoning of their undeclared work. The availability of immigrants in this sector is treated as a “quick and cheap” solution to the personal care deficit problems in developed countries as well as a measure that enables an increase in the labour force participation of native-born female workers.³

Despite the growing importance in recent years of foreign labour in this sector, and the increased scale of their presence, domestic workers remain one of the least protected groups of workers under national social security systems.⁴ According to estimates, one in three people employed by private households are completely excluded from the scope of any national legislation.⁵ Only 10 per cent have full insurance, with most of the cases studied so far dominated by verbal contracts or other legal forms that do not guarantee workers' social security.⁶ Consequently, this leads to exclusion from the official support system, as well as obtaining short (*e.g.* unemployment benefits) and long-term benefits (*e.g.* old-age pension).⁷ This phenomenon is of a global nature, and many systemic irregularities are also noted within the territory of European Union (EU) member states, where the proportion of foreigners among household employees has grown dynamically since the 1990s.⁸ Against this background, a broad category of foreign-born workers, both with regular and non-regular status are much more deprived than citizens of the host country in terms of access to protection mechanisms.

1 In Italy alone, for example, it has been estimated that nearly 1.5 million migrant workers work in the domestic sector.

2 European Parliament, *Report on women domestic workers and carers in the EU (2015/2094(INI))*, 2016; K. Matuszczyk, *Zatrudnienie migrantek z Polski w sektorze opieki domowej w wybranych państwach członkowskich Unii Europejskiej*, “Studia BAS” 2019, Vol. 4(60); A. King-Dejardin, *The social construction of migrant care work. At the intersection of care, migration and gender*, 2019.

3 M. Jokela, *The Role of Domestic Employment Policies in Shaping Precarious Work*, “Social Policy & Administration” 2017, Vol. 51(2); A. King-Dejardin, *op. cit.*

4 International Labour Organisation, *Extension of social protection of migrant domestic workers in Europe*, Geneva 2013; European Parliament, *op. cit.*; A. Tyc, *Migrant Domestic Workers in Europe: the Need for Better Protection*, “Przegląd Prawniczy Uniwersytetu im. Adama Mickiewicza” 2017, No. 7.

5 S. Fredman, *Home from Home: Migrant Domestic Workers and the International Labour Organization Convention on Domestic Workers* [in:] *Migrants at Work. Immigration and Vulnerability in Labour Law*, eds. C. Costello, M. Freedland, Oxford 2014, p. 406.

6 E. Iecovich, *Migrant homecare workers in elder care. The state of the art* [in:] *Ageing in Contexts of Migration*, eds. U. Karl, S. Torres, New York, London 2016.

7 *Ibid.*

8 European Parliament, *op. cit.*

This structurally vulnerable situation of migrant domestic workers is the result of several overlapping factors. On the one hand, work in this sector is mainly undertaken by low-skilled immigrants, poorly informed about their rights and obligations, and who prefer informal employment relations.⁹ Besides, as foreign-born workers, they have limited and unequal access to public social protection systems in the host country.¹⁰ Unlike highly-skilled immigrants, their presence in the country is treated as temporary, even incidental, which compounds the lack of economic integration in the labour market. It is also worth noting that the specificity of paid work for private households (*i.e.* intimacy, informality, invisibility), usually when living with the employer affects the exclusion of this category of workers from the official support system.¹¹ Crucial in this respect is the relationship with the employer, on whose goodwill depend the conditions the worker will be employed under and what other benefits he or she will receive for doing the job.¹² This uniqueness of domestic work will mean, as Merita Jokela¹³ shows, that many times employers do not treat a domestic helper or caregivers as an worker, but as a family member. Moreover, these circumstances are reinforced by the actions of states that, when liberalising immigration laws, take into account national and economic interests (*e.g.* solving the labour deficit) while ignoring the vulnerable position and exploitative employment conditions of migrant workers.¹⁴ Although some countries (*e.g.* Austria, Canada, Spain) are making efforts to extend various degrees of formal social protection to migrant domestic workers, verification of the extent to which employers are implementing such measures remains provisional and ineffective.¹⁵ Thus the level of worker protection in individual countries remains the result of the interplay between the interests of public institutions and employers as well as the awareness and agency of migrant care workers.

Against this background, the main question arises: what are the pension insurance strategies of migrant domestic workers? What factors influence certain actions and attitudes? The article aims, on the example of the labour mobility of Polish women taking up employment in the domestic care sector in Germany, to shed light on how this category of workers adapts to social security schemes and old-age pension plans. Using empirical material collected through interviews with caregivers, but also employers and experts, attention will be paid to the individual perspective of migrants who have the

9 M. Kindler, *A Risky Business? Ukrainian Migrant Women in Warsaw's Domestic Work Sector*, Amsterdam 2011; A. Triandafyllidou, T. Maroukis, *Irregular Migrant Domestic Workers in Europe: Major Socioeconomic Challenges* [in:] *Irregular Migrant Domestic Workers in Europe: Who Cares?*, ed. A. Triandafyllidou, Farnham 2013; E. Iecovich, *op. cit.*

10 A. Tyc, *op. cit.*

11 M. Kindler, *op. cit.*; K. Christensen, J. Manthorpe, *Personalised risk: new risk encounters facing migrant care workers*, "Health, Risk & Society" 2016, Vol. 18(3–4).

12 M. Kontos, *Negotiating the Social Citizenship Rights of Migrant Domestic Workers: The Right to Family Reunification and a Family Life in Policies and Debates*, "Journal of Ethnic and Migration Studies" 2013, Vol. 39(3).

13 M. Jokela, *op. cit.*

14 H. Lutz, E. Palenga-Möllnbeck, *Care, Gender and Migration: Towards a Theory of Transnational Domestic Work Migration in Europe*, "Journal of Contemporary European Studies" 2011, Vol. 19(3); A. Triandafyllidou, T. Maroukis, *op. cit.*

15 M. Jokela, *op. cit.*; A. King-Dejardin, *op. cit.*

choice of different employment regimes and thus social security coverage. This article is exploratory in nature, aiming to outline the key issues and questions surrounding the discussions on the access to old-age pension insurance for live-in migrant domestic workers. Surprisingly, this topic has not yet been the subject of separate in-depth studies.¹⁶

Pension insurance for migrant workers – state of the art

Over the past two decades, there has been a growing interest among researchers in the multidimensional issues of access to welfare benefits and social protection rights among migrant workers worldwide.¹⁷ A remarkable example is the three-volume publication edited by Daniela Vintila and Jean-Michel Lafleur,¹⁸ which looks in detail at access to welfare benefits, including social security from the emigration and immigration perspective. Many of these studies refer to social protection in a broad sense, with not many works being devoted to the specifics of individual social insurances and their significance for migration and migrants.¹⁹ Pension insurance and migrants' strategies towards economic security in old age have received little attention in previous studies.²⁰ A review of the subject literature allowed us to propose four main approaches that analyse the intersectionality of labour migration and the functioning of social security models in individual countries.

Social protection as a push-pull factor

Academic discussions have been dominated by attempts to verify whether and to what extent the generosity of welfare state systems in the sending and receiving country, including access to social security scheme, determines migration decisions.²¹ Available analyses seem to confirm that for EU citizens this factor is not a priority when deciding to migrate or choose a destination. For example, as Lucia Kurekova²² argues, the

¹⁶ See: M. Kindler, *op. cit.*

¹⁷ R. Sabates-Wheeler, J. Koettl, J. Avato, *Social Security for Migrants: A Global Overview of Portability Arrangements* [in:] *Migration and Social Protection. Claiming Social Rights Beyond Borders*, eds. R. Sabates-Wheeler, R. Feldman, New York 2011; D. Sainsbury, *Welfare States and Immigrant Rights. The Politics of Inclusion and Exclusion*, Oxford 2012; I. Jakubiak, *Migration and Welfare Systems – State of the Art and Research Challenges*, "Central European Economic Journal" 2017, No. 1(48); G. Essers, F. Pennings, *Gaps in social security protection of mobile persons: Options for filling these gaps*, "European Journal of Social Security" 2020, Vol. 22(2).

¹⁸ D. Vintila, J.M. Lafleur, *Migration and Access to Welfare Benefits in the EU: The Interplay between Residence and Nationality* [in:] *Migration and Social Protection in Europe and Beyond*, eds. J.M. Lafleur, D. Vintila, Cham 2020.

¹⁹ *Ibid.*

²⁰ M. Kindler, *op. cit.*

²¹ I. Jakubiak, *op. cit.*

²² L. Kurekova, *Welfare System as Emigration Factor: Evidence from the New Accession States*, "Journal of Common Market Studies" 2013, Vol. 51(4).

post-accession migrants who dominated migration flows post 2004, were relatively young and better educated and therefore were not guided in their choices by the possibility of higher social benefits. However, regardless of country of origin, the tactic for a huge proportion of labour migrants is to earn a quick buck and be able to transfer savings to their country of origin. Profit maximisation is crucial in their case, so they often deliberately do not care about paying social contributions in the host country. For intra-European migrants, job security and employment security are much more important than long-term measures towards a retirement future.²³ Moreover, the research of Petra de Jong and Helga de Valk²⁴ points out that the degree of social protection coverage and the possibility of obtaining work-related benefits in the country of origin is more important at the time of the decision to leave than the expectation of obtaining benefits in the destination country.

Slightly different conclusions are drawn from non-European studies. Research among Mexican workers in the USA confirms that for some of them, economic migration is a rational measure to increase their chances of receiving a pension in the future.²⁵ A particularly high probability of obtaining old-age benefits is enjoyed by those migrants who start legal work in the receiving country relatively early. These studies also show that obtaining old-age benefits by a migrant is a strategy for securing the financial well-being of their household, because even in the event of their death, their loved ones may continue to receive this benefit.²⁶

Awareness and knowledge of social rights

One of the more interesting strands developed in the subject literature is the focus on the individual perspective of migrant workers, especially their awareness of their rights or their knowledge of social security provisions. This is significantly influenced by the strategy adopted by the migrant (and their family) or the level of education. For example, research among Poles in the UK shows that considering economic stability in a long-term context usually appears after a few years and increases with the age of the migrant in question.²⁷ An individual's life course has an important influence on thinking and planning towards retirement.²⁸ Research conducted among migrants in Ireland seems to confirm that social security affiliation is mainly thought about by those migrants

23 A. Grzymała-Kazłowska, *Capturing the flexibility of adaptation and settlement: anchoring in a mobile society*, "Mobilities" 2018, Vol. 13(5); M. Duszczyk, K. Matuszczyk, *Labour Market Security and Migration-related Decisions: Theoretical Background* [in:] *Why Do People Migrate? Labour Market Security and Migration Decisions*, ed. M. Duszczyk, Bingley 2019; P.W. de Jong, H.A.G. de Valk, *Intra-European migration decisions and welfare systems: the missing life course link*, "Journal of Ethnic and Migration Studies" 2020, Vol. 46(9).

24 *Ibid.*

25 M. Sana, D.S. Massey, *Seeking Social Security: An Alternative Motivation for Mexico-US Migration*, "International Migration" 2000, Vol. 38(5).

26 *Ibid.*

27 A. Grzymała-Kazłowska, *op. cit.*

28 P.W. de Jong, H.A.G. de Valk, *op. cit.*

who intend to settle in Ireland.²⁹ The same research shows that accumulated savings, including owning one's property, are more important to migrants than entitlement to formal support from the welfare state system.³⁰

Previous empirical work confirms the overall low level of knowledge about welfare rights and insufficient regulatory awareness among intra-European migrants.³¹ At the same time, research conducted by Cathrine Talleraas (2019) with bureaucrats in Norwegian welfare state institutions shows that mobile families or highly skilled transnational workers are much more informed about their rights and privileges. Less knowledge about social security is characteristic of low-skilled and temporary migrants. Low knowledge of the language of the host country remains a frequent barrier to accessing knowledge about the benefits to which they are entitled.³² Therefore, migrant workers mainly draw knowledge from informal channels, namely peer groups, online forums or ethnic-based NGOs.³³

Access to social benefits

Issues of accessibility to particular benefits from social protection systems, guarantees of social rights for foreign-born workers or portability of short and long-term benefits are receiving increasing attention.³⁴ The general findings emerging from work on this topic emphasize the experience of structural barriers by migrant workers.³⁵ For example, estimates from the early 2000s show that only one in five migrants worldwide worked in a country where the full portability of pension benefits to their country of origin was possible.³⁶ Analysis of migrants' social rights in different welfare regimes confirms that migrants have poorer access to pension and unemployment benefits than native-born workers.³⁷ Previous analyses revealed that even long-term migrants, despite many years of contributing to social insurance schemes, generally earn less retirement-age income and experience higher poverty than native-born retirees.³⁸ The situation is different for mobile EU citizens. Due to the coordination of EU

29 V. Timonen, M. Doyle, *In Search of Security: Migrant Workers' Understandings, Experiences and Expectations Regarding "Social Protection" in Ireland*, "Journal of Social Policy" 2008, Vol. 38(1), p. 164.

30 *Ibid.*, p. 165.

31 A. Grzymała-Kazłowska, *op. cit.*; C. Talleraas, *Reconciling transnational mobility and national social security: what say the welfare state bureaucrats?*, "Journal of Ethnic and Migration Studies" 2019, Vol. 45(1), p. 157.

32 *Ibid.*, p. 162.

33 P.W. de Jong, H.A.G. de Valk, *op. cit.*

34 R. Schnabel, *Migrants' Access to Social Protection in Germany* [in:] *Migration and Social Protection in Europe and Beyond*, ed. J.M. Lafleur, D. Vintila, Cham 2020.

35 M. Kindler, *op. cit.*; R. Sabates-Wheeler, J. Koettl, J. Avato, *op. cit.*; D. Sainsbury, *op. cit.*; N. Taha, K.A. Siegmann, M. Messkoub, *How portable is social security for migrant workers? A review of the literature*, "International Social Security Review" 2015, Vol. 68(1).

36 *Ibid.*

37 D. Sainsbury, *op. cit.*

38 L. Cohen, H. Iams, *Income Adequacy and Social Security Differences Between the Foreign-Born and U.S.-Born*, "International Migration Review" 2007, Vol. 41(3).

social security systems, they enjoy numerous guarantees and privileges in terms of access to social protection or the transferability and aggregation of periods of social security contributions.³⁹

Temporary migrants and those with irregular residence status in the host country are in a particularly difficult situation.⁴⁰ Analysing migrant workers' access to social protection in Organisation for Economic Co-operation and Development (OECD) countries, Robert Holzmann and Yann Pouget conclude that

eligibility for pensions is typically conditioned on lengthy contribution periods or residency that is beyond the reach of some categories of temporary migrants.⁴¹

Similar conclusions can be drawn from Anna Triandafyllidou and Thanos Maroukis's⁴² analysis, which reveals that although undocumented migrant domestic workers in European countries can count on special treatment by governments, due to their irregular or temporary residence status they are deprived of the rights to formal social protection. Not being subject to the social security system in the host country may also be a deliberate strategy of migrant workers. Temporary workers, in particular, may be motivated, on the one hand, by the fact that they pay contributions in their country of origin, while on the other hand they prefer a higher take-home pay and are not interested in paying social security contributions.⁴³ Analysing the situation of Ukrainian workers in Warsaw's domestic work sector, Marta Kindler concludes:

although in undeclared work the lack of insurance and pension posed a risk, the money earned during migration gave the women a sense of safety; its purchasing power in Ukraine was much higher.⁴⁴

Labour migration from Poland to Germany

Since the beginning of the 1990s, Germany has remained one of the most important destination countries for Polish economic migration. Geographical proximity, the high absorptive capacity of the German labour market, as well as persistent differences in wages or living

39 G. Uścińska, *Zabezpieczenie społeczne osób korzystających z prawa do przemieszczania się w Unii Europejskiej*, Warszawa 2013; G. Essers, F. Pennings, *Gaps in social security protection of mobile persons: Options for filling these gaps*, "European Journal of Social Security" 2020, Vol. 22(2).

40 J. Hennebray, *Falling through the cracks? Migrant workers and the Global Social Protection Floor*, "Global Social Policy" 2014, Vol. 14(3).

41 R. Holzmann, Y. Pouget, *Social Protection for Temporary Migrant Workers: What Programs Serve Them Best?* [in:] *Global Perspectives on Migration and Development: GFMD Puerto Vallarta and Beyond*, Global Migration Issues 1., ed. I. Omelaniuk, Dordrecht, Heidelberg, New York, London 2012, p. 74.

42 A. Triandafyllidou, T. Maroukis, *op. cit.*

43 R. Holzmann, Y. Pouget, *op. cit.*, p. 64.

44 M. Kindler, *op. cit.*, p. 133.

standards sustain high levels of mobility from Poland to Germany.⁴⁵ The stream of these migrations has gained momentum as a result of Brexit and the new reshuffling of the European migration map. Irrespective of these changes, agriculture, construction or domestic jobs remain the main sectors of employment for workers from Poland. One of the most interesting examples in this area is the labour mobility of Poles who take up employment in households in Germany as personal care workers for the elderly. Although the actual size is not known, experts estimate that about 300,000 Poles take up such work each year. Migrants mainly perform simple household chores, including the daily support of the dependent persons, but are overwhelmingly not qualified to perform professional care services.⁴⁶

As a result of socio-economic modernisation in Poland, completely new problems in the labour market have emerged, which have forced workers to look for well-paid, undeclared work abroad.⁴⁷ A significant number of these people were taking up work on the basis of three-month tourist visas.⁴⁸ It was not until 2001 that an exceptional route to legalisation was introduced for “household helpers” from Poland, Slovakia, Slovenia and the Czech Republic, who could work for up to three years.⁴⁹ This was a response to the informal work of tens of thousands of migrants from post-communist countries. The situation in this respect was not changed by Poland’s accession to the European Union in 2004, because in Germany a maximum transition period of seven years was introduced, which paradoxically meant that the shadow economy continued to dominate in this sector.

Since 2011, with the full opening of the German labour market, two forms of legal employment for Polish workers have become more important.⁵⁰ The first of them concerns setting up a sole proprietorship and offering its services to households in Germany (*Gewerbe*). The second, much more popular form is the posting of workers based on the provisions of the EU law.⁵¹ The posting of workers, as a temporary form of labour mobility to another member state, has provided migrant domestic workers with the security of paying social security contributions in the country of residence. The dynamic development of the use of posting rules in the home care sector was made possible by the development of private labour market intermediaries, both multinational corporations as well as small family businesses. Many of them have specialised in providing 24-hour care services.⁵² Although intermediaries were already facilitating the flow of migrants before 2011 (it was then informal, based on the principle of migration networks), the last 10 years have seen the rapid development of a lucrative migration industry.

45 M. Nowicka, S. Bartig *et al.*, *COVID-19 Pandemic and Resilience of the Transnational Home-Based Elder Care System between Poland and Germany*, “Journal of Aging and Social Policy” 2021, <https://doi.org/10.1080/08959420.2021.1927615>.

46 *Ibid.*

47 H. Lutz, E. Palenga-Möllnbeck, *op. cit.*

48 J. Misra, J. Woodring, S.N. Merz, *The Globalization of Care Work: Neoliberal Economic Restructuring and Migration Policy*, “Globalizations” 2006, Vol. 3(3).

49 *Ibid.*, p. 323.

50 M. Nowicka, S. Bartig *et al.*, *op. cit.*

51 R. Schnabel, *op. cit.*

52 S. Leiber, K. Matuszczyk, V. Rossow, *Private labor market intermediaries in the Europeanized live-in care market between Germany and Poland: a typology*, “Zeitschrift für Sozialreform” 2019, Vol. 65(3).

Regardless of the emergence of new mobility regimes, the care migration channel is still dominated by women who, experiencing structural problems in the labour market in Poland, decide to go abroad.⁵³ This work is taken up mainly by persons in the so-called immobile age (45 years and over); however, it is also becoming a norm for 60 or 70 years old women to become a personal caregiver.⁵⁴ They include people with no vocational education or experience in the labour market, as well as nurses or highly educated mobile worker, such as teachers.⁵⁵ A characteristic feature of this mobility, mainly due to geographical proximity, is temporary employment and a rotation system. Individuals usually work for several weeks in Germany and then return for a similar period to Poland, where they take care of their children, grandchildren or ailing parents.⁵⁶ Some workers are commuters between country borders – they commute *e.g.* from Poznan or other locations for a period of several days, then return home to Poland for a weekend.⁵⁷ However, in previous studies, not much is known about workers' strategies towards labour market security or access to social protection institutions in both countries. In her study on Polish care migrants in Germany, Patrycja Kniejska noted that people of retirement age prefer undeclared work because they fear losing their pension benefits in Poland.⁵⁸

Despite full access for Poles to the labour market in Germany and the possibility of legal employment, informal employment still dominates in the domestic work sector.⁵⁹ It is worth stressing, however, that this refers both to situations when the employee does not have a written contract with the employer and cases when, despite the contract (even civil-law contract), the employer or intermediary does not pay insurance premiums according to the law in force. According to expert estimates, fully legal employment of workers in Germany concerns only 15–20% of all employment in this sector, the rest being the so-called grey economy and subject to various exploitative practices.⁶⁰ Moreover, this topic has become increasingly prominent in the media in recent years, where unfair practices by employers towards migrant workers have been repeatedly reported, including in relation to a modern form of slavery.⁶¹ Following the unabated discussions around social dumping practices between sending and receiving countries, it is to be expected that the social security lens will gain focus from researchers and practitioners.

53 H. Lutz, E. Palenga-Möllnbeck, *op. cit.*

54 P. Kniejska, *In-between-carer: towards a new type of elder care worker? The example of Polish migrant care workers in Germany*, "International Journal of Care and Caring" 2018, Vol. 2(4).

55 E. Goździak, *Biała emigracja: variegated mobility of Polish care workers*, "Social Identities" 2016, Vol. 22(1).

56 J. Perek-Białas, K. Slany, *The elderly care regime and migration regime after the EU accession. The case of Poland* [in:] *Ageing in Contexts of Migration*, eds. U. Karl, S. Torres, Routledge 2016.

57 E. Goździak, *op. cit.*

58 P. Kniejska, *op. cit.*

59 *Ibid.*; S. Leiber, K. Matuszczyk, V. Rossow, *Private labor market intermediaries in the Europeanized live-in care market between Germany and Poland: a typology*, "Zeitschrift für Sozialreform" 2019, Vol. 65(3).

60 K. Matuszczyk, *op. cit.*

61 B. Wojsa, Ł. Grajewski, M. Suchodolska, *Współczesne niewolnice, czyli polskie opiekunki niemieckich emerytów*, "Dziennik Gazeta Prawna" 2019, <https://serwis.gazetaprawna.pl/praca-i-kariera/artykuly/1421891,polskie-opiekunki-w-niemczech.html> (online access: 4.6.2021).

Methodology

To explore and clarify the complexity of the insurance situation of migrant domestic workers, especially practices and strategies, it is necessary to base the analysis of empirical material within in-depth qualitative research. The main part consists of individual, semi-structured interviews with 30 Polish migrant domestic workers (28 female, 2 male) with previous experience of working in Germany, but also in other countries (Italy, the United Kingdom, Switzerland, Luxemburg). The average age of the interviewees was 55, the youngest interviewee was 41-years-old and the oldest was 64. Their experience of working abroad ranged from a few months to more than 20 years. The interviewees worked in different models available (*i.e.* the grey zone, through a Polish agency, through a German intermediary, under German conditions, their own business). For most of the interviewees, working in Germany was the only employment at the time of the research, seven persons were receiving pension benefits.

During the interviews various topics were discussed, mainly the reasons for migration, family situation, experience of working with dependants, employment conditions or issues related to retirement planning. The interviews lasted on average 70 minutes, the shortest being 35 minutes while the longest 120 minutes. The research was carried out during the COVID-19 pandemic (November 2020–March 2021), so interviews were conducted online or by telephone. All interviews were recorded with prior approvals and then transcribed. The recruitment of interviewees was carried out using the snowball method, mainly through advertisements targeting participants in Facebook groups for caregivers from Poland.

In addition, the perspective of private labour market intermediaries was also included in the analysis. Seventeen semi-structured interviews were conducted with representatives of different agencies posting workers for home care in Germany. Furthermore, the findings from 11 expert interviews were also included in the further analysis. This group consists of representatives of public institutions responsible for pension, migration or social policy as well as experts dealing with the market for commercial personal services. The inclusion of such a broad category of interviewees made it possible to sketch the legal and administrative context of employing Polish workers in the domestic sector in Germany. The interview material was analysed using a thematic analysis.

Empirical results

Determinants of access to pension insurance

The analysis of the collected empirical material has revealed how complex remains the issue of access to social protection or the amount of the social insurance contribution assessment basis for migrant workers. This situation is influenced by the interplay of

various factors that shape the behaviour of migrant domestic workers. Apart from the applicable law in this area, the practices undertaken by families in Germany, intermediaries in Poland or the care workers themselves are of key importance.

Unlike in other migration regimes, workers from Poland in the domestic care sector in Germany can work under different employment models.⁶² The choice of a particular model determines the manner and amount of social insurance contributions paid. First of all, mobile workers exercising their right to free movement of people can take up employment under a German contract and pay contributions to the German insurance institution (Deutsche Rentenversicherung Bund). The employer can be either the family of the client or a company operating in Germany. From the point of view of the legality of the work of foreigners in the home care sector in this country, this solution is the most preferred. However, interviewees point out that due to the high costs of employing workers and the challenges of regulating round-the-clock work, in reality other forms are used, which consequently provide less social protection for workers. A cheaper alternative is to set up a sole proprietorship (in Poland or Germany) and, as has been the case in Austria since 2007, provide care services as self-employed persons. Importantly, in a business registered in Germany (*Gewerbe*), social security contributions are not mandatory. More and more companies encourage their employees to set up their own business (*i.e.* bogus self-employment) in order to reduce business costs.

The most popular in the last decade has been the posting of workers as part of the provision of services. The essence of this form of economic mobility is that such an employee is subject to the social security system in the country of permanent residence (*i.e.* the sending country). Issues of social security in this respect are regulated by Regulation 883/2004, under which employees can obtain Portable Document A1, confirming their affiliation to a given social security system. In practice, as confirmed by all interviewees from the surveyed agencies, posting to the home care sector in Germany takes place on the basis of Polish civil law contracts. These are mainly commission contracts, which have been subject to mandatory social security contributions since 2016. Indeed, this has consequently increased the guarantees of access to social security. Under the current legislation, principals posted to work abroad must have their contributions paid, and the basis for their calculation is the amount of the average monthly salary in the economy in a given year (in 2021 it is PLN 5,259). However, the conducted qualitative research revealed numerous examples of practices of breaking and stretching the law in this regard. The spectrum of employers' activities in this respect is wide; most often, in order to reduce operating costs, companies use tax-free travel allowances as remuneration. Moreover, many companies freely choose the basis for calculating social security contributions, which in turn deprives employees of high pension benefits in the future. This may be both PLN 100, but much more often the criterion for calculating contributions is the legal minimum wage in Poland. Some companies state in their Internet adverts that they

62 M. Nowicka, S. Bartig *et al.*, *op. cit.*

offer contributions on the basis of the average monthly salary, but it happens that in reality, as one expert points out, periods of work abroad are counted unfavourably for employees. These numerous practices, ones widely used, mean that some workers may be cheated and consequently not be guaranteed decent social benefits. However, it is worth emphasizing that the relatively high net wages that are offered to workers in this sector (EUR 1,300–1,700 on average per month) provide the basis for high pension benefits in the future.

A characteristic feature of the mobility of Polish care workers to Germany is the rotational employment model. In part, this is conditioned by the law on the posting of workers, but mainly it is caused by the specificity of domestic work. In practice, a model has become established where employees provide work abroad for a period of several weeks (most often this being 6–8 weeks) and then return to Poland for a similar period. In accordance with Regulation 883/2004 (Article 13), on the basis of which companies in Poland can send employees to work in Germany, these persons should continue working in Poland (work in two countries). All conducted interviewees point out the common practice to entrust employees for this period with human resources or marketing activities (mainly distributing leaflets during the home stay). For this period, employees receive a symbolic remuneration on which social security contributions may be made. In reality, however, employees use the time in Poland as a rest from the physically and mentally demanding work in Germany and are not interested in gainful employment. In an extreme situation, this can lead to mobile workers being excluded from the social security system for the duration of their stay in Poland.

Completed research confirms that despite the positive changes that have taken place in recent years and many opportunities to provide legal work, undeclared employment in Germany still prevails. As noted by experts and representatives of the surveyed companies, this is mainly due to the reluctance of German families to deal with a number of formalities related to the legalization of the employment of a foreign worker. However, in order to avoid controls from the customs service (Zollamt) and high fines for an unregistered worker (EUR 5,000), some families sign false documents. A common practice is to sign a mini-job contract (a salary of EUR 450 per month) that is not registered with any authority. Workers agree to these conditions, mainly due to the higher net salary, but they are deprived of the social security net.

The legal conditions and practices described above determine the way migrants work in the domestic care sector in Germany. The described practices show only a sample of the reality, but the interviewed experts agree on the widespread use of a number of different practices that consequently deprive workers of access to full social protection abroad. In the following section, individual ways of adapting to the conditions offered to workers are presented. The proposed typology of three strategies was based on the degree of awareness of the risks associated with undeclared work, general migration strategy and knowledge of social rights. It is worth stressing, however, that the following strategies may be used interchangeably depending on the individual situation.

Escape from problems instead of social security

The first strategy, very popular among people starting their “adventure” with work in home care in Germany, is taking up employment in the shadow economy, that is without a written contract with an employer. This approach is characteristic of people for whom working abroad is a temporary strategy, aimed at earning money fast and transferring all their savings to Poland. Migration and undeclared work abroad in their situation resembles a kind of escape from the acute (mainly financial) problems they have faced in Poland.

This type of strategy is mainly chosen by people who need to earn as much money as possible in a short period of time. These are people who have lost their jobs, need money for a family member or to repay previous debts. As many as five interviewees indicated that they decided on undeclared work because of their high bailiff liabilities. This problem was also pointed out by representatives of employment agencies, emphasizing the requests of the employees themselves, who many times treated going to work in care as an escape from problems in Poland. According to the law, in the situation of employment on the basis of a contract of mandate, the bailiff has the right to seize 100% of the monthly salary. Therefore, in order to avoid such an extreme situation, employees ask agencies not to sign the contract and not to report it to the tax office or the Social Insurance Institution (Zakład Ubezpieczeń Społecznych, ZUS).

Against this background, paying social security contributions, according to people representing this type of approach, does not seem to be something important and necessary. Maximizing profit here and now takes priority over long-term security for the period of economic deactivation. People consciously accept worse employment conditions and deprivation of social security in order to solve their personal problems quickly. Some care workers explained their choice by believing that direct work for households (*i.e.* without any contract) is more stable, mainly because the salary is paid weekly.

Also interviewees representing employment agencies indicate that caregivers do not pay attention to detailed provisions in the contract. Only a small percentage of them ask about social security issues during recruitment procedures. Attention is much more often paid to it by workers with employment experiences abroad. In the opinion of interviewed representatives and the owners of agencies, workers lack foresight and an awareness of the risks that may arise from work in the home care sector. This mainly concerns health and safety issues, as well as accidents at work that may lead to temporary or permanent incapacity. Interestingly, it is slightly more important for these people to have health insurance, which, as one interviewee added, “sometimes comes in handy”.

The lack of social security contributions is not only due to direct employment by households. Another employment option in Germany, one gaining in popularity over recent years, is setting up one’s own business (sole proprietorship). According to the interviewees, it is the companies that propose this type of activity to the employees. Some people register their business in Poland, but most of them decide to set it up in Germany, mainly due to the better tax conditions. The interviewed care workers are aware that

despite much higher earnings in this model (more even EUR 400–500 per month), they do not pay social insurance contributions for work “on *Gewerbe*”. Despite this right, however, none of the interviewees decided to take out private pension insurance. For example, this is what a woman (55, 8 years in care work) said about the proposal to go self-employed in Germany:

Those health contributions, that in case something happened, I would have. But the pension contributions, on the other hand, I don't. In general, this is time wasted, because they are not paid. I got 250 Euro extra, but if I wanted to pay them myself, I wouldn't have much pay left.

A substitute for formal social security is for them to take out private travel insurance. Finally, it is worth noting that despite recovering from financial problems, many people do not decide to legalise their further activity on the labour market in Germany. The lack of a formal relationship with employers therefore becomes a conscious choice for people for whom higher net earnings compensate for the lack of pension insurance.

Secure and legal work above all

For a significant proportion of the interviewed migrant care workers, secure and legal work from the moment of taking up employment is important. For them, having a written contract is a condition for taking the decision to go abroad to work. They attach great importance to having social insurance contributions and taxes paid. Furthermore, they are afraid of the negative consequences of undeclared work. The only way to obtain such employment conditions is to cooperate with an intermediary founded in Poland, which is a guarantee of support in case of problems. In their opinion, this type of business entity is the only one that guarantees legal work abroad. These persons, however, as they themselves indicate, do not have specialist knowledge in the field of social insurance or the coordination of social security systems, and many times they rely on what intermediaries offer them. Although it is important for them to be covered by social security, they do not always know how much they have to contribute to the Social Insurance Institution.

What is more, care workers are aware of the risks and fraudulent activities of their employers, but are much less likely to pursue their claims, for example in court. A common strategy for dealing with a dishonest employer is to resign and move on to the next company. This is the main reason why most people surveyed have worked for several (often 10 or more) different intermediaries to date. With experience also comes an increased willingness to negotiate the terms of the employment offered. For example, one interviewee (female, 53, 6 years in home care work) recalled a situation where one agency offered her to pay social security contributions on the legal minimum wage in Poland. She did not agree to such a change, firmly sticking to her position that she should be paid contributions on the average salary. The attitude of this employee and similar other situations in which the respondents found themselves confirm that some people are determined to have their social rights fully respected.

Workers characterised by attachment to social security take care not to fall out of the social insurance system while working in Germany. Some people who are insured in Poland find that they can afford to work illegally for short periods in the home care sector. For example, such a strategy is adopted by a working teacher (female, 56, 7 years in care work) who goes to Germany during her break from school and on unpaid leave. With regular contributions to all social insurances in Poland, she can work without a contract or for her own business. Also another interviewee (female, 55, 4 years in care work) indicated that having a family pension she can afford to go abroad and consequently does not have to worry about social contributions. Interestingly, it also happens that some care workers for various reasons work legally and illegally in shifts. For example, it is common practice for them to urgently help a colleague and go as a substitute without any written contract.

These people think about their retirement situation, for some of them economic emigration is a strategy to earn an old-age pension. It does not matter to them whether contributions are paid to a Polish or a German insurance institution. However, experts have noticed a trend that Poles are increasingly opting for German employment conditions. One of the experts, associated for more than 10 years with the care market in Germany, noted:

I see a trend, Polish women want to legalise their status. They do it for a simple reason: they do not believe in Polish ZUS as a pension system, but they do believe in the German pension.

The lack of faith in pensions from the Social Insurance Institution is a real calculation based on the previous situation on the labour market in Poland. Migrant workers in this case are aware of the low future benefits, but know that without migration, their pension benefits would be several times lower. Despite ensuring that contributions are made in accordance with current legislation, a large proportion of workers do not believe in future benefits from working in Germany. When asked about the planned benefits from working for several years in Germany, Switzerland and Luxembourg, an interviewee (female, 55, 8 years in home care work) said:

It will be such "s**t" money compared to what I earn now. At the moment I have social security paid from 200 euro, pension contributions [...]. I realize that I won't have much of a future, I won't have much of a future for this period of working abroad. But I'm in a different situation, because I have a survivor's pension from my husband. That's why I feel quite safe. When I reach my retirement age, I will simply compare what is more profitable for me then, but I am afraid that I will have to stay on the survivor's pension.

An informed and inquisitive insured worker

A particularly interesting approach to their own insurance situation is represented by the third type of care workers, described as informed and inquisitive workers. Also for them, legal work, including paying social insurance contributions on the correct basis,

is a priority. However, they are characterised by a much greater specialist knowledge of the functioning of social insurance systems and an awareness of the differences between national systems. These workers are distinguished from the previous category by a much greater conviction as to their social rights. However, this attitude is adopted by a much smaller group of respondents, mainly those with many years of experience of working in Germany, usually with higher educational levels. Importantly, they share their knowledge on social groups with other caregivers. At the same time, they are able to criticise those caregivers who choose to work undeclared. Such attitudes, according to them, undersell the conditions and contribute to further intermediaries trying to deceive the uninformed, especially those who are going to work in care for the first time.

Those who are more aware thanks to years of experience and personal contacts with other caregivers, they say, are much more sensitive to the practices of dishonest employers. Their previous negative experience in this area has been a valuable lesson for them. They are not afraid to point out employers' mistakes directly and, in extreme situations, to go to court to fight for their rights. One of the caregivers (female, 43, 6 years in home care work) is demanding from the company for which she previously worked outstanding remuneration and payment of social security contributions. In order to prevent such situations, other workers with similar attitudes ensure that they have all the formalities in place when they go to Germany – a signed contract, an PD A1 and European Health Insurance Card. What is more, these workers are distinguished from the rest of the interviewed people by a much higher willingness to verify the arrangements included in the written contract. Four interviewees recalled situations when they scrupulously sought to obtain actual knowledge about the amount of social insurance contributions paid. The following quotation shows the strategy of one of the employees at the stage of signing the contract:

I set up an ePUAP profile for myself in ZUS and I checked on my own whether all contributions are paid on a current basis. I check each company in this way to make sure that the contributions are paid. One company, where the name changed, also changed the contract. I read the contract and there was information that contributions would be paid from 50 PLN. And I said that I did not agree, I did not accept this offer and I am not leaving with them. I stood up, and my family in Germany was already waiting for me. And they sent me a new contract with contributions based on the national average. So you have to read these contracts carefully, they don't inform you if you don't ask [female, 57, 7 years in home care work].

Due to the knowledge they have gained, these workers more often prefer employment under German conditions. They are aware that simultaneous work for two intermediaries, of which the employer is in Poland, creates space for abuse and exploitation of employees. They explain that by working on German territory, they should be guaranteed the same conditions as all employees in that country. Employment under a German labour contract gives them a much greater sense of security and stability, also in terms of their future pension. One employee (male, 50, 5 years in home care work) already decided to work under German conditions after a first bad experience of working for an agency established in

Poland. In addition to other benefits of employment under a German employment contract, he pointed to social security and the possibility of a pension from this system. Like some other interviewees, he emphasized that after only five years he will be able to count on a German pension. Although this will be a small amount of money, he is aware that in the situation of a low benefit from the Polish system, every additional EUR 100 or 200 will be a significant “cash injection”. Some migrant domestic workers are aware that already five years of documented work gives the basis to claim a minimum pension in the future.

Table 1. Summary of main strategies of migrant care workers towards old-age pension insurance

	Escape from problems instead of social security	Secure and legal work above all	An informed and inquisitive insured worker
Degree of awareness of the risks associated with undeclared work	low	high	very high
General migration strategy	migration as fast money to resolve an acute problem	migration as an additional activity and extra money	migration as a long-term strategy with a stable contract abroad
Knowledge of social rights	low	partly	high

Source: own elaboration

Summary and conclusions

The issue of access to formal social protection for migrant domestic workers has not yet been the subject of separate empirical analyses. Little attention has been paid especially to the issues surrounding pension insurance for this group of workers. An important gap in this area is filled by this text which aims to analyze the strategies of workers and the conditions that influence them. The example of Polish workers taking up employment in home care in Germany, based on different mobility and employment strategies, provides unique knowledge in this area.

The analysis of the collected empirical material allows one to propose several main conclusions. Firstly, the research proves the existence of numerous conditions and practices leading to the violation of the social rights of migrant workers. The amount of the social insurance contribution assessment basis is often determined voluntarily by employers. As a result, workers receive high net wages, but are deprived of the opportunity to receive high benefits during retirement. Similar observations emerge from research among Ukrainian domestic workers in Poland,⁶³ who also prefer higher wages during

63 M. Kindler, *op. cit.*

migration than stability in the future. Every interviewed worker has personally experienced or knows someone who has been cheated by an employer in terms of the amount of social contributions paid.

Secondly, despite the growing recent importance in Germany of the legalisation of domestic work, the overwhelming majority of migrants still prefer to work informally.⁶⁴ According to the workers themselves, work in domestic care is a quick and easy opportunity to earn a lot of money, especially for those who leave to solve financial problems in Poland. Profit maximisation then wins over social security. Also, the families themselves in Germany are not interested in becoming involved in the legalisation of the workers' stay or the procedure for insuring them. However, in contrast to previous findings on the social security strategy of temporary workers,⁶⁵ the research presented here shows a greater willingness amongst European Union citizens to take care of any capital accumulated for retirement.

Thirdly, there is a growing awareness and knowledge among employees about their employment rights, especially in terms of social insurance. Negative experiences in the form of fraud by companies have taught many people to verify the provisions of contracts, mainly those concerning pension insurance. For some workers, net earnings are no longer the main reason for taking up work in the home care sector in Germany. Those who travel abroad for several years attach much more importance to social security. These findings are in line with previous findings that with age, migrant workers start to plan for their own financial situation in old age and prefer legal employment conditions.⁶⁶

Fourthly, for some of the interviewed migrant domestic workers, legal work with correctly calculated social security contributions is a strategic action. Many people were without work and without chances to find well-paid employment before their departure, thus working in Germany is an opportunity to provide economic security for the period of economic inactivity. As this study demonstrates, many people are critical of the functioning of the Social Insurance Institution in Poland, they do not believe in the possibility of obtaining satisfactory benefits from the Polish social insurance system. More and more people are choosing to work under German employment conditions, which allow them to obtain a German pension after only five years of uninterrupted work.⁶⁷ It is to be expected that in the future even more people will decide to switch from the posting workers model to the model of stable employment in Germany.

And lastly, the study has certain limitations which can be corrected in further research. The restricted number of interlocutors and the qualitative approach adopted does not allow for statistical relationships to be established. The study was also limited to Polish workers taking up employment in one country only, which makes it impossible to show the wider context of the influence of national circumstances on mobile workers'

⁶⁴ P. Kniejska, *op. cit.*

⁶⁵ R. Holzmann, Y. Pouget, *op. cit.*

⁶⁶ P.W. de Jong, H.A.G. de Valk, *op. cit.*

⁶⁷ R. Schnabel, *op. cit.*

strategies. Also, the method of reaching the interviewees (mainly through social media) excluded the participation in the study of people not using such digital tools. Due to the multiplicity of different strategies and the persistently high mobility of migrant care workers, it is worth conducting in future quantitative research on a targeted sample that takes into account several Polish migration destinations (e.g. the Netherland, Norway and the United Kingdom).

Note

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Od braku świadomości do skrupulatnego działania. Strategie w zakresie ubezpieczenia emerytalnego wśród polskich pracowników migrujących do gospodarstw domowych w Niemczech

Znaczna część pracowników migrujących na całym świecie ma utrudniony dostęp do ochrony socjalnej, zwłaszcza do świadczeń długoterminowych, takich jak emerytura. Szczególnie wrażliwą grupą w tym obszarze są pracownicy zatrudniani w gospodarstwach domowych. W artykule analizowane są przykłady migracji Polaków do Niemiec, a celem niniejszego opracowania jest przedstawienie strategii, jakie podejmują migranci w wieku 45 lat i więcej w kontekście planów emerytalnych i zapewnienia odpowiedniego poziomu zabezpieczenia społecznego podczas pracy za granicą. Wykorzystując materiał empiryczny zebrany podczas wywiadów z migrującymi pracownikami opieki domowej, przedstawicielami agencji zatrudnienia oraz ekspertami, artykuł rzuca światło na zróżnicowane uwarunkowania wpływające na strategie poszczególnych pracowników. W zależności od ogólnej wiedzy na temat ich praw socjalnych, strategii migracyjnej lub sytuacji osobistej migranci przyjmują trzy główne strategie, określone jako: (1) ucieczka od problemów zamiast zabezpieczenia społecznego, (2) przede wszystkim bezpieczna i legalna praca oraz (3) świadomy i dociekliwy ubezpieczony pracownik.

Słowa kluczowe: Niemcy, migrujący opiekunowie, emerytura, Polska, delegowanie pracowników, strategie pracowników