Scenarios of Domestic Workers’ Rights

Paid domestic workers are estimated to make up a population of at least 67 million across the world, the majority of whom (80 per cent) are women (ILO, 2013), while around 11.2 million are international migrants (ILO, 2015). ILO global estimates indicate that at least 11.5 million children below the legal age of employment were involved in paid domestic work in 2012 (ILO, 2017b). This labour sector is particularly important in the Global South, where it mainly provides jobs for low-status, racialized, indigenous, rural girls and women and (in the case of India) the low-caste population. From a quantitative point of view, for instance, the sector employs one in four female workers in Latin America and the Caribbean and almost one in three in the Middle East (ILO, 2013). Moreover, many countries in the Global South and in the periphery of the West are impacted by the phenomenon, as a portion of their (mostly female) population consistently leave to take up care and domestic work abroad. This is especially the case in Asia-Pacific countries, South America and Eastern Europe, which feed South-to-North, South-to-South, but also North-to-North global migration flows. At the same time, in many Global Northern countries, remunerated domestic work has always been a significant sector for the employment of female workers. In the past, this was particularly the case for internal and intraregional rural-to-urban migrants, while in the last few decades (with different timing, depending on the context) the role has been increasingly filled by international migrants responding to the welfare crisis and the care needs of affluent and ageing societies. Some of the dynamics sketched out so far often coexist, as some countries may be both senders and receivers of migrant domestic workers, as in the case of those countries that have both a large overseas and internal domestic workforce. In other words, domestic
work has a global nature, yet it has different characteristics in each national and regional context, and across time.

Within this scenario, what does domestic work look like in the nine countries and the different regions of the world involved in the DomEQUAL study? What common elements and connections link together such diverse contexts, and what local specificities did we observe? Importantly, what rights have domestic workers already achieved, and what rights are they still struggling for?

In this chapter we try to answer these questions by presenting an overview of the main trends characterizing paid domestic work in each of the nine countries, and focusing on domestic workers’ exclusion from and entitlement to rights. We see this chapter as a global journey whereby we explore the various pathways through which domestic workers’ rights emerged as a political terrain, in the different national contexts taken into account in the study. This means that we look at how domestic work became an object of governance, conflict and negotiation involving several actors, and how it came to entail processes of political subjectification and collective organizing by part of a socially and politically marginalized sector of society, a category of workers conventionally regarded as ‘unorganizable’.

Such analysis will provide the context for the cases we discuss in the rest of the book, insofar as it reconstructs the background against which the issue of workers’ rights has developed in the nine countries, up until the period we focus on. For this reason, the time frame of the present chapter is broader and not limited to the late 2000s and the 2010s. It is also flexible, on the basis of local specificities and temporalities in relation to the dynamics of the domestic workers’ movement and the history of inclusion and exclusion from rights in each national context.

What we propose here as a presentation of each case is based on three kinds of sources. First, our reading of the existing literature on the matter, including academic research, and reports compiled by international and national bodies, NGOs, trade unions and experts. Second, the secondary analysis of the available statistical data collected by the country experts and supervised by demographer Anna Di Bartolomeo (see Chapter 1). Third, the qualitative data, including the accounts and interpretations shared by the interviewees during interviews and in the local workshops, as well as our own observations and those that the country experts shared with us during the fieldwork.

**Philippines**

With domestic work being the first occupation among the 2.4 million Filipinos working abroad (source: Survey on Overseas Filipinos, Philippine Statistics Authority-PSA, year 2015), the Philippines occupies a unique role
in the global care chain. Since the 1990s the Philippines has progressively become one of the leading countries in the promotion of migrant domestic workers’ rights (Chavez and Piper, 2015). It is perhaps less known that there is also a large domestic workforce in the Philippines, and that the country has a long tradition of domestic work undertaken by women and girls for their extended families or communities. In 2017, the official estimate of domestic workers in the Philippines was 1.85 million (source: Filipino Labour Force Survey, Philippine Statistics Authority–PSA, year 2017). This number is considered an underestimate for several reasons. First, it excludes important parts of the workforce, such as those under the age of 15 (who are not officially allowed to work in the country), those providing domestic work as a secondary occupation and those working in the homes of wealthier relatives without pay, in exchange for shelter, education or daily subsistence for themselves or their children (ILO, 2011; Daway, 2014).

More generally, a large portion of domestic work is known to belong to the informal economy, which in the Philippines was estimated in 2008 to occupy 15.6 million workers, which is 38 per cent of the total working population (source: Informal Sector Survey, year 2008).

The distribution of paid domestic work reflects the significant socioeconomic inequalities in the country, especially along lines of class, rural/urban residency and region of origin; the Gini Index was 44.4 in 2015, the Multidimensional Poverty Index 0.024, or 7.3 per cent of the population vulnerable to multidimensional poverty in 2019. Domestic work is mostly provided by women (84 per cent, versus 38 per cent of all workers) and young people (34 per cent of women domestic workers and 29 per cent of men domestic workers are 15–24 years old, versus 19 per cent of all workers) (ILO, 2011) migrating to metropolitan areas from rural areas. Live-in arrangements are still common, but have been in decline, falling from about 30 per cent in 2010 to about 20 per cent in 2016 (King-Dejardin, 2018).

Most domestic workers come from the Visayas and Mindanao provinces, both characterized by poverty and environmental problems, and parts of which have been involved in armed conflicts since the end of the 1960s. Recruitment of domestic workers is mostly through friends and relatives, although agencies may also be involved. Households that employ domestic workers are concentrated in the Metro Manila Region and the surrounding provinces of Cavite, Laguna, Batangas, Rizal and Quezon (known collectively as Calabarzon). A typical middle-class household employs one or two live-in domestic workers, but lower middle-class families also often have some form of domestic help, in a context where almost no public support for childcare and care for the elderly is available (ILO, 2011).

The Philippines has a national law regulating domestic work, called the Kasambahay Law (2011), which provides, among other things, for minimum
wage rates (for full-time workers) that may be increased periodically, as well as mandatory social protection coverage, weekly days off and written contracts of employment. However, the law has some significant limitations, especially in its implementation, and regarding part-time workers. While the law provides that domestic workers can join labour organizations of their choosing and create their own trade unions, issues of mediation, grievance handling and collective bargaining remain weak. The law requires employers to register domestic workers for the social security system, health insurance (Philhealth) and housing benefits (Pag-Ibig) schemes. Yet the number of employers who do so is very limited – although slowly increasing for full-time, live-in workers – with the percentage of live-in domestic workers contributing to social security increasing from 3.4 per cent to 6 per cent and 13 per cent in 2005, 2010 and 2015, respectively (ILO, 2017a). The minimum wage was officially raised in 2018, and for Metro Manila it has gone up from P2,500 (in 2013) to P3,000 (equivalent to approximately USD56) per month for full-time workers – to which food and accommodation is added for live-in workers. However, this salary is still notably lower than for other workers – for instance, the minimum wage in Metro Manila’s manufacturing sector in 2018 was set at a daily figure of P475.

The condition of domestic workers started to become an issue of public concern in the Philippines in the 1990s, in connection with legal cases against Filipino domestic workers accused of murder in Singapore (Flor Contemplacion, executed in 1995) and in the United Arab Emirates (Sarah Balabagan, repatriated in 1996). The cases were broadly publicized in the Philippines and mobilized public opinion, overseas workers, NGOs, religious groups and embassies. During those years, the Filipino government introduced measures to promote the welfare of Filipinos working abroad, in particular the Migrant Workers and Overseas Filipinos Act of 1995. In 1994 it launched the Technical Education and Skills Development Authority, a system of skill certification for overseas Filipino workers that includes domestic workers. Civil society was fast developing in the new democracy, with women’s initiatives and non-traditional political parties representing marginalized groups, such as the Akbayan Citizens’ Action Party, which has been supporting domestic workers’ struggles. Following these mobilizations, the Anti-Violence against Women and Their Children Act was passed in 2004, and the Reproductive Health Law in 2012.

During the 2000s, the Philippines became a key player in the international debate on domestic work, and in the C189 process in Geneva. Ratification of C189 was signed by President B. Aquino III in 2012, following a fast and low-profile lobbying strategy, and the Kasambahay Law was quickly passed by Parliament in 2013, whereas previous Bills on domestic workers had been proposed since the 1980s without any follow-up. This phase of rapid
policy change, which continued until President Duterte came to power in 2016, was notably led by the Domestic Work Technical Working Group (TWG), a primarily ad hoc tripartite institution created in 2009, which was very active up until 2016. The TWG, initially invited by the ILO Regional Office, includes state representatives (in particular what is now called the Bureau of Workers with Special Concerns at the Department of Labour and Employment, and the Philippine Commission on Women), employers’ organizations (the industry-based Employers’ Confederation of the Philippines) and workers’ organizations (ILO, 2009; King-Dejardin, 2018). As regards workers’ organizations, key actors that became involved in the field around the C189 process were the trade unions Federation of Free Workers, Sentro, the Trade Union Congress of the Philippines and the Alliance of Workers in the Informal Economy/Sector (ALLWIES) (Ogaya, 2020). Some NGOs that had previously done most of the work on domestic workers’ rights also became part of the TWG. These were NGOs against trafficking and child labour (in particular, Visayan Forum), for migrant rights (such as Migrant Forum in Asia and the Centre for Migrant Advocacy) and religious organizations, in particular, the Catholic Bishops’ Conference of the Philippines. Visayan Forum was also pivotal in promoting Home Workers’ Association and Linkage in the Philippines (SUMAPI), the first domestic workers’ group in the country, created in 1995 and active until 2012, when Visayan Forum was involved in a famous corruption scandal with its main funder, US Agency for International Development (Fontana, 2020).

Generally speaking, domestic workers have started to organize collectively only recently. In 2012, the domestic workers’ organization UNITED was created, with the support of labour organizations Sentro (formerly Alliance of Progressive Labour) and the Labour Education and Research Network (LEARN). United was registered as a workers’ organization at the Labour Department in 2016 and has been part of the TWG, but has been struggling to gain recognition as a proper trade union. Other organizations were created in 2015, such as the ALLWIES-Kasambahay chapter and the Federation of Free Workers Taumbahay-FFW (taumbahay means ‘person who stays at home’). In this process, central roles were played by the ILO (D’Souza, 2010), by the IDWF and by international cooperation organizations, among others, the Swedish International Development Cooperation Agency, and the Germany-based Friedrich Ebert Foundation.

Feminist organizations were not particularly active during these years of change, but some individual women’s rights activists were pivotal, acting alone or as part of organizations supporting domestic workers’ rights. These include labour organizations, as well as the workers in the Informal Sector Council of the Anti-Poverty Commission, some of whom are part of the global network WIEGO.
Taiwan

Taiwan represents a special case in our research. Since the country is not a member of the UN, intergovernmental organizations, and in particular the ILO, are absent there. The country cannot formally ratify international conventions, including C189, even though activists do at times refer to it in their campaigns. However, Taiwan has the possibility to commit to international conventions in an autonomous way, through introducing national laws, and indeed the government did so in 2009 with the UN International Covenant on Political and Civil Rights and the International Covenant on Economic, Social and Cultural Rights, and in 2011 with the Convention on the Elimination of all Forms of Discrimination against Women (Chen, 2019).

Until the 1980s, domestic and care work in Taiwan had been almost completely performed without payment by female family members. However, from the beginning of the 1990s the rapid economic growth and the progressive entry of Taiwanese women into the labour market caused an increased demand for paid domestic and care services in private households (Michel and Peng, 2012). This is connected to the rapidly ageing population – with people aged 65+ representing 14 per cent of the total population in 2018 (source: Statistical Bureau Taiwan, year 2018) – in addition to a family-based welfare model and to the lack of publicly funded care services. In 2017, migrant workers represented the majority of workers in the sector, with a total number of migrant caregivers and domestic workers in private households reaching about 247,000, of which 99 per cent were women, originating from the Philippines, Indonesia, Thailand and Vietnam (source: Ministry of Labour, year 2017). A limited number of Taiwanese caregivers and domestic workers are still engaged in live-out, part-time housekeeping and childcare – jobs from which migrant workers are de facto excluded – while migrants are mostly live-in, work full time and provide care to elderly and disabled people.

Taiwan is generally characterized by low inequality (the Gini Index was 33.8 in 2018) and by a high level of public support for social equity and redistribution (Peng and Wong, 2010), yet the field of care and domestic work represents an exception. Even though the official position of the country’s governments in the decade under analysis has been to keep supporting women’s entrance into the labour market, and to decrease reliance on the migrant workforce in this sector, in reality these promises have not been fulfilled. Indeed, the reforms proposed – in particular the Long-term Care Services Act, first developed in 2010 and introducing the certification of nursing aides (8,368 in 2015, 92 per cent women) – cover only a limited extent of the care needs of disabled and elderly people in the community,
and have been severely criticized for, among other things, excluding foreign workers. Among the 760,000 long-term care recipients, only 12 per cent are supported by the government’s long-term community care services, while family members account for 59 per cent and migrant caregivers provide for 30 per cent (Chen, 2016). In reality, the recruitment of migrant women is the main public response to care needs, a practice that has been steadily expanding since it started in 1992 under the newly established democratic regime. At the same time, the migration system has been run since then as a temporary guest programme, strongly criticized for failing to provide good-quality care or to prevent the mistreatment of migrants. Migrant workers are allowed to stay for only limited periods of time and are unable to settle, nor are they allowed to have their own families or children with them. Indeed, until 2002, women were subjected to a compulsory pregnancy test and repatriated if found to be pregnant. While the Taiwanese state exerts strict control over who is allowed to apply for a migrant caregiver, it delegates migrants’ recruitment and placement to certified private placement agencies, which take periodic fees from the workers and have a vested interest in maintaining this temporary migration system. Under this system, changing employers remains very difficult for migrant workers, and they are prohibited from forming their own unions.

While these conditions are shared by all migrant workers, such as those in manufacturing and construction, it is only caregivers and domestic workers working in private households who have been excluded from the protection of the labour code (Labour Standard Act), and are not therefore entitled to the minimum wage, regulated work hours, weekly days off and health insurance. According to the Ministry of Labour, in 2015 the monthly wage for migrant care workers was equivalent to USD642 (NT19,643), which was below the national minimum wage (USD734, NT22,000), while it was also remarkably lower than the salary earned by Taiwanese certified nursing aides (USD984, NT30,106). The same data revealed that migrant caregivers work an average of 13 hours a day, and up to 34.5 percent don’t have any days off all year. These conditions often lead to cases of physical and mental illness and abuse. This explains the phenomenon of so-called ‘run-away workers’: migrant workers who leave their legal employment and prefer to become illegal and work irregularly.

Some improvements in the conditions of migrant workers have been introduced by the government since the early 2000s. The government of the progressive DPP party, in power for the first time in 2000, was committed to making Taiwan a country based on human rights, and keen on protecting its international image (Cheng and Momesso, 2017). This image was particularly damaged in the 2000s by the poor reviews Taiwan received in the US-based Trafficking in Persons (TIP) Report and
Country Report on Human Rights Practices. Both explicitly criticized Taiwan for the situation of female migrants, including migrant domestic and care workers, and the TIP Report classified Taiwan as Tier 2 in the years 2005–9 (and Tier 2 Watchlist in 2006).\(^8\) In 2002 the government eliminated the compulsory pregnancy test that had previously been imposed on migrant women, and included migrants in the Act of Gender Equality in Employment (2002), which in principle gives them rights regarding pregnancy, maternity leave and protection from sexual harassment. In 2005 it introduced the possibility of changing employers, if only for exceptional reasons such as the death of the care receiver or serious abuse. Finally, in 2009 the Human Trafficking Prevention and Control Act was introduced. However, the changes introduced have failed to confront the system of agencies that produces the conditions of exploitation and abuse of migrants. In practice, the anti-trafficking system is the framework that supports migrants in the country, in particular through a government-run hotline and government-funded shelters for migrants with grievances. In fact, some of the shelters are managed by migrants’ rights’ organizations, such as the Serve the People Association. The latter also supports the first organization of migrant domestic workers in Taiwan, the Domestic Caretakers’ Union, established in 2016 in Taoyuan; and the Taiwan International Workers’ Association (TIWA), which works closely with migrants’ organizations, such as the Filipino KaSaPi\(^9\) and the Indonesian IPIT.\(^10\)

The violation of migrant workers’ rights in private households has been denounced by both national and international organizations. This criticism has grown louder since the 2000s, when the first progressive government since the end of the dictatorship came to power. The international organizations Asia Pacific Mission for Migrants, Migrante International–Taiwan Chapter, the Action Network for Marriage Migrants’ Rights and Empowerment and the Migrant Forum in Asia have all been vocal in this denunciation. At the national level, while large unions in the country have done little for migrants’ rights, one organization of migrants’ workers rights, TIWA, has been particularly active. Created in 1999, since 2003 it has organized biannual rallies for migrants’ rights with migrants themselves.\(^11\) In 2003, TIWA also launched the Promoting Alliance for the Household Services Act (renamed the Migrants Empowerment Network in Taiwan, in 2007), at least partly in reaction to the death that year of famous writer and ex-policy adviser Liu Shia at the hands of her migrant caregiver, an event that brought the dangers connected to the dire working conditions of migrant caregivers to the fore. The alliance was joined by religious and human rights organizations and supported by a number of care receivers’ organizations as well as by the prominent feminist organization, the Awakening Foundation. This coalition drafted the Household Services Act, proposed in 2004, calling
for laws to provide protection for caregivers and domestic workers’ rights, both Taiwanese and migrant, and a transition towards a public care system. This proposal has not been taken up by the government, and has been met with opposition, predictably, from agencies well connected to the political class, but also from a coalition of care receivers. Indeed, a number of disabled and elderly people’s groups have defended the existing system, at least partly out of fear that if migrants were granted greater labour rights, disabled and elderly people would no longer be able to afford care services (Chien, 2018).

India

India is said to be the second-largest employer of domestic workers in the world, following Brazil (ILO, 2011). Many Indian households hire either men or women, and sometimes children (an illegal practice), for everyday domestic and care work, often paying them in kind. The distribution of paid domestic work reflects the country’s strong socioeconomic inequalities (Gini Index 35.7 in 2011, Multidimensional Poverty Index 0.123 in 2019, or 19.3 per cent of the population vulnerable to multidimensional poverty, according to the United Nations Development Programme). This is particularly the case along intersecting lines of gender, caste, tribe and internal migration. However, the situation has changed markedly in the decade under study, due on the one hand to the increased industrialization and urbanization of the country, and on the other to the high degree of mobilization for the rights of domestic and informal workers.

In 2011, the National Sample Survey found that there were 2.5 million domestic workers in India (source: Employment and Unemployment, National Service Scheme, year 2011–12). Estimates of the numbers of domestic workers are particularly difficult to produce in the Indian context, given the considerable size of the informal economy, to which domestic workers largely belong. This sector (called the ‘unorganised sector’) employs 93 per cent of the total workforce and contributes around 60 per cent of the gross domestic product (GDP); within it, 54 per cent of female workers are estimated to work in private households, largely in domestic work (National Commission for Enterprises in the Unorganized Sector, 2007; Sharma and Kunduri, 2015).

In terms of gender, domestic work has undergone a remarkable transformation: while historically, men also used to be employed as domestic workers, today the sector is highly feminized, with women representing 85.8 per cent of domestic workers in 2011 (source: National Sample Survey, year 2011–12). Studies indicate that the majority of domestic workers are illiterate, first-generation rural migrants (Mehrotra, 2010; Paliwala and Neetha, 2010; Rao, 2011). In the Delhi area, for instance, these internal migrants are usually
from neighbouring regions like Punjab, Bihar, Uttar Pradesh, Rajasthan, Haryana, Orissa or Andhra Pradesh. According to Mehrotra (2010), 86 per cent of female domestic workers in Delhi are migrants, while only 14 per cent were born in Delhi. Many of these migrants come from tribal areas, and indeed ‘scheduled tribes’ account for 4.5 per cent of domestic workers in the country (source: National Sample Survey, year 2011–12).

In its intersections with gender, age and migration from rural areas, caste brings particular notions of shame and stigma which are still largely attached to those who perform domestic work in India (Sharma and Kunduri, 2015). Indeed, within the traditional vision of social hierarchy based on the caste system, religious codes concerning domestic tasks play a fundamental role, so that each task (like sweeping the floor, cleaning the toilet, doing the laundry, cooking and washing dishes, or collecting household waste) is expected to be performed by a different person, depending on their caste position. People from low castes also have internal hierarchies and refuse to perform tasks which they consider too impure for themselves (Ray and Qayum, 2009; Sharma, 2014). Data confirm the significant over-representation of low-caste people among domestic workers, with scheduled caste workers representing 29.7 per cent of all domestic workers, despite making up only 16.6 per cent of the total population living in the country in 2011 (source: National Sample Survey, year 2011–12). In the year 2011–12, more than one out of every three domestic workers (34.2 per cent) belonged to a scheduled tribe or a scheduled caste (source: National Sample Survey, year 2011–12). Similarly, even though domestic workers have traditionally been Hindu, Christian and Muslim women have also recently entered the sector.

The employment conditions of domestic workers constitute another remarkable change that took place in the period under study (Agarwala and Saha, 2018). Until the 1990s, most domestic workers lived in and worked full time, with domestic workers and their families being passed on from generation to generation in the employer’s household. This provided not only food and shelter, but also social protection. Since the 1990s, however, increased industrialization and migration have contributed to modifying families’ home-making patterns. In this new context, the profile of live-in workers has changed, and an increasing number of workers are live-out. Remaining live-in workers are often young unmarried women, who migrate alone, send remittances to their villages and experience their migration as temporary. They find work through recruitment and placement agents, who have an interest in regularly changing their employers and add an extra layer of exploitation to their vulnerability to abuse, including, at times, trafficking. Live-out domestic workers, by contrast, tend to be married, middle-aged women who migrate with their families. Live-out workers usually find their way to the city through kinship networks, rent a home in informal
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settlements on the outskirts, and spend hours commuting to work each day (Agarwala and Saha, 2018).

The debate about domestic work as a labour issue is a not recent one in India, with many Bills introduced by Parliament after the first in 1959. Yet remarkable ‘governmental resistance’ (Palriwala and Neetha, 2010) meant that no change was possible up until the 2000s. Domestic workers’ rights have emerged in their contemporary form as part of the work conducted in the country by NGOs providing support for people living in poverty and fighting child labour and trafficking. While some of these NGOs emerged from religious traditions, such as the National Domestic Workers’ Movement (NDWM), others emerged from feminist approaches, such as Stree Jagriti Samiti in Bangalore or Jagori in Delhi, and the Self Employed Women’s Association (SEWA). A large movement for the rights of domestic workers then started to become visible and national, especially through a very large national coalition, called the National Platform for Domestic Workers (NPDW), created in 2012 to demand comprehensive legislation for domestic workers (SEWA, 2014). Among the components of the NPDW are important domestic workers’ organizations such as the NDWM, mentioned earlier, an NGO originally linked to the Catholic Bishops’ conference of India. Founded in 1985 in Maharashtra, it has become India’s largest domestic workers’ organization across 23 states. It promoted the creation of the National Domestic Workers Union, chapters of which have emerged in various states since 2010, has been present in 15 states since 2017 and has been united under the National Domestic Workers’ Federation since 2014 (NDWTU, 2015). The National Platform includes all of the previously mentioned organizations, as well as labour unions of the informal economy, groups fighting for the rights of minority groups (low-caste and untouchable) and religious groups such as the Jesuit organization Adivasi Jeevan Vikas Samatha. Feminist standpoints are well represented, in particular by organizations such as SEWA, the trade union for women workers in the informal sector, and the NGOs Jagori and Women’s Voice. Also important in the field are organizations fighting against trafficking, such as Shakti Vahini in New Delhi. While traditional trade unions have excluded women workers – with some exceptions, such as Pune Shehar Molkarin Sangathan, the Communist Party in Maharashtra – they started to become more involved with domestic workers in relation to the C189 process. The IDWF and ILO have played important roles in this process by facilitating the coordination of meetings and rallies.

These organizations have obtained some important rights, though most of these rights do not have national application and are valid in only some states. By 2017, more than half of India’s states had included domestic work in their minimum wage provisions, and since 2012 domestic workers have been included in a health insurance scheme for those below the
poverty line (known as the Rashtriya Swasthya Bima Yojana), while a few states have passed Bills to regulate and register placement agencies. At the national level, while these rights still do not apply, domestic workers are now covered by the Child Labour Act (2006) and were able to be included in the Unorganised Workers’ Social Security Act (2008) and in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013) – from both of which they had initially been excluded. Moreover, in Geneva in 2011 this movement successfully lobbied India to change its vote from being against C189 to being in favour. However, India is still far from ratifying C189, nor has it accepted the proposal for a national law on domestic work that the NPDW has demanded and that would recognize domestic work as work.

Brazil

Brazil has the largest domestic worker sector in the world, with more than ten million household employers, and roughly six million workers. This represents 6 per cent of the total employed population and 16.9 per cent of employed women (source: National Household Sample Survey, Brazilian Institute of Geography and Statistics, year 2015). Despite the sector’s size, domestic workers are nevertheless among the most vulnerable workers in a country, which has the highest indicators of inequality in the world (for example the Gini Index was equal to 53.5 in 2017, World Bank).

These inequalities persist despite the country witnessing an improvement in labour opportunities, minimum wage and labour market participation since the late 2000s (Paes de Barros et al, 2006; IPEA, 2013). In particular, inequality in labour income and work opportunities remains significantly affected by race (Soares Leivas and Moreira Aristides dos Santos, 2018) and gender (Costa et al, 2016). This is important, since domestic work in Brazil is largely an occupation performed by Afro-descendant women; in 2010, over 56 per cent of domestic workers self-identified as such (44.3 per cent self-identified as ‘brown’, 12.2 per cent as ‘black’), followed by 35.5 per cent identifying as ‘white’ (source: National Household Sample Survey, year 2010). On the employers’ side, the 2009 Family Budget Survey (POF) showed that 85.7 per cent of families employing a domestic worker belonged to the richest sectors of society, with 72.2 per cent of the women employers declaring themselves to be White. There is consensus among scholars and activists that this racialized and gendered configuration of domestic work is rooted in Brazil’s history of colonialism and slavery (Bernardino–Costa, 2007; Pinho and Silva, 2010; Acciari, 2019). Moreover, a significant portion of domestic workers have migrated within Brazil, especially from rural to urban areas. For instance, the percentage of (first–generation) internal migrants
working in the domestic sector is 93.6 in São Paulo (mostly originating in the north-east, 52.7 per cent, and north, 44.1 per cent). The figure is 87.6 per cent in Brasília, while it is only 17.4 per cent in Rio de Janeiro (source: National Household Sample Survey, year 2015). Domestic work is significantly more feminized than other sectors (93 per cent of workers are women in this sector, while women make up 42.6 per cent of the total employed population) and workers have lower levels of education (6.3 years of schooling on average versus 8.9 years for the total employed population).

In terms of labour conditions, there is a sizeable wage gap between domestic workers and other workers, with the former earning 60 per cent less than the average earned by other workers (DIEESE, 2013). Compliance with minimum wage regulations is significantly lower than in other sectors: for instance, in 2009, 40.9 per cent of domestic workers had wages equal to or above the minimum wage, compared to 79.8 per cent of other workers (Oelz and Rani, 2015: 18). In addition, domestic work is characterized by a high degree of informality: more than two-thirds of domestic workers do not have a formal labour contract, while less than a third lack a contract among the general working population (source: National Household Sample Survey, year 2015).

In Brazil, domestic workers’ labour rights were recognized as equal to those of other workers in 2013 under the constitutional reform known as PEC das Domésticas and the subsequent law passed in 2015. Before these reforms, the first law regulating the sector was introduced during the military dictatorship of Emílio Médici in 1972. The new democratic constitution promulgated in 1988 significantly expanded the labour rights granted to domestic workers, but did not fully equate them to those of other workers. The legislation in force since 2015 gives domestic workers the same entitlements and provisions as the country’s other workers, including minimum wage, the right to collective agreement, full access to social security and family benefits, health protection, a 13th-month payment, extra pay for night work and for working overtime, rest time, holidays, sick leave and parental leave. In this context, the ratification of C189 at the beginning of 2018 (just as our fieldwork came to an end) happened in a top-down manner under Michel Temer’s neoliberal government, without any involvement of domestic workers’ trade unions. In fact, according to our interviewees, after debating the opportunity to do so, the movement decided against campaigning for its ratification. A significant part of the movement considered the legislation in force since 2015 as actually providing more than that which would be afforded by C189. Thus, ratifying C189 was not considered a priority, despite the fact that Brazilian domestic workers’ trade unions played a key role in the C189 process (Fish, 2017; Acciari, 2019).

Brazil has a strong and well-structured trade union movement for paid domestic workers, highly articulated at the local, national and international
levels. It comprises the National Federation of Domestic Workers (FENATRAD),\textsuperscript{20} which is made up of 27 organizations distributed across 15 Brazilian states, and is part of the National Trade Union Centre.\textsuperscript{21} The movement was born in the 1930s\textsuperscript{22} with the creation of the first domestic workers’ association\textsuperscript{23} in Santos (São Paulo state) by Laudelina de Campo Melo, an Afro-Brazilian domestic worker and organizer coming from the Black movement and the Communist Party. These political forces, together with the Catholic Workers Youth,\textsuperscript{24} supported the expansion of the movement with the creation of more domestic workers’ trade unions around the country in the following decades. Eleven national congresses of domestic workers have been held between the end of the 1960s and the present day. The movement has historically been connected to workers’, feminist and Black activism (Oliveira, 2008; Bernardino-Costa, 2014; Fraga, 2016; Monticelli, 2017).

Following the military dictatorship (1969–82), organized domestic workers took part in the struggle for the democratization of the country and were directly involved in the constitution-writing process. Yet, the final draft of the constitution was a great disappointment, since it continued to define domestic workers as a subordinate class with fewer rights than other workers. Since the late 2000s, domestic workers have campaigned for the aforementioned PEC das Domésticas, the constitutional reform that was largely supported by feminist and Black feminist movements, national trade unions, academia, institutional representatives and public figures. Among the latter two was the rapporteur of the reform, Senator Benedita da Silva, a prominent Afro-Brazilian feminist organizer, politician and former domestic worker. Notable among the feminist and women’s rights organizations supporting the domestic workers’ campaign were Themis,\textsuperscript{25} SOS Corpo\textsuperscript{26} and Criola.\textsuperscript{27}

The reforms achieved in the mid-2010s were facilitated in part by the governments led by Luiz Inácio Lula da Silva (2003–11) and Dilma Rousseff (2011–16) of the Workers’ Party.\textsuperscript{28} The radical change in the political context in the second half of the 2010s, with President Rousseff’s impeachment process and the government of Michel Temer (2016–18), fractured this supportive relationship and triggered a period of confrontation in which domestic workers’ demands were sidelined by state actors. Since 2018, the situation for domestic workers and all social justice movements in the country has deteriorated under Jair Bolsonaro’s rule, which began after we had completed our fieldwork.

**Colombia**

When our fieldwork began in 2017, the Colombian domestic work sector employed around 681,000 people, that is, 3 per cent of all workers and
6.3 per cent of working women (source: Household Survey, National Institute of Statistics, year 2017). Workers’ conditions in the sector are shaped by two main factors: firstly, the territorial, socioeconomic and racial inequalities rooted in colonial legacies, and secondly, the impact of the internal armed conflict that has taken place since 1964 between the government, paramilitary groups and political groups (such as the Revolutionary Armed Forces of Colombia, People’s Army (FARC-EP) and the National Liberation Army (ELN)).

According to the Gini Index (49.7 in 2017, World Bank) Colombia is the fourth-most unequal country in the world, after Brazil, Honduras and Panama. In rural contexts, 49.8 per cent of men and 48.3 per cent of women are living below the poverty line (source: Multidimensional Poverty Index, United Nations Development Program, year 2011). These inequalities intersect with the situation of racialized ethnic groups belonging to the Afro-Colombian minority or to indigenous communities (Wade, 1993; Barbary and Urrea Giraldo, 2004; Pardo et al, 2004; Meertens et al, 2008; Posso, 2008; Urrea Giraldo et al., 2015). The armed conflict has produced 6.7 million internally displaced people. Among the civilian population, rural, indigenous and Afro-Colombian people – women in particular – have been most affected by the conflict. Fifteen per cent of Afro-Colombians and 10 per cent of indigenous people have been forcibly displaced, while 87 per cent of the displaced population are from rural backgrounds (source: United Nations High Commissioner for Refugees). This forced migration of millions of racialized and rural women greatly influenced the supply of paid domestic work in Colombian cities. They settled in the poorest urban areas of major Colombian cities, such as Bogotá, Medellín or Cali, and have tended to occupy positions with the most substandard working conditions. In fact, 41 per cent of domestic workers are internal migrants and/or refugees (source: Census, National Institute of Statistics, year 2005). In the regions of Bogotá, Valle del Cauca and Antioquia – where four out of ten of the country’s domestic workers are employed, most of them in the departments’ capital cities – these ratios stand at 87 per cent, 57 per cent and 23 per cent, respectively. Another transformation in recent decades concerns live-in work, formerly the most common arrangement in the sector (Castro, 1993; Huyette, 1994; Alzate Arias, 2005), which, according to the experts we interviewed, is being progressively replaced by live-out and per-day employment, especially in the urban centres. Domestic workers are more likely to be women (91 per cent versus 51 per cent of the total working population), aged over 30 and lower educated (only 19 per cent have post-secondary school level education versus 26 per cent of the total workforce).

An ILO report on national data shows that in 2011 the share of domestic workers subscribed to social security was 9.5 per cent, significantly lower than
the country’s total female workforce (26.5 per cent), and the average wage was around 64 per cent of the wage of other working women (Valenzuela and Sjoberg, 2012: 64–5). According to a 2013 report on domestic work in the cities of Bogotá, Bucaramanga and Cartagena, between 87 per cent and 75 per cent of workers did not receive social security or healthcare coverage; 98 per cent of surveyed workers did not have contracts and only 19 per cent of them earned equal to or above the minimum wage (Fundación José Antonio Galán, 2013). Another study carried out with Afro-Colombian domestic workers in Medellín in 2012 shows that most of the women surveyed, 85.7 per cent, did not make the statutory minimum wage and belonged to the lowest socioeconomic strata, classified according to the Colombian system as 1 (47.6 per cent of the women surveyed) and 2 (40.5 per cent of the women surveyed). Finally, most of those surveyed reported that they worked more than the legal working day; 91 per cent of live-in workers said that they worked 10–18 hours a day, while 31 per cent of live-out workers worked between 11 and 14 hours a day (Morales Mosquera and Muñoz Cañas, 2013).

Colombia has a long history of mobilizations for domestic workers’ rights. From the late 1930s until the early 1960s, the Catholic union Acción Católica assisted in the creation and development of the first organizations in support of domestic workers (Plata Quezada, 2013). The first secular organizations were founded in the late 1970s and 1980s; among them, the Domestic Workers’ Trade Unions SINTRASEDOM and UTRAHOGAR are still active today (Donaldson, 1992). In the 1980s, major mobilizations took place in this field, such as national demonstrations on a significant scale demanding social security rights in 1985 and 1987, and the First National Domestic Workers’ Colloquium in 1987 (Donaldson, 1992; León, 2013). Further, a ten-year action research and awareness-raising project on the conditions of domestic workers was carried out in several provinces, gaining unprecedented attention from the media and public opinion (León, 2013). This period of mobilization led to new legislation facilitating access to social security, pensions and healthcare. In the 1990s and 2000s, these mobilizations progressively weakened, but the 2010s was once more a period of visibility for domestic workers, including at a national level.

According to our analysis, diverse factors contributed to this upsurge in activity. Firstly, in the context of the peace process that had been developing over the previous decade, the Colombian state promoted restorative policies towards the affected population. For instance, the Victims’ Law in 2011 provided assistance, attention and reparation to the victims of armed conflict, as well as land restitution (Rettberg, 2015a). Secondly, the ‘victims’ started to emerge as new political subjects, both by responding to these institutional interventions and through collective organizing from below (Mosquera, 2015;
In this same framework, grassroots women’s movements fostered awareness of the gendered impact of the armed conflict and of the specific needs of racialized women therein (Paarlberg-Kvam, 2019). These interventions helped to raise the profile of Black women among displaced people, internal migrants and refugees; that is, the same social groups that are largely employed in the country’s domestic work sector. Further, during the years of the C189 process, the topic of domestic work drew the attention of Colombian trade unions (above all, the Colombian Workers’ Central Trade Union) and of the Ministry of Labour, which, together with other civil society actors, were involved in the preparation process. This also attracted non-profit organizations such as the Colombian National Trade Union School (ENS) and Bien Humano Foundation, the US-based Care International and the German Friedrich Ebert Foundation, all of which began providing technical and financial support to domestic workers’ organizing. As a result, the 2010s were marked by the creation of new organizations, such as the Afro-Colombian Domestic Workers’ Trade Union (UTRASD) in 2013 in Medellín, and the domestic workers’ chapter of the National Union of Food Workers (SINTRAIMAGRA) in Bucaramanga in 2012. At the time of our fieldwork (2017–18), these organizations were joining efforts in the construction of a common trade union platform called Intersindical, aimed at scaling up the movement to the national level.

On the institutional side, C189 was ratified in 2012 and thereafter a number of legislative measures that included this category of workers within the general social security system were adopted. In 2016 the right to a 13th-month payment was extended to domestic workers, thanks to the so-called Ley de Prima. Such achievements came after a three-year campaign promoted by a coalition comprised of UTRASD, ENS and the Bien Humano Foundation, and with the support of two feminist congresswomen of the Green Party, Ángela María Robledo and Angélica Lozano. Thanks to these new provisions, today domestic workers are entitled to almost the same labour rights as all other workers, including minimum wage and 13th-month payment, a compulsory contract, compulsory healthcare and social security coverage (covered entirely by the employer), family allowances and paid vacation. However, despite these notable achievements, there is still no national law specifically addressing domestic work (a basic requirement of C189), while the domestic workers’ movement has denounced a lack of political commitment to implementing the Convention. In particular, the law still discriminates against live-in domestic workers, limiting the working day to ten hours (as opposed to eight hours for all other workers) and allowing for up to 30 per cent of in-kind compensation; while per-day workers still struggle to access maternity leave and sick leave.
Ecuador

Around 214,000 people were employed as domestic workers in Ecuador in 2018, representing 3 per cent of all workers and 7.3 per cent of female workers (source: National Survey on Employment, Unemployment, Subemployment, National Institute of Statistics, 2018). Overall, domestic work is a highly feminized sector, mainly employing women from lower social classes and with low education levels, often coming from the most impoverished regions of the country and whose working conditions vary greatly according to their age, ethnicity and rural or urban residence. In fact, women represent 95 per cent of domestic workers (versus 50 per cent of the workforce as a whole); 84 per cent have only pre-secondary school level education (versus 72 per cent of the total workforce).

Internal migration flows from the impoverished mountainous and coastal areas to the main cities have grown since the 1970s (Vázquez and Saltos Galarza, 2013) and mainly involve women and girls with indigenous Andean backgrounds in Quito and of Afro-Ecuadorian origin in Guayaquil. Such internal movements have long determined the current composition of this workforce. In fact, according to available census data, internal migrants represented 31 per cent of the domestic workforce in 2010. These figures peaked at 56 per cent and 44 per cent in Pichincha and Guayas, two provinces that alone host more than half (56 per cent) of the domestic workers living in the country, most of them in the regions’ main cities, Quito (the capital) and Guayaquil (the financial centre). International migrants from other Latin American countries are also present in the sector, notably, Peruvians, Colombian refugees and, more recently, Venezuelan refugees (source: Census, INEC, year 2010).

In terms of ethnic and racial diversity, according to the census data, in 2010 the majority of domestic workers self-identified as ‘mestizas’ (69 per cent), followed by ‘montubias’ (7.6 per cent), Afro-Ecuadorian (7 per cent), ‘indigenous’ (6 per cent) and ‘white’ (5 per cent). Yet, significant regional differences exist, especially in relation to the presence of indigenous and Afro-Ecuadorian domestic workers. For instance, focusing on the two main cities, in Quito, 9 per cent of domestic workers self-identify as indigenous and 4.1 per cent as Black, while in Guayaquil these figures are, respectively, 1.3 per cent and 7.5 per cent (source: Census, year 2001).

As regards wages and working conditions, available data and analysis suggest that these are significantly lower than the standards set by law (Masi de Casanova et al, 2018; Masi de Casanova, 2019). For instance, in 2012 the average wage in the sector was equivalent to USD177.75 (source: National Survey on Employment, Unemployment, Subemployment, year 2012), corresponding to half the legal minimum wage for that year. According
to a survey of 400 domestic workers in Guayaquil in 2014, Erin Masi de Casanova and colleagues reported that only approximately one out of three workers enjoyed some of the benefits and labour rights Ecuadorian workers are legally entitled to, such as paid holidays, after-hours payment, 13th- and 14th-month payments\(^5\) (Masi de Casanova et al, 2018). Moreover, data by the Ecuadorian National Institute of Statistics show that the share of domestic workers affiliated to social security increased from 27 per cent in 2006 (source: Living Condition Survey) to 54.5 per cent in 2012 (source: National Survey on Employment, Unemployment, Subemployment). At the same time, these figures also show the high incidence of irregular work in the sector (almost half of all workers) and that the real situation is still far from the universal social security stipulated by law, as reflected also in qualitative accounts collected in the fieldwork.

With the new constitution in 2008, Ecuadorian domestic workers were granted the same labour rights and provisions as other workers, since it extended the right to decent work, a minimum wage and universal access to social security to all workers, and emphasized the value of reproductive labour. These constitutional norms were followed shortly after by reforms of the minimum wage and working hours in the sector, by public policies for the improvement of working conditions and access to social security, and by the ratification of C189 in December 2013. For instance, the Organic Law Defending Labour Rights (2012) equated the working times for domestic workers to those of other workers, while the government policy of salary unification extended the minimum wage provision to include domestic workers in 2010 and raised their monthly minimum wage from USD55 (established in 2005) to USD340 in 2014 (Moncayo Roldán, 2015: 111–15). Specific plans for promoting decent work in the sector were implemented by the Ministry of Labour, including measures such as capacity building and awareness raising, online and physical information points on compulsory subscription to social security and labour inspections in private households employing domestic workers (Crespo et al, 2014; Moncayo Roldán, 2015).

These achievements were the result of a recent history of state intervention and grassroots mobilization in the field. In fact, the question of domestic workers’ rights entered the national public debate only in the late 2000s, as the result of two processes. On the one hand, the aforementioned legal reforms were part and parcel of the political agenda known as the ‘Citizens’ Revolution’ promoted under the presidency of Rafael Correa (2007–17) of the leftist party Alianza País. Correa’s governments promoted socioeconomic and political reforms intended to favour the working class, including people in informal and low-level jobs such as paid domestic work. His political programme was also oriented towards the expansion of social and
civil rights for all citizens, but particularly for working-class women and historically excluded groups, such as the rural population, Afro-descendants and indigenous people.

Yet, the global mobilization surrounding the C189 process also had an impact on the country, fostering the politicization of the issue and the construction of a nationwide campaign for its ratification that ran from 2011 to 2013. The campaign involved international governmental and non-governmental organizations active in the fields of human rights, women’s and labour rights and development (such as UN-Women, FOS-Socialist Solidarity and the Latin American office of CARE International), as well as the Association of Paid Domestic Workers (ATRH). The latter was created in the late 1990s in Guayaquil, but it mainly operated at the local level until this period, when it gained visibility and became active across the country.

However, the last period of the Correa administration was characterized by general discontent and division among civil society organizations as to their position with respect to the government (Profumi, 2017). In this context, in 2015–16 ATRH split into two organizations: the first kept the original name and maintained the preferential relationships established with governmental actors, while the second, the National Union of Domestic Workers and Allies (UNTHYA), distanced itself from such political influence. Further, in 2016 the new incarnation of ATRH succeeded in creating the Unified Trade Union of Domestic Workers of Ecuador (SINUTRHE), the first in the country formally recognized as representative of this category of workers (an institutional recognition which was not granted to UNTHYA). During those years, and up until the point of our fieldwork, the (renewed) requests by domestic workers to make formal rights a reality were not taken up by the state. Moreover, the sector still lacks a specific law on domestic workers, which is stipulated by C189.

Germany

Around 9 per cent of German households employ a domestic worker (Enste, 2017: 10). In 2016, there were nearly 347,000 regularly employed domestic workers in the country (source: Households and Family Survey, Federal Statistical Office), plus an estimated 2.7 to 3 million domestic workers who work irregularly (Enste, 2017). This means that regular workers in the sector constitute 0.9 per cent of total workforce – and 1.5 per cent of the female workforce.

Regular employment in the sector is further differentiated according to the social security rules contained in each type of contract. The majority
of domestic workers (around 300,000) fall under the category of so-called ‘mini-jobbers’. A second group are workers regularly hired by one (or more) families, directly or via a service agency; in this case, social security contributions are shared between employers and employees. Finally there are self-employed workers for whom all social security contributions must be paid by the workers themselves.

Low wages are common in the sector, for instance, according to a recent estimate (Pusch, 2018), 42 per cent of workers do not receive the legal minimum wage. Noteworthy is the spread of mini jobs, a form of precarious labour introduced in 2003, in which workers are not allowed to work for more than 12 hours a week and have reduced social and pension benefits, while employers benefit from tax incentives (Scheiwe, 2014: 77). Mini jobs in private households require even fewer social security contributions and taxes to be paid by the employer (Minijob Zentrale, 2016: 15).

Notably, regular and irregular work is differently distributed between German and foreign citizens. The majority of regularly employed domestic workers are German citizens (72 per cent versus 27 per cent foreign citizens, in 2016) (Bundesagentur für Arbeit, 2016), as are the majority of mini-jobbers in private households (in 2016, 79 per cent versus 21 per cent foreign citizens) (Minijob Zentrale, 2016: 25), while the majority of irregular workers are estimated to be EU migrants who can live in Germany without a residence permit, as in the case of Poles, Bulgarians, Slovaks and Romanians (Lutz, 2008; Gottschall and Schwarzkopf, 2010). These trends occur in what is historically a major destination country for migrants; Germany counted 9.7 million foreigners in 2018 (around 12 per cent of the total population), of which 4.8 million were workers. There were 17.1 million German citizens of migrant descent in 2015 (around 20 per cent of the total population) (source: European Union Statistical Office, year 2015). These trends are also unsurprising for a high-income country, whose economy recovered well after the 2008 global financial crisis. In 2015, Germany ranked fourth in the Human Development Index globally. Nevertheless, inequality has been on the rise; in 2016, around every sixth person had an income of 60 per cent below average and was therefore at risk of poverty (Bundeszentrale für politische Bildung, 2016).

As for age, Germany shares similar features with the other high-income countries involved in the study, namely Italy, Spain and Taiwan. In 2018, indeed, Germany’s old-age dependency ratio and the proportion of people aged 65+ in the total population stood at 32.8 per cent and 21.4 per cent, respectively (source: European Union Statistical Office, year 2018). However, the country’s welfare and care model substantially differs from those of Italy, Spain and Taiwan. Germany’s case constitutes what Esping-Andersen (1990) called a ‘conservative-corporatist’ welfare system, and what Francesca
Bettio and Janneke Plantenga (2004) referred to as a ‘publicly supported private care’ regime. In this setting, people in need of domestic help or care assistance receive reimbursements or monetary transfers via public-private insurance systems, either health or care insurance, with which they can pay family members (mostly women) or employ someone via intermediaries.

Yet, existing research, including the results of our fieldwork, suggests that such a system fails to cover the care needs of dependent elderly people and their families, due to the high cost of services, the low number of public benefits and the scarcity of care facilities. As a result, the care system depends heavily but tacitly on migrant care workers, many of them irregular (Lutz, 2011; Theobald, 2017). In fact, in the last few decades demographic changes and EU expansion have resulted in an increase in the circular migration of Eastern European live-in workers caring for the elderly. The working conditions of this predominantly female workforce are often precarious and far below those of other workers in Germany (Emunds and Schacher, 2012; Benazha and Lutz, 2019). The high prevalence of ‘posted workers’, who are allowed to work for a family in Germany via contracts set out by agencies in their home countries (as employees or self-employed workers), further contributes to the lowering of wages and working conditions. In fact, even though EU legislation in principle gives these ‘posted workers’ the same rights as workers in the country of destination, in practice their working conditions are those of serious exploitation (Emunds and Schacher, 2012).

In Germany, a legislative framework has been in place for the sector since the 1950s. The first regulation of working hours and introduction of a rest period for those employed in private households was adopted in 1952, while the first collective agreement for the sector was approved in 1955, with the establishment of an eight-hour work day and one day off per week. The agreement was negotiated between the Union of Food Processing and Catering Workers and the German Housewives Association. In that decade, these two organizations began to act as, respectively, domestic workers’ and employers’ representatives, and they continue to fulfil this function today. Finally, in 1993 domestic work was included in general labour laws and workplace protections. Since then, most labour laws have applied to domestic workers on an equal footing with other workers, although exceptions still exist, for example the exclusion from the labour health and safety law and the exclusion of live-in care workers from the general laws on working hours (Trebilcock, 2018).

However, it is important to note that today this legislation applies to only a minority of people employed in the sector. In fact, legislation has not been amended in response to the fragmentation of labour status (regularly employed, self-employed and mini-jobbers) or to the migrant background of people employed in the sector, including both undocumented and temporary migrant
workers. Moreover, as the numbers of foreign workers increased, so did the impact of immigration policies on the sector. Responding to this situation, the grassroots migrant domestic workers’ group RESPECT Berlin became very active at the end of the 1990s and throughout the 2000s, promoting the rights of this category as part of the Europe-wide RESPECT network (Rights Equality Solidarity Power Europe Cooperation Today) (Schwenken, 2003).

Germany ratified C189 in 2013, following a quick procedure and with the unanimous support of all political parties. On the basis of a shared agreement that the existing legislation already met the C189 requirements, the government and Parliament did not foresee the need for any legal amendment, nor the development of a specific policy. This was despite the fact that a legal assessment commissioned by the Trade Union Confederation (DGB) to examine the ratification recommended several improvements in working hours, wages and law enforcement (Trebilcock, 2018: 152–3).

Beside the organizations mentioned so far, other key actors in the field are church-based organizations (such as the Catholic organization Caritas, and the Protestant equivalent, Diakonie) and human rights, anti-trafficking, and migrants’ rights NGOs. These organizations are mostly engaged in advice, advocacy and awareness-raising activities for domestic workers, especially migrants, and do not take part in policy negotiations for labour rights. Also of note are two remarkable feminist-inspired initiatives, the Care Manifesto, which was initiated in 2014, and the Equal Care Day initiative, launched in 2016, both calling for a global politics of care justice and equal distribution of care commitments between men and women.

**Italy**

Italy is another country with large numbers of households employing a domestic worker or caregiver, with latest figures indicating that 2.6 million households, or 10 per cent of Italian families, employ a domestic worker (ISMU and Fondazione Censis, 2013). This is usually explained by the combination of a rapidly ageing population and ‘familistic welfare’, in other words, a welfare system in which the care and support for dependent people and children is arranged by the family (Da Roit, 2010; Ambrosini, 2016; Degiuli, 2016). In fact, in 2018 Italy had Europe’s oldest population, whereas the old-age dependency ratio and the proportion of people aged 65+ in the total population stood at 35.2 per cent and 22.6 per cent, respectively (source: EUROSTAT, year 2018). In spite of this, national expenditure for long-term care stood at only 0.9 per cent of GDP for the preceding ten years (source: OECD.stat).

Traditionally employing women from rural regions of the country, between the 1970s and 1990s the sector increasingly became a niche for foreign workers (Andall, 2000; Catanzaro and Colombo, 2009; Vianello,
This transformation was linked to major changes in Italian society, such as the growth in Italian women’s education and in their participation in the labour market, and the rise in the number of women among the migrant population, a population largely employed in the care sector. In fact, in the 2000s the number of foreign residents in Italy tripled, rising from 1.3 million in 2001 to 4.6 million in 2011 (source: National Institute for Statistics ISTAT). In 2018, this value peaked at 5.1 million residents, of whom 52 per cent were women.

Consistent with these changes, the share of foreign workers in the sector rose from 5.6 per cent in 1972 to 71.4 per cent in 2018. The majority of these workers are from Eastern Europe (59.1 per cent), the Philippines (11.2 per cent), South America (9.5 per cent) and East Asia (7.5 per cent) (source: National Social Security Institute INPS, year 2018). The care and domestic work labour market in the country is divided between foreign and Italian workers, with Italians taking up jobs as part-time and live-out housekeepers, while migrants mostly occupy live-in and full-time jobs as caregivers to the elderly (Di Bartolomeo and Marchetti, 2016).

On the whole, domestic workers are mostly women (88.4 per cent in 2018), and almost half (49.7 per cent) are aged between 45 and 59 years, although the proportion of workers aged 60+ is significant (15.9 per cent). To understand the Italian setting, the territorial distribution of workers is also relevant. The majority are employed in the northern regions, where women’s employment rates are higher and where familial welfare networks are less pronounced than in the southern and central Italian regions.

With regard to working conditions, the sector is characterized by high levels of informality and legal non-compliance. Against official data placing the number of regular domestic workers at around 860,000 people in 2018 (source: INPS), estimates for the year, which include irregular workers, put the figure at around two million (Osservatorio DOMINA sul lavoro domestico and Fondazione Moressa, 2019). Already in 2013, estimates including irregular workers had put the figure as high as 1.6 million (ISMU and Fondazione Censis, 2013). Moreover, according to qualitative research, regular workers are also often hired with cheaper working contracts not corresponding to their actual jobs in terms of hours, skills and responsibilities (Marchetti, 2016b: 104–6, 114). Yet the share of workers subscribed to compulsory social security increased between 2007 and 2013, from 53.7 per cent to 88.4 per cent for live-in workers, and from 58.5 per cent to 85.4 per cent for live-out and per-day workers. It is also important to note significant disparities in wages and working conditions, which favour those employed in northern versus those employed in southern regions of the country (Maioni and Zucca, 2016).
Catholic–based domestic workers’ organizations such as the Christian Associations of Italian Workers – Domestic Workers (ACLI-COLF) and its spin-off API-COLF. Specific legislation regulating the sector was adopted in the same period. The first law on domestic labour (still in force today) dates back to 1958, followed by access to health insurance in 1971, the right to collective bargaining in 1969 and the first collective agreement in 1974 (Sarti, 2010; Busi, 2020). Since then, domestic workers have been granted basic labour rights and protections by law, including working and rest times, paid holidays, wages and a 13th-month payment, dismissal regulation, severance pay and matrimonial leave, among other things. The sector has been periodically subject to new collective bargaining between workers’ organizations, such as the service workers sections of the three national trade union federations Filcams-CGIL, Fisascat-CISL and Uiltucs-UIL, and other, smaller domestic workers’ trade unions such as FEDERCOLF and employers’ organizations. The latter include the National Federation of Italian Clergy, the National Association of Domestic Work Employers New Collaboration, the National Union of Domestic Work Employers (Assindatcolf), the National Association of Families Employing Domestic Work (Domina), the Housewives Association (Federcasalinghe) and the Italian Federation of Domestic Work Employers (Fidaldo). Some of these work not only at a national level, but also at a European level, through organizations such as the European Federation for Family Employment and Home Care (EFFE).

The legislative achievements of the 1950s–1970s were encouraged by post-war economic expansion and the converging support of the two main political forces of those decades, notably the Italian Communist Party and the Catholic party Democrazia Cristiana, who sought the advancement of the conditions of the working class, including women and internal migrants. Since the 1980s, however, collective mobilizing has dropped off and there were neither legal reforms nor political interventions. This is despite the transformation the sector had undergone as a result of the radical socio-demographic changes described earlier. While the sector was becoming a niche for foreign labour, new organizations advocating for migrants’ rights and representing highly feminized migrant communities, such as the association of Cape Verdeans in Italy and the Filipino Women’s Council (Andall, 2000; Pojmann, 2006), among others, started to voice migrant workers’ specific needs. However, their exclusion from the tripartite negotiations — that is, negotiations between workers’ representatives, employers’ representatives and the state, resulting in collective agreement — resulted in low institutional impact in the field of labour politics.

In later decades, the sector was increasingly affected by migration policies, especially those concerning the recruitment of foreign labour. In the 1990s, an on-call contracting and planned quota system was introduced, which became
the only means of legal entry for non-EU working migrants following the 2002 immigration law (known as the Bossi-Fini law). Non-EU citizens are entitled to a residence and work permit as domestic workers only if they make the (quite small) yearly quota for on-call recruitment in this sector, and on condition of being hired with a permanent contract for at least 26 hours per week. Furthermore, ten rounds of amnesty for irregular foreign residents granted between 1981 and 2009 have had a large impact on the sector. In particular, the 2002 amnesty transformed the composition of the migrant population from predominantly male and North African, to female and Eastern European, due to the large presence of migrant women as caregivers to the elderly (Marchetti et al, 2013: 22). Meanwhile, the enlargement of the EU towards the east also had an impact on the sector, fostering the regularization of already-settled migrant workers from those countries, as well as new patterns of EU east–west migration (Triandafyllidou and Marchetti, 2013).

Italy ratified C189 in 2013 in a top-down manner, and no specific legal reform nor implementation policy followed ratification. The Italian case is often held up as good practice on the international stage, since the legislation in force is perceived to be in line with C189 requirements, especially with regard to tripartite bargaining and collective agreements for the sector (Marchetti, 2016b: 103–4). Yet, despite this public assessment, most of our interviewees from domestic workers’ rights organizations stressed the need to improve the current national collective agreement on domestic work in order to fully comply with C189. This would mean giving domestic workers the same rights as others, in particular in relation to maternity leave, health and social security coverage and working hours for live-in workers. However, no organizations or institutions are taking the necessary steps in this direction. In fact, the period 2008–18 was characterized by low levels of activity in the struggle for domestic workers’ rights, with trade unions and domestic workers’ rights organizations not playing a particularly active or visible role.

Spain

Until the 1990s, remunerated domestic work in Spain involved rural–to–urban female migrants, often employed in upper–class households and living in their employers’ home (De Dios Fernández, 2018; Monteros Obelar, 2019). Since then, as in the case of Italy, there have been major changes in relation to the emerging care needs of an ageing society and the availability of a large migrant workforce in conditions of legal and socio-economic precarity (Escriva and Skinner, 2008; León, 2010; García et al, 2011; Martínez-Buján, 2011, 2014; Agrela Romero, 2012; Oso and Parella, 2012; Arango et al, 2013; Offenhenden, 2017). Indeed, on the one hand, in 2018 Spain’s old-age dependency ratio and the proportion of people aged 65+ in
the total population stood at 29.2 per cent and 19.2 per cent, respectively (source: EUROSTAT, year 2018). On the other hand, the number of migrants in Spain has grown exponentially, from 1.6 per cent of the total population in 1998 to 11.4 per cent in 2008. In 2018, Spain counted five million foreign nationals, 10.7 per cent of the total population, with women representing 50.5 per cent of all migrants (source: National Institute of Statistics).

Against this backdrop, the number of paid domestic workers has increased greatly since the 1990s, from 381,000 in 1990 to 630,000 in 2016, as did the proportion of foreigners among them, which rose from 48.5 per cent to 67.7 per cent (source: National Institute of Statistics, years 1990 and 2016). In the same year, the nationalities most highly represented in the sector were Romanian (20.5 per cent), Bolivian (9.9 per cent), Paraguayan (9.3 per cent), Moroccan (7.3 per cent), Ukrainian (5.6 per cent) and Ecuadorian (4.1 per cent) (source: National Institute of Statistics, year 2016). However, our interviewees pointed out that these numbers may hide a significant portion of workers who have gained Spanish citizenship and are no longer counted as part of the migrant workforce. The majority of these are from Latin America, partly due to the faster naturalization process for people from former Spanish colonies.

Domestic workers represent 3.5 per cent of the total workforce and 6.8 per cent of female workers in the country. In relation to informal labour, available data indicate that 426,000 out of the 620,000 people employed in the sector had a contract and social security coverage in 2016 (sources: Economically Active Population Survey, National Institute of Statistics and National Institute of Social Security). However, these numbers represent an increase in the formalization of labour, firstly, due to the widespread regularization of undocumented migrants in 2005 and to the enlargement of the EU in 2007; and secondly, thanks to the new law on domestic work in 2011, which established the requirement to have a written contract and improved social security coverage (see later). For instance, between 2011 and 2012 the share of workers who were subscribed to social security rose from 42.9 to 63.7 per cent, although in this case the increase in formalization seems to have been greater for national workers than for foreign ones (Díaz Gorfinkiel and Fernández López, 2016: 31–7). In relation to wages, the average salary tends to be far below that of other sectors, namely EUR644, as compared to EUR1,066 in 2007 (source: National Immigrant Survey, National Institute of Statistics, year 2007). Domestic work is included in the inter-sectorial minimum wage established by law for all employment sectors. However, this regulation is seen as ineffective in salary negotiations, since it is below the actual cost of labour set by the market (Unión General de Trabajadores, 2017).

There is a high degree of discrepancy between Spanish and foreign workers when it comes to wages and working conditions. Firstly, as in the case of Italy, Spanish workers are more likely to be employed on a part-time basis
and foreign workers on a full-time basis. Secondly, Spaniards also enjoy more permanent positions, while foreigners tend to have jobs with the lowest salaries (EUR5 per hour) (source: Household Budget Survey, National Institute of Statistics, year 2014). Lastly, foreign workers, especially irregular migrants, are most represented in live-in work, which is often characterized by exploitative conditions, extended working days, low wages and a lack of protection (Arango et al, 2013; Gallotti and Mertens, 2013; Asociación AD Los Molinos, 2017; Unión General de Trabajadores, 2017).

Compared to the other two European countries, Spain has a younger regulatory framework, since the first law on domestic work was passed only in 1985. This is due to a number of factors, particularly the violent repression of domestic workers’ early attempts at collective organizing during the Spanish Civil War (1936–39) and under Francisco Franco’s fascist dictatorship (1936–76), as well as the Francoist ideology, which conceived of domestic labour as women’s natural duty within the family and nation and excluded domestic workers from labour rights and laws (De Dios Fernández, 2018; Monteros Obelar, 2019). In the new democratic state, the 1985 law opened (partial) access to social security for domestic workers, but still excluded them from the general labour code. This inadequate regulation was criticized by domestic workers’ organizations emerging in the late 1980s–90s, such as the Granada Domestic Workers’ Association ATH-Granada and the Biscayan Domestic Workers’ Association (ATH-ELE) in Bilbao, which are still active today. Notably, in 1985, the year when the law on domestic work was approved, the first immigration law marked the beginning of policies restricting non-EU migrants’ entry into employment in unqualified service jobs, including care and domestic work. Yet this did not prevent irregular entry and residence, which in fact grew in later years (Cachón Rodríguez, 2009).

According to our interviewees’ accounts and the analysis conducted by our country expert, in the period during which Spain was turning into a destination country for migrants, existing groups mostly responded to the situation by providing social and legal assistance to migrant workers. This can be said for both domestic workers’ groups composed of national workers and the so-called ‘pro-migrant’ third sector, organized by secular and church-based NGOs (such as Caritas Española, the Spanish Red Cross and Red Acoge). According to our interviewees, a new wave of domestic workers’ mobilizing began in the mid-2000s, which transformed this picture by specifically focusing on labour and migrants’ rights together, and for the first time included migrant domestic workers, most of them of Latin American origin. In fact, the 2005 amnesty for illegal migrants was taken by a number of political actors as an opportunity for awareness raising and networking among previously unorganized migrant workers (Monteros Obelar, 2019). It is in this context that groups such as Territorio Doméstico...
and Servicio Doméstico Activo (SEDOAC)\textsuperscript{91} in Madrid, and the Care and Domestic Workers’ Trade Union (SINDIHOGAR/SINDILLAR)\textsuperscript{92} in Barcelona were created.

Regulations on domestic and care work were introduced by the socialist governments of José Luis Rodríguez Zapatero (2004–11). In 2006 the Personal Autonomy and Dependent Care Law\textsuperscript{93} was passed, with the purpose of responding to the welfare needs of the ageing Spanish society by providing public support for households with dependent family members. In 2011 a new law on paid domestic work\textsuperscript{94} finally responded to historical demands from the sector, such as full equal access to social security and a compulsory written contract. However, this law failed to put domestic workers on a fully equal footing with other workers. Moreover, the implementation of both laws was left incomplete, due to the 2008 economic crisis and the restrictive reforms in the fields of migration law, public expenditure and social security regulations\textsuperscript{95} approved in the years that followed by the conservative government led by Mariano Rajoy (Montserrat Codorniu, 2015; Monteros Obelar, 2019).

Throughout the 2010s, the promulgation of C189, as well as the social dynamism associated with the anti-austerity and social justice movement known as 15-M, or the Indignados Movement,\textsuperscript{96} ignited new campaigns for domestic workers’ rights and for the ratification of C189. Novel domestic workers’ organizations emerged, such as the Cultural Association for Care and Domestic Work, Nosotras,\textsuperscript{97} in Granada, and Senda de Cuidados in Madrid. This decade also saw the national scaling up of the movement, as domestic workers’ groups and NGOs traditionally active at a local level converged via the National Platform of Domestic Workers’ Associations\textsuperscript{98} (beginning in 2008) and the Turin Group\textsuperscript{99} (beginning in 2011). They also all gathered for the National Congresses on care and domestic work of 2016 and 2018 (Monteros Obelar, 2019). Lastly, at both the local and national level, new political forces championed the cause, in particular, the left-wing Podemos party.\textsuperscript{100} Yet, despite this grassroots activity, partial political support and civil society interest on the matter, the ratification of C189 and the achievement of labour equality for domestic workers remain pending issues today. As highlighted by organized domestic workers and experts in the field, major shortcomings in the current legal framework include their exclusion from unemployment allowance, labour risks and health protection, labour inspections and collective bargaining.