



**Integration  
of Female Migrant  
Domestic Workers:**

**Strategies for Employment and Civic Participation**



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**Strategies for Employment and Civic Participation**



University of Nicosia Press  
Nicosia 2008

Coordinated by:

The Mediterranean Institute of Gender Studies  
University of Nicosia

Partner organisations:

ANTIGONE—Information & Documentation Centre on Racism, Ecology, Peace and  
Non Violence, Greece

CREA (Centre of Research in Theories and Practices that Overcome Inequalities)  
University of Barcelona, Spain

ISIS, Institute for Social Infrastructure, Germany

LAI-MOMO is a non-profit cooperative, Italy

The Filipino National Workers Association, Cyprus

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Special thanks are extended to Professor Dr. Floya Anthias, Professor of Sociology and  
Social Justice, School of Social Sciences and Business, Roehampton University, London, UK,  
for her role in evaluating this project

Acknowledgement is given to the University of Nicosia Press for providing editorial  
support for this publication and to Christina McRoy and Carrie Rodomar for their  
expertise in copy-editing and typesetting the manuscript

Financially supported by  
The INTI Preparatory Actions 2005 for the integration of third country nationals  
of the European Commission

Cover design: Antonia Konnaridou—A.K. Design Ltd

Printed and bound in Cyprus by J G Cassoulides and Son Ltd

ISBN 978-9963-634-51-4

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## Introduction

*Josie Christodoulou and Maria Padrós*

### **Background**

This resource book is the result of an 18 month project entitled 'Female Migrant Domestic Workers: Strategies for Employment and Civic Participation' funded under the INTI Preparatory Actions 2005.

The project coordinators are the Mediterranean Institute of Gender Studies and the University of Nicosia [Intercollege], Cyprus. The partners of the project are ANTIGONE [Greece], CREA [Spain], ISIS [Germany], LAI MOMO [Italy] and the Filipino National Workers Association [Cyprus].

The main aim of the project is to stimulate transnational cooperation involving a wide range of actors at the local, regional and EU level, and consisting of the transfer of information, lessons learned, and best practices in order to develop recommendations for an integration model responding to the specific needs of female migrant domestic workers and their host countries, and adaptable to different contexts.

The activities of the project involved among others a mapping survey by the five partners using a questionnaire to collect information on existing integration services and policies, best practices and strategies adopted by all partner countries in relation to the target group, particularly in the areas of employment and civic participation. Throughout the project the partners had an opportunity to visit a number of governmental, intergovernmental, NGOs and, most importantly, migrant organisations in each of the member countries. The study visits proved to be one of the most important activities of the project as it helped members of the team to gain an insight into the migration model followed in each partner country. More

precisely, the fact that an opportunity was provided to female migrant domestic workers to attend the meetings, either as participants or as hosts has, according to the team, been very innovative for the project. Crucially, through their participation, the team has been better equipped to understand the situation of female migrant domestic workers in-depth, in each country. Such meetings also gave female migrant domestic workers the opportunity to voice their experiences, share their concerns and contribute to the EU integration debate. Furthermore, the study visits enabled the team to meet with stakeholders and share experiences and knowledge, discuss and analyse the situation of female migrant domestic workers in each country and identify commonalities and differences. The reports of each activity are available at [[www.medinstgenderstudies.org](http://www.medinstgenderstudies.org)]; the website of the leading institute.

### **1.1 Why focus on female migrant domestic workers?**

The widespread phenomenon known as the feminisation of migration forms a testament to the women who increasingly migrate for better job prospects. As the International Organisation for Migration (IOM) points out, migrant women now constitute approximately 50% of all migrants. Although such migration trends can be empowering for women they can, on the other hand, be often rendered more vulnerable and susceptible to exploitation and discrimination due to the nature of employment engaged in usually in the host countries, where it is proven that their choices and employment opportunities are limited by current hierarchical structures and cultural practices. Specifically, migrant women bear the double brunt of ‘female’ and ‘foreign’ status and are usually confined to low paid, unskilled jobs, traditionally reserved for women such as domestic labour. Moreover, such occupations often perpetuate situations of modern slavery where female migrant domestic workers are marginalised with regard to civic rights and left unprotected in terms of their employment.

Ongoing discussions concerning integration requirements reflect the political importance that member states assign to the successful integration of third country nationals.<sup>1</sup> Thus, a major area of debate concerns the nature of integration programmes and the kind of integration measures that should be implemented, whether they should be obligatory for member states or not, and the legal and financial consequences of non-compliance, if any.

Research has revealed that migrants and migrant women in particular, “experience many barriers and disincentives often in the form of exclusion from the labour market, major social, legal and political institutions as well as exclusion within communities and neighbourhoods. Thus, the process of social integration has become a frequent subject of study”.<sup>2</sup>

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1 Benchmarking in Immigration Integration by Han Entzinger and Renske Biezeveld, August 2003.

2 “Report on Migration and Social Integration of Migrants—Report on the Assessment of research reports carried out under the European Commission Targeted Socio-Economic Research (TSER) Programme”, Stephen Castles, Alisdair Rogers, Ellie Vasta and Steven Vertovec, Centre for Migration and Policy Research, University of Oxford, Brussels, 2003.

Although women are increasingly less prone to migrate as economic dependants of their male partners, their choices and employment opportunities are limited by current hierarchical structures and cultural practices in the host countries in question. The hierarchical structures of their country of origin are often reproduced in the host countries. Women migrants are concentrated in low paid industries and occupations and are often found in informal work situations with little access to information and/or social support; with no right to civic participation, and as a result are left vulnerable to exploitation and abuse.

### 1.2 The “reconciliators”

The results of this project indicate that gender mainstreaming is absent from the migration policies of all the European countries studied in this project. Thus we urge the European Commission as well as all member states to integrate gender mainstreaming in all migration policies, but also to integrate the migration aspect in all gender equality policies.

The demand for female migrant domestic workers is changing not only quantitatively but qualitatively. Employers are not just looking to hire third country nationals as professional domestic cleaners and caretakers but seek **female migrant domestic workers** in particular. ‘These women’ are more likely to live with their employers, to work extended hours without pay, to be available any time throughout the day or night, and provide cleaning as well as caring services. The feminisation of domestic and care labour has rendered it ‘cheap’ labour.

Female migrant domestic workers have become the ‘reconciliators’ of work and family life for millions of people in Europe. Millions of female migrant domestic workers provide care services to EU citizens who need support given the decline of the welfare state. For example, female migrant domestic workers offer support to families with children, people with disabilities, the elderly, and others. However, female migrant domestic workers are all but invisible in national and EU employment strategies and policies, in political and social discussions, as well as in our societies. They are also barred from entering other employment sectors open to skilled migrant workers.

### 1.3 A few words on integration

The theory of integration is not an easy concept. The participants in the project have different positions with regard to understanding this and other concepts which are used. In the project, however, we have tried to ensure that there is a focus on knowledge of the real situation, on specific actions and proposals with content, rather than on a discussion of terminology. Nevertheless a definition which could be used as a guideline is one provided in the “Common Basic Principles for Immigrant Integration Policies in the European Union” (2004), approved by the

Council of the European Union and the representatives of the governments of the Member States on the 19<sup>th</sup> of November 2004.

In that document, integration is defined as a two-way dynamic process of mutual adjustment on the part of all immigrants and residents in the Member States. The 11 basic principles stress some elements as being key issues in this two-way process of integration: employment, basic knowledge of the host society's language and history, access to relevant institutions, the participation of immigrants in the democratic process and interaction between all citizens. In addition it should be mentioned that integration, as defined in "Common Basic Principles for Immigrant Integration Policies in the European Union" (2004), has been discussed and analysed in this report.

Throughout the development of the project, we have implicitly shared the idea that integration must guarantee immigrants the opportunity to participate along with other citizens, and based on equal conditions for both sides, in all areas of society: political, economic, work-related, social and cultural areas etc.

What is meant by "strategies" is "actions carried out" (or to be carried out) in which there are clear objectives and the means of achieving them are also specified. These strategies can be carried out by governments, or by other organisations, civil society, etc.

We have concentrated on strategies which support integration into the fields of employment and civic participation. The domestic work sector contains certain specific characteristics, which are tinged with inequality and misinformation, and which make it urgent and necessary to create strategies in the area of employment. On the other hand, one of the greatest difficulties facing immigrant women who work in this area is a lack of opportunities for civic participation. Here "civic participation" means involvement in associations, groups, networks and actions in the public sphere of society, or in what could be called "civil society".

# Gendering Migration and Integration Policy Frames: Female Migrant Domestic Workers as “precarious workers” and as “reconciliators”

*Zeleia Gregoriou*

## 1. The reconciliators

The 1999 Tampere Council on Community immigration policy and a number of communications on migration and economic development that have come out since then have established the view that the success of the Community immigration policy will depend on the extent to which migrants become integrated into their host country. Multiple handbooks and communications with guidelines on migration and integration have also stressed that the success of integration policy depends on the ability of policy actors to target specific populations (both specific groups of migrants and specific receiving societies) and to adjust integration policies and measures to the needs, characteristics, potentialities, presents and futures of these populations. Besides targeting “Female Migrant Domestic Workers” as a distinct group of migrants and analysing the historical, cultural and economic specificity of the national contexts in the receiving member states, this project also attempts to introduce a new dimension in integration policy. We contend that recommendations on the integration “Female Migrant Domestic Workers” must also examine critically and reformulate the framing of female migrant domestic labour within the context of integration policy. Framing, as defined by Rein and Schön, is “a way of selecting, organising, interpreting, and making sense of a complex reality to provide guideposts for knowing, analysing, persuading and acting. A frame is a perspective from which an amorphous, ill-defined, problematic situation can be made sense of and acted on (1993: 146). The framing of female migration at the National and EU Level has so far reiterated the default framing of migration from Third Countries, that is to say, the framing of economic migration as an issue of security, social cohesion, covering labour shortages, increasing labour flexibility and promoting European economic development. This gender-blind framing of migration, migrants and migrant labour markets obscures the realities of female migrant reproductive labour, the realities of care provision in the EU, and the

realities of gender inequalities in both the domestic and the public sector. Part of our attempt to reconfigure these realities in a gender specific way is the framing of female migrant domestic workers as “reconciliators”. Such framing aims to intertwine the issue of female migrant domestic labour with the issue of the unequal gender distribution of domestic and caring labour in EU Member states and the EU gender equality policy of reconciling employment with family life.

European capitalist economy is implicated in the global restructuring and re-division of caring labour. Female care workers are not just “truants from globalised economic webs” (Pratt & Yeoh 2003: 160) who happen to find negligible, low paying jobs in the generous backyard of Europe. It is *because* of them and *with* them that European capitalist economy can be reconciled with reproductive labour, family life, caring for the children and caring for the elderly—practices which materialise the otherwise abstract respect for the dignity of human life. The policy frame “third country nationals” and the distinction between “highly skilled workers” and “economic migrants” (which euphemistically stands for ‘unskilled migrant workers’) used in European migration and integration policy documents not only exclude female migrant workers from policy considerations but also render them inconsequential to policy. This framing of migration also renders invisible the ‘other Europe’. This other Europe is the Europe of intimate citizenship, the Europe of family/private life, the aging Europe that can no longer lift the burden of caring for precarious life. The Europe of “equal opportunity for employment and training”, the Europe of “flexible forms of employment” and “reconciliation between work and family life”, the Europe of “social protection” continues to depend and to reproduce the gender division of productive and reproductive labour. The discourse of migration and employment but also the most recent discourse on the integration of migrants renders invisible the problem of withering welfare systems, the problem of care provision, the problem of feminised care labour and the difficulty of recognising and regulating the informal economy of cheap and flexible reproductive labour.

The recommendations we draft in this report are based on the view that integration policy must

- (a) take into consideration the structures, cultures and needs of this intimate Europe and not just monitor migration flows,
- (b) recognise that we cohabit this space with the other in asymmetrical relations of power, and
- (c) reflect critically on ‘intimate’ cultures of racism and sexism that emerge and become normalised in intimate, family and other, spaces because these spaces become exempted from the rules of civic life that usually apply to the public sphere.

It has become a commonplace in most policy documents on integration to underline that integration is “a two way process” and that the receiving society’s respect for the cultural difference of the newcomer other must be met by the other’s respect for fundamental principles such as respect for human rights and

human dignity. The assumption underlying this approach is that the respect for human rights and human dignity is an established and secure European endowment, separate from the spheres of culture and the economy. The non-negotiable quality of the respect for human dignity as a metaphysic principle, however, does not mean that the respect for human dignity as an ethos, a practice and a juridical order is not something that needs to be reiterated, re-established, or re-learned against challenges posed by social and economic change. So the challenge is not so much whether the migrant others will be acculturated to the European political culture of human rights but whether Europe will sustain this culture, this respect for human dignity, in becoming participant in an economy that is based on exploitative labour and dehumanising working conditions. Exceptions to the category of the “human” which are tolerated, accommodated and even normalised in the informal economy of female domestic labour will have fundamental influences on the meaning and practice of European intimate citizenship and European civic and political participation in general.

We will be referring to them as “the reconciliators”. The reconciliators are the millions of mostly female migrant workers who are providing indispensable caring services to a growing number of EU citizens who need support: families with children, those with disabilities, the elderly and others. The reconciliators are invisible in labour force surveys and national employment action plans. Because their employment situation is considered not to ‘fit’ the general framework of existing employment laws they are not normally considered as employees and they are excluded from protection under their national labour codes or protection under any other national law. Yet their ‘unfit’ labour is instrumental for liberating us from the responsibility of reproductive labour and rendering us fit for the gender-blind framework of the formal workplace. They are female (most of them) yet they are exempted from directives on equal employment and equal pay for work of equal value. Women of colour from the global South constitute both the coloured other and the “intimate ‘Other’” (Truong 1996: 47) of Europe. Yet they remain unimaginable and non-represented in almost all EU directives that combat discrimination on the basis of race and ethnic difference. The “reconciliators” work in the shadows of the economy, in the shadows of family life, and sometimes even in the shadows of gender and sex. Yet they cast shadows themselves: they help cover up and compensate for Europe’s failure to redistribute productive and reproductive labour between women and men. They are flexible, at-hand, handy, in fact, multi-handed, affordable. They are atomised as social and civic human beings, invisible as workers, noticeable as bearers of potentially incommensurable cultural difference. They are bare labour. They fit in the informal economy and help us fit in the formal economy.

The informal economy of domestic labour which feeds on these reconciliators makes it possible to resolve quietly two contradictions in EU employment policy. First, more and more European women participate in the labour market now not because the workplace has been made more flexible or because home life (family and/or private life) has been restructured on the basis of a more just redistribution of reproductive labour between women and men, but rather because these excluded (and yet internal) others are taking up the labour of reconciliation.

Reconciliation of work and family and flexible forms of employment are topics which today become more and more prominent in European policy guidelines for promoting gender equality and equal access to work and training (examples of some reconciliation workplace regulations will be cited). Whereas law reforms and new employment schemes towards this direction are yet to be mapped, analysed and evaluated, women's participation in the labour force can be reconciled with the absence of public support systems for after-school child care and home-help for the sick and the elderly primarily because of the availability of cheap and flexible domestic labour provided by these reconciliators. The second contradiction is that the analysis of employment and immigration policies in Europe focuses selectively on the need to regulate, monitor, even facilitate the admission and integration of highly skilled labour but never addresses the issue of the increased need for care labour. Communications and Directives on immigration since the Amsterdam Treaty of 1999 contend that the "zero" immigration policies of the past 30 years are not appropriate and provide demographic data which attest to the fact that Europe is "Europe," there is an increasing decline in labour force and Europe needs to employ more flexible immigration policies to attract more skilled workers.<sup>1</sup> What is almost never acknowledged, however, in these figures and figurations of the ageing Europe is that because the population is ageing (the fertility rate is decreasing and the life expectancy is increasing) the

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1 The issue of economic migrants is addressed most directly by the Commission's 2000 Communication on Community Immigration Policy (COM (2000) 757). The Communication sets up a new rhetoric and a new attitude towards the economic migrants. First, it refashions the image of Europe as recipient of migrants and, second, it rethinks legal migration as a process that must be made available to migrants rather than a filter to block them out. From a besieged fortress whose security depends on blocking the entry of illegal immigrants and controlling the size of flows the image of Europe is refashioned to that of a precarious social system in need of migrants. Demographic Eurostat figures cited in the Communication show two demographic trends, a slowdown in population growth and a marked rise in the average age of the population. More specifically, the working age population (those aged 20-64) will begin to decline within the next 10 years (from 225m in 1995 to an estimated 223m in 2025), while the over-65 age group will continue to rise and is expected to reach 22.4% of the population in 2025 (COM (2000) 757: 24). The Communication also points to the "growing recognition" that the "zero" immigration policies of the past 30 years are no longer appropriate. On the one hand, large numbers of economic migrants are already living and working in the EU and programmes to regularise the position of illegal migrants are developing in a number of Member States. On the other hand, as a result of labour shortages at both skilled and unskilled levels, Member States are already actively recruiting workers from outside the Union. In this situation, the Communication states, a choice must be made between two different policy directions: either maintaining the view that the Union can continue to "resist migratory pressures" or "accepting that immigration will continue and should be properly regulated, and working together to try to maximise its positive effects on the Union" (ibid. 3). The Communication not only endorses the latter view but also avoids using the terms legal and illegal as qualifiers for categories of economic migrants. Instead, legality is something to be reached through the process of migration: "In this new situation, the Commission believes that channels for legal immigration to the union should now be made available for labour migrants" (ibid.). The Communication adapts the frame of "third country nationals" which is not exclusionary for economic migrants. Furthermore, integration itself is framed as an open, continuous and cumulative process addressed to all migrants. However, when it comes to promoting civic citizenship and civic rights and ensuring that employers respect the provisions of labour law, however, we notice a shift to the Tampere frame of third country nationals. That is, such policies of integration are conceptualised as measures to attract third country nationals "to highly skilled jobs for which there is world-wide competition".



need for care work and new types of care provision is also increasing.<sup>2</sup> Out of a total population in Europe of 450 million, there are 80 million elderly people. According to Luigina di Santis, General Secretary of the European Pensioners' Union, "about 50 million elderly Europeans today cannot look after themselves. Many are women on very low incomes. There are not enough places in old-age homes, even if they want to move there" (Mather 2005: 9).

## 2. Questioning the silences of the new EU discourse on the management of migration

In big and small cities across Europe, in rural and urban areas, in two room apartments and in comfortable houses, third-country nationals are changing nappies, holding babies upon their shoulder to burp, pushing prams and singing lullabies to their "anak" and "duwe". In big and small cities across Europe, in rural and urban areas, in two room apartments and in comfortable houses, third-country nationals are helping old people wake up, helping them put their clothes on and remind them it is the little green and not the little pink pill they are supposed to take in the morning. They cook for them, help them eat, help them go to sleep, in short, help them live. In big and small cities across Europe, in rural and urban areas, in narrow one room apartments and spacious two storey houses, third-country nationals are sweeping and mopping floors, cleaning toilets and bathrooms, washing up, drying and ironing clothes, cooking meals, in short, sustaining family and/or intimate lives (others' family life, others' intimate life) and enabling (others') participation in the formal economy. There is obviously something uncanny in the life-grammar projected by these sentences. In fact, these sentences sound artificial, discrepant and dissonant within. The reason is that those who do most of domestic work, care labour and work-family reconciliation in many countries of Europe today are not just "third country nationals" but female migrant domestic workers. In this policy report we propose that the success of migrant integration policies depends on the acknowledgment of the gender specificity of migration flows as well as on the recognition of the domestic sector as an intimate political stage where transnational racism and exploitation are reiterated, acculturated, nurtured and normalised despite and against the European discourse on respect for cultural diversity and human rights.

We will be referring to female migrant domestic workers neither as third country nationals, nor as disposable workers. Our aim is twofold. We want to avoid the victimisation rhetoric which pictures female migrant workers as victims of globalisation, racism and xenophobia. We also want to question the blindness of

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2 The old age dependency ratio, i.e. the number of people aged 60 or over, expressed as a percentage of the population aged 20-59, is on the rise, due to the growing proportion of the elderly. This ratio is significantly higher in the former EU-15 than in the new Member States. In comparison to 1960, the old age dependency ratio went up from 28% to 39% in the EU-25; from 29% to 40% in the former EU-15 and from 22% to 32% in the new Member States. The heaviest burden of the elderly on the working age population in the EU-25 applies in Germany (44%) and the least heavy in Ireland (27%) (Eurostat 2004: 57).

European policy on immigration and integration<sup>3</sup> to the challenges posed by female immigration to Europe and by the global re-organisation of reproductive labour.

The entry into force of the Amsterdam Treaty on 1 May 1999 and the special European Council on “the creation of an area of freedom, security and justice in the European Union” which followed five months later in Tampere are considered turning points in establishing the European Union’s commitment to work together towards a common immigration and asylum policy. With the Treaty of Amsterdam, from being a matter for inter-governmental co-ordination under the “third pillar” arrangements, the responsibility for developing a common immigration policy was moved to the first pillar. In this context, “the conditions of employment for third country nationals legally residing in Community” (European Communities 1997: 36) came to be an area of common European policy, with the Charter of Fundamental Rights of the European Union also becoming the essential point of reference for third country national rights, since most of the Charter’s provisions are applicable to all persons irrespective of their nationality.

In its conclusions adopted in Tampere on 16 October, the European Council agreed that the fair treatment of third country nationals “who reside legally on the territory of its Member States” is a key element of the development of the European Union as an area of freedom, security and justice. The Council called for “a more vigorous integration policy” which should aim at granting these third-country nationals rights and obligations “comparable to those of EU citizens” and, second, “enhancing non-discrimination in economic, social and cultural life” and developing measures against racism and xenophobia (European Council 1999). Although the conclusions of the Tampere Council touch on the issue of economic migrants indirectly and only in reference to the “management” of migration flows, they are often cited in EU migration and integration studies as an inaugural event in terms of setting up the mandate for EU integration policy. This ardent quest to identify an inaugural moment in EU integration policy has contributed to overstepping certain exclusions that are built into the integration policy frames adopted since the Tampere Council and reproduced in several Communications, which have been put forth as sequels to the Tampere mandate on migration. Four particular exclusions become visible when we step back from the generic and abstract frame of the Third-Country Nationals and examine migration and

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3 One could point out that this blindness is Member State specific, not because some Member States deal differently with female domestic workers but because they have a long tradition of welfare state systems and thus do not rely so heavily on the global economy of reproductive labour. Perhaps it is not only the frame of “third country Nationals” that is problematic in migration policy discourse but also the frame of the receiving society, as it projects a unified image of Europe and renders invisible the differences between Member States. Catelene Passchier, Confederal Secretary of ETUC (European Trade Union Confederation) comments on the differences between EU Member States:

When we sent out a questionnaire to our ETUC affiliated trade unions to find out about their experiences with domestic workers, most of our Nordic colleagues replied: “We do not know this phenomenon”. Meanwhile many of our Southern European colleagues sent in extensive reports about the existence of and increase in domestic work—often by undocumented migrant women—to deal with the absence of public support systems in home-help for the sick and the elderly (Mather 2005: 6).

integration policy from the specific perspective of female migrant domestic workers: (a) the legal status of female migrant domestic workers as exception from general migration and integration policy, (b) the naturalisation of many violations of female migrant domestic workers' labour rights which come to be perceived as characteristics of the "domestic's job" rather than structural characteristics of an exploitative economy, (c) the precariousness of female migrant domestic workers as either temporary or undocumented migrant workers, (d) the lack of a gender mainstreaming approach to migration forces within Europe.

*(a) The legal status of female migrant domestic workers as exception from general migration and integration policy*

The call for an integration process which would offer third country nationals employment and citizenship rights "approximated" to those of Member State nationals is premised on the legality of third country nationals. By targeting legal immigrants, immigration and integration policy avoids dealing with the situation of many economic migrants who live in the "twilight of legality". As several national reports for female migrant domestic workers in this INTI project point out, living in the "twilight zone of legality" and working as undocumented workers in the informal economy of domestic labour and care are two conditions which not only overlap but also reinforce each other. The informal economy of migrant labour is exempted from the discourse on integration, though the flexibility of migrant labour—by-product of the informal economy—is often cited as one of the major benefits of migration for the European economy. How many undocumented female migrant domestic workers would care to sign-up for orientation language courses, look for health care benefits or apply for maternity benefits if their coming forth as vulnerable women would cancel their invisibility and encroach upon what they consider to be their ticket to mobility and employability in the informal labour market? For undocumented migrant workers, the job security of the formal economy of labour also implicates their subjection to the surveillance of state mechanisms. From such a perspective, "coming out of the shadows" means becoming a vulnerable legal subject rather than an integrated civic subject. The state, however, is implicated in the development of the informal economy of migrant domestic labour in other, more productive rather than prohibiting ways. As the state passes on the responsibility for care provision to private households, the private demand for affordable and flexible care increases. This fosters the development of an informal market for care labour in which migrants, and particularly undocumented migrants, come to be regarded as desirable workers and not just suitable workers (Ungerson 2003).

*(b) Violations against female migrant domestic workers' labour rights perceived as inevitable dimensions of the nature of their job*

The predicament of female migrant domestic workers is often exempted from the theorisation of integration and the design of integration policies because many aspects of their marginality (exclusion from civic participation and labour exploitation) are perceived as characteristics of their migrant status and as structural characteristics of the job positions they fill rather than as aspects of an exploitative labour economy. Research suggests that the demand for female

migrant domestics is changing in kind not only in degree. Employers are not looking to hire third country nationals as professional domestic cleaners and care takers. They are not looking for “domestics” either. They are looking particularly for *migrant* female domestic workers. ‘Those’ are more likely to live in, more likely to accept extended and uncomfortable work hours, more likely to be available around the clock and more likely to provide both cleaning and caring services. Domestic and care labour has been traditionally “cheap” labour because it has been feminised labour and also irregular and unregulated labour. In today’s global economy of migrant labour, however, feminised domestic labour is also becoming migrant-ised labour. In other words, the social characteristics of female migrants are regarded as a constitutive characteristic of the domestic’s job.<sup>4</sup> Female migrant domestic workers become preferable candidates for cleaning/caring jobs not only because they are willing to take up low status jobs for low wages but because they are more “flexible”. This flexibility, however, capitalises on the precariousness of these workers and their *de facto* adjustability to the demands of a job that normalises its exploitative terms and conditions under the pretence of its indefinable nature. The flexible labour of female migrant domestic workers is located in a zone of indistinction, between home and workplace, between regularised labour (by labour laws) and unregistered domestic work, between cleaning and caring, between working for wages and working for one’s “boss”. The indistinctive nature, status and locality of domestic/caring labour become the ground for female migrant domestic workers’ exception from human rights and labour conventions. Most caring work done by female migrant domestic workers is done in houses (“behind closed doors”) thus places not considered as workplaces (a claim most often put forth by labour regulation authorities is that they cannot inspect the home for such an inspection would count as a violation of family asylum). This exception is not framed by migration and integration policy as a problem of gender discrimination in employment, violation of labour rights or violation of human rights (such as the right to family life, private life, etc). Instead, the exception becomes normalised as something that belongs to the order of “flexible” migrant labour.

Female domestic workers are also not considered as employees. Working under the status of undocumented or non-registered workers (Germany, for example), they cannot be included in censuses on labour force and they are not covered by labour law. Even in cases however where they are registered as workers they do not enjoy the status of other workers. In Cyprus, for example, though migrant domestics’ terms of employment are regulated by a contract, the contract itself is regulated

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4 For example, Bridget Anderson’s research in the UK points out that some employers use ‘national characteristics’ to indicate who they would like or not like in their homes, construing as positive employee qualities characteristics which are covertly racist: “‘caring’, ‘warm’, ‘docile’, ‘natural housekeepers’, ‘happy’” (Anderson 2007: 253). In some cases not only the nationality but also the precarious legality of migrant workers was framed as a desirable employee quality:

*They’re foreign and they’re illegal and they’re scared and timid and so they’re not going to take up space. They’re going to be very, very small, and that is generally easier to live with than someone who feels that this is their home. They’re in really bad situations. ... They’re terrified.* (Employer interviewee, Anderson 2007: 261).

by the migration department rather than the labour department. Labour grievances—when declared irreconcilable by the labour tribunal committee—are forwarded to the migration department to be examined. In many cases labour related social security regulations, designed to reconcile labour rights with mobility of labour, apply to mobile “third/country nationals” but not to female domestics. With the cross-national unionisation rate in the domestic service sector around 1% (ILO 2004), one could suggest that female migrant domestic workers do not want to unionise preferring the economic benefits, invisibility and flexibility of the black market than the security, state surveillance, rules and regulations that come with unionised labour. In some countries, some of the national reports bring up the fact that female migrant domestic workers are explicitly denied the right to organise in trade unions. The major reason, however, for the unorganised status of domestic labour is that domestic labour is often left out of the unions’ scope of what constitutes unorganised labour. In fact, unions claim widely that domestic workers are “unorganisable” (Ford 2004). Organised labour recognises the need for effective representation of the sector, but often “defers to the rhetoric that the sector is ‘unorganisable’ to justify the failure of sustained unionisation for domestics” (Ally 2005). This has nothing to do with the unorganisability of the sector itself but it has everything to do with dominant ideologies on female labour. As Cobble points out, today “a new myth ... has replaced the old ... [T]he old idea that women were unorganisable has now been superseded by the unsubstantiated notion that certain kinds of jobs (almost all of which are female-dominated) are unorganisable” (Cobble 1996: 336-337).

*(c) The precariousness of female migrant domestic workers as temporary or undocumented migrant workers*

A third limitation to integration proposals which the Commission has put forward in the context of the Tampere mandate is the close tie between third-country nationals and the status of long-term residence:

*A person, who has resided legally in a Member State for a period of time to be determined and who holds a long-term residence permit, should be granted in that Member State a set of uniform rights which are as near as possible to those enjoyed by EU citizens; e.g. the right to reside, receive education, and work as an employee or self-employed person, as well as the principle of non-discrimination vis-à-vis the citizens of the State of residence. The European Council endorses the objective that long-term legally resident third country nationals be offered the opportunity to obtain the nationality of the Member State in which they are resident (European Council 1999).*

Given the precarious legality of female migrant domestic workers (a precarious legality which is originally framed by their entry visas as au pairs, visitors, or short term guest workers later reproduced through their passage to the informal economy of domestic/care labour), female migrant domestic workers remain outside the range of integration practices designed for third-country nationals.

*(d) The lack of a gender mainstreaming approach to migration forces within Europe*

A fourth limitation with regards to the applicability of integration policies for female migrant domestic workers is that the conceptualisation of integration is a follow-up measure for “migration flows”. By targeting migration as the structural reason for marginalisation and migrants as recipients of integration measures, integration policy excludes from consideration the persisting gendered distribution of productive and reproductive labour within Europe as a reason for female migrants’ predicament. The use of technical terms such as “monitoring” and “migration flows” helps to appease sentiments of xenophobia and racism against foreigners. Whereas in the national immigration discourses of the 50s and 60s the pursuit of social cohesion was intertwined with the projection of national borders as vulnerable frontiers to be protected against the influx of foreigners, in contemporary European immigration policy the control of border flows has become discursively associated with the management of flexible labour forces. The algorithmic use of terms such as “flows,” however, suggests a generic flow of labour and labourers and renders invisible the gender specificity of the migrant flow of female domestic labour, as well as the demand for specifically reproductive labour (Truong 1996).

Though “flows” have come to replace terms with negative connotations such as “waves of migration” and “influxes of migrants” (and thus appeasing the fear that European and national identity, security and labour economy are at risk), they replicate the idea that these flows are inconsequential and supplementary and that besides the quantitative increase of migrants nothing else has changed. The rhetoric of flows suggests that there is Europe (in the way it has always been), there is the other of Europe (in the way it has always been), and, in addition, there are now some in-between flows, from the other to Europe, which are supposedly external and supplementary to what Europe is becoming. This depiction of migration renders invisible two important facts: first, the order of reproductive economy *within* Europe is changing and along with that the culture of caring is also changing. In other words, what is changing in Europe today along with the decline of traditional welfare systems is the way we deal as societies and as families with the precariousness of human life. Second, the domestic, as a social sphere, is becoming more racialised, more genderised, more domesticised, and more atomised. As a sector of employment, the domestic is also becoming more exploitative and more inconspicuously exempted from public reflection on social justice and civic citizenship.

### **3. The exclusionary structure of the policy frame “Third Country National”: Female Migrant Domestic Workers as an ‘included exclusion’ in EU integration policy**

The term “Third Country Nationals” has become canonised in EU migration discourse as the proper tool for naming, recognising, and dealing with non-Europeans who reside and work within Europe. Though the term is sometimes used

interchangeably with terms such as immigrants or foreigners, it denotes a technical and legalistic specificity that distinguishes it from two other, value-laden, terms, “migrants” and “foreigners”. These terms regulate attitudes towards the non-European other but also normalise unspoken perceptions about the European self. Historically, the “othering” of migrants—as nationally and racially different—was the ideological counterpart of migration quota laws. At the same time, the management of difference was inextricably connected with the fashioning of the national self. For example, the establishment of migration quota systems in the US at the turn of the twentieth century was intertwined with the delineation of national categories of migrants, the delineation of the American national profile (with the exclusion of blacks from this profile) and the racialisation of national profiles.<sup>5</sup>

In the context of today’s EU politics of migration, classifying migrants on the basis of racial categories and national origins would not hold any legitimacy. Managing migration flows on the basis of ethnic difference not only would contradict equality and antidiscrimination EU policy but would also negate the very ideals, which are built into the European process, that is, freedom, respect for human dignity and multiculturalism. Can Europe today manage migration flows without recapitulating racist mechanisms for the management of difference?

In response to this *aporia*, the term “third country nationals” emerges as a historically new term, a concept that is not indebted to the racist past of immigration policies. In dealing with “third country nationals”, today’s EU migration policy emerges not so much as a cultural or moral endeavour to construct Europeanness. Instead, in dealing with migrant labour flows, the EU today is dealing with the challenge of the global market to develop new categories of labour and labourers, to facilitate flexible flows of domestic labour and to reconcile post-Fordist forms of employment with protection of security systems and social cohesion; in short, to build a new order of the workplace. In post-Fordist economies, flexibility of labour becomes a regulating principle for production, life long training, insurance and, as we suggest in this report, also for the regulation of female migrant domestic labour. Dorre et al. (2006) configure three “zones” of employment in post-Fordist employment societies: the “zone of disaffiliation” which contains all the long-term unemployed, the “zone of integration” which includes all the regularly, full-time employed, and, in between these extreme zones, the “zone of precariousness” with “with heterogeneous employment modes like temporary work, fixed-term contract work, forced part-time work, little jobs, badly paid jobs, state-subsidised jobs (‘one-euro-jobs’) and unpaid practical trainees” (2). The working and social conditions of female migrant domestic workers in Europe are actually the conditions of ‘precarious workers’ (those of the in-between zone):

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5 For example, the national origins quota system introduced in the US with the Immigration Act of 1924 was intended principally to restrict immigration from the nations of southern and eastern Europe and used the notion of “national origins” to justify discrimination against immigration from those nations. To calculate the quotas on the basis of “National origin”, the Quota Board had to conceptualise the category “National origin” but also the category “native stock” (Ngai 1999).

They are the first ones in periods of crisis to be threatened with dismissal. Most of them have to do the more cumbersome jobs. They are the stopgaps, the “general servants” whose material and qualification resources become less applicable, the longer employment insecurity lasts (ibid. 7).

Analysing EU migrant integration policy against the background of this flexible working regime, the recommodification of labour (Castel 2000) and the weakening of social rights, raises some concerns about the meaning of “integration” that seems to be at stake. First, how can the “fluent state” promote the integration of female migrant domestic workers (integration being perceived also in terms of combating precariousness) if it is actually investing its political and economic stability in the availability of precarious employees? Second, doesn’t the market regulation of flexible migrant care labour contradict the very post-Fordist principle of “flexibility” when it defines “their” kind of flexible labour according to their gender, ethnic and migrant characteristics rather than according to the characteristics of the job itself? Third, what kind of promises does “life long training” (a guiding principle put forth in several EU documents on migration and integration) hold for female migrant domestic workers when migrant employment in the “zone of precariousness” defines *their* labour as “expert labour” on grounds of “generous labour”?

A wide range of labour management practices projected as the implementation tools for migrant integration policy—fast orientation courses, initial training, life-long training, incremental approach to rights (the more you stay, the more skilled you become, the more integrated you become, the more rights you get)—are not supplementary practices designed for the management of migrants and inconsequential for the rest. The development of flexible workers and the incremental approach to rights are central to the post-Fordist management of labour force across Europe today. Today’s Third Country Nationals are not tomorrow’s integrated Europeans but today’s Europeans are tomorrow’s flexible—like Third Country Nationals—workers. In this context, the absence of an EU discourse on female migration in general and the invisibility of female migrant domestic workers in particular, must be analysed as paradigmatic of the management of care labour as flexible and yet unskilled labour in the global economy rather than as a re-inscription of the private-public binary and a mere repetition of the historical devaluation of female reproductive labour.

In COM(2000) 757, *Communication from the Commission to the Council and the European Parliament on a Community Immigration Policy*, the Commission draws attention to the many different categories of immigrants to be targeted by integration policies. Though not named as a specific category, female migrants are implied by the category of “family members admitted under family reunion arrangements” (18). Female migrants, however, are not framed as potential labour migrants or economic migrants even though it is acknowledged that “member states are already actively recruiting workers from outside the Union” and migration is pictured as a necessary solution to labour shortages within Europe. The absence of gender mainstreaming to migration becomes more



conspicuous when flexible migration policy is invoked as a necessary corollary to the changing needs of the European labour markets:

The need for a flexible approach to changing economic needs would suggest that quotas are impracticable and that an appropriate system of indicative targets would be preferable. This would be closely related to labour market needs but would also take into consideration agreements in place with countries of origin and a range of other factors (e.g. public acceptance of additional migrant workers in the country concerned, resources available for reception and integration, the possibilities for social and cultural adaptation etc.) (European Commission 2000: 16).

Why is the connection between the increasing demand for migrant domestic labour and changes in the provision of care and family structures never invoked? There are two possible answers to this. First, the predominantly feminised sector of domestic cleaning and caring is overstepped in estimating the changing needs of the labour market because reproductive labour it is not recognised as a ‘real’ sector of the economy. Second, female migrant labour is left out from the mapping of the labour market’s needs and from the management of migration flows because it is considered ‘low skilled’ and economically non-important. In that respect, its mere acknowledgement as a significant and distinct flow of labour would expose as an unattainable project the equation of migration policy with the recruitment of skilled labour.

In COM(2001) 387, *Communication from the Commission to the Council and the European Parliament on an open method of coordination for the community immigration policy*, women are identified explicitly as targets of immigrant integration policy. Again, however, they are not framed as labour immigrants (in need of integration in the labour market) but as an ethnic group (in need of social integration). The Communication recommends that Member States “promote the social integration of women and men at risk of facing persistent poverty because they belong to a group experiencing particular integration problems” (European Commission 2001: 5). In COM(2003) 336, *Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee and the Committee of the Regions on immigration, integration and employment*, the shrinking of the work age population in Europe is invoked again to suggest that sustained growth performance would require the inflow of immigrants. For the first time, immigrant labour flows are linked specifically to the “flexibility” of labour markets and temporary migration, rather than highly skilled immigrant labour which is framed as a positive factor for the economy:

In the short run, immigration can be beneficial for domestic employment to the extent that it increases the flexibility of labour markets. This is particularly true in the case of temporary migration. Furthermore, since on average migrants are not displacing domestic

employment, immigrants' skills and qualifications can be complementary to those of EU nationals (European Commission 2003: 11).

What remains unspoken in this Communication is the contention that immigrant labour increases the flexibility of labour markets because it is temporary and because it is cheap. Such a perception of flexibility and such a perspective to the labour market are not that gender neutral. For most working women in the EU, it is a different kind of flexibility that matters. While more women become full-time employed and pursue career oriented roles, they continue to have the responsibility for the maintenance of the household and the management of the reproductive side of life (organising and providing care work). The flexibility of labour markets that matters to them is one that enables them to combine these two roles. Policies for the reconciliation of work with family life in the context of promoting gender equality in Europe do not provide a sustainable solution to this problem. Often, they are limited to measures for creating part-time job positions for women and rendering jobs which are already framed as 'feminised' jobs more flexible (and some times, even more devalued), while simplifying, in rhetoric, the emotional demands, multitasks, long and flexible hours of care work demanded for the sustaining of family and/or intimate life. The reconciliation of work with family life becomes even more difficult as the borders between work and home become increasingly permeable, with the work encroaching upon home (Anderson 2007). Working women in Europe are not looking for flexible jobs but flexible "domestics".

COM(2003) 336 is probably the only Communication on integration to touch on the issue of domestic labour. The high percentage of immigrants concentrated in the domestic sector is cited as paradigmatic of the specificity and directionality of migration flows: "Non-EU nationals tend to be concentrated in particular sectors and occupations, though over time this normally diminishes. For example, they account for more than 10% of the employed in the private household sector and for almost 8% of the hotels and restaurant sector (versus 3% of overall employment)" (European Commission 2003: 11). The gender and race aspect of this concentration however are nowhere addressed (those who concentrate in this sector are not just non-EU nationals but migrant women workers, most of them women of colour, who take up low paying domestic jobs because these are the only ones open to them). What the Communication does not acknowledge is that the employment of migrants in the domestic sector is not just another example of a concentrated immigrant flow but the quintessential joint of gender and migration. The absence of a gender perspective in the analysis of labour flows comes to normalise a double omission in the EU discourse on migration and integration policy. First, despite the acknowledgement in various EU policy documents that the recognition of different categories of migrants and different kinds of migration flows enables the better tuning of migration and integration policies, the absence of any reference to the characteristics of female labour flow to Europe stands out as a blind spot in immigration and integration policy. Second, this discursive silence becomes normalised by the lack of a gender perspective in the analysis of demographic changes and their impact on employment and economic growth. Detailed statistics on demographic ageing and the increase of the old age

dependency ratio are becoming increasingly prominent in Communications on immigration policy, constituting hard evidence for the shrinking of the working age population and attesting to the need for more flexible migration policies. For example, according to Eurostat estimates as cited in COM(2003) 336, the number of people in the over 65 age group will increase from 71 in 2000 to 93 in 2020, up to 110 million in 2030 for EU-25, causing the old age dependency ratio to increase from 23% to 40%. Moreover, the number of those aged 80 and over in EU-25 is projected to increase from almost 16 million in 2000 to some 30 million in 2030. Besides the concluding remark that the working age population in Europe is shrinking, no other conclusions or even comments are made about the increasing demand for flexible forms of elderly and child care that such demographic changes create.

#### **4. Framing migrant women as mothers: What kind of mothers, which homes, whose children, whose integration?**

The relevance of gender to migrant integration is acknowledged only to the extent that migrant women are considered as the cultural mothers and catalysts for the acculturation of second generation migrants. On the grounds of their mothering role, women migrants are framed in integration policy as mediators for the acculturation of migrant nuclear families and migrant ethnic collectivities. Even when migrant women are recognised as labour migrants on their own accord, the discussion of their employment and civil participation very quickly slides to a discussion of women's role in the integration process as "carriers of cultural traditions in the family". It is quite problematic that this ideological conflation of female migrant identity with traditional mothering roles, and the cohesiveness of the nuclear migrant family and with social integration is framed as the intersection between migration and gender. Section 3.5.2 on "Gender issues" in COM(2003) 336 sets off to discuss the "double discrimination" of migrant women "due to their gender as well as to their ethnic origin" and, instead, ends up reproducing this very discrimination by nativising migrant women, both as mothers and as carriers of cultural identity:

##### 3.5.2 "Gender issues" in COM(2003) 336

*"Another important category is that of women bearing in mind that nearly half the immigrants entering the EU every year are now female and that an increasing percentage are coming in their own right to work, many as nurses or in the caring professions or as domestic servants. Immigrant women may suffer from double discrimination due to their gender as well as to their ethnic origin. Special attention is therefore needed to ensure equal access to the labour market and adequate education and training and in particular access to lifelong learning. Language learning, awareness of human, civic and social rights, including norms and values in the host society as well as training for new skills and competences are essential tools for integrating both men and women. This is particularly important for women, given their role as carriers of cultural traditions in the family and their ability to influence future generations. Even though the role of*

*the family varies from one culture to another, it generally plays a central role in the integration process as it represents a fixed point of reference for immigrants in the new host country. Family reunification with the nuclear family is a key tool in this respect. It is mainly women who benefit from family reunification arrangements and as a consequence are often depending on a family member with respect to their residence status. They may have difficulty obtaining a job, which may result in them moving into the informal sector. For this reason the Directive on family reunification provides that women have access to the labour market and, if they are in a particularly difficult situation, are granted an independent residence status” (European Commission 2003: 25).*

The absence on any reference to female migrants as a distinct category of labour migrants intersects with the failure to distinguish between female migrants’ social positioning as labour migrants in the receiving society and female migrants’ familial role as mothers in the incoming (supposedly traditional) migrant family. In order to promote the integration of female migrant workers, migration and integration policies must recognise that the culture of female migrants workers is not so much the native culture of the country of origin or the culture of the migrant home (as an enclave of traditional cultural norms) but the culture of migration as experienced in migrants’ transactions and interactions with the society of the receiving country. The culture of migration is not a homogeneous and singular culture, an entity, but rather a crossroads of both collective identifications and marginal positionings that are shaped by experiences of both alienation and belonging, separation and togetherness. For female migrant workers, this in between position is structured by a multiplicity of cultural identifications and roles, some of them continuous and overlapping but some of them dissonant and conflicting: (a) the cultural traditions they carry on not only from their country of origin but also by the ethnic identifications that develop among the members of the migrant community as an ethnic minority in the margins of the receiving society; (b) the intercultural but also asymmetrical (in terms of power) relations that they develop between them and other dominant groups; (c) their precarious legality; (d) the low social status of the ‘domestic’ as attached to an exploitative, devaluing and devalued job; (e) the racism experienced by many female migrants as ‘non-white others’; (f) the home of the employer as a system of norms, values and even rituals; (g) the culture of transnational mothering. These intersecting cultures of migration and their effects on migrants’ relation with the society are often ignored by integration policies. Female migrant domestic workers become invisible as women when framed as “third country nationals” and invisible as workers when framed as “migrant mothers”.

Merging these two frames, the frame of the Third Country National with the frame of the migrant mother (the mother of the nuclear migrant family), would not suffice for integrating migrant women’s diverse positionalities and providing a gender perspective to integration policies. A gender mainstreaming approach to migration is not limited to locating the overlap between gender and migration and treating the topics within this area as privileged points of interest (for example, focusing on the mother in the migrant family as the overlap of gender and migration). A gender mainstreaming approach pegs the need to rethink migration

flows as flows of labour in a global economy of reproductive labour, as well as to rethink how the norms and cultures of gender are renegotiated and reshaped in the global “landscapes” of economy and culture (Appadurai 1999). The conceptualisation of female migrants as mothers in migrant families and as carriers of traditions is too much ingrained into traditional conceptions of mothering and cultural reproduction. In order to investigate what difference mothering makes for the everyday lives of female migrant domestic workers we must recognise that most of them are surrogate mothers for other people’s children and translational mothers for their own [biological] children. Such a shift of perspective would reveal the need for a new understanding of both marginality and integration. Let us take a closer look at this mothering understanding of gender in COM(2003) 336:

*“A core concern in most Member States is the ability of immigrants to speak the language of the host country. Poor language ability is seen as the main barrier to successful integration. At the same time many Member States insist that poor language skills should not inhibit access to the labour market or to the educational system. On the contrary, they believe that participation in working life or in education and training contributes to the development of the necessary language skills. Taking into account childcare and cultural and religious dimensions, such an approach is particularly important for migrant women to enable them to follow language courses, all the more so as this may influence the language proficiency of their children”* (European Commission 2003: 20)

As in the case of cultural integration, women become the target of the analysis of integration practices such as language courses only when they are considered as the means and mediators of others’ (i.e. their children’s) language proficiency. In order to understand how gender intersects with language barriers to integration, we must be careful not to conflate the gender perspective with the focus on migrants as mothers. If the goal of offering language courses in the host language is to eliminate those language barriers that restrict migrants’ access to social goods and obstruct equality of opportunities, a gender mainstreaming approach should start with the analysis of language barriers for female migrant workers. In the case of female migrant domestic workers, poor language skills do not pose as a problem for integration because they inhibit access to the labour market of domestic labour. Rather, poor language skills inhibit integration because they reinscribe the perception of caring workers within this field as unskilled workers. The perception of domestic labour as unskilled labour often overlaps with the perception of caring for little children or elderly and sick people as communicatively raw labour, that is labour unmediated by communication. For this reason, low language skills might be deemed irrelevant to the “tasks” of house cleaning, baby sitting or caring for an elderly or sick person. And yet, exactly because these are not just tailorised and itemised “tasks” but value laden practices, comprising multiple skills and complex scripts mediated through linguistic and cultural codes, their successful completion is based on a mutual communicative understanding of goals, interpersonal negotiation and intercultural translation. Domestic and caring labour implicates performances and practices rather than executing tasks and producing outputs. Linguistic communication and

intercultural mediation are essential skills for the continuous negotiation between those caring and those cared for, those prescribing and those carrying out domestic jobs. Reproductive labour is inseparable from cooperative, communicative and interpersonal human interactions and for this reason, linguistic communication is intrinsic to both job performance and job satisfaction. When language barriers are treated as trivial, irrelevant and inconsequential for an “unskilled” job such as that of the female migrant domestic worker, low job performance (as perceived by the employer) and low job satisfaction (as perceived by the employee) are more likely to be attributed to the inadequacies of the other side, inadequacies which are often perceived as built-in cultural and linguistic deficits. The racialisation of female migrant domestic workers and the attribution of stereotypical national characters to job profiles (e.g. Sri Lankans are good with children but not good with elderly people; Bulgarians are good with cleaning but not with people) is to a large extent a by-product of this double weakness: first, the weakness to codify with qualitatively rich descriptors the skills required by the domestic sector, and, second, the weakness to communicate unspoken expectation across linguistic and cultural difference.

In conclusion, we could say that the absence of a gender mainstreaming perspective to both migration and care labour has repercussions for the design of integration policy. But the problem with the lack of gender mainstreaming is not only that specific categories of female migrant workers are excluded from the consideration of integration measures. The problem is also that the domestic sphere itself as a sphere of social life and labour relations becomes exempted from the discussion on discrimination, racism and xenophobia.

As it has been pointed out so far, female migrant domestic workers constitute a distinct migration flow which pegs the need for deliberate integration policy for a number of reasons: their characteristics as female migrants are not represented by the generic category Third Country Nationals; they are employed in an informal and thus unregulated sector of the labour market; they are “unskilled” and thus a potentially exploitable group of migrant workers. Yet there is another aspect to female migrant domestic workers that is relevant for the theorisation of migration and the design of integration policy.

Female migrant domestic workers are perhaps the only migration flow which comes in such intimate contact with the ‘home’ of the national and cultural self. As this flow of foreignness into the home disturbs the ideological affinity between reproductive life and the reproduction of the nation, intimate contact with foreign others is also likely to stir up intimate fears, intimate borders, and intimate racisms.

This is another case where the coupling of domestic life and nuclear family with cultural continuity appears to be equally problematic from the perspective of the receiving society. Immigrant domestic labour eases the domestic burden on women in European households, yet the latter continue to have the responsibility for the domestic sector, including the responsibility for the hiring and management of

female migrant domestic workers. How do women employers, “given their role as carriers of cultural traditions in the family and their ability to influence future generations” (to iterate the framing of female migrant as women in COM(2003) 336) deal with the domestic sphere’s transformation, from being a place of cultural continuity to becoming a place of transcultural negotiation? If the Communication’s contention that “[e]ven though the role of the family varies from one culture to another, it generally plays a central role in the integration process as it represents a fixed point of reference” applies not only for immigrants in the new host country but also for those of the host country hosting the new immigrants, how is this family expected to reclaim its cultural function when the foreign other becomes its domestic employee and also cohabitant?

Ethnic and race segregation in housing is identified in several EU migration policy documents as an undesirable effect of migration. The concentration of migrants in economically deprived urban areas is attributed to a number of ‘constraint and choice factors’ (affordable housing, access to public transportation, the wish to live close to family members and maintain ethnic community networks, discrimination). As migrants move in and nationals start to move out, these residential areas become ghettos, providing little or no opportunities at all for social and economic integration. COM(387) 2001 on immigration, employment and integration points out that tight community networks that develop in areas of high ethnic concentration can bring new life and regeneration to neglected neighbourhoods—for example through the setting up of small businesses—ethnic and social segregation in cities can also be a major barrier to integration (European Commission 2001: 21).

This theorisation of segregation associates segregation with geographic ethnic concentration. How is segregation re-enacted *within* the household when hosts and others become cohabitants in the same intimate space? The case of stay-in female migrant domestic workers presents a different deployment of distance, power relations and ethnic borders. The physical distance between host (employer but also master of the house) and other is bridged and the difference between workplace and domestic space is cancelled. With these distances collapsing, the domestic is reinventing its distributions of intimacy and deployment of power in an effort to reinstate *within itself* borders which are considered to be natural and essential for the continuation of the nuclear family, the nation and its language. In her book *Global Cinderellas: Migrant Domesticity and Newly Rich Employers in Taiwan*, Pei-Chia Lan interviews dozens of female migrants, mostly from the Philippines and Indonesia, who work in private households in Taiwan as house workers and carers for children and old people. Her study is unique in that it traces how hierarchical power relations and racial markers work in the intimate zone, which traditionally, in direct opposition to the cruelty of the workplace, is characterised by continuity, trust and giving. Taiwanese families often claim to treat foreign domestic workers as members of the family; they “want them to be warm and caring with the children or old people they look after” (Davin 2007: 217). At the same time however, they may resent the “invasion” of the domestic sphere by a foreigner who they regard as uncivilised or dirty:

*“They constantly try to monitor their maid’s behaviour. They are anxious lest their maids overstep the boundaries. As women are still seen as primarily responsible for domestic labour in Taiwan, working wives and mothers welcome the relief that [a] live-in carer offers from the double burden. Yet they are guilt ridden and fearful of losing their place to their helpers who spend more time in their homes than they do themselves. They are particularly sensitive to the idea that children might become “too” fond of their carers or that husbands might stray. They attempt to discipline, control and defeminise their foreign domestics by means of rules on spatial boundaries, dress, hairstyles, manners and access to food” (ibid.).*

The “domestic” is becoming today a new economic and political global-scape, transforming itself from an anchor of national identity to a transnational contact zone, from a place of cultural continuity to a zone of transculturation, from the retreat of family life and moral values to an exploitative economy. The gender distribution and redistribution of reproductive labour in Europe today capitalises on the precariousness of female migrant domestic workers. Europe uses precarious workers to compensate for the precariousness of the welfare system and the ineffectiveness of gender equality policies introduced for the reconciliation of work with family life. Female migrant domestic workers provide European societies with that kind of flexible-and-cheap labour that they need to reconcile the economic goal of increasing productivity with the gender equality policies.

Without migration mainsteaming being introduced to gender equality policies, not only will female migrant workers remain outsiders to gender equality policies in employment and civic participation but European women’s gains toward equality will remain contingent on the availability of other, migrant women’s cheap domestic labour. Framing Female Migrant Domestic Workers as reconciliators aims to expose this unspoken contradiction and to intertwine integration with gender equality policies. In the face of the radical transformations of the “domestic” from sphere of private life to global-scape, and the interlocking structures of exclusion and exploitation, the integration of female migrant domestic workers must be addressed as an issue of civic rights and liberties in an extended political sphere rather than as an issue of social marginality that concerns only a group of internal “others”.



# 3

National Reports:

Mapping Survey—Integration of Female Migrant

Domestic Workers:

Strategies for Employment and Civic Participation



# National Report: The Case of Cyprus

*Margarita Zervidou*

## 1. Introduction

This report is an attempt to identify and describe integration strategies relating to the employment and civic participation of female migrants working as domestic workers in Cyprus within the framework of the Project “*Integration of Female Migrant Domestic Workers: Strategies for Employment and Civic Participation*”.

In today’s world of massive migration flows and globalisation, the position of women is changing both quantitatively, according to the International Organisation for Migration,<sup>1</sup> as in several countries they already constitute the majority, and qualitatively as more and more women are now migrating independently of their male partners. Cyprus is no exception to this global phenomenon that has come to be called the *feminisation of migration*. However, the choices and employment opportunities of immigrant women are limited by current hierarchical structures and cultural practices in the receiving countries that confine them in low paid industries and occupations traditionally reserved for women. According to the International Labour Organisation, “Gender based discrimination intersects with discrimination based on other forms of “otherness” such as non-national/foreigner status, race, ethnicity religion, economic status—placing women in a situation of double, triple and even fourfold discrimination, disadvantage, marginalisation and/or vulnerability”.<sup>2</sup>

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1 Statement by Mr. Robert G. Paiva Permanent Observer to the United Nations, 23rd Session of the General Assembly, Women 2000: Gender Equality, Development and Peace for the 21st century, New York, 9 June 2000.

2 *International Labour Organisation An Information Guide: Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers*, 2003.

Domestic workers are one of the most disadvantaged groups amongst migrant women. They are low-skilled in their vast majority, their “workplace” is confined within the privacy of the home of their employer and this makes them invisible. This “invisibility” is used by the authorities to justify the complete lack of control mechanisms to ensure the implementation and observance of the terms and conditions of their employment. This situation leaves them extremely vulnerable to exploitation and abuse. In Cyprus, where the vast majority of documented female migrant domestic workers reside in the house of their employer, the potential of a dependency relationship developing between employer and employee is extremely high. Moreover, for those who work on an undocumented basis the issue of invisibility is even more profound.

Research on Cypriot middle-class urban women revealed that domestic workers were not included in their definition of a ‘woman’. They are considered bad for having left their families to go abroad, something which makes their sexual morality and decency doubtful. “... They are therefore marginalised by being women; by being poor; because of their low-paid, low-prestige work; and by their employers—men and women, in complex, multi-levelled, direct, and indirect ways”.<sup>3</sup> In addition, “... Cypriot women feel the need to behave ‘modern’, like ‘Europeans’ and this assumes an improvement in the lives of women. Thus, women who do not behave like ‘Europeans’, such as women from Sri Lanka and the Philippines are backward”.<sup>4</sup>

Moreover, indicative of the way a significant proportion of Greek Cypriots perceive these women is the word “μαυρού”. This term is used when referring to female migrant workers and translates as “little black girl”, despite the fact that a lot of female migrant domestic workers are adult white women. However, according to the Chairperson of the National Filipino Association in Cyprus, Filipino women do not consider themselves to be black, but they consider Pakistani and Indian women as black.<sup>5</sup>

## **Methodology**

The data collected for this report came principally from fieldwork, and more specifically from qualitative semi-structured interviews with public administration bodies, trade unions, NGOs and other institutions. A literature review revealed that although there are some studies on migration and ethnic minorities in Cyprus, studies on the social and employment situation of the specific working group of female migrant domestic workers in Cyprus, with the exception of a few articles, are almost inexistent.

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3 Myria Vassiliadou, ‘Women’s Constructions of Women: On Entering the Front Door’, *Journal of International Women’s Studies* Vol. 5, No. 3, May 2004.

4 Ibid.

5 Meeting with Ms Merli Millard of the National Filipino Association on 18 April 2007 during the Cyprus study visit.

The interviews conducted<sup>6</sup> were supplemented by statistical data and reports of relevant government organisations such as the Department of Labour (Ministry of Labour and Social Insurance), the Department of Social Insurance, the Cyprus Commissioner for Administration, memos of NGOs, the Law itself and the contracts of employment that specifically apply to female migrant domestic workers. (The Civil Registry and Migration Department of the Ministry of the Interior, which is the most relevant government department to our research, did not reply to our repeated written or telephone requests to participate in the research project. The same request made to the Ministry of Interior was declined through a letter on the basis that amendments to the Aliens and Immigrations Law were still pending).<sup>7</sup>

## Background

Primarily due to its geographical position at the crossroads of three continents—Europe, Asia and Africa—Cyprus has been under various conquerors over the years. The island gained its independence from the British in 1960, but the conflicts which followed between the two main communities, the Greek Cypriots and the Turkish Cypriots led to the invasion by Turkey in 1974 and the military occupation of 37% of the island’s territory. The two communities currently live separately, north and south of the so-called ‘green line’. In May 2004, the elected Greek Cypriot government, which is internationally recognised as the representative of the Republic of Cyprus, acceded to the European Union.

Cyprus has traditionally been a country of emigration—mostly to the UK and to a lesser extent to other destinations. It converted only into a country of net migration well after the Turkish invasion in 1974 and the ‘economic miracle’<sup>8</sup> which followed. Emigration from Cyprus continued and it was only during the 1980s and 1990s that significant flows of migrant labour to Cyprus gathered pace. According to the current Minister of Interior Mr. Silikiotis “... the migration policy in Cyprus changed during the 90s so that migrants could be temporarily employed in the country in order to face the labour shortages ... . Today ... their contribution to the Cyprus economy is very important, as they represent 14% of the economically active population.”<sup>9</sup> Despite the fact that the migrants’ contribution to the local economy is currently acknowledged, it seems that the main concern of the authorities has been and still is to ensure that this migration remains short term. Although temporary migration schemes are common in many European countries, in the case of Cyprus an explanation should be sought in the light of the very particular political situation and the so called “national issue” which seems to penetrate all spheres of social and political life of Cypriot society.

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6 To view the institutes and organisations participated in the research please visit ANNEX I.

7 A letter sent to the author on 24 November 2006 signed on behalf of the General Director of the Ministry of Interior.

8 For a detailed analysis see Andreas Theophanous (1995) *Anatomy of the Economic ‘miracle’ 1974-1994*.

9 Minister of Interior’s speech at the National Conference on “Migration in the 21st century” organised by the Geopolitical Institute Daedalos, on the 15 December 2006 (author’s translation).

The constitution of the Republic of Cyprus has always been based on the principle of “majoritarian democracy” with population balances determining majority and minority groups and their respective rights. In 1960 when the Republic of Cyprus was established, Turkish Cypriots constituted a minority (18% of the total population) and the constitution was devised on this premise. Ever since the Turkish invasion in 1974 there have been massive waves of Turks settling in the occupied part of the island, something which, according to Greek Cypriot authorities, constitutes a methodical plan by Turkey to alter population balances with obvious political motives. Migration policies in Cyprus should therefore be viewed in the light of this extremely volatile situation relating to the current population balance and the repercussions of any potential overturn, as perceived by Greek Cypriots.

After Cyprus’ accession to the European Union in 2004 all restrictions on the free movement of EU nationals were removed while the controls on the movement of third-country nationals were tightened. Nevertheless, the proportion of Third Country Nationals (TCNs) employed in Cyprus in 2006 was still significantly higher than the respective proportion of EU citizens (see Annex II, Chart 1).

The Mediterranean Institute of Gender Studies notes that because of its recent European Union accession, its geographical position, and its current economic prosperity, Cyprus has become more attractive to prospective migrants. Female migrant domestic workers are particularly discriminated against in the process of migration and integration into Cyprus for all the known complex reasons associated with gender and how it intersects with other social categories. The various problems these women face are: the non-existence of governmental services and civil society organisations which can support and assist in their social integration, the lack of awareness among Cypriot citizens of their particular needs, difficult living conditions, sexual abuse and domestic violence and finally, racism and xenophobia amongst Cypriots which exists because there are no education programmes that teach intercultural awareness. All of these problems lead to the marginalisation and exclusion of female migrant domestic workers from the dominant culture and society as well as to low self-esteem and depression.<sup>10</sup>

Today, female migrant domestic workers are mainly recruited from countries in South-East Asia (Sri Lanka, Philippines) and they constitute by far the largest group of TCNs employed in Cyprus representing a proportion of 26% in 2006 (see Annex II, Chart 2). The latest estimate of the number of female migrant domestic workers in Cyprus, according to the Director of the Civil Registry and Migration Department (Ministry of Interior), is 22,500,<sup>11</sup> signifying a 36% increase from the 2006 figure. (The above figures do not take into account undocumented domestic workers that may be long-term residents in Cyprus).

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10 [http://www.medinstylegenderstudies.org/wp/wp-content/uploads/erf\_website.pdf].

11 Statement made on the National TV Channel (CyBC) show “To syzitame” on 15 March 2007.

If we look at gender segregated data relating to long term immigrants<sup>12</sup> in Cyprus by country of origin and purpose of arrival, we see that the vast majority of the immigrants arriving in Cyprus for the purpose of employment from Sri Lanka and the Philippines are female (Annex II, Chart 3). These are the two main countries in which female migrant domestic workers are recruited for Cyprus. Foreign workers employed in hotels and restaurants make up the next highest percentage. This group also comprises mainly female migrants.<sup>13</sup> This means that out of all of the migrants currently working in Cyprus, at least 40% are women—a percentage largely consistent with the worldwide phenomenon of the feminisation of migration, according to which approximately 50% of all migrants throughout the world are currently women.<sup>14</sup>

The fact that the vast majority of migrants employed in private households in Cyprus are females suggests that the labour market is strongly gender segregated. The continued and growing demand for the employment of *female* migrants to perform the work in the house fosters and perpetuates stereotypes and gender inequality.

The factors behind this increasing need for the employment of in-house female migrant domestic workers in Cyprus as identified by our research are:

1. A growing number of Cypriot women are entering the labour market and domestic workers are now doing what used to be unpaid work in the house (with a minimum salary, since housework has never been considered to be formal work); however, this has not changed the traditional gender roles but has rather helped in their perpetuation and reinforcement.
2. The lack of a comprehensive state welfare system for the elderly, children and disabled persons makes the employment of an in-house, and in many cases full-time person a necessity for many households.
3. The fact that employing an in-house female migrant domestic worker in Cyprus has become a kind of “symbolic capital”,<sup>15</sup> a way of exhibiting the economic superiority of the household in a position to employ one. Of course, the fact that the number of female migrant domestic workers in Cyprus has more than doubled over the last five years, may be because the monthly salary of migrant domestic workers has remained at £150 for the last 17 years. This salary is less than half of the current minimum salary for Cypriots, and is now affordable by most households.

Currently there is a wide public debate about the problem of female migrant domestic workers who leave their employer’s house without prior notice, purportedly to work on a freelance—and inevitably undocumented—basis. According

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12 Defined as ‘persons who enter Cyprus with the intention to settle in Cyprus or to stay for one year or more’.

13 It should be noted that “artists” working in clubs and cabarets are included in this category of employment.

14 Professor Floya Anthias, Seminar at the University of Cyprus: “*The age of migration: gender, integration and equality*”, 17 October 2006.

15 Pierre Bourdieu, *Distinction: A Social Critique of the Judgement of Taste* (1979).

to the Domestic Workers Employers' Association, this phenomenon is very common, with 20% of the documented migrant domestic workers (8 cases/day) "disappearing" every year.<sup>16</sup>

The emphasis of the public debate is on the 'ethical' aspects of this kind of behaviour by female migrant domestic workers, with the prevailing view being that leaving the employer shows ingratitude. In a poll taken by the National TV Channel CyBC, only 14% of the viewers answered positively when asked whether female migrant domestic workers should have the right to change employer after the first year of employment ends.<sup>17</sup>

## **2. Legislation and Contracts of Employment**

### **2.1 Analysis of provisions of relevant legislation / ministerial decisions / employment contracts with regards to the employment and civic participation of female migrant domestic workers**

The process of granting work permits to third country nationals is currently subject to the Aliens and Immigration Law 1972-2007 and to decisions taken by the Council of Ministers on migration issues. A residence permit is granted only if a work permit is approved. There are specific criteria that govern the granting of work permits (valid for 4 years only),<sup>18</sup> and the working conditions of third country nationals. These include the following:

- Foreign employees shall enjoy the same terms and conditions of employment as those applying to Cypriot employees, except those of change of employer or place of employment or type of employment, for which permission from the relevant authority is required.
- Foreign employees may join the trade union of their choice.
- The rewards and benefits to be enjoyed by foreign employees shall be those that apply to Cypriots as provided by the Collective Agreements of the relevant sector of employment.<sup>19</sup>

Gender mainstreaming is not incorporated in the Aliens and Immigration Law 1972-2007 as the specific needs of migrant women are not taken into consideration and references to migrants throughout the Act assume that the migrant is male. Moreover, although there is a special employment contract specifically tailored for migrant domestic workers who in the vast majority are women, the employee throughout the contract is referred to as *he* (and of course so is the employer).

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16 Interview taken on 5 December 2006 with Domestic Workers Employers' Association.

17 National TV Channel (CyBC) show "To syzitame", 15 March 2007.

18 Council of Ministers' decision dated 30 March 2005.

19 Council of Ministers' decision dated 6 December 1991, as cited in the Cyprus Commissioner for Administration's (Ombudsman's) report A.K.I. 2/2005 (author's translation).



Applications for the issue of Entry Permits and Work Permits in General Categories of Employment should be submitted by the prospective employer to the Civil Registry and Migration Department (Ministry of Interior) through the relevant District Alien and Immigration Branch of the Police provided that the alien is situated overseas. These applications should be accompanied by a contract of employment stamped by the Labour Department of the Ministry of Labour and Social Insurance.

In the case of third country national women who are applying for work as domestic workers, the above procedure is followed, except that the contract is not stamped by the Labour Department, as "... the criteria for the granting of the relevant permits have been set by the Council of Ministers." According to the above-mentioned criteria, the employment of third country nationals as domestic workers is allowed when:

- (a) Both spouses work, that is, they contribute to the Social Insurance Fund, and have children aged below nine;
- (b) The family has a declared taxable income which exceeds CYP20,000 p.a.;
- (c) The third country nationals will care for old, handicapped or persons with special needs or persons suffering from a serious disease, which renders them incapable of taking care of themselves;
- (d) The third country nationals will work in the houses of managerial staff of offshore companies, or members of diplomatic delegations of foreign embassies.

Interestingly, although the standard employment contract applying to migrant workers in general has been prepared by the Labour Department (Ministry of Labour and Social Insurance) in cooperation with the social partners, domestic workers and "artistes"<sup>20</sup> are not offered this kind of contract. This leaves these women vulnerable to abuse by their employers and makes the protection of their rights very difficult.

The Civil Registry and Migration Department claim that they prepared the employment contract that applies to domestic workers<sup>21</sup> by adapting the original Department of Labour contract, after consultation with the Department of Labour and the Cyprus Employment Bureaus Association. However, research conducted by the Cyprus Commissioner for Administration,<sup>22</sup> revealed that there were no negotiations with the Department of Labour. In fact, although the Director of the Labour Department considered that the contract should "... be thoroughly examined, as some of the clauses included therein are disputable and potentially illegal",<sup>23</sup> the Civil Registry and Migration Department unilaterally finalised the

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20 This is a term used for migrant women employed in night clubs or cabarets, potential victims of trafficking for sexual exploitation.

21 Please see ANNEX II, Chart 3.

22 Research on File no. 30/81/06 (Ministry of Interior).

23 As cited in the Cyprus Commissioner for Administration's report A.K.I. 2/2005 (author's translation) prepared in response to a complaint filed by Dr. Trimikliniotis, Director of the National Observatory for Racism and Xenophobia filed on 5 January 2005 on behalf of Ms.

contract. In their view the employment of migrant domestic workers does not affect the labour market hence, no further negotiations were needed. This argument has been used in the case of migrant domestic workers ever since.

The employment contract for migrant domestic workers comes in two versions, a Greek and an English version with the Greek and English pages side by side. Our research revealed discrepancies between the two. For example, Clause 2 (η) reads in Greek “(the employee) ... shall not engage or participate in any way, directly or indirectly in any action or activity during the course of his stay in Cyprus ...” whereas the English equivalent reads “... shall not engage, contribute or in any way, directly or indirectly take part in any *political* action or activity ...”. The Greek version was usually more restrictive than the English equivalent, which would make the restriction go unnoticed by the non-Greek literate reader of the contract; whereas the employer could potentially invoke the Greek version whenever this was suitable.

The Cyprus Commissioner for Administration (Ombudsman) argued that the standard contract used for migrant domestic workers should be thoroughly re-examined by the Department of Labour and Social Insurance, which is the Ministry responsible for matters relating to employment.<sup>24</sup>

During the course of our research it was revealed that the majority of interviewees, including government officials in key positions, were not aware that the employment contract for migrant domestic workers was not prepared by the Ministry of Labour. According to the secretary of the National Machinery for Women’s Rights of the Ministry of Justice and Public Order, the Ministry of Labour should comply with International Conventions and the Cyprus Employment Law. The Action for Support Equality and Antiracism [KISA] believe that the role of the Civil Registry and Migration Department should be restricted to the issuing of Entry and Residence Permits and the Ministry of Labour should be responsible for employment issues, so that the employment rights of migrants could be secured in the same way Cypriots’ employment rights are. KISA also expressed particular concern for the rights of female migrant domestic workers and “artistes”.<sup>25</sup>

Policymakers in Cyprus treat migrants as “guest workers”, meaning that their stay and employment in Cyprus is clearly treated as temporary, and is linked to a specific employment sector and a specific employer. As a matter of fact, the Aliens and Immigration Law defines the term ‘migrant’ as “... an alien who, without being permanently resident in the Republic, legally enters it with the aim of residing there permanently”,<sup>26</sup> a definition which excludes migrants entering the country to work for a limited period of time (currently set at a maximum period of four years). This “... puts the migrant in a rather vulnerable position against the state as well as the

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Kyriova a migrant domestic worker, claiming that a clause included in her contract of employment restricts her right to join a trade union.

24 Cyprus Commissioner for Administration’s report A.K.I. 2/2005 p. 10 (author’s translation).

25 Interview taken on 8 December 2006 with KISA.

26 Aliens and Immigration Law 2007, Chapter 105, Article 2(8) of 8(1) of 2007, author’s translation.

employer, rendering the protection of his/her rights almost impossible”.<sup>27</sup> On one hand the presupposed temporary nature of a migrant’s stay in Cyprus is put forward by the state as a justification for the complete absence of integration strategies for migrants, and on the other hand the employment rights of migrants cannot be secured if they are not allowed to participate freely in the local labour market. As a result “... the vast majority of migrants are secluded socially, financially and politically, they are taken advantage of and are discriminated against in the entire spectrum of their lives (employment, housing, social services, education)”.<sup>28</sup>

This discrimination is reinforced by the Labour Department’s refusal to use the term *migrant* when referring to domestic workers, claiming that 99% of the foreigners coming to Cyprus are not migrants as they come on a short-term basis strictly to work and return home.<sup>29</sup> (At the time our interviews were conducted, the EU Directive on long-term residents had not been incorporated into the Aliens and Immigration Law, and although this took place in February 2007, its implementation has not yet commenced).

Furthermore, in the case of migrant domestic workers, the lack of any control mechanisms employed by the Labour Department to ensure that the terms of employment are complied with, or for inspecting the conditions under which these women live was ascribed to the particularity of their “workplace” which comes under the “private sphere” and is protected by law.<sup>30</sup> It can be claimed that this constitutes differential treatment, as the Ministry of Labour and Social Insurance does exercise respective control in the case of all other employees—migrants or Cypriots—through the Department of Labour Inspection. As a matter of fact, one of the Department’s responsibilities is to inspect the premises or workplace of a Cypriot employer applying for the employment of a third-country national, before hiring approval is granted by the Labour Department,<sup>31</sup> a procedure which is not followed in the case of migrant domestic workers. This suggests the possibility that these women are not considered to be part of the labour market, something consistent with the fact that the Ministry of Labour is not responsible for the preparation of their employment contracts in the first place. In response to the invisibility of domestic workers, The Committee on Women’s Rights and Equal Opportunities of the European Parliament calls for domestic work to be recognised as an occupation in its own right, with the adoption of European rules on the social rights of workers.<sup>32</sup>

The Cypriot migration model links a migrant’s stay and employment in Cyprus to a specific employer. This creates the possibility of dependency between employer

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27 Analysis and views of KISA on the policy and proposed legislation of the Cyprus Government on the status of third-country nationals who are long term residents, the right to family reunification and the definition of facilitation of unauthorized entry, transit and residence dated 22 June 2006, p. 1 (author’s translation).

28 Ibid., p. 2.

29 Interview taken on 2 December 2006 with Labour Department.

30 Ibid.

31 [www.mlsi.gov.cy/mlsi/dli/dli.nsf/All/FDD03F9353398CB9C2256E470043EB7A?OpenDocument].

32 Report on Regulating Domestic Help in the Informal Sector [2000/2021(INI)].

and employee. In the case of migrant domestic workers, this potential is augmented by the use of a special employment contract that incorporates clauses that potentially violate basic human rights.

- In the standard contract of employment that applies to all migrants there are repeated references to relevant Collective Agreements,<sup>33</sup> whereas there is no such reference in the contract applying to migrant domestic workers. On the contrary, the domestic worker is forbidden from participating—in any way—in any action or activity during her stay in Cyprus<sup>34</sup> and any potential violation of this clause would result not only in the immediate termination of the contract but also in the immediate cancellation of her residence permit.<sup>35</sup> This clause directly violates the freedom to join trade unions, a right which is secured by the Constitution, the Laws relating to Trade Unions 1965-1996 and a number of ratified ILO Conventions.<sup>36</sup> In addition, the above clause constitutes direct ethnic discrimination according to the Equal Treatment in Employment and Work Law 2004, as it “... introduces the differential treatment of migrant domestic workers against Cypriots in the field of trade union activism and in a way which prohibits the potential of claiming their professional interests”.<sup>37</sup>

In the English version of the contract, the domestic worker is forbidden from participating in any *political* action or activity,<sup>38</sup> something which can also be found in the standard contract of employment applying to all migrants, and which violates the Political Rights of migrant workers—rights secured by ratified international conventions.<sup>39</sup> It is not unusual though, to invoke the presumed temporary nature of a migrant’s stay in a country as a justification for the restriction of the migrant’s rights. The President of the Domestic Workers Employers Association used this argument during our interview with her.<sup>40</sup>

- Although the employment contract does not provide for a specific salary, the salary that applies to domestic workers was set by the Civil Registry and Migration Department in collaboration with the relevant Committee of Ministers in 1990 at £150 without allowances for an increase in the cost of living (COLA) and a 13<sup>th</sup> salary.<sup>41</sup> Taking an average of 182 hours per month, this salary translates to an hourly rate of £0.82 whereas the Cypriot women domestic workers’ hourly wage

33 Clauses 1, 3(a), (b), (c), 4(b), 5 of General Contract of Employment.

34 Clause 2(η) of the Greek version of the Contract for migrant domestic workers.

35 *Ibid.*, clause 5(γ).

36 C84 Right of Association (Non-Metropolitan Territories) Convention, 1947, C87 Freedom of Association and Protection of the Right to Organise Convention, 1948, C98 Right to Organise and Collective Bargaining Convention, 1949.

37 Cyprus Commissioner for Administration’s report A.K.I. 2/2005, p. 8, paragraph 4(1) (author’s translation).

38 Clause 2(h) of the Contract for migrant domestic workers.

39 Cyprus Commissioner for Administration’s report A.K.I. 2/2005, p. 8, paragraph 4(1) (author’s translation), *see Convention on the Participation of Foreigners in Public Life at Local Level, European Treaty Series - No. 144.*

40 Interview taken on 5 December 2006 with Domestic Workers Employers’ Association.

41 Although the contract stipulates for an annual increase of 5% per year, according to clause 2(g) the employee is not entitled for any reason to any increase in the fixed salary, unless specified by the contract or considered appropriate by the employer.

ranges between £4 - £5. It should also be noted that the minimum monthly salary for 2005 as set by the Council of Ministers<sup>42</sup> was £362. Hence, the £150 fixed salary is "... scandalous and non-compliant with the law (on Equal Treatment in Employment and Work 2004) ..." which considers any distinction or differential treatment in the conditions and terms of employment, including pay, due to ethnic origin as illegal.<sup>43</sup> Housekeeping was never considered to be a formal full-time job in Cyprus in the past. Thus, the incredibly low salary that is paid to migrant domestic workers suggests that this conception of housekeeping still prevails.

That the salary of migrant domestic workers has remained at £150 for the last 17 years (although the contract stipulates for an annual increase of 5% per year)<sup>44</sup> could partially be explained by the fact that the demand for their services has almost doubled during the last five years.<sup>45</sup> The Mediterranean Institute of Gender Studies suggests that the employment contracts for domestic workers should be revised to provide for an increase in wages in line with the minimum wage in Cyprus (from £150 to £362).<sup>46</sup> In line with MIGS' recommendations, the CEDAW Committee of the United Nations expressed its concern about "... discrimination against women migrants, including domestic helpers and agricultural workers, particularly in regard to the terms and conditions of contracts and conditions of work and wages".<sup>47</sup>

Since the minimum salary of £150 was set there have been a couple of attempts to increase the amount. The employers of migrant domestic workers strongly oppose these efforts.<sup>48</sup> Their Association only sees an annual increase in the salary as a means to prevent domestic workers from leaving their employers either to work for someone else or to work on a freelance basis. They do not see a raise as something to which domestic workers are entitled in accordance with Collective agreements and relevant legislation applying to all employees in Cyprus.<sup>49</sup>

- The contract provides for the regular contribution by the employer to the Social Insurance Scheme for the benefit of the Employee, in compliance with the provisions of the relevant Social Insurance Legislation.<sup>50</sup> This secures the right of migrant domestic workers to the same treatment as Cypriot employees with respect to the employer's obligation to contribute to the Social Insurance Fund. However, the domestic worker never gets to benefit from the sum which will have accumulated in the Fund by the end of her employment in Cyprus, as will be argued later on.

42 K.Δ.Π. 288/2005 as cited in the Cyprus Commissioner for Administration's report A.K.I. 2/2005, p. 5.

43 Cyprus Commissioner for Administration's report A.K.I. 2/2005 p. 5, paragraph 3 (author's translation).

44 Clause 3(a).

45 Interview taken on 18 December 2006 with PEO.

46 Shadow Report 2006, prepared by MIGS, available at [[www.medinstgenderstudies.org/wp/wp-content/uploads/cyprus\\_shadowreport\\_final3.pdf](http://www.medinstgenderstudies.org/wp/wp-content/uploads/cyprus_shadowreport_final3.pdf)].

47 UN CEDAW's 35th Session 30 May 2006, concluding comment no. 29 on Cyprus.

48 Interview taken on 8 December 2006 with KISA.

49 Interview taken on 5 December 2006 with Domestic Workers Employers' Association.

50 Clause 4(e) of the Contract for migrant domestic workers.

- Whereas Cypriot employees are entitled to sick leave proportionate to the employee's length of service according to the relevant collective agreement (provided the employee submits a medical certificate),<sup>51</sup> in the case of migrant domestic workers the employer is given the right to terminate the services of the domestic worker and arrange for her repatriation if she is absent from work due to illness for more than one month if the reason for her absence is not coverable under the Industrial Accidents Act.<sup>52</sup> This is undoubtedly direct ethnic discrimination according to the Equal Treatment in Employment and Work Law 2004 under which a justified reason of dismissal excludes cases where the inability to perform duties reasonably is attributed to illness, accident or pregnancy, and which generally prohibits discrimination of any kind. Moreover, knowing that the employer has this right may put the domestic worker under psychological pressure and thereby, deter her from claiming her rights if she does in fact become seriously ill or pregnant, for fear of losing her job and being repatriated.
  
- Whereas Cypriot employees are entitled to overtime compensation at the rate of 1:1½ for overtime work on normal working days and at the rate of 1:2 for overtime work on Sundays and Saturdays,<sup>53</sup> the migrant domestic worker's contract does not mention overtime or overtime compensation. This also constitutes ethnic discrimination according to the Equal Treatment in Employment and Work Law 2004.

### **Political and Social Integration of female migrant domestic workers: Civic Participation**

The Aliens and Immigration Law 1972-2007 has been amended recently (February 2007) to incorporate the European Directives 2003/109/EC, 2003/86/EC and 2003/90/EC.<sup>54</sup> The Law has also incorporated the relevant decisions of the Council of Ministers which is authorised to make decisions relating to migration. However, even the most thorough scrutiny of the Aliens and Immigration Law 1972-2007 does not reveal any provisions relating to the integration and *civic participation* of third country nationals or of migrant domestic workers in particular.

The Cypriot Government has never introduced or devised integration policies for migrants, on the grounds that their residence on the island is temporary. Thus, "... the vast majority of migrants is excluded socially, financially and politically, and is subject to exploitation and discrimination in the entire spectrum of their life (work, housing, social benefits, education)".<sup>55</sup> It can, therefore, be claimed that

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51 This is also provided for by the standard contract of employment used for all migrants under Clause 3.

52 Clause 4(h) of the employment contract for migrant domestic workers.

53 This is also provided for by the standard contract of employment used for all migrants under Clause 3.

54 Relating to the status of third country nationals who are long term residents, the right to family reunification and the definition of facilitation of unauthorised entry, transit and residence.

55 Analysis and views of KISA on the policy and proposed legislation of the Cyprus Government on the status of third-country nationals who are long term residents, the right to family

the absence of an integration policy for migrants combined with the Cypriot migration model fosters racism, xenophobia and discrimination against migrants. In the case of domestic workers, gender inequality is further reinforced since these special employment contracts restrict the rights of these women to an even greater extent.

- Although the contract stipulates that the employee shall work for 7 hours per day (for 6 days a week) it fails to specify an exact time schedule. Thus these 7 hours might be during the day or night, according to the requirements of the employer.<sup>56</sup> This effectively means that the domestic worker will be “on call” day and night, confining her even more to the house of her employer and further excluding her from the “outside” world.
- One of the most restrictive clauses in the special employment contract is the prohibition to participate in any action or activity during her stay in Cyprus.<sup>57</sup> In addition to being a violation of basic human rights,<sup>58</sup> this has wider implications for civic participation. It restricts a domestic worker from any possibility of a social life outside work, once again excluding her from the wider society. Policymakers are deliberately denying migrants any right to civic participation through the above clause.

## **2.2 Implementation of provisions of relevant laws / ministerial decisions / employment contracts with regards to the employment and civic participation of female migrant domestic workers**

As argued before, the Council of Ministers has set criteria which govern the granting of work permits.<sup>59</sup> In the case of female migrant domestic workers, the criteria mentioned below are not fully complied with. On the contrary, most of the criteria are invalidated by other clauses in the contract prepared by the Civil Registry and Migration Department (Ministry of Interior):

- Foreign employees shall enjoy the same terms and conditions of employment as Cypriot employees. However, for a change of employer or place or type of employment, a permission of the relevant authority is required.

Since the contract does not provide for the performance of specific duties, female migrant domestic workers frequently end up washing cars or taking their employer’s pets for a walk, tasks that clearly fall outside the definition of a domestic worker’s duties. Moreover, although the contract stipulates that the

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reunification and the definition of facilitation of unauthorised entry, transit and residence dated 22 June 2006, p. 2 (author’s translation).

56 Clauses 2(B)/2(b) of the Contract for migrant domestic workers.

57 Ibid. clause 2(η) of Greek version.

58 The right to peaceful assembly and association, the right to freely participate in the cultural life of the community.

59 Council of Ministers’ decision dated 6 December 1991.

employee cannot change employer and place of employment during her stay in Cyprus,<sup>60</sup> it is customary for the employers to “lend” the domestic worker to friends or relatives often without their prior consent and most importantly without any extra financial reward. This clearly shows the way a significant proportion of employers of migrant domestic workers perceive their relationship with their employees. It is an ownership relationship for the duration of the contract, with the employee forced to obey. The relationship is formalised in the contract for domestic workers, under which “... *the employee shall obey all orders and instructions given by the Employer ...*”<sup>61</sup>

The contract of female migrant domestic workers provides for an annual paid leave of 18 days as well as 9 public holidays also fully paid,<sup>62</sup> something which is clearly disregarded by most Cypriot employers, especially on days like Christmas Day or Easter Sunday.

Finally, the contract stipulates that each party may cancel the contract under the terms and conditions provided by the Termination of Employment Law 1967, giving at least one month’s notice to the other party and that in such cases the employer shall pay to the employee all arrears of salary. It provides for damages in case any of the parties violates any of the terms and conditions.<sup>63</sup> In reality however, the employer can break the contract at any time and for any kind of reason. Certainly, the same thing happens in reverse, when domestic workers leave their employer’s house without prior notice, most of the time to work on a freelance—and therefore undocumented—basis. Most of these women claim that they leave because of the unacceptable living and/or working conditions.

KISA argued that “... *if the Cypriot society is ‘closed’—a home is even more so, and they (migrant domestic workers) are therefore subject to mistreatment, intense violations of the contracts they have with their employers; extension of their working hours without any benefit, withholding of wages, withholding of documents. They virtually lie in the hands of their employers. Naturally there are a lot of good ones (employers), but the majority (of migrants) live under inhumane conditions.*”<sup>64</sup>

During our research, many interviewees suggested that a control mechanism should be devised to ensure that the employment terms of migrant domestic workers are the same as for everybody else and are complied with, but their suggestion fell on deaf ears on the grounds that the private home is a place protected by the Constitution, and the consent of the owner would be needed to enter, something which is very unlikely to happen.<sup>65</sup>

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60 Ibid., clause 2(a).

61 Ibid., clause 2(b).

62 Ibid., clause 3(b).

63 Ibid., clause 5(d).

64 Interview taken on 8 December 2006 with KISA.

65 Interview taken on 29 November 2006 with Aliens and Immigration Unit of the Cyprus Police.



- Foreign employees may join the trade union of their choice.

According to the Cyprus Commissioner for Administration forbidding female migrant domestic workers from participating in any action or activity during their stay in Cyprus constitutes a violation of the freedom of individuals to join trade unions.<sup>66</sup> During the course of our research both trade unions (SEK and PEO) confirmed that no female migrant domestic workers are members of their unions.

- The rewards and benefits to be enjoyed by foreign employees shall be those which apply to Cypriots as provided by the Collective Agreements of the relevant sector of employment.

As we have seen, female migrant domestic workers currently earn less than one-fifth of what Cypriot domestic workers earn. According to the Cyprus Commissioner for Administration "... they are not allowed a cost of living allowance (COLA) increase or a 13<sup>th</sup> salary. Even when the accommodation and food expenses which are usually covered by the employer are accounted for, the wage gap is still vast".<sup>67</sup> Moreover, most of these women work for more than 7 hours a day, which means that their true hourly rate is well below even one-fifth of the corresponding rate of female Cypriot domestic workers. Unsurprisingly the 7 hours per day provided for in the contract is rarely observed but still no overtime is paid to these women. The 5% annual increase in the salary provided for in the contract is hardly observed by Cypriot employers, thus the salary has remained the same since 1990. According to the President of the Domestic Workers Employers' Association the salary that most members of the association pay is much higher than £150, not only because of the pocket money that they give them on their day off, but also because "... (the domestic worker) costs a minimum of £100 to the employer. She lives in your house and you give her some freedom, to open the fridge and take a can of juice, a refreshment, to watch TV, to have a bath whenever she wants, to eat her sweets, well some things cost ..."<sup>68</sup>

Legally, migrant domestic workers are entitled to the same treatment as Cypriot employees with respect to the employer's obligation to contribute to the Social Insurance Fund.<sup>69</sup> In fact there are a few appropriate mechanisms to ensure that the employer fully complies with this clause. However, the question of what happens to the amount that has accumulated in the social insurance fund and to which the employee is entitled when the migrant domestic worker leaves Cyprus is an important one. Investigating this issue, PEO discovered that these migrants receive nothing out of their contributions, not only because the period of time during which they contribute (maximum of 4 years) does not entitle them to a pension, but also because, in the case of Asian countries, there are no bilateral agreements with the Cyprus government. As Ms. Charalambous, an MP of AKEL put

66 Cyprus Commissioner for Administration's report A.K.I. 2/2005, p.8 (author's translation).

67 Cyprus Commissioner for Administration's report A.K.I. 2/2005 p. 9, paragraph 3 (author's translation).

68 Interview taken on 5 December 2006 with Domestic Workers Employers' Association.

69 Clause 4(e) of the Contract for migrant domestic workers.

it “... the money (contributed to the fund) produces pensions for all of us except for the migrants themselves because the period for which they contribute does not give them the right to a pension. Of course, to be fair the same might apply to me if for example I have worked only for 4 years ... . What has to be discussed therefore is the issue of bilateral agreements between countries which at the time do not exist”.<sup>70</sup>

According to KISA, the Cypriot government invokes the absence of any bilateral agreements with the countries of origin of the migrants to justify the fact that migrants do not receive anything from the Social Security Fund, when in reality it is them who refuse to proceed with the signing of bilateral agreements.<sup>71</sup>

### **Civic Participation of female migrant domestic workers**

Due to the absence of any integration strategies as well as the restrictive clauses in their employment contract, the participation of migrant domestic workers in the Cypriot host society is virtually impossible. Female migrant domestic workers are secluded from the wider society, not only because of the restrictive clause in their contract, but also because of the actual conditions under which they work. Constantly residing in the house of the employer inevitably gives rise to the development of an atypical relationship.

- A migrant domestic worker has to be “on call” day and night, especially in cases where she is also responsible for the caring of children and/or elderly or handicapped persons. According to the interviews, any kind of leave has to be approved by the employer. Often the domestic worker is obliged to call whilst away from home. The fact that employers feel that they are responsible for the domestic worker’s whereabouts could be because the domestic workers are registered under one specific employer, who is responsible for contributing to the Social Insurance Fund on her behalf. The Cyprus State has chosen a migration policy which not only creates but also fosters this two-way dependency relationship between employer and employee for two reasons:

1. It is easier to ensure that the migrant’s stay in Cyprus will be temporary and will not exceed the maximum period currently set at four years if the migrant is registered under a single employer.
2. The terms and conditions of migrants’ employment are more easily controlled if the migrant is not allowed free entry and participation in the local labour market. Instead, the State benefits to an even greater extent, since migrant domestic workers relieve it of the responsibility of providing social welfare services for the care of children, elderly and handicapped persons.

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<sup>70</sup> Interview taken on 8 February 2007 with Ms. Charalambous, MP.

<sup>71</sup> Interview taken on 8 December 2006 with KISA.

Seen from this perspective, the employer–employee relation often takes on the form of an ownership relationship.

- Integration should be a two-way process in which both the migrant and the host society absorb new elements as a result of their interaction. Ideally, the host country should facilitate integration processes, by providing classes in language, culture and history. Additionally, the local community should not only be ready to tolerate difference, but also be open to share elements of different cultures with these migrants. Some of our interviewees doubted that migrants would be willing to participate in public events organised by Cypriots and argued that they would still prefer to socialise amongst themselves because of perceived racism in Cypriot society. According to Ms. Charalambous (MP) “... *these people live in parallel (to Cypriots), they do not live in the Cypriot society, and this is an issue that should puzzle them as well ... of course every group has its own characteristics, but ... they should feel that they live within this society and not outside of it*”.<sup>72</sup> This point is further reinforced for female migrant domestic workers who in their vast majority “disappear” within the privacy of the house of their employer, which is also their “workplace”.

Racism in general, particularly against people with darker skin, is prevalent in Cyprus.<sup>73</sup> It has been suggested that Cyprus may draw on liberal regimes of participation throughout Europe which place an emphasis on the need to encourage migrant communities and minority groups both to belong to the wider community, as well as recognising their traditions and cultures, through cultural rights and multicultural education.<sup>74</sup>

According to the President of the Association of Employers of migrant domestic workers, these women are already participating in wider society. More specifically “... *I believe that these women do participate in social life, since they participate in the activities of the (host) family and they do not isolate them, for example an event is organised in Nicosia for Christmas, you go downtown, the girl will come with you, or she might go on her own, she participates, there is no place where it says these girls are forbidden, they participate in social life, they can go to the movies, to all activities ...*”<sup>75</sup> From this perspective, integration is primarily related to the co-habitation of the domestic worker with the employer’s family, within an “insulated” environment. Society’s responsibility towards the integration of these women is confined to not ‘forbidding’ entry and to allowing spontaneous participation by these women in local events—as if there was no need for proactive measures to encourage or facilitate the integration process.

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72 Interview taken on 8 February 2007 with Ms. Charalambous, MP.

73 Nicos Trimikliniotis and Corina Demetriou, *Active Civic Participation of Immigrants in Cyprus*, Country Report prepared for the European research project POLITIS, Oldenburg 2005, [www.uni-oldenburg.de/politis-europe].

74 Ibid.

75 Interview taken on 5 December 2006 with Domestic Workers Employers’ Association.

### 3. Integration Strategies currently implemented in Cyprus

The complete absence of any integration strategies for migrant domestic workers in Cyprus is evident—the Aliens and Immigration Law 1972-2007 excludes temporary migrants from the definition of the term ‘migrant’ on the basis that they enter the country to work only for a specific period of time. In some of our meetings with government officials,<sup>76</sup> the fact that the state offers Greek language courses to migrants free of charge was put forward as a kind of integration measure, although, according to the official website of the Ministry of Education and Culture, the State Educational Institutes offer Greek language courses to non-Greek speakers in general. However, the courses are offered free of charge only to Turkish Cypriots, Cypriot repatriates and non-Cypriot Greeks.<sup>77</sup> The question of how migrants are expected to find information about these courses remains unanswered. Although many European countries provide language courses as part of a wider policy of ‘induction’ of migrants into the host society, many countries have found that making the attendance compulsory makes this measure more efficient, especially if the participation of the migrant is the responsibility of the employer. This would be particularly effective in countries like Cyprus, where the migrant’s stay in the country is linked to a specific employer. However, as dictated by the specific employer-employee relationship, the migrant worker would still need the (unlikely) permission to be off work in order to attend the courses.

In Cyprus, as in many other European countries, time-restricted work permits are issued as a more general—and politically acceptable—tool of immigration policy. This restriction is currently set at a maximum period of four years, a policy with the obvious aim of ensuring that migration remains short term (a minimum of five consecutive years of residence is a prerequisite for applying for long-term residence status) and for such a temporary population of migrants the social investment is not considered to be worthwhile. However, the European Commission’s “Communication on Immigration, Integration and Employment” [COM(2003) 336] recommends that: “... [integration] measures should be available to all third-country nationals as early as possible after their arrival and in any case as soon as their stay acquires a degree of permanence and stability”.<sup>78</sup> Since female domestic migrant workers are considered only as temporary workers they fall out of any category and are hence invisible.

According to the European Policy Centre, “the lack of any measures to integrate these workers (temporary migrants) risks creating a second-class, expendable labour force, particularly among seasonal and unskilled workers ...”<sup>79</sup> Female migrant domestic workers in Cyprus are not just at risk of becoming a second-class expendable work force, but they constitute the most vulnerable group of working

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76 Cyprus study visit which took place between 16-19 April 2007. For more information please visit [[http://www.medinstgenderstudies.org/wp/wp-content/uploads/study\\_visit\\_reportcyprus\\_5-6-07\\_final.pdf](http://www.medinstgenderstudies.org/wp/wp-content/uploads/study_visit_reportcyprus_5-6-07_final.pdf)].

77 [[http://www.moec.gov.cy/gov\\_intsitutes/index.html](http://www.moec.gov.cy/gov_intsitutes/index.html)].

78 COM(2003) 336 p. 18.

79 EPC Working Paper No. 24, April 2006, p. 27.

people in Cyprus. As migrant women, their choices and employment opportunities are limited by hierarchical structures and cultural practices.

The majority of persons interviewed including policymakers were either not familiar with the term integration, or their conception of integration (or assimilation which is the term that most of them used which in Greek translates into “αφομοίωση”/“ενσωμάτωση”) was vague. According to the Aliens and Immigration Unit of the Cyprus Police: “... now as far as those aliens which come under the category of the 2003 Directive on Long Term Residents is concerned, who will now be migrants ... those will be entitled to stay and work as migrants. The migrant who will have to stay in Cyprus, will have to be absorbed by the social fabric”.<sup>80</sup>

For the Association of Employers of migrant domestic workers, it was obvious that integration relates to the smooth cohabitation of the domestic worker and the host family and learning to live with each other’s culture.<sup>81</sup> This idea that the migrant domestic worker is ‘attached’ to the employer family and is ‘insulated’ from the wider society, and that she comes to Cyprus strictly to work and return home after four years, is fostered by the general migration model under which a migrant’s stay and employment in Cyprus is linked to one and only one specific employer upon whom the worker is totally dependent. Within this model any attempt at real integration by migrants and especially domestic workers is bound to fail.

For the National Machinery for Women’s Rights, PEO and KISA the smooth integration of migrants into the host society will not only benefit the migrants, but the local economy and the local people as well. They all agree that the position of migrant domestic workers warrants special attention and that potential integration strategies should take into account their particular circumstances and special needs.

To conclude, there is currently a complete absence of integration strategies for female migrant domestic workers in Cyprus. Unfortunately our research revealed that the majority of policymakers are not sensitised to the special needs of these women. Of course, the absence of integration strategies for migrant domestic workers should be viewed within the general framework of the complete absence of integration strategies for all migrants in Cyprus. All of our interviewees agreed that this is primarily the state’s responsibility in collaboration with the social partners, like the trade unions, the employers, and relevant NGOs. Interestingly, very few of the interviewees considered the possibility of the migrants participating in the design and implementation of such strategies, ignoring the fact that this would be crucial in order for the strategies to reflect the real life experiences of migrants and to address their true needs.

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80 Interview taken on 29 November 2006 with Aliens and Immigration Unit of the Cyprus Police.

81 Interview taken on 5 December 2006 with Domestic Workers Employers’ Association.

#### 4. Description of Best Practices identified

According to the European Policy Centre “... it is generally accepted that most integration work takes place at the local level, within communities, and is carried out by local actors such as municipal and parish councils, NGO’s, charities or, most importantly, migrants themselves. However, regional and national governments play a key role in setting the philosophy, priorities and frameworks for integration policies; in disseminating information and capacity-building at the local level; and in financing initiatives.”<sup>82</sup>

In Cyprus, there are no strategies in place for the integration of migrants by the government. The government’s major preoccupation is to ensure that migration remains short term. This inevitably leaves any attempts for integrating migrants in the hands of local actors. Civil society in Cyprus is very weak and the number of NGOs is extremely small; there is therefore an inadequate number of NGOs dealing with issues relating to migrants. The most visible organisation is an NGO called KISA, the Action for Equality, Support and Anti-Racism. Also, the PEO (a trade union) plays an important role in trying to secure the employment rights of migrants and assisting with migrant integration.

The role of the Aliens and Immigration Unit of the Cyprus Police in the integration of female migrant domestic workers is confined to the translation of the terms included in the employment contract and the provision of a special pamphlet enumerating their rights and obligations (a procedure which applies to all migrants). However, this pamphlet is intended only for “women, nationals of third countries, who enter the Republic of Cyprus for employment as artistes in entertainment places (cabarets)” and was issued in June 2005.<sup>83</sup> The information contained in the pamphlet can also be found on the website related to Migration and Asylum of the Ministry of Interior.<sup>84</sup> It should be noted that MIGS considers this pamphlet to be related to possible victims of trafficking for sexual exploitation, as revealed during the project “Mapping the Realities of Trafficking Women in Cyprus”.<sup>85</sup>

The above-mentioned measure shows that the term integration is understood by some policymakers in Cyprus to mean that the migrant should know his/her rights and responsibilities towards his/her employer. Any widening of the migrant’s field of socialisation is considered to be unnecessary, due to the temporary nature of his/her stay in Cyprus.

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82 EPC Working Paper No. 24, April 2006, p. 20.

83 It is worth noting here that in 2004 Cyprus was included in the so called Tier 2 Watch List of the US State Department’s Trafficking in Persons Report, accused of being a destination country for women trafficked from Eastern Europe. The report included severe reprimands and recommendations as to how to deal with the problem of women trafficked in cabarets.

84 [<http://moi.gov.cy/content.php?id=161>].

85 To view the relevant report, please visit [[www.medinstgenderstudies.org](http://www.medinstgenderstudies.org)] after September 2007.

A number of European countries focus on providing migrants with information about their host country and their rights in introductory programmes, by printing pamphlets, which are available on request, or upon arrival. According to the European Policy Centre, this method is rather insufficient and they suggest a more proactive approach to ensure that all the relevant information reaches its target audience.<sup>86</sup>

Of all the organisations/institutions interviewed, KISA and PEO appeared to be most actively involved in issues relating to migrants and their integration in general; PEO is primarily preoccupied with employment issues relating to migrants. Neither of the two deals with issues relating to female migrant domestic workers specifically, apart from isolated cases. The reason for this, according to PEO, is that apart from the fact that these women do not have the right to join a trade union, they are dispersed in private households where access is legally restricted because of the asylum of private property and as a result they have very little contact with the outside world.<sup>87</sup>

The actions of PEO in relation to migrants include:

- Legal support related to issues of employment on a personal and mainly reactive rather than proactive basis;
- Lobbying and advocacy on behalf of migrants;
- Organisation of events for particular ethnic groups of people working in Cyprus;
- PEO have set up the so called “House of migrants”, a place they have rented in the centre of the old town of Nicosia where migrants can organise events or use it as a conference place;
- Organisation of Greek language training courses.

KISA, founded by an NGO in 1998, is committed to issues related to migrants. Their activities include:

- Social intervention through the House of Commons, the press, the organisation of conferences and workshops on issues relating to migration, racism, xenophobia, discrimination and human rights
- Awareness raising activities against racism and xenophobia
- Provision of psychological, social and legal support to migrants
- Organisation of language training courses through various programmes.

The Mediterranean Institute of Gender Studies (MIGS) is a non-profit organisation that promotes and contributes to projects of social, political, and economic themes related to gender with an emphasis on the Mediterranean region. Although

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<sup>86</sup> EPC Working Paper No. 24, April 2006, p. 30.

<sup>87</sup> Interview taken on 18 December 2006 with PEO.

its activities are not confined to migrant women, MIGS recognises that female migrant domestic workers are a special group amongst migrants who are more discriminated against and victimised in the process of migration and integration into the host country for all the known complex reasons associated with gender and how this intersects with other social categories. Whenever relevant issues arise MIGS endeavours to direct its activities towards this group of women with special needs.

The contribution of the National Machinery for Women's Rights (Ministry of Justice and Public Order) in the drafting of the first National Action Plan on Gender Equality, and in the incorporation of gender and migration issues therein is crucial. Moreover, the National Machinery for Women's Rights is involved in the promotion of the reform of current legislation to incorporate gender mainstreaming, to combat violence against women and especially domestic violence. The legislation on domestic violence also covers female migrant domestic workers.

To conclude, there are currently very few actors involved in trying to integrate female migrant domestic workers into Cypriot society. Their activities are sporadic and uncoordinated. For things to change, all actors should direct their efforts towards the reform of the current migration model and the current law on immigration to incorporate gender mainstreaming and to address the specific needs of these women, and to combat the potential of a dependency relationship developing between employer and employee. If the above efforts yield the desired results, a thorough revision of the employment contracts relating to female migrant domestic workers should be inevitable.

## 5. Conclusion

The purpose of this report has been to map the integration strategies related to female migrant domestic workers in Cyprus with respect to employment and civic participation. Our research revealed a complete absence of strategies to integrate migrants in Cyprus. This has special implications for female migrant domestic workers. The Aliens and Immigration Unit of the Cyprus Police ascribes this to the fact that migration is a relatively recent phenomenon for Cyprus as compared to northern European countries. However, in Cyprus efforts are being made to comply with the European Directives, but care is needed when attempting to integrate migrants as “... *non calculated factors may overturn the population balance, the culture, they may overturn everything ...*”.<sup>88</sup> The attempt by the Aliens and Immigration Unit of the Cyprus Police to explain the absence of any integration strategies, shows how policymakers in Cyprus currently view the issue of integration of migrants in general: it is a *requirement* of the European Union, and as a member state Cyprus must *comply*. Integration strategies are felt to be dictated but are by no means socially internalised.

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88 Interview taken on 29 November 2006 with Aliens and Immigration Unit of the Cyprus Police.



Furthermore our research revealed that policymakers do not consider the development of integration strategies as a priority for either the migrants or the host society. Even in cases where some need for the integration of migrants was recognised, it was described in an extremely general and vague manner, without identifying the specific needs of migrant domestic workers or the factors and circumstances that make them an exceptionally vulnerable group amongst migrants.

Within this hostile environment, the position of female migrant domestic workers is one of the most unfortunate amongst all migrants, mainly due to the following factors:

- The employment contract used in their case differs from the standard type of migrant contract and contains clauses that severely restrict their rights and freedoms.
- A migrant domestic employee's work and residence permit in Cyprus is linked to her employer, rendering her dependent on that employer.
- Although not specifically stipulated in their employment contract, women are expected to reside in the house of their employer. This increases the possibility of a dependency relationship developing between employer and employee and fosters the potential for their physical isolation and abuse, and ultimately exposes them to social exclusion and discrimination.

According to the Report on Regulating Domestic Help in the Informal Sector (2000/2021(INI)) of the Committee on Women's Rights and Equal Opportunities of the European Parliament, the specific employment relationships of domestic workers, including their isolation and their atypical relationship with their employers should be recognised; at the same time, the Committee called for domestic work to be recognised as an occupation in its own right, with the adoption of European rules on the social rights of workers.<sup>89</sup>

When referring to the specific category of domestic workers though, we should be careful not to assume that all these women are employed to perform the same tasks. Even though this categorisation is possible, we should bear in mind that the category itself is not homogeneous but comprises different subgroups like cleaners, carers for children, carers for disabled persons etc., possibly with different backgrounds, working conditions and goals. This might signify the need for integration policies that cater to each group's specificities (information on different types of employment contract is found in the Italian report).

In Cyprus, the need for integration strategies for migrants and for female migrant domestic workers is urgent. Their current position warrants special attention; they are one of the most vulnerable groups of migrants in Cyprus not only because of their employment terms and conditions but because they are *women* migrants. As a matter of fact, it could be claimed that their current disadvantageous position

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<sup>89</sup> EWL, 'Equal Rights Equal Voices, Migrant Women in the European Union' Report, January 2007.

could be partially attributed to their gender and how this intersects with other social categories like ethnicity, class, social status (because of their low-prestige job) and religion.

According to the European Women's Lobby, immigrant women are subjected to a two-fold discrimination: on the grounds of their gender and their country of origin and within immigrant communities themselves.<sup>90</sup> We must not forget that migrant women in Cyprus are working in a society which lags significantly behind other EU member states not only on issues of migration but also on issues of gender equality.

The United Nations' CEDAW Committee has expressed its disquiet about the discrimination against women in Cyprus by being concerned about: "... the pervasiveness of patriarchal attitudes and deep-rooted traditional social prejudices and stereotyped attitudes regarding the roles and responsibilities of women and men ... . The State party's report recognises these stereotypes as a major obstacle for the advancement of women in Cyprus and as a root cause in women's disadvantaged position in a number of areas ...". Moreover "... the Committee expresses concern about discrimination against women migrants, including domestic helpers and agricultural workers, particularly in regard to the terms and conditions of contracts and conditions of work and wages".<sup>91</sup>

History has repeatedly shown that those in the unfortunate position of being oppressed will most probably end up oppressing those who are lower down the social hierarchy than them. One might therefore hypothesise that women, being oppressed within a male dominated patriarchal society, would pass down this discrimination to women even lower down the power hierarchy, through social exclusion and the construction of 'otherness'.

In Cyprus, the vast majority of employers of female migrant domestic workers are women; hence the president of the Domestic Workers Employers' Association is a woman. The discourse adopted by the employers and the domestic workers in their day-to-day relations is indicative of the nature of the relationship between the two parties: most employers happily accept or even demand that the domestic worker calls them "madam"; anything different would imply disrespect. On the other hand, a significant number of Cypriots founded—not just employers of female migrant domestic workers—refer to them as "μαυρού" ("little black girl"), despite the fact that a lot of female migrant domestic workers are adult white women.

The public debate in the Cypriot media focuses on "illegal networks" which presumably encourage domestic workers to leave their current employers—usually without prior notice and without their consent—in order to work as freelancers without any official papers. It is true that the frequency of such incidents has significantly increased lately. While the majority describes such behaviour on the

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90 EWL Paper titled 'Empowering immigrant women in the European Union', March 2006.

91 UN CEDAW's 35th Session 30 May 2006, concluding comments no.17 and no.29 on Cyprus.

part of migrant domestic workers as “unethical”, others consider it as a simple assertion of their rights. An article published in the newspaper, *Phileleftheros*, on 18 March 2007 (Annex III) illustrates this attitude.

### **Suggested measures to integrate female migrant domestic workers on a national level**

Some of the measures that could be taken towards integration have already being taken or have already been recommended by some of our interviewees:

- Gender mainstreaming should be incorporated in current migration legislation;
- Systematic awareness raising of policymakers, relevant NGOs and all relevant stakeholders, including sensitisation of the public to the needs of female migrant domestic workers and to gender equality in general;
- Systematic research to identify the specific needs of female migrant domestic workers;
- A thorough revision of the employment contracts of these women, which should be prepared by the Labour Department;
- The introduction of appropriate control and monitoring mechanisms to ensure the proper implementation of the terms and conditions of employment;
- The exercise of criticism towards existing policies and lobbying for alternative ones;
- The training and counselling of female migrant domestic workers and the employers themselves;
- The provision of introductory courses to these women, including basic language training and an ‘induction’ into the local culture;
- The promotion and facilitating of the self-organisation of these women.

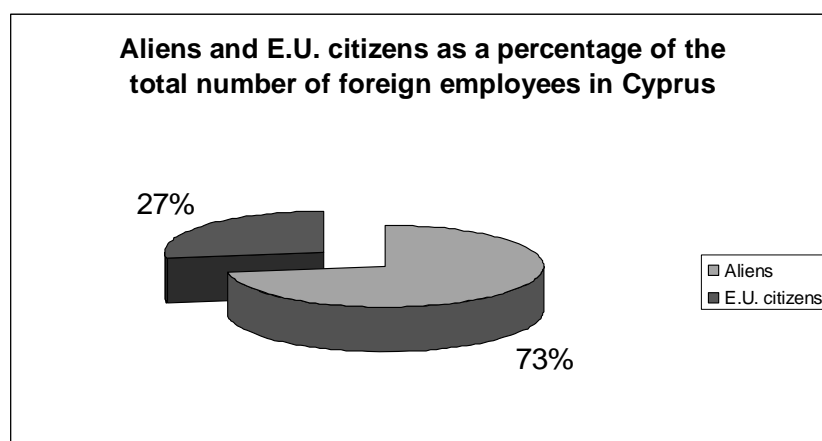
Most of the above steps can be taken to aid the smooth integration of migrants in general but they should apply also to domestic workers; in their case however, none of the above will have any real effect if the following steps are not taken initially:

- The dependency relationship between employer and employee has to be eliminated. This can change if the employment terms stipulate that the employer should pay for appropriate accommodation for the domestic worker, outside of the residence of the employer, or if the wages of these women are increased to a level whereby they can afford to pay for their accommodation themselves. At the same time, the work and residence permit should be detached from the specific employer (which is a more general step), and
- The employment contracts used for female migrant domestic workers should be in line with all employees’ rights as specified by relevant legislation and Collective Agreements.

The above recommendations are only the first steps toward the successful integration of female migrant domestic workers in Cyprus. Until they become reality, these women will remain one of the most vulnerable and disadvantaged groups of working people in Cyprus.

## ANNEX I: LIST OF INTERVIEWEES

1. **Organisation: Department of Social Welfare (Ministry of Labour and Social Insurance)**  
Website:  
[[http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/dmlmission\\_en/dmlmission\\_en?OpenDocument](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/dmlmission_en/dmlmission_en?OpenDocument)]
2. **Organisation: Aliens and Immigration Unit (Cyprus Police)**  
Website:  
[<http://www.police.gov.cy/police/police.nsf/All/F0EAB9B776BD535DC22572410033EFD0?OpenDocument>].
3. **Organisation: Cyprus Commissioner for Administration's Office (Ombudsman)**  
Website:  
[[http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/index\\_en/index\\_en?openDocument#](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/index_en/index_en?openDocument#)].
4. **Organisation: Labour Department (Ministry of Labour and Social Insurance)**  
Website:  
[[http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlindex\\_en/dmlindex\\_en?OpenDocument](http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlindex_en/dmlindex_en?OpenDocument)].
5. **Organisation: Domestic Workers Employers' Association**  
Website: N/A
6. **Organisation: KISA (Action for Equality, Support and Anti-Racism - NGO)**  
Website: [<http://www.kisa.org.cy/EN/index.html>].
7. **Organisation: Pancyprian Labour Federation (Trade Union)**  
Website: [<http://www.peo.org.cy/>].
8. **Organisation: Federation of Working People of Cyprus (Trade Union)**  
Website: [<http://www.sek.org.cy/index.php?l1=0&lang=1>].
9. **Organisation: National Machinery for Women's Rights (Ministry of Justice and Public Order)**  
Website:  
[[http://www.mjpo.gov.cy/mjpo/mjpo.nsf/dmlwoman\\_en/dmlwoman\\_en?OpenDocument](http://www.mjpo.gov.cy/mjpo/mjpo.nsf/dmlwoman_en/dmlwoman_en?OpenDocument)].
10. **Organisation: Ministry of Foreign Affairs**  
Website:  
[[http://www.mfa.gov.cy/mfa/mfa2006.nsf/index\\_en/index\\_en?OpenDocument](http://www.mfa.gov.cy/mfa/mfa2006.nsf/index_en/index_en?OpenDocument)].
11. **Organisation: House of Representatives (Parliament)**  
Name of interviewee: Ms. Sotiroula Charalambous, MP, AKEL Chairwoman of the Committee on Equal Opportunities for Men and Women.

**ANNEX II****Chart 1**

*Source: Department of Social Insurance, Cyprus*

**Chart 2**

**Major groups of foreign workers in Cyprus  
by economic activity for the period 1999-2006**

Economic activity	Number employed by the year								
	1999	2000	2001	2002	2003	2004	2005	2006	% 2006
Agriculture, hunting and forestry	1,925	2,069	2,487	2,970	3,474	3,803	3,952	3,817	6.05 %
Construction	1,653	1,516	1,842	2,506	3,458	4,600	5,608	6,192	9.81%
Hotels and restaurants	4,117	4,395	5,874	6,982	7,720	9,253	11,503	13,343	21.13%
Private households	6,613	7,737	9,278	10,581	12,236	14,290	15,749	16,535	26.19%

*Source: Department of Social Insurance, Cyprus*

### Chart 3

#### Long term immigrants arriving in Cyprus by country of origin and purpose of arrival, segregated by gender

Country of Citizenship	Males	%	Females	%	Total	%
Sri Lanka	146	12	1,059	88	1,205	100
Philippines	18	1.6	1,069	98.4	1,087	100

Source: Demographic Report 2004, Statistical Service

## ANNEX III

### *The Revenge of the “Little Black Girl” (μαυρούς) from Asia*

*For those who have not forgotten their past, it should be expected: The girls from Sri Lanka, the Philippines and the other exotic places of the Orient, who have found themselves in Cyprus cleaning the houses of Cypriots and raising their children, have now become “networks” and take advantage of their employers. Exactly like Cypriots who not so long ago were “blacks” themselves working hard and experiencing abuse in places further west. Then they became the bosses and the abusers ...*

*At the end of the day what is so illegal about what foreign girls are doing? They want to be able to work wherever and whenever they want in order to earn more money than the hefty sum of 150 pounds that their boss offers, plus food and accommodation. This cheating of theirs might yield the even heftier amount of 450 pounds, but they are saved from the 24 hours of work that they used to enjoy in the houses where they worked before, forced to be on call at any time the boss feels like. Why all this? Because the law is not the same for third country national workers, which treats them more or less like the employer’s property.*

*Which native working in Cyprus has no right to change employer? Who has no right to have more jobs than one? Who has no right to claim higher wages? Also, for those who complain that the foreigners are stealing their jobs, who would go work in the fields, in pigsties (these are nowadays the only places where workers from outside Europe are allowed) or restrained within a house—and all this for 150 pounds? You might say why should the good, innocent employers spend their money and be left without the help they asked for? Ah, but nobody is innocent these days!*

*The legislators who claim that they know nothing of “networks” and such things, employ Filipinos and Sri Lankans themselves, and therefore have a personal interest in precluding them from decent wages and reasonable employment rights. Europe is an excuse: if you want workers, take European nationals. And why don’t we get good and legal European nationals but we prefer “little black girls” who take advantage of us, because they are cheaper and we can take advantage of them. At least that’s what we used to do until they woke up—just like the “black” Cypriots in the past. What remains is for them too to become bosses, to take advantage of their own “little black girls”. Some already do, they have now become “networks” by learning the skills from the experts. Surprise?<sup>92</sup>*

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92 Mr. Arvanitis, Phileleftheros, 18 March 2007, author’s translation.



# National Report: The Case of Germany

*Mone Spindler and Ramona Lenz*

## 1. Introduction: Female migrant domestic workers in Germany

The recent trend of delegating domestic work to non-members of the household is not an intrinsically new phenomenon in Germany. Scholars rather diagnose a “comeback” of maidservants (Odierna 2000, Hess/Lenz 2001) or speak about “new maidservants” (Lutz 2007, Tengs 2007), herewith usually referring to historical developments starting in the nineteenth century, when the number of domestic workers in bourgeois households increased considerably. Several parallels can be noticed when current processes are analysed in comparison to historical forerunners. But also significant differences are obvious when the phenomenon is analysed against the backdrop of globalisation processes and migration dynamics that characterise the last decades.

The period from 1870 until World War I is considered to be the heyday of paid domestic work in urban centres (Walser 1986: 51). In her study on women’s work in the German city of Bremen, Marianne Friese (1991) describes the development of a proletariat of female servants in the course of the nineteenth century.<sup>1</sup> According to Friese processes of urbanisation and industrialisation went along with the transformation of rural servants into urban domestics and were accompanied by a feminisation of domestic workers. Most of the domestic workers at that time were young unmarried teenage women from poor families. At the end of the nineteenth century demands for the professionalisation of domestic work were raised and training institutes were founded. At the same time inspections were introduced, legal actions were allowed in civil courts, special health insurances were established and pressure groups were organised. The first association of maidservants (Dienstmädchenverein) was founded in 1848 in Leipzig, in 1899.

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1 Summarised according to Lutz (2007: 24).

Assemblies of domestic workers took place on a national level and in 1906 the first trade union organisation for “housemaids, laundresses and charwomen” (Verein für “Dienstmädchen, Wasch- und Putzfrauen”) was created. Their demands included adjustment of the legal situation, reduction of working hours, better food and treatment, special employment agencies as well as the right to a month’s notice. Karin Walser (1986: 76) who focuses on maidservants in Berlin stresses, that apart from these demands women always had their individual strategies to defy control by their employers and the state, and to enforce their own interests.

Since their working conditions in general hardly improved, quite a few domestic workers quit suffering from the consequences of war and inflation and could no longer afford to employ domestic workers (see Bajohr 1979: 19). In the 1920s German women also crossed national borders in order to work abroad as domestic servants as the study of Barbara Henkes (1998) about the Netherlands shows (see Lutz 2007: 25). The Dutch domestic servants were just about to become organised in trade unions at that time and hence were not very pleased about the competition from their German migrant colleagues.

In Nazi Germany (1933-1945) the widespread reluctance of women to take up employment as domestic workers became a major problem. Therefore in 1938 a year of obligatory work (“Pflichtjahr”) as farm or domestic worker was introduced for unmarried women younger than 25 (see *ibid*: 227). However this measure did not attract enough women to employment as domestic workers. Hence, in 1942 about 500,000 young women from Eastern and Central Europe—so called “Eastern Workers” (“Ostarbeiterinnen”)—between 15 and 35 years of age or even younger (see Mendel 1994) were recruited by force or deported from the occupied Soviet territories in order to work in German households. These women were excluded from the debates about payment of compensation because the work they did was not considered to be productive labour (Winkler 2000).

After World War II the number of domestic workers decreased and “domestic worker” was deleted from the National Register of Professions. From then on domestic workers were employed by the hour and were not often officially registered. In the 1950s mostly refugee women from the former occupied territories in Eastern Europe took up these jobs. With the immigration of labour migrants from Southern Europe the refugee women were gradually replaced. Up to the 1970s, however, paid domestic work was a diminishing sector of the labour market. For a long time it was assumed that the technical revolution in private households would finally replace human work in the private sphere. But this was not the case and in the 1980s and 90s the situation changed. Since then a significant increase in paid domestic work has been noticed (see Tengs 2007: 53).

Domestic work has for a long time been central to feminist debates. At the turn of the twentieth century, the issue of domestic servants was a critical point of the bourgeois women’s movement since their own domineering position was challenged (Gerhard 1990: 241). In the 1970s feminists struggled for wages for domestic work in order to achieve a societal appreciation of reproductive labour usually done by

women and to redistribute productive and reproductive work between men and women. If we look at the current situation, this redistribution seems to have failed since domestic work is still gendered but has also become racialised since it is now increasingly delegated to migrant women.

The issue of paid domestic work hence changed from a matter of class to a nationally and racially differentiated phenomenon (Lutz 2007). The main reasons for this recent development seem to be that:

1. German women are still mainly responsible for reproductive work even though they increasingly participate also in the labour market and hence have to cope with a double load.
2. The state has withdrawn from its function as a provider of welfare services and private households need to compensate for that.
3. There is an increase in the number of women migrants who make paid domestic work affordable for German middle and upper class households.

The situation of female migrant domestic workers in Germany is very heterogeneous in terms of their responsibilities, their employment conditions, their residence permit status, their recruitment and also their nationality. Their duties range from cleaning, washing and cooking to babysitting and caring for sick and elderly people. Their employment conditions vary between a combination of weekly cleaning jobs paid by the hour and one live in job with 24-hour nursing care. There are also many differences in the way domestic workers find jobs in Germany. Private networks as well as diverse employment agencies and advertisements in newspapers or the Internet are used. Some of the migrant domestic workers live and work regularly in Germany, for example as au pairs. Many others have no legal residence and/or working status and commute between two or more countries. Many women come from Eastern or Central Europe or Latin America, but also from Asia and Africa.

Time and again cases of female migrant domestic workers whose living and working conditions are outrageous make the news, such as the case of a 17-year old woman from El Salvador who was treated like a slave in Munich (see Rerrich 2006: 10) or the case of a 21-year old Romanian woman who committed suicide after she was heavily abused by her employer (see Hess 2005 9). In most empirical studies, however, cases like these do not make it beyond the introduction since the authors want to avoid the victimisation of domestic workers and avoid making a scandal of illegal residency and employment which does not do justice to the situation of the majority of domestic workers in Germany.

In any case, the location of domestic work in the private sphere of the household and the illegal conditions of their residence and work makes migrant women vulnerable to certain forms of exploitation. If they work illegally they may have no social insurance or medical care and the loss of earnings in case of sickness may also be a problem. Moreover, their leisure time is often reduced to a minimum. If they work on an hourly basis in more than one household, travelling between the

different houses is time-consuming and the special needs of the different employers may lead to long hours of work each day and also on weekends. Those who work as live-ins may find it difficult to draw clear boundaries between work and leisure time, for example when it comes to babysitting at night. Drawing boundaries is hard anyway, since their work may also be emotionally very demanding.

Different employer households demand different services. In her study on female migrant cleaners in Germany Maria Rerrich (2006: 41) stresses that those households, who employ a cleaning lady, are usually small and are mostly located in West Germany. She differentiates between two significant groups. On the one hand, there are those who can easily afford a cleaner, for example singles or couples who make good money, and also affluent elderly people. On the other hand there are people who are dependent on the help of others due to lack of time or physical problems. Many single parents as well as retirees employ cleaners, Rerrich says. According to her almost one-third of all single retirees employ a domestic helper.

Whereas most domestic workers in Germany are generally employed on an hourly basis, in the case of elderly or sick people in need of care there is also a demand for a 24-hour service. Since most people cannot afford 24-hour care on a regular basis, migrant women are often illegally or semi-legally employed as live-ins. The working conditions of the migrant domestic workers vary significantly in these cases. Some share the care work with relatives and ambulant nursing services. Others have to sleep in the same room as the person they are responsible for and have no time off.

In young families where both parents work, domestic workers are often hired for hourly work as cleaners, laundresses, cooks or babysitters. As the study of Sabine Hess (2005: 188) shows, quite a few German women are not satisfied with hourly domestic services since this does not correspond to their lifestyle and their notions of bringing up children. Therefore, some of them have young women living and working as au-pairs in their house usually for one year.

Until the late 1990s female migrant domestic workers have neither been an issue in migration research nor in gender studies in Germany (see e.g. Rerrich 2006), although compulsory studies on European level were already published by then (e.g. Anderson/Phizacklea 1997). Meanwhile, the results from the first large scale qualitative studies (Lutz 2007, Rerrich 2006) as well as from several PhD projects on the situation of female migrant domestic workers and Europe (e.g. Hess 2005, Schwenken 2006) have been published and a true "explosion" of knowledge on the subject can be noticed. Moreover, the recently published anthologies received broad media coverage and a public discussion on the subject has begun, varying between indignation about bad working conditions and the emphasis of the indispensability of female migrant domestic workers' contribution to welfare in Germany. The new knowledge and the recent public awareness are, however, only slowly translating into political action.

Against this backdrop this report aims at mapping the political strategies of key stakeholders in the field of female migrant domestic labour, such as the German government and its administrative bodies, grass root organisations, trade unions and competing providers of domestic work. By contrasting these strategies with the current research results on the situation of female migrant domestic workers, a knowledge base shall be created for the development of new perspectives on political action for the rights of domestic workers, which take into account the heterogeneity of the group, the complexity of the issue and its multiple ambivalences.

The following analysis is based on research publications in the field, interviews<sup>2</sup> and discussions<sup>3</sup> with female migrant domestic workers, practitioners, and researchers, and on discussions with politicians in the field. These exchanges were conducted in the course of the INTI project “Integration of female migrant domestic workers—Strategies for employment and social integration”.<sup>4</sup>

## 2. Legislation: “Double Irregularity”

The situation of female migrant domestic workers in Germany as well as political reactions to it is strongly shaped by the legal conditions of their residence and work in Germany. The legal status of female migrant domestic workers is questioned in two respects: First, regarding their entry to and status of residence in Germany and second, regarding their permission to work. A large number of female migrant domestic workers in Germany do not have a legal work and/or residence permit. However, in both research and political self-organisations it is not spoken of as an “illegality” in this respect because this term has criminalising and dehumanising connotations (see e.g. Lutz 2007: 170). It is rather talked of as a “double irregularity” or “double illegalisation” of female migrant domestic workers in Germany (e.g. Lutz 2007: 173, Schwenken 2007: 19, Rerrich 2006: 109).

### 2.1 Residence-related Irregularity

The research on irregular migration points to a gradual criminalisation of residence-related irregularity in Germany. During the period of the so-called guest worker migration, (Gastarbeitermigration) (1955-1973) the official position on irregularity was rather liberal: A person who entered Germany with a tourist visa was not allowed to take up gainful employment but could, nonetheless, expect the legalisation of his or her residence status and acquire a work permit if he or she quickly found a job. With the introduction of the law that stopped the recruitment of “guest workers” (Anwerbestopp) in 1973, irregular residence in Germany was handled as a regulatory offence (Ordnungswidrigkeit). However, since the new

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2 Referenced in the text with I1 to I6.

3 Referenced in the text with D1 to D10.

4 For description/results of the project see [<http://www.medinstgenderstudies.org/wp/?p=17>].

foreigners law (Novelle des Ausländergesetzes) was passed in 1990, irregular residence has become a criminal offence (Straftat, see e.g. Lutz 2007: 171).

Residence-related irregularity in Germany today is characterised by the heterogeneity of the legal and social situations of irregular persons. Often the status of residence also changes in the course of a person's migration biography from regular to irregular and back. There are a variety of entry paths to residence-related irregularity in Germany. According to rough estimates, only a small number of people enter Germany irregularly (without papers). Many enter the country semi-regularly (with fake documents) or regularly as tourists without visas, with temporary documents (tourists visas, seasonal and contractual workers, students, au-pairs, care workers or as domestic workers of diplomats) or as asylum seekers. After their legitimate residence status expires they extend their stay over the permitted period and therefore their status becomes irregular. Others, such as men and women from Eastern European countries, continuously commute between two or more countries (Pendelmigration) in order to renew their residence status (e.g. Lutz 2007: 174, Rerrich 2006: 106).

Persons living in residence-related irregularity in Germany face major problems related to education, health and housing due to the uncertainty of their legal status (Rechtssicherheit). In Germany there is no right to education for irregular children. There is no anonymous basic medical care for irregular persons. Renting housing space is very difficult because migrant workers do not have registration cards (Meldebescheinigungen), bank accounts or pay slips (Lutz 2007: 177).

The German welfare state does not offer any legal remedy or future prospects for full, long-term regularisation of irregular migrants. Unlike in the United Kingdom, France, Spain or Italy "earned regularisation" after a certain period of documented residence and work is not possible. The only way to gain a legal residence status is by marriage to a German citizen. The marriage option often comes with high costs including dependency from the marriage partner, and problems with paternity and claims to maintenance. Its outcome is often uncertain since the residence permit can be withdrawn if investigations by the authorities prove that the marriage is one of convenience only (see Lutz 2007: 174, Rerrich 2006: 114).

## **2.2 Work-related irregularity**

If a person in residence-related irregularity takes up regular gainful employment, s/he commits a criminal offence according to German legislation. Regular employment of immigrants without proper residence permits is prevented by legal provisions that require tax or social security authorities to pass on the data of social security contributors to migration control agencies (see Cyrus 2007: 3). Only citizens from the "old" EU member states as well as from Malta and Cyprus qualify under the free movement of workers' laws (Arbeitnehmerfreizügigkeit) and can enter the German labour market legally. Citizens from the new EU member states (except for Malta and Cyprus) for two years after their entry into the European

Union, need a work permit for legal employment in other EU states. After the two years elapse long lasting interim arrangements come into force (Rerrich 2006: 111).

Private households are a significant part of the informal economy in addition to the building trade, agriculture, food processing and prostitution industries. The only access to legal domestic work for migrants without regular residence status is the rarely used special immigration track for domestic care workers introduced in 2002 (see section 3.1.2). Furthermore, it is unlikely that irregular domestic workers and their employers are being detected and punished because raids on private households are perceived as highly problematic. In 2003-2004 the Ministry of Finance of the Red-Green Coalition launched an initiative to combat undocumented work ("Schwarzarbeit"). The drafted law defined irregular employment of a cleaning person or baby sitter as a criminal offence and not a regulatory offence any longer. Due to strong protests against state control in private households this initiative was withdrawn and private households were excepted from this regulation. Today the few state controls of private households mostly revert to concrete denunciations (see Lutz 2007: 176, Karakayali 2007).

For female migrant domestic workers the major problem with work-related irregularity is the lack of legal certainty regarding working rights, e.g. fair wages, sick pay, reliable income, annual leave, accident insurance, political organising in trade unions, protection against sexual harassment and so forth.

Helma Lutz in her ethnographic analysis of "being illegal" (Lutz 2007: 183) describes a variety of female migrant domestic workers coping with living in double irregularity. She argues that coping patterns depend less on ethnic or national origin but on the successful mobilisation of biographical resources and the access to support networks. In the following analysis of political strategies related to female migrant domestic workers, it can be seen that living in double irregularity makes political organising and participation extremely difficult. Additionally, the interests in making the double irregularity visible and in regulating them are highly ambivalent.

### **3. Political strategies regarding female migrant domestic workers**

#### **3.1 The German government and its administrative bodies**

The current situation is strongly shaped by the German government's policies as well as those of the migrant's country of origin. Although the undeclared employment of migrant domestic workers is a well-known phenomenon in Germany, there is no explicit political strategy at the governmental level but rather there is a combination of ambivalent attitudes and actions (see Rerrich 2006: 144). On one hand the eradication of undeclared work is debated and regarded as a problem of law enforcement and crime control (see Cyrus 2007: 5). So far only a few connections are made with the parallel discussion on the

eradication of illegalised immigration (see Rerrich 2006: 26). On the other hand the official line is not to look too closely and there is political indifference and tolerance of the situation (see Rerrich 2006: 144). The German welfare state is therefore criticised for implicitly supporting the availability of female migrant domestic workers in order to compensate for cutbacks and to profit from their marginalised and/or illegalised position.

### **3.1.1 Four labour market political instruments aiming at the transformation of undocumented domestic work into regular jobs**

It is a fact that informal labour has for a long time been the most common form of employment in private households. Against the backdrop of the precarisation of the German labour market and rising unemployment rates at the beginning of the 1990s a political discussion ensued on how undocumented domestic work could be transformed into legal employment. There was great hope for the development of this labour market segment and politicians predicted no less than hundreds of thousands of newly created jobs in private households (Thiessen 2003, Bitter et al. 1999). Four labour market political instruments were implemented with the aim of transforming this grey area of the market into new regular, attractive jobs that were supposed to help absorb the hosts of unemployed. Three of these instruments—tax advantages, the reduction of bureaucratic procedures and the reduction of non-wage labour costs—aimed at achieving this transformation by an expansion of negligible regular employment (*geringfügige Beschäftigung*):

#### **i. Tax advantages for employers**

At the beginning of the 1990s, tax advantages for employers of regular domestic workers were introduced and gradually extended (see Bitter 1999: 13). Since 2003, costs for domestic workers have been tax deductible depending on the employment's degree of social insurance (see Thiessen 2003):

- 10% of the costs for a negligibly employed (*geringfügig Beschäftigte*) domestic worker employed on a Minijob-basis (see instrument no. 3) can be deducted from tax liability up to a maximum of €510 p.a.
- 12% of the costs for regularly employed domestic workers can be deducted from tax liability up to a maximum of €2.400 p.a.
- 20% of the costs for a domestic worker employed via a service agency (see instrument no. 4) can be deducted up to the maximum of €600 p.a.

The granting of tax advantages despite the gradual extension had no impact on the development of regular employment in private households (see e.g. Schupp 2001).



ii. Reduction of bureaucratic procedures of negligible regular domestic work: The household-cheque system (Haushaltsscheckverfahren)

In 1997 a household cheque system was introduced in cooperation with tax authorities and social security agencies that aimed to reduce the bureaucratic procedure for registering regular domestic workers and the payment of the contributions to social security and taxes. Household cheques are templates<sup>5</sup> whereby employers can register and un-register their domestic worker with the German social insurance programme via an administrating authority. With the household cheque the employer authorises the administrating authority to deduct the social contribution, a share in the costs according to the law for wage continuation and a potential lump tax for the domestic worker from his or her bank account. Through the tax advantages employers were meant to be encouraged to accept the non-wage labour costs.

The response to the new system was disappointing. In 1999 an annual average of around 5,000 employments were registered with household cheques (Schupp 2001) which resulted in the government deciding to withdraw the original regulation, i.e. household cheques could be used only for employments above the threshold of negligibility (über Geringfügigkeitsgrenze). With the introduction of Minijobs (see instrument no. 3) the household cheque system was combined with both Minijob employments and the so-called Minijob Centre (Minijob-Zentrale)—the authority named to administer the household cheques. The household cheque system, however, lacked broad acceptance regarding the millions of estimated undocumented employments in private households and only a small share of affected households have made use of the voucher system, most preferring to continue with the undeclared employment of domestic workers. In 2003, a little less than 60% (49,800) of the approximate 83,000 regularly registered employments in private households, represented employments on a Minijob-basis and used the household cheque system (Schupp/Birkner 2004).

The poor response is traced back to the employers' as well as the employees' lack of interest in the system. For the employers, the de-bureaucratized registration procedure is still more bureaucratic than undocumented employment, and the additional non-wage labour costs and tax reductions often cancel each other out. Furthermore, the household cheque system does not improve the working conditions of the employee (see e.g. Bitter 1999, Thiessen 2003, Schupp 2001, [<http://www.haushaltsscheck.de/>] as at 7 August 2007). More fundamental however, is the fact that this strategy excludes domestic workers without legal residence status who are prohibited from participating in such programmes due to their undocumented status (e.g. Cyrus 2007).

iii. Reduction of non-wage labour costs for negligible regular domestic work: "Minijobs" in households

In January 2003 the red-green coalition approved a substantial re-regulation of the sector of negligible employment (geringfügige Beschäftigung) despite reproaches

5 The form can be downloaded from [<http://www.haushaltsscheck.de/>] as at 7 August 2007.

that the new legislation would foster the instability in the low wages sector. Among other things the new legislation aimed at a reduction of non-wage labour costs by an easing of the liability to social insurance of employment. A core piece of the reform was the introduction of so called “Minijobs”, minimal regular employments up to a monthly wage of €400 for which the employer pays a lump contribution of 25% (12% statutory pension insurance, 11% statutory health insurance, 2% income taxes plus 1.6% statutory accident insurance twice a year)<sup>6</sup> and the employee pays neither taxes nor social contributions.<sup>7</sup> The regulations also include special rulings that aim at encouraging households to employ their domestic workers not irregularly but on the basis of a Minijob. For the employment in private households the already reduced employers’ lump contribution is again reduced to only 12% (5% statutory pension insurance, 5% statutory health insurance and 2% taxes) (see e.g. Thiessen 2003). As mentioned above a broad use of this new employment arrangement is missing: Only a little less than 60% (49,800) of the approximate 83,000 registered employments in private households are Minijob-employments (Schupp/Birkner 2004).

iv. **Professionalisation of domestic services: Pilot schemes subsidising service pools for regular domestic work (Dienstleistungspools)**

The fourth labour market political instrument implemented to transform undeclared domestic work into regular employment did not aim at an expansion of negligible regular employment. The establishment of eight pilot schemes subsidising service pools<sup>8</sup> (Dienstleistungspools) for regular domestic work in the mid-1990s followed a more comprehensive and innovative political strategy (see Bittner et al. 1999) and is so far the only publicly discussed political answer to undocumented domestic work in Germany (see Lutz 2007: 208). Service pools are organisations that have contracts with private households on the performance of domestic work and employ domestic workers on a regular basis to perform the requested work. They aim to handle the demand as well as the offer of domestic work. Over a period of three to five years 8 service pools (3 in North Rhine-Westphalia, 3 in Berlin, 1 in Schleswig-Holstein and 1 in Bavaria) were publicly co-funded by very different regional partnerships including municipal, federal, state and in part by EU agencies also, in order to find out if the sector of domestic work

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- 6 Independent of the status of employment, employees in private households are generally insured by the statutory accident insurance (gesetzliche Unfallversicherung) and accordingly have a right to benefits such as medical treatment or lifelong pensions. The contribution has to be paid completely by the employer who is obliged to register the employees with the respective municipal insurance company. Up to January 2006 it was possible for employers to register undocumented domestic workers with the statutory accident insurance without reporting the workers’ details to the insurance company (Rerrich 2006: 166). Since then the registration of domestic workers with a monthly salary below €400, is only possible within the framework of a Minijob-employment. Since most domestic workers have several jobs in different households and only rarely earn a monthly wage of €400, most female migrant domestic workers are excluded from the benefits of the statutory accident insurance (see e.g. I4 [<http://www.unfallkassen.de>]).
- 7 Since 2006 the “minijobber” is free to top up the employer’s contribution to the pension insurance with his/her own contributions.
- 8 Service pools (Dienstleistungspools) is only one of the terms used for this type of organisation. Some are called placement agencies (Vermittlungsagenturen) or service agencies (Dienstleistungsagenturen).

could be shifted into the official labour market. The political strategy behind these pilot schemes was (see e.g. Thiessen 2003, Bittner et al. 1999, D8):

- To create regular part-time and full-time employment for domestic workers. It was argued thereby, that domestic workers who offered their work as negligible employment (*geringfügige Beschäftigung*) in several households would now be granted social security standards as well as vocational training. Also the employment prospects of unemployed or non-working women were to be raised.
- To locate the employment, not in the sphere of private households, but in a public enterprise context. In this way the households would be relieved of their role as employers, the risk of quasi-self-employment would be reduced for the domestic workers, and their isolation would end.
- To contribute to professionalisation of domestic work and enhance its value in order to undermine the hierarchical gender work division in society.

After the public co-funding had expired, several evaluations of the pilot schemes pointed out the major difficulties that the service pools encountered in the labour market (e.g. Bittner et al. 1999, *Zukunft im Zentrum* 1999, Thiessen 2003, 18). In urban areas, especially where service pools must compete with the black market, employers were not willing to pay higher wages for domestic workers than the black market rate. Employers also preferred the flexibility of irregular migrant domestic workers to contracts with service agencies. Whereas the reluctance of employers was anticipated, the proponents of service pools were surprised by problems with the recruitment of domestic workers. It turned out that not many negligibly employed domestic workers showed interest in securing employment in a service pool. Also many of the main target group (non-working women and (long-term) unemployed) did not meet the required qualifications. The evaluation also showed that the eight service pools subsidised in the pilot scheme could not work economically after the public co-funding stopped because they could not offer prices that matched the demand on the market. The continuation of public funding of the service pools is, therefore, called for (e.g. Thiessen 2003).

In the current discussion on female migrant domestic workers the political strategy to establish service pools for domestic work is criticised more fundamentally (e.g. Lutz 2007, Thiessen 2003). Female migrant domestic workers—the vast majority of the domestic workforce—are structurally excluded from attempts to professionalise and regularise the sector due to their multiple illegalisation. Only domestic workers with legal residence status and work permits can be employed by a service agency. The few legalised migrant women, however, face the difficulty that their educational attainments and qualifications are often not acknowledged by the service pools. As designed now, the service pools aim at a “whitening” of domestic work. The few domestic workers engaged in service pools have no migration background. Besides that, the prospects for the professionalisation of domestic work are regarded as limited. It is argued that the sphere of domestic work would be opposed to professionalisation as long as the gendered structure and valuation of domestic work and gainful employment persists. For these reasons the

transformation of irregular into regular domestic work by service pools is largely regarded as a failed political strategy.

All in all, neither the attempt to expand negligible regular employments (*geringfügige Beschäftigung*) in households by tax advantages, de-bureaucratisation and a reduction of non-wage labour costs, nor the service pools aim at the regularisation and professionalisation of domestic work, have come even close to meeting expectations. The anticipated hundreds of thousands of newly created jobs have remained a four-digit number and the large scale regularisation of existing irregular employments has also not happened. The conditions for a transformation of irregular domestic work into regular employment are rated as highly difficult within the existing legal framework (Bittner et al. 1999, Thiessen 2001, Lutz 2007).

### **3.1.2 A special immigration track for the purpose of domestic care work**

For a long time the German state was reluctant to confront the rather unpopular issue of undocumented care work and mainly followed the policy of more or less tolerating illegal care arrangements because they cheaply filled the known gaps in regular care provision (see e.g. S3, Holch 2006, Hampel 2006). But in 2001, the household of a well-known German journalist, Frank Lehmann, was raided and his father in law's Slovakian carer was deported. This raised public indignation and Lehmann managed to obtain the first political response to irregular care work from the former labour minister Walter Riester, who employed an undocumented care worker himself. One of the rare special immigration tracks for the purpose of domestic work in Europe was created (Cyrus 2007: 10) in order to prevent a political scandal. In 2002 an exception clause to the recruitment stop<sup>9</sup> (*Anwerbestopausnahmemverordnung*) came into force. For a period of nine months (until the new immigration law (*Zuwanderungsgesetz*) was supposed to come into force in 2003), citizens from Poland, Hungary, Slovakia, Slovenia and the Czech Republic were allowed to work in those private households with a need of care proven by insurances. The Federal Employment Centre (*Zentralstelle für Arbeitsvermittlung (ZAV)*) and employment centres in the countries of origin recruited the carers and they were granted work permits and legal residence status for three years.

With remarkably little opposition from the right-wing parties this so-called new "Green Card" passed the political and public debate. However, crucial regulations of this immigration track were criticised by the proponents of regularisation who saw the government's approach as hypocritical and spoke of a new "Grey Card". Paradoxically, the recruited carers are officially not allowed to conduct care work but are confined only to "supporting the person in need of care in every day life"

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9 The recruitment stop was the law with which the guest worker system was abandoned in 1973 and which served as the main legal basis for the regulation of immigration into Germany until 2000. Immigration was accordingly regulated in terms of having a recruitment stop or exceptionally loosening it.

in order to avoid conflict with the strong lobby of regular care providers (see section 3.4). Moreover, the regulations that work hours should not exceed 38.5 hours per week and that working conditions, social welfare benefits and wages should be the same as that of professional German care-givers, are clearly not enforced (see Gaserow 2001, 13). However, with the enactment of the new immigration law on 1 January 2005, the regulations came into force again after a two-year moratorium, and were extended to include citizens from Romania and Bulgaria.

Despite the great demand for care work, the targeted contingent for the recruitment of care workers that was higher than in the cases of other green-card-recruitments was not rudimentarily exploited. In 2002 only 1,120 care givers were recruited, and in 2005 the Federal Employment Centre received no more than 1,700 applications from employers (see Holch 2006): A negligible number considering the estimated tens or hundreds of thousands of undocumented care workers in Germany. Qualitative research in the field traces this lack of demand back to the fact that this regularising approach does not seem to match the needs of employers as well as employees. In addition to the fact that irregular employment is cheaper, less bureaucratic and more flexible for employers, they tend to prefer recruitment through personal contacts rather than recruitment through official agencies that appear too impersonal for this kind of work.

Also, for the employees irregular employment is of financial advantage not least because they cannot fully benefit from their contributions to the social security system.<sup>10</sup> Many employees perceive the non-bureaucratic and flexible start and termination of irregular employment as an advantage. Additionally, the improvement of the care workers' working and living conditions often expected from regularising measures largely failed to occur. Neither the work content nor the relation to the employer changes significantly with the regularisation of the employment. Wages tend to be higher for informal work and the fact that employers prefer undocumented work leads to the paradoxical situation that regular care workers have to accept inferior working conditions compared to irregular care workers because they have a hard time finding another employer. Moreover, despite their regular status, recruited care workers often do not profit from the rights they have in contrast to undocumented care workers because they lack the time and resources to take legal action. The Federal Employment Centre offers support but is helpful only in very few cases. Also the care workers are afraid to ask the agency for support because they fear they will lose their legal status if they complain about their employers. Against this backdrop many female migrant care workers perceive it safer to work informally within supportive networks of other migrant workers where they might easily find another job in case they are fired or quit. Of course there remains the risk for employees and employers of being discovered, punished and in the case of the employee, expelled.

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<sup>10</sup> Recruited migrant care givers have to contribute to the unemployment insurance scheme but are not allowed to make use of it.

### 3.1.3 A gradual intensification of the criminalisation of irregular care work

Until recently the risk of detection was negligible because the German labour inspectors (Finanzkontrolle Schwarzarbeit) are not permitted to control private households unless labour inspection receives serious reports of suspicious activity (Cyprus 2007). But in the past the official line of political institutions and police is characterised by a gradual criminalisation of irregular care work. Very efficiently pushed by the lobby of providers of regular care services, even more reform oriented state ministers began to take measures against irregular care work. There are, however, very different regional strategies in handling the issue:

- Some federal states tend to tolerate irregular care work and let it happen but at the same time do not provide or develop any political answers to the development.
- Other federal states joined the restrictive positions of the providers of regular care work and among other things intensified police actions such as household raids against the black market activities of individual care workers and employers (e.g. Hesse)<sup>11</sup> or cracked down on network organisations for the recruitment of irregular care workers.
- Some federal states pursue a more courteous policy (e.g. Rhineland-Palatinate) and try to develop alternative models within the limited possibilities of the current legal framework.

The current political and public discussion is ambivalent and is characterised by two lines of argument. On one hand, official institutions and police brand undocumented care arrangements as black market activities with consequences at times of strict juridical measures, arguing that employers as well as employees may not evade the contribution based social security system. On the other hand, public opinion, media—as well as officials off the record—express clear sympathy with families in need of affordable care workers, without denying the problematic legal situation. They argue that individuals are blamed for failures of the state that does not provide affordable and adequate care.

Nevertheless broad political engagement in the issue is lacking. The few ideas for political reforms focus on the re-regulation of the care sector whereas the immigration side of the issue as well as the interests of female migrant care workers are ignored. But the prospects for a new regulation of the care system are dim. The discussions instead speak of strong fights to remain with the current system of financing society's care needs. Practical service alternatives have been developed which aim at directing the demand for care from undocumented care work to paid formal service providers.<sup>12</sup> Regarding the substantial contribution of

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11 In 2001 the office of the district attorney of Frankfurt am Main arranged a raid on 350 private households and seized 200 undocumented care workers. Most of the care workers were expelled the same day (e.g. Gaserow 2001) and some employers were prosecuted and punished.

12 E.g. an issue raised by care research is to introduce controls to monitor how recipients of the care insurance scheme actually spend the money they receive from the insurance—if the cash

female migrant care workers to compensating deficits of the German care system, the official political line has brought suspicion of organised hypocrisy upon itself.

Researchers call for a substantial change of the care system, not only including a reshuffle of the whole legal system but also the acknowledgement of female migrant care workers as an essential part of the states' provision of care as already practised in several European countries.<sup>13</sup> Such political change would also involve a complete overhaul of Germany's immigration policy, which is unlikely. Against this backdrop, Germany's management of undocumented care work is still an open question. However, it is a positive sign of progress that the issue is out in the open in both the political and public sphere (see D3, D4).

### 3.2 Non-governmental organisations

In contrast to the Netherlands, the United Kingdom, France and Belgium where the political organisation of domestic workers has a long tradition of influential union-like lobby organisations, it is only very recently that a few comparably low institutionalised organisations have started to engage in the cause of female migrant domestic workers (see D10). It was not until 2000 when the topic became an issue at European level that newly founded non-governmental organisations started to deal with issues concerning domestic workers (see Schwenken 2006, D10).

Most of these initiatives are located in large cities such as in Berlin, Hamburg, Cologne and Frankfurt am Main and act on a local rather than national level. Only few of them, such as the Respect Network Germany (see also section 4.1) or Zagaz (see also section 4.2), focus predominantly on female migrant domestic workers. The majority of initiatives also deal with a variety of related concerns and focus on several issues such as general migration related issues, women's issues, human rights issues, legalisation, sex work or charity. Many of the migrant organisations are organised according to ethnic, national or regional groups that share languages and/or similar migration backgrounds. There are a remarkable number of Latin American initiatives as well as several initiatives focussed on Eastern European women. The spectrum of their activities includes building up support networks, running educational courses, providing legal support, arranging for medical care, carrying out social events, lobbying, campaigning etc. The following list of initiatives is not exhaustive. It is meant to give an overview of the kinds of organisations that are active in the field.

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option is accepted— in order to prevent families from spending the money on undocumented care workers.

13 One example is the political practice in Italy's federal state Emilia-Romagna.

	Migration issues	Women's issues	Human rights	Legal advice	Charity	(Sex) work
<b>Agisra Köln e.V.</b> Arbeitsgemeinschaft gegen internationale sexuelle und rassistische Ausbeutung (Working group against international sexual and racist exploitation) <a href="http://www.e-migrantinnen.de/index.html">http://www.e-migrantinnen.de/index.html</a>	•	•				•
<b>Amnesty for women (Hamburg)</b> <a href="http://www.amnestyforwomen.de/">http://www.amnestyforwomen.de/</a>		•	•			•
<b>Babylonia (Berlin)</b> (Language school with counselling for migrants) <a href="http://www.babylonia.de/beratung.htm">http://www.babylonia.de/beratung.htm</a>	•		•			
<b>Ban Ying (Berlin)</b> Beratungs- und Koordinationsstelle gegen Menschenhandel (Counselling and coordination centre against trafficking) <a href="http://www.ban-ying.de/">http://www.ban-ying.de/</a>	•		•			
<b>Doña Carmen e.V.</b> Verein für soziale und politische Rechte von Prostituierten Association for social and political rights of prostitutes <a href="http://www.donacarmen.de/">http://www.donacarmen.de/</a>				•		•
<b>Frauenrecht ist Menschenrecht e.V. (Frankfurt on the Main)</b> (Women's rights are human rights) <a href="http://www.fim-frauenrecht.de/impressum.html">http://www.fim-frauenrecht.de/impressum.html</a>		•	•			•
<b>Gesellschaft für Legalisierung</b> (Society for legalisation) <a href="http://www.rechtauflegalisierung.de/aktuell/aktuell.html">http://www.rechtauflegalisierung.de/aktuell/aktuell.html</a>	•			•		
<b>In Via (Berlin)</b> Katholische Mädchensozialarbeit für das Erzbistum Berlin e. V. (Catholic social work for girls for the archbishopric Berlin) <a href="http://www.invia-berlin.de/home.html">http://www.invia-berlin.de/home.html</a>		•			•	
<b>Interkulturelles Frauenzentrum S.U.S.I. (Berlin)</b> (Intercultural women's centre S.U.S.I.) <a href="http://www.susi-frauen-zentrum.com/">http://www.susi-frauen-zentrum.com/</a>	•	•				
<b>Kanack Attack</b> <a href="http://www.kanak-attak.de/ka/">http://www.kanak-attak.de/ka/</a>	•			•		
<b>Katholisches Forum Leben in der Illegalität (Berlin)</b> (Catholic forum living in illegality) <a href="http://www.forum-illegalitaet.de/">http://www.forum-illegalitaet.de/</a>			•		•	
<b>Medibüro (Berlin)</b> Büro für medizinische Flüchtlingshilfe Berlin Office for medical aid for refugees Berlin <a href="http://www.medibuero.de/">http://www.medibuero.de/</a>	•		•			
<b>Mucheres sin fronteras (Hamburg)</b>	•	•				
<b>ONA e.V. (Berlin)</b> Arbeitsgemeinschaft zur Wahrung der Interessen von Frauen aus Mittel- und Osteuropa (Working group for the safeguard of the interests of women from Middle and Eastern Europe) <a href="http://www.fczb-news.de/downloads/fczb/ONA_selbstdarstellung.htm">http://www.fczb-news.de/downloads/fczb/ONA_selbstdarstellung.htm</a>	•	•				
<b>Polnischer Sozialrat e.V. (Berlin)</b> (Polish social council) (see chapter 4.3) <a href="http://www.polskarada.de/">http://www.polskarada.de/</a>	•	•		•		
<b>Respect Netzwerk Deutschland (Berlin)</b> Respect Network Germany, German branche of the European network of migrant domestic workers <a href="http://www.respect-netz.de/pages/frame.htm">http://www.respect-netz.de/pages/frame.htm</a>	•	•		•		
<b>Terre des femmes e.V.</b> <a href="http://www.terre-des-femmes.de/">http://www.terre-des-femmes.de/</a>		•	•			



Against the backdrop of a variety of activities and initiatives it is not surprising that they pursue quite different political strategies. This is one of the reasons why some of them are sometimes involved in strong demarcation disputes. The important distinctive positions within the NGO scene are:

- **Self-representation vs. representation by others:** An important boundary is between self-organisations of female migrant domestic workers and initiatives by other actors such as leftists, feminists, researchers etc. for the cause of female migrant domestic workers. The latter groups are criticised for misrepresenting the actors' perspectives which keep female migrant domestic workers in a politically inactive role. However, self-organisation of female migrant domestic workers is particularly difficult because doubly illegalised persons are granted only few rights and possibilities for political representation and articulation, and they usually have tough work schedules that hardly leave time for political engagement. Moreover, they often do not identify themselves as domestic workers and hence have little interest in organising themselves as such. But there are very promising self-organisations of female migrant domestic workers such as the Respect Network Germany and Zagaz (see section 4).
- **Female migrant domestic workers as victims vs. workers:** There are also remarkable differences and changes framing the political problem among organisations. A crucial distinction is made by, on one hand regarding female migrant domestic workers as victims of domestic slavery and trafficking and on the other by regarding them as workers excluded from their working rights. While the "first wave" of political mobilisation in the field played the "victim card" this approach is now regarded as victimising by the landmark organisations because it denies the women's agency and voice. Their political strategy has changed and it now locates their struggle in the context of the fight for working rights, addressing female migrant domestic workers primarily as workers. This approach has advantages and disadvantages. One advantage is that trade unions become promising strategic allies, but a disadvantage is that female migrant domestic workers often do not perceive themselves as domestic workers—for them their job is only a transitory solution. They therefore lack motivation to organise themselves as workers (see Schwenken 2006, D9, D10).
- **Keeping up support networks vs. long term political strategies:** Another distinction is between initiatives that focus on keeping up support networks for female migrant domestic workers and initiatives that also develop and articulate long term political strategies in order to change the situation structurally. Both strategies are regarded as vital to the improvement of the situation of female migrant domestic workers. Scarce financial and social resources make it difficult for some organisations to extend their activities beyond trying to tackle the complex day-to-day issues of female migrant domestic workers. From the perspective of some grass root organisations other more established and influential initiatives, such as some of the Catholic ones, call for basic social rights but their political positions remain weak. They take no stand on legalisation and play an ambivalent role in the brokering of domestic work (e.g. care work, au-pair) (e.g. D3, Hess 2005: 111).

Due to scarce resources and their accordingly low degree of institutionalisation, the grass roots' scene changes permanently and quickly. Apart from that, it differs considerably from city to city depending on the local situation. Interestingly enough, despite increasing public interest in the issue of female migrant domestic workers, several of the landmark grass root organisations in Germany (see section 4) are facing major difficulties in their work or have even had to cease activities due to a lack of financing, personnel or success. The few "ghost" initiatives (see D10) are confronted with increasing numbers of requests from researchers and journalists to provide them with their expertise and they begin to question how far they are exploited for public indignation instead of gaining support for long-term political perspectives. There seems to be a need for rethinking political strategies and alliances.

### 3.3 Trade unions

In Germany, unlike in southern European countries,<sup>14</sup> the UK,<sup>15</sup> the US<sup>16</sup> and at European level,<sup>17</sup> undocumented migrant workers and female migrant domestic workers in particular are hardly taken into consideration by the trade unions (D2, D3, D9, D10, I1, Lutz 2007). There are different reasons for the lack of interest shown in this group of workers by union directorates:

- **Organising migrants?** It is argued that the trade unions' attitude towards migration is often characterised by ambivalence, not only regarding the question of whether an extension of the labour force through migrant workers would threaten or facilitate the German labour market. An opening of trade unions to questions of migration such as in Italy, Spain and France cannot be stated for trade unions in Germany (see e.g. Schwenken 2006: 279).
- **Organising domestic work?** Another reason given is that the trade unions' policy is still mainly focussed on large enterprises whereas the recruitment of members working in single private households is extremely difficult and unprofitable given domestic workers' low wages (see D2). Besides that, the sphere of domestic work does not easily fit into the organisational structures of trade unions, which are often organised according to traditional economic sectors (see D9).
- **Organising black market labour?** Another structural difficulty is the fact that the trade unions' policy has traditionally focussed on combating black market labour (e.g. in the building industry) in order to prohibit the undermining of tariffs (see D2, Cyrus 2007). Those trade unions dealing with

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14 E.g. AMIC-UGT, Barcelona. See [<http://www.ugtcatalunya.org>].

15 E.g. TGWU. See [<http://www.tgwu.org.uk/>].

16 E.g. Worker Centres.

17 The European Trade Union Confederation (ETUC) started to address domestic workers as a new target group of the trade union movement in their conference "Out of the shadow—organising and protecting domestic workers—the role of trade unions" held in 2005 in Brussels, arguing for the formalisation of the sector e.g. by means of household cheque systems (see Mather 2006, Cyrus 2007, Lutz 2007).

domestic work therefore often declare their support for a regularisation of this sector (Cyrus 2007). In her analysis of the prospects of alliances between trade unions and domestic workers, the German political scientist Helen Schwenken suggests that irregular migrant domestic workers are not regarded as a threat by trade unions because in the first place even regular domestic workers are hardly organised in trade unions; secondly, this segment of the labour market is of no interest to German workers and thirdly, the high flexibility and low wages of the female domestic workers are more or less explicitly appreciated by society (see Schwenken 2006: 279).

- **Organising workers without legal status of residence?** The most important obstacle is the fact that the majority of female migrant domestic workers in Germany have no legal residence status (see D2, I1, Cyrus 2007), although the framework of the trade unions' policy allows for organising undocumented migrant workers (see D2).

It is important to stress again that the few regular, frequently non-migrant domestic workers in Germany are hardly organised in trade unions (see D2). However, for this minority of domestic workers there is a framework agreement on employment conditions (Manteltarifvertrag) between the Gewerkschaft Nahrung-Genuss-Gaststätten<sup>18</sup> (Trade union for food, semi-luxury food and restaurants) and the Deutschen Hausfrauenbund<sup>19</sup> (Association of German housewives) representing the employers. Agreements of payment conditions are annually renewed between the federal branches of both organisations.

Against the backdrop of a general disinterest of German trade unions in irregular domestic work, grass root organisations regard it as significant progress that at least particular sections of certain trade unions in recent years have become a little more open to discussion on the issue and have agreed to formal talks (see D10). This change can be attributed to the hard efforts of grass root organisations to lure trade unions into new potential strategic partnerships. Their efforts have been successful because they reframed the issue of female migrant domestic workers as an issue of worker's rights (see sections 3.2, D10, I6). Female migrant domestic workers membership in a trade union can help to document their stay in Germany and render institutional backup and legal support in case they want to take action against their employers. Being organised can contribute to counteracting their work related isolation and victimisation. Trade unions are interested in recruiting new members and appreciate assistance by the grass root organisations in accessing the largely isolated work places in private households. They also have an interest in regulating the sphere of domestic work (see D2, D10, Cyrus 2007).

One of the two most promising initiatives to strive towards the organisation of female domestic workers in trade unions was the AK undokumentierte Arbeit

18 See [<http://www.ngg.net/>] as at 21 April 2007.

19 See [<http://www.hausfrauenbund.de/>] as at 21 April 2007.

(Working group undocumented labour, see section 4.3) initiated by Department 13 for special services (Fachbereich 13: Besondere Dienstleistungen) of Ver.di Hamburg (United Services Union Hamburg). The working group was initiated in 2002 and aimed at bringing together researchers, NGOs and trade unionists in order to develop and promote possibilities for the organisation of illegal workers in the trade union Ver.di. (see D2). The second example of best practice in organising female migrant domestic workers is the Respect Network Germany, (see section 4.1). After many difficulties they managed to help and at least 20 female migrant domestic workers became members of Ver.di. Berlin (see D9).

Both initiatives faced major difficulties and more or less had to cease their activities. The grass roots organisations report problems of access to the trade unions and describe it as extremely hard to obtain any formal, permanent recognition from them. So far, contact and recognition has depended on individual, temporary engagement of individual trade unionists. Engaged trade unionists in turn describe it as difficult to integrate the far-reaching political demands of the grass root organisations into their political strategy, and also report difficulties with mobilising female migrant domestic workers themselves. The latter problem can be attributed not only to their tight work schedules and efforts to organise their illegal lives but also to the reluctance of grass root organisations to open their networks. A principle problem that frames the cause of female migrant domestic workers as a working rights issue is the fact that many domestic workers do not identify themselves as such, and view it as a transitional period of employment. Their motivation to organise themselves in a trade union is, therefore, low (see D2, D9, D10).

### **3.4 Competing providers of domestic work**

Another societal group engaged in political discussions and practices pertaining to female migrant domestic workers are organisations that traditionally provide paid domestic services on a regular basis and lately have had to compete with female migrant care workers. Formal providers play an influential role in the discussion on undocumented care work for older or sick persons in private households—a sector of domestic work that is characterised by a higher degree of professionalisation than the sector of housework. Against the backdrop of high unemployment rates, providers of regular paid care services, represented for example by the Bund privater Anbieter (Union of private providers), are fighting for job security; they use a strong though not yet empirically proven argument that the increase of irregular care work is directly related to a decrease in the demand for regular care work.<sup>20</sup> They call for a professionalisation of care services in private households and frequently criticise the quality of care delivered by female migrant domestic<sup>21</sup>

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20 Currently there are no studies delineating to what extent migrant care workers substitute formal care services and/or family care and/or to what extent they are covering new care demands.

21 A frequently cited argument in this context is that irregular care workers would take over medical care tasks although they were not qualified as nurses. Qualitative research however suggests that many female migrant care workers are very aware of the risk of taking over health care work and normally do not deliver medical care but often cooperate with medical services if

workers. The trade unions have joined this cause but rather remain in the background of the political discussion.

About three years ago private providers of paid services started to push political institutions to actively counteract the development of irregular care work. They promoted the formation of regional or federal state-based working groups for the development of political agendas to fight irregular care work and were remarkably successful in engaging many more reform-oriented state ministers on their side. Via this influential, restrictive alliance with federal states' ministries—which seems to be a rather unique development in the European context—providers of paid regular care work have contributed significantly to the official political strategy of criminalisation of irregular care work. Unofficially however, the regular providers of care work are also starting to recognise that under the current provisions they can not adequately manage the present care needs and in practice often work hand in hand with irregular care workers. This raises the suspicion of a double standard among researchers and activists (see D3 and D4).

The following example may illustrate how hotly contested the issue currently is: Accompanied by broad media coverage McPflege (McCare), a service provider for domestic care, was opened at the beginning of August 2007 in Bremen. The company intended to place care workers from Eastern Europe for only 2 euros per hour in German households in order to supplement professional nursing service providers. Like other companies, McPflege cooperated with nursing services in the respective countries, thereby referring to the EU freedom-of-service provision from May 2004. Whereas health insurance companies did not see any competition with the professional care they offer, loud criticism was heard from welfare organisations and trade unions. As a result, McPflege closed down only one week after opening, probably in order to prevent legal battles in the poorly regulated field of transnational domestic care.

Similar lines of argument but clearly less effective and restrictive political strategies are used by providers of regular domestic work such as companies and service agencies with a professional background in household management<sup>22</sup> (Haushaltslehre), represented, for example, by the Bundesarbeitsgemeinschaft der Dienstleistungsunternehmen für Haushalt und Familie<sup>23</sup> (Federal Syndicate of Service Providers for Households and Families). Representatives of this syndicate complain about the lack of employers' civic morals regarding their black market activities and consider the current system of domestic work as a new form of slavery. It has called for the professionalisation of domestic work to be guided by professional household managers. As in the discussion on domestic care work, quality is the crucial argument in the positioning on the market. The performance of professional household managers is characterised by reliability, confidentiality, hygiene, modernity, flexibility and familiarity with “the German culture of

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necessary. However, the care givers have to decide when medical help is needed and often are left alone with this difficult question (see D4).

22 In Germany household management (Haushaltslehre) is a qualified job (Ausbildungsberuf).

23 See [<http://www.bag-haushalt-familie.de/index.html>].

household management". These ideals explicitly or implicitly build negative stereotypes about irregular migrant domestic workers as being unreliable, untrustworthy (e.g. stealing), unhygienic (e.g. smelling), backward and using foreign methods in household management (see D8).

#### **4. Examples of good practice**

##### **4.1 Respect Netzwerk Deutschland (*Respect Network Germany*), Berlin**

Respect stands for Rights, Equality, Solidarity, Power, Europe Cooperation Today. It is a European support network organised by and for female migrant domestic workers. The German branch of Respect was founded in 2000 by several counselling centres, migrant self-organisations and supporters in Berlin. Respect deals with the fact that despite the economic and social importance of domestic work there is no broad self-organisation of female migrant domestic workers and hardly any interest representation for them in Germany. The Respect Network Germany is concerned with the working conditions of female migrant domestic workers and cleaners, independent of their residence status (see: <http://www.respect-netz.de/pages/frame.htm>). The Respect Network Germany is an example of good practice in the effort to organise female migrant domestic workers despite the limited possibilities of political engagement of illegalised persons. Apart from supporting female migrant domestic workers in their daily life and giving them room for exchange of experience, Respect is striving towards organising female migrant domestic workers in the trade union Ver.di despite the trade unions' strong reservations. After many difficulties, The Respect network managed to help at least 20 female migrant domestic workers became members of Ver.di. Berlin. The initiative ceased partly due to major difficulties and lack of success. The activists report problems of access to the trade unions and describe it as extremely hard to get any formal, permanent recognition in the trade unions. So far their contact and recognition depends on individual, temporary engagement of individual trade unionists (see also section 3.3).

##### **4.2 Zagaz, Berlin**

Zagaz is a grass root organisation of mainly Latino women in Berlin fighting for rights, access, and legalisation and against racism and the illegalisation of female migrant domestic workers. Zagaz is an example of good practice in the effort to organise female migrant domestic workers despite the limited possibilities of political engagement of illegalised persons in Germany. The group specialises in rather unusual ways of campaigning for their cause. In 2003 they disrupted the annual meeting of the trade union Ver.di with a political performance and speeches. They had installed huge, square plastic bags that are associated with migrants in the conference venue. In each of the plastic bags a tape recorder was hidden which played pieces of biographical narrations and political statements by irregular migrants. In the course of this performance, one Latino woman stormed the microphone and called for the opening of trade unions to irregular workers.

One of Zagaz's current projects is to set up a web-based city guide—the Berlin-Pilot—with information from and for migrants and refugees.

#### **4.3 AK undokumentierte Arbeit (*Working Group Undocumented Labour*), Hamburg**

The AK undokumentierte Arbeit was initiated in 2002 by Department 13 for special services (Fachbereich 13: Besondere Dienstleistungen) of Ver.di Hamburg (United Services Union Hamburg) and aimed to bring together researchers, NGOs and trade unionists in order to develop and promote possibilities for the organisation of illegalised workers in the trade union Ver.di. A membership in the trade union would be beneficial for migrants without papers in Germany for the following reasons:

- Paying their membership fees gives them a documentary proof of their residence in Germany [Right to stay (Bleiberecht)].
- They can demand the solidarity of the legally employed members of the trade union and by acting for their own rights they may be emancipated from their victim role.
- They can inform the public about their working and living conditions.
- They get legal protection, if they want to proceed against special forms of exploitation by their employers, such as wage fraud, paid holidays, sick pay, accident insurance, sexual harassment etc.

In the long run the AK pursues a strategy of developing unionized activities against the exploitative conditions in this sector, which includes a legalisation of the working and living conditions of domestic workers. The working group faced many difficulties that ranged from convincing the union's commissioner for migration to permit the registration of illegalised workers, to avoiding delivery of the worker to the police. The latter was tried to be solved by registration via "godparenthood" (Patenschaft). A person without legal documents becomes a member of the trade union but the administration of his or her membership (payment of fees, correspondence etc.) is looked after by another person who has permanent residence status in Germany. The AK was regarded as one of the most promising approaches towards getting the cause of irregular workers on the agenda of its own organisation and organising female migrant domestic workers in trade unions (Also section 3.3).

#### **4.4 Zentrale Integrierte Anlaufstelle für PendlerInnen aus Osteuropa (Zapo) (*Central Integrated Drop-in Centre for Commuters from Eastern Europe*), Berlin**

ZAPO used to be a project of the Berlin association Polnischer Sozialrat (*Polish social council*, see [<http://www.polskarada.de/index.html>] as of 8 August 2007) and was initiated in 1997 as a job-creating measure. In the course of EU-

enlargement, the association was confronted with an increasing number of requests from Eastern European migrants with irregular residence status. The central integrated drop-in centre for commuters from Eastern Europe supported irregular migrant workers in confrontations with their employers over working rights related issues such as wage fraud and accidents at work. It helped irregular workers claim their working rights before labour courts, while trying to minimise the danger of being expelled or deported. Due to a lack of finances ZAPO had to cease its activities in 2004 (see [<http://www.polskarada.de/projekte.html>] as of 8 August 2007, ZAPO 2003).

#### **4.5 The municipality of Munich**

In 2001, the Office for Intercultural Cooperation (Stelle für interkulturelle Zusammenarbeit) of the municipality of Munich<sup>24</sup> commissioned the migration researcher Philip Anderson to conduct a study on the situation of illegal persons in Munich (Anderson 2003). Following this study, the municipality developed a concept to support illegalised persons in Munich, particularly those who are in need of medical care. Currently a health fund (Gesundheitsfond), similar to one in the Netherlands, is being established which is meant to pay for expensive medical treatments of illegalised persons. Also a system to support pregnant mothers has been set up. In the field of education the municipality has submitted a directive to all schools that children without documents have to be accepted (e.g. Dernbach 2007). As another example of good practice, Munich shows how a municipality can use its autonomy to improve the living conditions of illegalised migrants regardless of the restrictive state policy framework.

### **5. Discussion**

In Germany recently published results from the first large scale studies on the situation of female migrant domestic workers have turned public attention to a well known though largely denied phenomenon. According to rough estimates, about 4 million German households employ female migrants as domestic workers. These employment relations differ significantly regarding the kind of work, the employment conditions, the recruitment and its legal status. However, a large group of female migrant domestic workers from new European member states, but also from Third World Countries, work in a twilight zone of residence and work permit related semi-legality. Their living and working conditions are highly precarious, they are excluded from social rights and working rights, but at the same time they have an advantageous position on the domestic labour market for exactly these reasons.

The current situation is strongly shaped by the German welfare state's policies. On one hand there is a tendency toward political indifference and acceptance of the

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24 See [<http://www.muenchen.de/Rathaus/soz/wohnenmigration/interkulti/39732/index.html>] as at 8 August 2007.



situation, while on the other hand there is movement toward criminalisation of undocumented work and illegal residence in alliance with competing providers of regular domestic work. The government's previous attempts to turn the undocumented domestic work into regular employment (tax advantages for employers, simplification of bureaucratic procedures, reduction of non-wage costs), to professionalise the sector of domestic work (service agencies) and to regularise undocumented domestic care work (special immigration track for domestic care workers) all failed because they did not match either the needs of employees or employers. The German welfare state is criticised for implicitly supporting the availability of female migrant domestic workers in order to compensate for cutbacks and to profit from their marginalised and/or illegalised position.

In contrast to other European countries, in Germany only a few comparably low level non-governmental organisations have taken up the cause of female migrant domestic workers. Only a short time after their foundation several of the landmark grass root organisations are facing major difficulties in their work or have had to stop their activities completely due to a lack of financing, personnel or success. The hope of winning the trade unions as new strategic allies was a huge disappointment owing to the reluctance of those unions to organise (illegalised) migrant domestic workers. Germany needs to develop new political approaches that take into account the heterogeneity of this group, the complexity of the issue and its multiple ambivalences in order to translate the recent political and public awareness into political action and safeguard the rights of domestic workers.

## **Annex A**

### **List of organisations contacted during the research**

#### **NGOs:**

- Respect Berlin (German branch of Respect Europe, the European Network of Migrant Domestic workers)
- Zagaz, Berlin (Feminist group, fighting for rights, access, legalisation and against racism and illegalisation)
- Gesellschaft für Legalisierung, Berlin (Society for Legalisation)
- Mucheres sin fronteras, Hamburg (Latina network)
- Euromayday organising, Hamburg
- Preclab, Hamburg (Militant research on precarious work and life)
- Polnischer Sozialrat e.V., Berlin (Polish Social Council)
- Frauenrecht ist Menschenrecht e.V., Frankfurt (Women's Rights are Human Rights)
- Ban Yin, Berlin, Beratungs- und Koordinationsstelle gegen Menschenhandel (Counselling and Coordination Centre against Trafficking)
- Philippine Women's Forum e.V. BABAYIAN, Köln
- Selbst e.V., Frankfurt (Self help organisation of people with handicaps)
- Respect Network Europe, Amsterdam
- MAIZ, Linz (Austria) (Autonomous centre by and for migrants)

#### **Political Organisations:**

- Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration, Nationaler Integrationsplan (Federal Government's Commission for Migration, Refugees, and Integration, National Plan for Integration)
- Innenministerium, Projektgruppe Zuwanderung (Federal Ministry for Interior, project group: Immigration)
- Bundesministerium für Arbeit und Soziales, Referat: Beschäftigung ausländischer Arbeitnehmer (Federal Ministry for Work and Social Affairs, office: employment of foreign workers)
- Beauftragte des Senats Berlin für Integration und Migration (Berlin Senate's Commission for integration and migration)
- Bundestagsfraktion DIE LINKE (Parliamentary group THE LEFT)
- Finanzkontrolle Schwarzarbeit (Customs office for the control of black market labour)
- Stadt München (Municipality of Munich)

#### **Trade Unions:**

- Vereinigte Dienstleistungsgewerkschaft ver.di, Arbeitskreis undokumentierte Arbeit (United Services Union, working group on undocumented labour)

- Gewerkschaft Nahrung-Genuß-Gaststätten (NGG) (Trade union for food-consumption-restaurants)
- Europäischer Verband der Wanderarbeiter, Frankfurt (European Migrant Workers Union)
- Kalayaan, London (Domestic Workers Union)
- Asociacion de Ayuda Mutua de Immigranteds de Catalunya (AMIC), Unió General de Treballadors, Barcelona (Trade union's migrant support centre)

**Research Institutions:**

- University of München (Sabine Hess)
- University of Frankfurt (Ramona Lenz)
- University of Münster (Helma Lutz)
- University of Darmstadt (Katja Schickorra)
- University of Kassel (Helen Schwenken)
- University of (Maria Rerrich)
- University of Oldenburg (Norbert Cyrus)
- Free University of Berlin (Juliane Karakayali)
- Deutsches Zentrum für Altersfragen, Berlin (German Centre for Gerontology) (Hans-Joachim von Kondratowitz)
- Deutsches Jugendinstitut, München (German Youth Institute) (Barbara Thiessen)
- EU-Project "Integration of Female Immigrants in Labour Market and Society. Policy Assessment and Policy Recommendations" (Maria Kontos, Institut für Sozialforschung, Universität Frankfurt)
- Projekt: Prekarisierung und kollektive Organisation, Rosa-Luxemburg-Stiftung (Project: Precarisation and Collective Organising, Rosa Luxemburg Foundation)
- Georg-Eckert-Institut für internationale Schulbuchforschung (Susanne Schwalgin)

**Others:**

- Katholisches Forum Leben in der Illegalität, Berlin (Catholic Forum Living in Illegality)
- Bundesarbeitsgemeinschaft Dienstleistungsunternehmen Haushalt und Familie, Giessen (Federal Syndicate for Service Providers for Households and Families)
- CineVa Filmproduktion (Petra Valentin)
- filmBaustelle, Berlin (Antje Grez)



# National Report: The Case of Greece

*Dimitris Parsanoglou and Joseph Tsiamoglou*

## 1. Introduction

Stephen Castles and Mark Miller in their classic work *The Age of Migration* point out four dominant tendencies concerning migration: globalisation, acceleration, differentiation and *feminisation* (Castles & Miller 1993, our emphasis). A lot of critical discussion has been developed regarding the relevance of globalisation, and arguments pertaining to it have been widely criticised (for a further discussion see among others: Krugman 1991, Bauman 1998a & 1998b, Fischer, Holm, Malmberg & Straubhaar 2000, Tapinos & Delaunay 2000, several contributions in Held & McGrew 2003, Jordan & Düvell 2003, Friedman & Randeria 2004).

However, there is certain unanimity as far as feminisation of migration is concerned. Historical research has shown that female migration is not a new phenomenon; it has existed ever since the classical intercontinental migration of the nineteenth century (see among others: Weatherford 1986, Gabaccia 1989, Green 2002). Moreover, nowadays this tendency seems to be a dominant one making the gender dimension of migration an important topic of inquiry.

A very important dimension of female migration concerns paid domestic work. This type of work raises a series of questions about female migrant labour as well as issues related to the constitution and transformation of households in general. In addition, this issue is present in a variety of national contexts and this makes the international and comparative character of this comparative INTI research project very relevant and useful.

This report constitutes a mapping survey of female migrant domestic workers in Greece focusing on employment and civic participation strategies. It is based on a

literature review, official data, which we found to be lacking and insufficient, as well as several in-depth interviews with relevant stakeholders, such as representatives of state authorities, trade unions, Non-Governmental Organisations and migrant women's associations.

Interviews were held from December 2006 to January 2007 with representatives of the following institutions and organisations:

- Ministry of the Interior, Public Administration & Decentralisation—Department of Residence Permits
- Ministry of the Interior, Public Administration & Decentralisation—Department of Social Integration
- Ministry of the Interior, Public Administration & Decentralisation—General Secretariat for Gender Equality
- Ministry of Employment & Social Protection—Department of Equal Opportunities
- Ministry of Employment & Social Protection—Department of Foreign Employment
- Social Insurance Institute (IKA)—Direction of Actuarial Studies and Statistics
- Hellenic Migration Policy Institute (IMEPO)
- General Labour Confederation of Greece (GSEE)—Migrant Workers Secretariat
- Centre of Gender Studies and Research (Diotima)
- European Network of Women
- Pan-Hellenic Network of Migrant Women (Athens)
- KASAPI-HELLAS (Filipino organisation—Athens)
- “The Land of the Stork” (Ukrainian organisation—Athens)
- Greek-Moldovan Association (Athens)
- “Raduka” (Rainbow) (Russian organisation—Athens)
- Network of Migrant Women (Thessaloniki)
- Migrant associations in Thessaloniki.

In this report we will first give a brief overview of the phenomenon of domestic work in Greece. We will then discuss relevant legislation in order to trace legal problems and shortcomings pertaining to immigration with an added emphasis on female migrant domestic workers. We will conclude by referring to several types of strategies and best practices related to issues of employment and civic participation which have been employed by the actors involved.

## 2. Domestic work in Greece: the uncertain extent of the phenomenon

Female domestic workers in Greece have been present in the country for a long time. Before the 1980s young women came from rural areas to urban centres to work in households as *filles au pair* or domestic servants. The early 1980s marked the arrival of Filipino women, the employment of whom became a sort of a status symbol for upper class households.

Some attribute the development of the paid domestic work sector to the massive entry of native women into the labour market. However, this view is not universal. Greek and migrant interviewees are of a different opinion: the former deny a causal relation between female employment and domestic work supply and the latter insist that migrant domestic work has significantly contributed to the growing female participation in the labour market. Another significant factor leading to increased demand for domestic work is the lack of sufficient state welfare structures. Therefore, there has been a progressive increase in the demand for domestic and care services across the whole of Greek society. Class differentiations remain and identify, firstly, with *ethnicity preferences*: upper classes show a preference for Filipino domestic workers. Nowadays there is also a growing preference for Albanian women while this was absolutely not the case during the 1990s when massive Albanian immigration to Greece first took place. Secondly, class differentiations are associated with working time arrangements; to put it differently, only upper-middle and upper classes can afford live-ins and full-time employees.

Although paid domestic work performed by migrant women is increasing in all the developed countries, the extent of this phenomenon remains difficult to delineate. The fact that this type of work is informal and the fact that many of these workers are undocumented or possess documents through family reunification, make a thorough quantitative research impossible. Some estimate the number of female migrant domestic workers in Greece to be from 60,000 to 80,000 (General Labour Confederation of Greece—GSEE, the largest trade union in the country). The Centre of Gender Studies and Research estimates the number at approximately 40,000.

The only official data that could be used as a basis of estimation is the 2001 Census, the statistics of the Social Insurance Institute (IKA), which is the fund for private sector workers and is thus responsible for the social insurance of domestic workers, and the statistics of the Organisation for Economic Co-operation and Development (OECD). According to the last census, where 9 main economic activities have been categorised, 62,678 women (51.8% of the total female migrant population) were working in 2001 in *services*, which of course is a larger category than domestic work. On the other hand, migrant men working in services were only 6.6% of the total male migrant population (see Table 1 and 2).

According to Social Insurance Institute statistics, 17,406 foreign women were insured in 2004 as workers in private households, while the number of registered

Greek women employed in private households was 2,790 (Social Insurance Institute 2004). The most recent data that is based on national statistics comes from *SOPEMI—Annual Report of the Continuous Reporting System on Migration of OECD*. According to the 2007 report, 13.2% of documented migrants in Greece are domestic workers (55,440 individuals, mostly, if not exclusively, women) (OECD 2007).

For Filipino women, employment in the sector of services is an almost exclusive option, since 86.3% of them work in the sector, followed by Ukrainians (66.7%), Poles (64.1%), Moldavians (64.5%), Georgians (59.3%) and Albanians (51.2%). Therefore, even if precise estimations cannot be made about the exact total of migrant women who work in domestic and care services, it would not be inaccurate to assume that this type of employment constitutes a dominant pathway of entrance into the Greek labour market.

### 3. Legislation

Gabriella Lazaridis (Lazaridis 2000) in a critical account of migration theories until the mid-1970s deplored the ‘sexist myopia’ that ran through previous approaches. Although migration theories have been enriched ever since and have incorporated in various and diverse ways the gender dimension, migration policies do not seem to follow the same pattern. In fact, Greek migration policy is characterised by at least two blatant contradictions. Firstly, requirements for residence permit, supposedly gender-blind, follow the male migrant worker paradigm, where *family reunification* seems to be the most plausible means of entry for women into Greece. According to an Albanian member of the Greek Network of Migrant Women, 90% of migrant women obtain a residence permit as “protected members of family”. Secondly, the whole migration regime strictly linked to Fordist types of labour regulation,<sup>1</sup> such as contract with a particular employer, is also reality-blind, since post-Fordist flexibility and growing informality seems to be in major part the rule for migrant (and not only) work. Thus, in spite of evident specificities, domestic work is incorporated in the general regulation patterns of waged work.

The first law regarding migration was passed in 1929. Sixty-two years later, in 1991, contemporary Greek immigration policy started taking form with the Immigration Law (1975-1991) which came into force that year. Since 1991, Greek immigration policy does not have gender specific provisions. Whenever gender is addressed, this happens in a way that reproduces gender inequalities and stereotypes. More specifically, all three main migration laws (passed in 1991, 2001 and 2005 respectively) do not address the issue of female migration in any detail.

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1 The main characteristics of Fordism are the following: massive chain production in big production units, state intervention, development of welfare-state, central role of trade unions, full employment and increased salaries in order to promote mass consumption etc. This type of socio-economic regulation was implemented widely in advanced capitalist economies especially after World War II (Bonefeld & Holloway 1991).



This issue does not seem to be an item on the agenda in the Greek Parliament either. Female migrants are represented and regulated as:

- A ‘complement’ to male migration in the framework of family reunification or as
- ‘Victims’ of trafficking networks constituted by men, Greeks and foreigners (Kambouri 2006)

### 3.1 Employment

In Greek legislation there is no reference to domestic workers as a specific category of the labour force. The only provision that implicitly refers to domestic work concerns the amount of social insurance contributions. According to the Common Ministerial Decision 160/3-1-2006, which “determines the minimum number of working days or minimum time of social insurance per year” required for the renewal of residence permits, “third country nationals who are employed within salaried employment to more than one employer (construction workers, care and domestic workers)” are required to obtain 150 insured working days per year, instead of 200 which is the case for the rest of the migrants. In addition, the above categories can pay their contributions themselves as independent workers. Another specific regulation, “which concerns persons working in agriculture, in construction, in care and domestic services and having more than one employer, is that they are not required to present a labour contract in order to apply for issue or renewal of a residence permit” (Law 3536/2007, art. 6, § 1).

Although migrant women work in sectors that are to a great extent unregulated, domestic work is incorporated in the general regulation patterns of wage work. There are no rules that define their wages, or even their tasks in the workplace. Another question is that of social insurance contributions. The Greek State requires that migrants be insured 150 days per year while Greeks citizens are required to be insured for only 50 days in order to enjoy access to social benefits and allowances. There is also a lack of bilateral agreements to regulate retirement pensions for those migrants who return to their country of origin (Ministry of Employment & Social Protection—Department of Equal Opportunities). With regards to the above, an interviewee from the Ministry of Employment stated that “there should be specific legislation for female migrant domestic workers, but this is difficult because the workplace happens to be in the private sphere, and this is a specificity difficult to resolve not only in Greece but in other countries as well; however, the state could create a framework determining wages, working hours and precise job descriptions. There is a difference between working for some hours cleaning the house and accompanying the employers even during their holidays”.

Inspection of labour conditions is literally impossible because the workplace of domestic workers, (i.e. private homes), is designated as private and protected by *family asylum* (Ministry of Employment & Social Protection—Department of Foreign Employment; GSEE—Migrant Workers Secretariat). So, the protection of workers’

rights depends on the will of the employer: “Behind the doors, there are no rights. It depends merely on the employer, whether he or she is a good person, if you are exploited or not”, as an Albanian domestic worker reported.

### 3.2 Civic participation

Civic, and more generally, social participation, is a concept widely discussed in the EU and promoted as a way for ‘vulnerable social groups’ to become fully integrated. Nevertheless, participation cannot or should not be seen as a neutral condition.

J. Bessant’s notes on youth participation seem to be relevant in our case too:

(...) If they [young people] are to enter the public sphere in its current form, they do so on an extremely unequal footing. The public sphere is not neutral in terms of age, race, socioeconomic background or gender. Unequally powerful groups develop unequally valued styles of operating with the result that subordinate groups are marginalised or excluded. Acknowledging inequality rather than ‘bracketing’ it, is likely to increase the possibility of arrangements being made that reduce disparities between dominant and subordinate groups” (Bessant 2003).

In fact, speaking of *civic participation* of migrant domestic workers and of migrants in general seems ironic because Greek legislation does not promote civic participation, which by definition implies a series of recognised civic rights. Citizenship, which is the basic means of concrete exercise of civil and civic rights in the majority of contemporary nation-states, is based upon the principle of *jus sanguinis*. Although since 2001 legislation has been modified to provide migrants with the possibility of applying for citizenship, severe difficulties prevent them from doing so. Apart from the particularly demanding requirements, there are two other main obstacles preventing migrants from applying for Greek citizenship. First, the fee for applying for citizenship is €1500; if the application is rejected the fee is not returned. Secondly, the decision on whether citizenship will be granted is left to the full discretion of the General Secretary of the Region; rejections do not have to be justified. We can thus safely argue that social participation of migrants is not adequately or systematically promoted by the Greek state. For example, it is required of migrants to demonstrate an adequate knowledge of the Greek language, history and culture in order to be able to apply for long-term residence permit, which gives them the legal right to participate in local elections. Nevertheless, there are very few state-funded schools offering such courses for free and the demand is so high for them that it may take years for most migrants to enrol.

Thus, particularly for migrant women who work in domestic services in Greece, not only participation but also visibility is an issue: “In Greece, when we speak about migrants, we always mean male migrants. Female migrants work in closed areas and cannot prove that their labour conditions are unfavourable or that they are

being exploited when that is the case. Migrant domestic workers are absolutely excluded, especially those living in the house of their employers. Only during the last two years has there been talk about women migrants”, reported the Albanian woman mentioned above.

In fact, after two decades of massive immigration to Greece, the Greek state has only recently begun to realise that immigration is not just a temporary “historical accident” (Pavlou & Christopoulos 2004). Thus, several steps towards the mapping out of an integration policy have been made although with dubious results. For example, the Racial Equality Directive (2000/43EC) and the Employment Framework Directive (2000/78EC) were finally transposed into the national legislation in January 2005, one year after the deadline set by the European Commission. Nevertheless, and as the interviewee from the Department of Equal Opportunities at the Ministry of Employment and Social Protection—which is responsible for the implementation and monitoring of the Employment Framework Directive—reported, only one individual case of a migrant woman, who wanted to work as a lawyer, filed a complaint on grounds of discrimination in terms of employment.

Within the same pattern, the *Integrated Action Plan for the Regular Adjustment of Third Country Nationals into Greek Society*, recently released by the Ministry of Interior, does not seem to take into account gender specificities. More precisely, the Action Plan includes the following specific axes:

- i. Information and Mainstreaming
- ii. Employment
- iii. Education
- iv. Health and housing
- v. Culture
- vi. Penitentiary system and reinsertion of released persons

It remains to be seen during the implementation of the eventual particular programmes if specific actions will apply to migrant women and to domestic workers in particular.

#### **4. Strategies**

On an official level, the Greek state seems to have gradually adapted a set of integration strategies. European Directives, such as the two mentioned above as well as 2003/86EC on family reunification and 2003/109EC regarding the status of long-term residence have been transposed into national legislation. Nevertheless, the implementation of the directives’ provisions very often runs up against practical difficulties that stem from the lack of additional measures that would

render them effective. The assumption of the Greek Ombudsman, the institution which is assigned to implement “the principle of equal treatment regardless of race or national origin, religion or other beliefs, disability, age or sexual orientation”, which derives from the Directive 2000/43EC, is rather eloquent:

“However, the wording of the above-mentioned statute, incorporating the two EU Directives, adds little to the previous Greek regulatory framework as it reflects *the usual practice of the Greek legislator to adopt EU Directives without the necessary additions for them to be truly effective*. Thus the burden of defining and interpreting these institutional innovations is transferred to the authorities that are responsible for their application” (Greek Ombudsman 2006; our emphasis).

Therefore, even if proclaimed aims and objectives as well as strategies supposedly envisage the integration of migrants in Greek society, in reality the outcome of actual policies is a regime of clear *institutional precariousness* (Baldwin-Edwards 2002). This precariousness emanates, on one hand, from the main problems expressed by migrants in this as well as other surveys (see for instance Parsanoglou & Petracou 2007) that are associated with the restrictive and rather costly requirements for issuing and renewing residence permits. It should be noted here that the application for issuing a residence permit in Greece costs €150 for every year. This is the highest fee charged for such permits across the European Union. The cost for the long-term residence permit is €900! (For a comparison see European Migration Dialogue at [[www.hlhr.gr/emd/emd.htm](http://www.hlhr.gr/emd/emd.htm)]).

On the other hand, social exclusion of migrants due to actions taken by the political leadership of the country is evident in a series of official decisions and practices. A clear example is the *National Committee for the Social Integration of Migrants*, which has been introduced by Law 3536/2007, passed in February 2007 in order to, a) propose policies and actions regarding the social integration of migrants to the competent Inter-ministerial Committee b) manage the social dialogue on integration and c) work out and monitor actions and programmes particularly within the framework of the *Integrated Plan for Social Integration* (art. 1, § 4). This Committee comprises the General Secretaries of eight ministries, the President of the Hellenic Migration Policy Institute, representatives of local authorities, of the Greek-orthodox Church, University Professors, and representatives of parliamentary political parties, trade unions, associations of employers, of the International Organisation for Migration and of the Athens Bar Association. What is striking is that *no migrant associations were invited to participate*, a fact that led the Hellenic League for Human Rights to speak about a “National Committee for the Social Exclusion of Migrants” (Hellenic League for Human Rights 2007).

In addition, one administrative practice, only encountered in Greece, is that many migrants obtain the official document of their residence permit after its expiry date! Until then they are provided with a certification that does not allow them to

travel abroad: “24 years in the country and I always have to apply for a stay permit and when I get it, it is expired. For months, I have access only inside the country. I cannot travel outside the country”, a woman migrant from Sierra Leone reported.

Thus, the question of integration is dealt with mostly on a grassroots level by actors from the civil society and especially by migrants themselves. We must note that in the case of female migrant domestic workers there are additional difficulties that are related not only to the situation pertaining to the migration regime as it was described above, but also to the nature of domestic work itself.

Migrants do not know their rights and this can be partially attributed to the continuous changes of the legislative framework (66 amendments of the 2001 law and 17 of the most recent immigration law of 2005). Additionally, migrant domestic workers face isolation and exclusion because of their workplace. Nevertheless, especially for live-in employment, which is usually the first option organised through informal agencies for many independent newcomers, the workplace is also the first place where they come in contact with the “host” society. As a Ukrainian domestic worker explained “many girls learn the Greek language and the problems of Greek society in the house [where they work] by watching TV, listening to discussions taking place among family members, listening about the problems of the kids at school etc”.

*Work overload or super-exploitation*, as two researchers have pointed out (Tastsoglou & Hadjicostandi 2003), is very often associated with the lack of a formal job description. Migrant domestic workers do not know what their specific tasks will be before they start working: “You begin with an agreement for house cleaning and cooking. Then you get laundry and ironing and if there are children you also get baby-sitting” a Moldovan domestic worker reported (See also, Topali 2001).

We must note that there is a huge difference between live-in and live-out domestic workers as far as employment strategies are concerned. “Freelancers” who work part-time for several employers have more freedom and options when it comes to negotiating their work commitments. Through informal networks of information exchange which are usually based mainly on interpersonal relations within the same ethnic group, prices and tasks are somewhat standardised. Claims for, and protection of rights, as well as conflicts among employers and employees may strategically be leaked out of the confined space of the household. A Greek interviewee who had to find a new domestic worker to take charge of an elderly family member when the Ukrainian domestic worker previously working at their household decided to return to her homeland, reported that it proved impossible to find another one, because the domestic worker was informing all the candidates about wage problems and work difficulties while she was still working at that specific household.

A similar tension between structural limitations and constraints, on the one hand, and strategies and practices from below, on the other, exists regarding social life

and participation outside the household. A lack of resources as well as a lack of institutionalisation of migrant communities serves as an excuse for the authorities to exclude migrants from social dialogue about problems they face. As public officials have described during the interviews, migrant communities are divided and their leadership is not widely recognised and accepted by the members of these communities. Therefore, government agencies claim that it is impossible to promote a social dialogue with migrant communities. For this reason, fostering civic, or at least social, participation and expanding employment opportunities for these people is almost impossible.

Nevertheless, despite problems and difficulties, female migrant domestic workers have gradually begun to appear in the public sphere. We can distinguish two types of social participation strategies: *socio-cultural* and *socio-political*. It is true that the majority of communities are oriented towards socio-cultural activities, where the main objectives are the preservation of their cultural identity in addition to socialising. Gatherings on Sundays—Sunday usually being the only day-off—along with discussions, cooking, singing etc. are the main activities of migrant women's associations, especially from former Soviet Union countries (Ukrainian, Moldovan, Russian).

In other cases, such as the Filipino association KASAPI and the Pan-Hellenic Network of Migrant Women (an umbrella organisation comprised of 15 migrant communities), cultural activities coexist along with political strategies. The question of rights is central to their agenda and alliances with trade unions as well as antiracist organisations are ongoing.

## **5. Best practices**

Searching for concrete examples of best practices for the integration of female migrant domestic workers as far as official measures and programmes are concerned is frustrating. The fact that policymakers do not take into account the gender dimension of migration has an evident impact on measures and practices. On the other hand, authorities do not offer financial support to existing and successful practices undertaken by migrant associations. For example, the Ukrainian association mentioned above, which ran a school for Ukrainian children, was obliged to abandon its offices and consequently its school because of lack of economic resources. KASAPI, the oldest migrant organisation in the country and the best organised (for its history, see Cañete 2001), is absolutely self-sustained; it has never received funding from the state with the exception of support from the municipality of Athens in the form of food provisions for schoolchildren.

The main pathways of implementing best practices with the partial support of the authorities depend on European programmes, such as the EQUAL Initiative and the DAPHNE programme. Within the framework of these programmes several structures of support have been created and staffed by NGOs. However the majority of these structures face severe problems of survival after the completion of any given

programme. Once a programme ends economic sustainability is not assured in most cases. This is the case for the Greek Network of Migrant Women. Rent for their offices depend on EU funding through an EQUAL programme that ended in June 2007.

Therefore, the implementation of good practices falls again upon agents from civil society and particularly upon migrants. As far as employment is concerned, in some sectors, such as construction, many migrant workers are unionised (in Athens, one-third of union members are migrants). This is the case because trade unions have the capacity to reach workplaces and inform migrant workers about their rights (Parsanoglou 2004). In the case of domestic work, trade unions are not authorised to intervene in private households that constitute the workplace; for this reason trade unions are prevented from offering protection and support to migrant domestic workers. Thus, whenever problems faced by migrant domestic workers are communicated to the Migrant Workers Secretariat of GSEE, this happens through migrant associations. In this field, KASAPI has been very active. KASAPI is an organisation that is very well known among Filipino and other migrants. KASAPI mediates between individual migrant workers and trade unions. In many cases, domestic workers that have problems with their employers are referred to KASAPI who informs the Labour Centre of Athens in order to summon employers to discuss and resolve problems faced by migrants in their workplace.

Unfortunately, there are no other examples of best practices for the protection of working rights of female migrant domestic workers. Best practices can be found on the level of social participation. Schools run by migrant associations, festivals co-organised by migrant associations and NGOs in several cities aiming at raising awareness within society at large are some of the regular activities undertaken by NGOs and migrant communities. We must nevertheless emphasise that the gender dimension is not always incorporated in these public awareness activities. Women migrants and especially domestic workers are not very visible in such events.

However, there are exceptions. The most important example of a public intervention by migrant women is the “No to racism from baby’s cot” campaign launched initially by the Union of African Women. This campaign led to a demonstration in the centre of Athens in October 2006 and to a concert held by groups of young musicians with migrant backgrounds during a festival organised against the demolition of the old municipal market in the district of Kypseli in December 2006. This campaign addressed a grave problem faced by migrant children. Migrant children, even if they were born in Greece, do not acquire citizenship (another expression of the dominant *jus sanguinis*). Moreover they do not even have the right to be registered with the municipal authorities that issue birth certificates. This causes a huge bureaucratic problem, as many applications in Greece, including the application for a residence permit, necessary at the age of 18, require a birth certificate.

## 6. Conclusion

Throughout this report we presented and analysed the main problems as well as the limited possibilities of female migrant domestic workers in Greece. As far as problems faced by migrants are concerned, we noted that the residence permit requirements and procedures and issues pertaining to labour rights pose the biggest obstacles that need to be overcome. The high cost of fees and social insurance contributions, complex and time-consuming procedures with uncertain outcomes, limitations in terms of long-term resident permits and citizenship for them and their children are the main legal problems cited by all interviewed migrants. Ignorance of rights as well as lack of control and protection mechanisms, are the main problems associated with the workplace of domestic workers. All of the above issues are obstacles that hinder social participation. Social participation is promoted mainly, if not exclusively, through the initiatives of migrant and other organisations.

In addition to all of the above, various other issues need to be further investigated with regard to female migrant domestic workers. First of all, in academic and political discourses on female migrant domestic workers, one can discern three main approaches, or ways of understanding female migrant domestic workers. The first one sees the latter as ‘victims’ or ‘domestic slaves’. The second approach focuses on ‘migrants as women’ and the third emphasises the ‘migrants as workers’ perspective. Each one of these approaches has its implicit or explicit roots in relative standpoints and implies certain types of analysis and action, which are beyond the scope of this report (for more, see Schwenken 2003, 2005). Nevertheless, a central question posed inevitably to researchers and social agents alike, is who determines which of these three ways of understanding and analysing this phenomenon will come to pass.

More specifically many of the women that we interviewed, especially those from Eastern Europe, had higher education qualifications having received training in chemical engineering, film engineering, sociology etc. Certainly, in these cases, domestic work is an obvious sign of *downward professional mobility*. Nevertheless, overall and over the course of their life trajectory, these women seem to manage to achieve *upward social mobility* which translates into economic and social well-being.

Secondly, there have been a lot of discussions on whether generalisation or increase of domestic work reproduces a gendered division of labour; in other words whether it reproduces and enforces sexist social structures and patterns inside and outside households. It is undeniable that domestic work is largely gendered and reproduces gender roles within households. On the other hand, domestic work, previously unpaid and therefore devalued, becomes more and more *standardised* and *professionalised*.

Therefore, domestic work has become a regular profession that is normally paid. As a Bulgarian domestic worker said “even when I don’t feel very well I go to work.



If I stay home I will do the same things without being paid". It is also important to note that even if the vast majority of married migrant women obtain their residence documents as dependent members of their husbands' families, there are many cases, especially in Athens after the end of the 2004 Olympics and the subsequent decline in the construction sector, where *the sole income of many migrant families derives from the work of women*.

The third point is related to the concept of 'informality' which very often serves as an *explanans* not only for migrant domestic work but for migration in general in Southern Europe. It is undeniable that informal economic activities play a major role in all Southern European economies. In Greece they are estimated to occupy from 20% to 35% of the overall economic activity (Pavlopoulos 1987, Vaiou & Hatzimihalis 1997). Nevertheless, the fact that *non-standard employment* shows a clear tendency of growth in almost all OECD countries (in the mid-1990s, such employment rose to 37% in the UK, 30% in France, almost 40% in Italy, more than 40% in the Netherlands and almost 50% in Japan and Australia) (Carnoy & Castells 2001), as well as the growing economic informality connected to illegalised migration in Europe and in the USA renders a very simple question rather relevant: Finally, *what is formal?* Especially when it comes to contemporary migration, which in the main is irregular and linked directly to informal labour markets, the perception of informality as an exceptional deviation from an alleged "normativity" seems rather problematic (Munck 2005). Maybe it is time to reconsider this formal-informal distinction, unless we want to keep on denying undeniable realities.

The last point we would like to address concerns the question of integration that is widely discussed and researched in Europe and elsewhere. Here, and in other research contexts, what is striking are the multiple ways in which migrants deploy their limited social possibilities, *virtualités* as Henri Lefebvre might call them (Lefebvre 2000), materialising their relative autonomy of social action and finally integrating themselves into the societies they live in. Of course, this does not happen without problems and particularly within an equal social space (space understood in a wider sense). But, in any case an integrated social space can be, and usually is, an *unequally integrated social space*. The dominant paradigm of integration, which many times is perceptible only by those who are considered integrated (Sayad 1999), requires migrants to adjust and integrate to an allegedly given "host" society. If we accept the undeniable fact that migrants *are* an organic part of the society in which they live, it would help reverse this paradigm. We should then maybe reconsider whether "host" societies should seriously start thinking about adjusting to their new multicultural character.

Table 1: Foreigners who have declared an employment by nationality and professional category (Women—main nationalities)

Country of origin	Total	Agriculture	Mine industry	Manufacture industry	Electricity etc.	Construction public works	Trade, hotels and restaurants	Transportation and communication	Banking and insurance	Services	Other
<b>Total</b>	<b>120,903</b>	<b>14,961</b>	<b>20</b>	<b>9,625</b>	<b>44</b>	<b>1,068</b>	<b>24,051</b>	<b>2,001</b>	<b>683</b>	<b>62,678</b>	<b>5,772</b>
		<i>12.37%</i>	<i>0.02%</i>	<i>7.96%</i>	<i>0.04%</i>	<i>0.88%</i>	<i>19.89%</i>	<i>1.66%</i>	<i>0.56%</i>	<i>51.84%</i>	<i>4.77%</i>
Albania	54,165	8,089	12	4,850	12	559	10,211	253	138	27,712	2,329
		<i>14.93%</i>	<i>0.02%</i>	<i>8.95%</i>	<i>0.02%</i>	<i>1.03%</i>	<i>18.85%</i>	<i>0.47%</i>	<i>0.25%</i>	<i>51.16%</i>	<i>4.30%</i>
Bulgaria	12,931	3,295	0	533	0	119	2,048	53	19	6,246	618
		<i>25.48%</i>	<i>0.00%</i>	<i>4.12%</i>	<i>0.00%</i>	<i>0.92%</i>	<i>15.84%</i>	<i>0.41%</i>	<i>0.15%</i>	<i>48.30%</i>	<i>4.78%</i>
Romania	4,583	1,006	1	445	1	47	1,170	45	13	1,613	242
		<i>21.95%</i>	<i>0.02%</i>	<i>9.71%</i>	<i>0.02%</i>	<i>1.03%</i>	<i>25.53%</i>	<i>0.98%</i>	<i>0.28%</i>	<i>35.20%</i>	<i>5.28%</i>
Georgia	5,585	335	0	607	1	21	1,036	19	12	3,313	241
		<i>6.00%</i>	<i>0.00%</i>	<i>10.87%</i>	<i>0.02%</i>	<i>0.38%</i>	<i>18.55%</i>	<i>0.34%</i>	<i>0.21%</i>	<i>59.32%</i>	<i>4.32%</i>
Pakistan	197	27	0	80	0	13	29	5	0	13	30
		<i>13.71%</i>	<i>0.00%</i>	<i>40.61%</i>	<i>0.00%</i>	<i>6.60%</i>	<i>14.72%</i>	<i>2.54%</i>	<i>0.00%</i>	<i>6.60%</i>	<i>15.23%</i>
Ukraine	6,195	288	0	248	0	29	1,172	55	15	4,131	257
		<i>4.63%</i>	<i>0.00%</i>	<i>4.00%</i>	<i>0.00%</i>	<i>0.47%</i>	<i>18.92%</i>	<i>0.89%</i>	<i>0.24%</i>	<i>66.68%</i>	<i>4.15%</i>
Russia	4,259	218	0	545	2	23	1,035	64	16	2,143	213
		<i>5.12%</i>	<i>0.00%</i>	<i>12.80%</i>	<i>0.05%</i>	<i>0.54%</i>	<i>24.30%</i>	<i>1.50%</i>	<i>0.38%</i>	<i>50.32%</i>	<i>5.00%</i>
Poland	2,945	94	2	163	1	27	576	47	11	1,887	137
		<i>3.19%</i>	<i>0.07%</i>	<i>5.53%</i>	<i>0.03%</i>	<i>0.92%</i>	<i>19.56%</i>	<i>1.60%</i>	<i>0.37%</i>	<i>64.07%</i>	<i>4.65%</i>
India	200	73	0	37	0	8	14	6	1	46	15
		<i>36.50%</i>	<i>0.00%</i>	<i>18.50%</i>	<i>0.00%</i>	<i>4.00%</i>	<i>7.00%</i>	<i>3.00%</i>	<i>0.50%</i>	<i>23.00%</i>	<i>7.50%</i>
Philippines	3,866	15	0	46	0	4	195	77	10	3,335	184
		<i>0.39%</i>	<i>0.00%</i>	<i>1.19%</i>	<i>0.00%</i>	<i>0.10%</i>	<i>5.04%</i>	<i>1.99%</i>	<i>0.26%</i>	<i>86.26%</i>	<i>4.76%</i>
Egypte	308	25	0	39	0	9	84	14	5	106	26
		<i>8.12%</i>	<i>0.00%</i>	<i>12.66%</i>	<i>0.00%</i>	<i>2.92%</i>	<i>27.27%</i>	<i>4.55%</i>	<i>1.62%</i>	<i>34.42%</i>	<i>8.44%</i>
Bangladesh	83	2	0	34	0	1	23	0	0	12	11
		<i>2.41%</i>	<i>0.00%</i>	<i>40.96%</i>	<i>0.00%</i>	<i>1.20%</i>	<i>27.71%</i>	<i>0.00%</i>	<i>0.00%</i>	<i>14.46%</i>	<i>13.25%</i>
Moldova	2,616	180	0	114	0	20	500	16	6	1,688	92
		<i>6.88%</i>	<i>0.00%</i>	<i>4.36%</i>	<i>0.00%</i>	<i>0.76%</i>	<i>19.11%</i>	<i>0.61%</i>	<i>0.23%</i>	<i>64.53%</i>	<i>3.52%</i>
Armenia	1,566	49	0	354	1	11	315	9	6	745	76
		<i>3.13%</i>	<i>0.00%</i>	<i>22.61%</i>	<i>0.06%</i>	<i>0.70%</i>	<i>20.11%</i>	<i>0.57%</i>	<i>0.38%</i>	<i>47.57%</i>	<i>4.85%</i>
Syria	137	3	0	42	0	9	29	5	0	41	8
		<i>2.19%</i>	<i>0.00%</i>	<i>30.66%</i>	<i>0.00%</i>	<i>6.57%</i>	<i>21.17%</i>	<i>3.65%</i>	<i>0.00%</i>	<i>29.93%</i>	<i>5.84%</i>

Elaboration from 2001 Census

Table 2: Foreigners who have declared an employment by nationality and professional category (Men—main nationalities)

Country of origin	Total	Agriculture	Mine industry	Manufacture industry	Electricity etc.	Construction public works	Trade, hotels and restaurants	Transportation and communication	Banking and insurance	Services	Other
<b>Total</b>	<b>270.771</b>	<b>53.721</b>	<b>628</b>	<b>39.211</b>	<b>525</b>	<b>94.935</b>	<b>37.446</b>	<b>8.720</b>	<b>823</b>	<b>17.810</b>	<b>16.952</b>
		<b>19,84%</b>	<b>0,23%</b>	<b>14,48%</b>	<b>0,19%</b>	<b>35,06%</b>	<b>13,83%</b>	<b>3,22%</b>	<b>0,30%</b>	<b>6,58%</b>	<b>6,26%</b>
Albania	172.136	38.970	429	20.352	261	72.098	20.339	4.029	127	6.050	9.481
		22,64%	0,25%	17,82%	0,15%	47,88%	17,82%	2,34%	0,07%	3,51%	5,51%
Bulgaria	10.216	4.291	29	982	20	2.376	996	360	12	513	637
		42,00%	0,28%	9,61%	0,20%	23,26%	9,75%	3,52%	0,12%	5,02%	6,24%
Romania	10.225	2.574	11	1.508	42	3.839	957	209	14	400	671
		25,17%	0,11%	14,75%	0,41%	37,55%	9,36%	2,04%	0,14%	3,91%	6,56%
Georgia	5.596	457	31	1.011	20	2.556	668	223	3	303	324
		8,17%	0,55%	18,07%	0,36%	45,68%	17,94%	3,98%	0,05%	5,41%	5,79%
Pakistan	9.041	1.202	20	4.017	9	1.231	1.178	236	6	286	856
		13,29%	0,22%	44,43%	0,10%	13,62%	13,03%	2,61%	0,07%	3,16%	9,47%
Ukraine	2.161	197	6	358	9	829	279	114	1	217	151
		9,12%	0,28%	16,57%	0,42%	38,36%	12,91%	5,28%	0,05%	10,04%	6,99%
Russia	3.596	251	10	714	27	1.207	515	224	9	359	280
		9,12%	0,28%	16,57%	0,42%	38,36%	12,91%	5,28%	0,05%	10,04%	6,99%
Poland	4.388	120	17	607	2	2.637	389	120	5	223	268
		2,73%	0,39%	13,83%	0,05%	60,10%	8,87%	2,73%	0,11%	5,08%	6,11%
India	5.862	3.119	23	1.081	6	495	339	91	7	163	538
		53,21%	0,39%	18,44%	0,10%	8,44%	5,78%	1,55%	0,12%	2,78%	9,18%
Philippines	1.082	39	0	64	0	30	216	210	7	430	86
		3,60%	0,00%	5,91%	0,00%	2,77%	19,96%	19,41%	0,65%	39,74%	7,95%
Egypte	4.515	634	1	715	5	1.281	1.046	171	5	404	253
		14,04%	0,02%	15,84%	0,11%	28,37%	23,17%	3,79%	0,11%	8,95%	5,60%
Bangladesh	4.018	98	2	2.126	0	224	1.047	52	0	143	326
		2,44%	0,05%	52,91%	0,00%	5,57%	26,06%	1,29%	0,00%	3,56%	8,11%
Moldova	1.243	280	3	156	4	443	154	39	2	82	80
		22,53%	0,24%	12,53%	0,32%	35,64%	12,39%	3,14%	0,16%	6,60%	6,44%
Armenia	2.136	64	5	622	9	681	379	74	1	139	162
		3,00%	0,23%	29,12%	0,42%	31,88%	17,74%	3,46%	0,05%	6,51%	7,58%
Syria	3.542	33	4	1.078	0	1.460	514	102	5	164	182
		0,93%	0,11%	30,43%	0,00%	41,22%	14,51%	2,88%	0,14%	4,63%	5,14%

Elaboration from 2001 Census



# National Report: The Case of Italy

*Tatiana Di Federico*

## 1. Background: The phenomenon in Italy

According to the Population Reference Bureau, the American department that studies the world migratory phenomenon, Italy attracts the second highest number of immigrants in the world: 10% of the world's annual flux, 300,000 entries annually (Caritas 2006).

Italy is the most relevant example of the "Mediterranean model of migration" which encompasses Spain, Greece and Portugal (Ruspini 2005). All these countries have two common features:

- They experienced strong emigration in the past and a large number of their citizens are still living abroad;
- They became countries of immigration at the end of the 1970s.

The 2006 annual statistical report about migrants living in Italy, released by Caritas,<sup>1</sup> claims that there were 3,035,000 migrants regularly living in Italy by the end of 2005. These data show that Italy is among the European countries with the highest number of migrants: Germany (7,287,980), Spain (3,371,394), France (3,263,186) and Great Britain (2,857,000).

The number of migrants living in Italy is increasing rapidly and alien children comprise 10% of the total births registered in 2005. Regarding migrants' countries

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1 Caritas is the pastoral body of the CEI (Italian Episcopal Conference). Its Annual Report on Migration is considered one of the most reliable in Italy, both for its accuracy and for Caritas' informal network, which permits the collection of larger amounts of information than the official governmental estimations.

of origin, 50% come from Eastern Europe, 20% from Africa, 20% from Asia and 10% from America (Caritas 2006).

The increasing arrivals of female migrant domestic workers are changing the features of Italian immigration. In 2006, 46% of the migrants that arrived in Italy were women working as domestic workers. According to the Caritas dossier 2006, the total number of female foreign migrants has increased from 45.6% to 49.8% since 2001. About 54.8% of the female migrants come from Eastern Europe. Moreover, in about 40 foreign communities living in Italy, women comprise more than 70% of the migrant population, and in the Ukrainian community in particular, the female presence is higher than 80%. The Ukrainian women are generally about 40-50 years old and they have a high level of education, often holding degrees in engineering and other fields. Women from Eastern Europe migrate alone and they play a central role in the economies of their countries of origin thanks to the high remittances they send home each month.

The exact number of domestic workers<sup>2</sup> in Italy is uncertain, but the majority of them are women. There are an estimated 745,973 regular workers, plus about 1.3 million irregular workers. The total would be around 2,000,000, with 80% of these being migrants. The majority of Italian domestic workers are employed to care for elderly people, due to the ageing of the Italian population. This job is so common that a new specific expression was born recently for defining it: "badante".

These data are not completely reliable because of the extremely large black market labour force that is commonly used for "care work". In the south of Italy the use of black market labour is more widespread than in the north, and the wages are also lower (around €400 - €500 per month) than in the north (around €800), so migrant domestic workers tend to migrate internally after a few months in Italy.

The city of Milan is a representative case in Italy. According to the Italian Institute for Social Research, there are about 126,000 domestic workers in the region of Lombardia (18.2% of the total population in the country), and 75,000 in the city of Milan alone. Milan has a record number of persons over the age of 65 and there are 10 carers for every 100 elderly persons. In the region of Lombardia around 70% of the domestic workers live in the house of the employers and about 20% are undocumented.

In March 2006, foreigners presented 520,000 requests for entry and about 46% of these applied for domestic work. The image of a typical female migrant domestic worker is the following (Il Sole 24 ore 2006):

- 40 years old;
- Coming from Romania, Ukraine, Albania or the Philippines;

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2 Domestic workers are considered those who work exclusively for familiar life and employer's necessities (waiters, cooks, nannies, housekeepers, assistants, minders, etc.).

- Holding a diploma or a university degree;
- With a family living in the country of origin.

Regarding the working conditions, the average wage is around €700 per month. The majority work directly for households and not for cooperatives or working agencies and they work for 10 or 12 hours per day on average, which amounts to more than 70 hours per week. It is a very stressful job all day and often all night long. Migrant women working under these conditions are isolated from society and their rights as human beings and workers are often violated.

As the head of the Social Politics Area for the Municipality of Venice, Pierangelo Spano, states,<sup>3</sup> this kind of work is particularly consuming for migrant women, because of the widespread irregularity and precariousness characterising the care and the domestic job. Moreover, as Barbara Burgalassi, representative of the Emilia Romagna region, noted,<sup>4</sup> migrant women's need for money causes them to accept working conditions that are widely refused by Italian women such as low wages, no protection and scarce social interaction.

### 1.1 Specific factors that explain the phenomenon

According to the majority of the experts working on the issue, the most important specific factors that explain the increasing number of female migrant domestic workers in Italy are:

- The request for cheap domestic services and the high demand for carers and domestic workers;
- The large pool of female migrant workers available for this job causes a decrease in the labour cost for employers;
- Female migrants' need to send home money as remittances;
- Migrants' necessity to find a house for the first period of their residence in the host country, a need that induces them to live with the employers;
- The changes affecting the Italian family and demographic structure (especially the ageing of the Italian population; Italy has 13 million people over 60, the largest number in the world).
- The Italian welfare system is unable to respond to many of the needs of the weakest social groups;
- The empowerment and changing of women's role in family and society.

For migrant domestic workers, economic reasons are not the only motivations for emigrating, as noted by Barbara Burgalassi. Social reasons, such as the realisation of a personal goal toward empowerment and freedom or the desire to assure a better future to their own family may also be part of the decision to leave their country of origin.

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<sup>3</sup> Interview taken on 26 January 2007.

<sup>4</sup> Interview taken on 5 April 2007.

The working relationship between the employee and the employer in the sector of the domestic work is different from any other labour sector, as agreed by all the stakeholders interviewed in the research. According to Pierangelo Spano the relationship is characterised by blackmail and “hidden advantages”. Employers want an employee at a low cost; they see their demand for extra work as something owed to them and often use the help given for the regularisation of the employee as blackmail for obtaining extra service. On the other hand, migrant domestic workers want to find a job as soon as possible so they agree to work without a contract or for more than the agreed number of hours. This situation causes a decrease in the quality of care, especially when the employee is needed to care for elderly people. Often the workers have no qualifications; anyone can apply for the job of caring for the elderly. Employers prefer to sacrifice the professionalism of the service and often risk the health of their sick relatives, in order to have care at a low cost. At the same time the employee knows that she/he is chosen not for her/his abilities but for a mere economical advantage and that often causes feelings of frustration.

Sandro Mezzadra, professor at Bologna University, compares undocumented female domestic workers to sex workers, because both sacrifice themselves for a job that allows them to earn money rapidly, and both hope to change it as soon as possible.<sup>5</sup>

Barbara Buralassi states that the excessive demands, the limited autonomy and spare time, the isolation from social life and the absence of better perspectives make female migrants feel that this kind of job is just temporary.<sup>6</sup>

There are different channels used to recruit domestic workers: word of mouth, which is useful for putting domestic job-seekers and potential employers in touch in small towns; parishes and various other local organisations have a tradition of organising domestic workers as well. However, new and more structured hiring methods are also becoming widespread, especially in large cities. There are agencies that provide the names and CVs of workers who already possess past experience, or there are Rolls and Registers maintained by municipalities. There are also websites dedicated to connecting job seekers and employers on the Internet.

## **1.2 Methodology**

The methodology used in this report is based on interviews of stakeholders working in different fields related to female migrant domestic workers:<sup>7</sup> researchers from university and national research centres, representatives of local authorities and trade unions, members of associations. The interviews focussed on three main themes:

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5 Interview taken on 1 February 2007.

6 Interview taken on 5 April 2007.

7 For the complete list of interviewees see Annex1.



- i. Explanatory factors and circumstances of female migrant domestic workers in Italy;
- ii. Immigration laws and labour contracts;
- iii. Strategies and projects for the integration of female migrant domestic workers.

Different types of bibliographical resources were used to support the research:

- i. Books and essays;
- ii. Dossiers published by national newspapers;
- iii. Official documents (laws, decrees, model of contracts).

These bibliographic resources describe the ongoing changes of the migration legislation and the domestic workers' labour contract, the initiatives undertaken for the integration of female migrant domestic workers, the public debate on the issue and the theoretical framework.

## **2. Legislation and contracts of employment: *The Current Immigration Law***

The Italian context is currently characterised by many changes at political, economic and social level, due to the new initiatives of the Centre-Left Government.<sup>8</sup> Migration is one of the most discussed issues between Italian political parties, because it is always viewed as an emergency due to the large influx of migrants and the increasing number of “illegal” people living in Italy.

A new draft of law<sup>9</sup> was approved by the Council of Ministers on 24 April 2007, which introduced important changes for migrant workers, especially for domestic workers. Until now the legislation regulating immigration in Italy has been law 189/2002, the so-called Bossi-Fini law,<sup>10</sup> which provides strict rules for migrants.

Every year an annual decree sets a fixed number of non-EU migrants that are allowed to enter Italy. It is a quota system, and only someone who already has a labour contract can request a residence permit. As Ruspini (2005) explains, the residence permit for work is made dependent on a combined employment and residence contract. The residence permit cannot extend longer than the contract: no longer than nine months for seasonal workers, one year for temporary workers and two years for non-temporary workers.

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8 The new government, lead by Romano Prodi, has been in office since 17 May 2006.

9 The so called Amato–Ferrero, after the names of the Minister of Interior Amato and the Minister of Social Solidarity Ferrero.

10 After the names of the two Centre-Right Government former Vice Prime Ministers, respectively leaders of the Northern League and National Alliance. The former Centre–Right Government was in office from 11 June 2001 to 22 April 2005.

Law 189/2002 is more restrictive than the former one (Law no. 40/1998) in several aspects:

- The residence permit can only be renewed for the same duration, while the previous law stated that it could be renewed for a double duration;
- A worker who loses his job and becomes unemployed has the right to be registered on the job placement lists and to legally reside in the territory for six months (not for one year as used to be the case under the previous law) with a legal residence permit;
- Law 189/2002 repealed the job seeker visa, which was an annual quota of residence permits available for migrants in search of a job. These visas were available under the previous immigration law;
- Law 189/2002 is based on a contradiction because it states that in order to come to Italy and obtain a residence permit the non-EU workers must already have a labour contract, while the labour contract states that migrant workers must already have a residence permit to be hired. As a result of this incongruity, an increasing number of “irregular migrants” live and work in Italy without the necessary protection and rights.

Sandro Mezzadra explains that the strict link created by Bossi-Fini law between labour contract and residence permit can be summarised with the formula residence contract, which has the effect of limiting the social mobility and considers migrants as “not complete citizens”.<sup>11</sup> The end of the labour contract means the automatic expiry of the residence permit, and shows that the migrants are considered labour forces only, rather than human beings to be integrated into the host society.

Simona Lembi, Councillor for Equal Rights of the Municipality of Bologna, affirms that law 198/2002 is based on a repressive and controlling logic, which ends up encouraging clandestine behaviour and irregularity by those who cannot renew the residence permit.<sup>12</sup> The new draft of the immigration law reveals the will to change some of the unfair aspects of Law 189/2002:

- To reintroduce the job seeker visa;
- To lengthen the duration of the residence permit;
- To have more flexible quota systems, scheduled every three years and not every year;
- To eliminate the quota system for the domestic workers, due to their large demand by Italian society, and also for other classes of workers (the proposal for the next immigration law is to adjust the annual quota of migrant workers to the market demands, introducing a more flexible system of entry);
- To simplify the procedure for obtaining Italian citizenship (reducing the minimum requisite from ten years of legal residence to five years).

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<sup>11</sup> Interview taken on 1 February 2007.

<sup>12</sup> Interview taken on 21 February 2007.

## 2.1 The New Collective Agreement for Domestic Workers

After two years of bargaining between the social actors, a new collective agreement for domestic workers has been in force since 1 March 2007 and will remain until 28 February 2011.

The most important changes introduced by the new collective agreement are the following:

- **The increase of categories.** While the previous contract recognises 4 categories of domestic workers, the new one recognizes 8 different types of workers, giving more relevance to the services provided and the competences acquired. Each category (A, B, C, D) has a super-level for those who care for people. This is very important for the dignity of migrant domestic workers. The categories are:
  - A:** Workers with less than 12 months of working experience, that are required to perform general, manual and heavy tasks and are under the direct control of the employers
  - A-super:** Minders of self-sufficient people, who are required to keep them company only, and baby sitters who look after children;
  - B:** Workers with more than 12 months of working experience, who are required to have specific skills and are under the direct control of the employers;
  - B-super:** Minders of self-sufficient elderly people and children, with tasks relating to the cleaning and the board of the house as well;
  - C:** Workers with specific professional competences, who work autonomously;
  - C-super:** Minders of dependant elderly people and children, who do not have a professional diploma, but are required to clean and run the household as well;
  - D:** Workers with a professional diploma, who work autonomously and have managing and coordinating tasks;
  - D-super:** Minders of dependant elderly people and children, who have a professional diploma and are required to manage and coordinate the housework.

The distinction between these 8 categories is relevant for the application of the minimum wage and for the progression of the worker's career.

- **The increase of wages.** The new contract sets an increase of the wages between 8% and 39%, with salaries of about €1000 per month for workers with professional diplomas.
- **The creation of a disease counter.** The social security system (INPS) does not provide for any insurance in case of illness, according to the past contract; the new contract provides for the creation of a health fund that will allow workers to have paid health services if needed, granted by INPS. This fund will be

raised with small contributions from the wages of the worker plus a contribution from the employer.

- The collective agreement is the same for both Italians and foreigners, an aspect judged positively by all the stakeholders interviewed, as it allows equal rights for all, independent of the employees' nationality.

**Italian and EU nationals** (also neo-EU nationals, i.e. Romanians and Bulgarians) can be hired to work as domestic help/nannies by signing the collective agreement and presenting all the necessary insurance and social security documents, in addition to a valid identification document and all the formal degrees held.

**Non-EU nationals** may be hired if they are already living legally in Italy and hold a residence permit authorising them to work. If the domestic worker is still resident in a non-EU country, the employer must wait for the publication, in the "Official Gazette", of the influx decree, enacted once or several times a year and setting the quota of immigrant workers who may enter Italy with a residence permit for work.

After the publication of the decree, the employer can request the hiring of the domestic worker (who is supposed to be abroad) for a fixed or unfixed period of time. They complete an application form that has to be sent by mail to the Unique Office for Immigration, which has an office in every Prefecture.<sup>13</sup> In reality the majority of immigrant workers are already living in Italy irregularly and in most of the cases they present the application form on behalf of their employers.

There are some specific conditions, both applicable in the old and the new labour contract, which the employer must respect in order to make a valid request for a foreign domestic worker:

- The monthly minimum wage must not to be lower than €389.36;
- They must guarantee a weekly working schedule not lower than 20 hours;
- They must demonstrate that they have an annual income of at least twice the amount of annual remuneration owed to their potential domestic worker;
- They must provide appropriate lodging;
- They must demonstrate that they have the financial resources to pay remuneration and insurance expenses related to the hiring.

After the request has been sent to the Unique Office for Immigration, it is necessary to wait for approval from Questura (Police Department), Provincial Working Directory and Provincial Working Centre. In due course the Unique Office for Immigration gives the employer authorisation to hire the worker. Six months after authorisation has been granted the employee must visit the Consulate to

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<sup>13</sup> Territorial office, dependent by the Minister of the Interior; having competences related to the local life of the municipality.

request a work visa. Eight days after entering Italy the employee, generally together with her/his employer must attend the Unique Office for Immigration to sign the contract and request a residence permit for work. When hired, domestic workers must provide their employers with a copy of their social security registration (INPS); if they are already registered, they must also supply a copy of their residence permit, any professional certificates and their healthcare and tax codes.

The agreement may be verbal but if it is written, it must contain the following information:

- The start and the end date (if the contract is fixed term);
- The professional category;
- The accrued length of service;
- The duration of the trial period;
- Working hours;
- Holidays;
- The weekly rest day;
- The mid-week half-day rest period;
- Conditions of room and board, where applicable.

The contract must establish a salary, or remuneration, which may be based on an hourly or monthly figure. All employment relationships between domestic workers/nannies and their employers are based on different economic conditions, which cannot, however, be in conflict with the collective agreement. The parties cannot agree upon remuneration that is less than the contractual minimum established by the law (€389.36). The collective agreement also sets a maximum limit on working hours (the maximum for a domestic worker lodged with their employers is 54 hours per week, 40 hours per week for non-lodged employees) after which overtime pay is due (generally at an extra cost of approximately 25% or 50%). Domestic workers are also entitled to a year-end bonus; the equivalent of one month's salary, to be paid at Christmas.

A representative of one of the biggest trade unions in Italy (CISL—Italian Confederation Workers Trade Union), Giusi Rivello, declares that in practice this contract is just a formality because employers and employees have informal agreements in order to gain the maximum advantage for both parties.<sup>14</sup> Indeed they very often declare the minimum hours set by the collective agreement, (25 hours), but in fact the employee works for more hours. This allows employers to pay less taxes and employees to earn more. As mentioned earlier, the drawback of this situation is the blackmailing element that characterises the relationship between employers and employees.

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<sup>14</sup> Interview taken on 5 February 2007.

Holidays are paid and vary according to the duration of the contract. If the contract is longer than one year, workers receive a maximum 26 days holiday with pay which must be used during the year. In the event of accident or illness, holidays are automatically suspended and the worker is entitled to keep his/her job based on the accrued length of service and days of sick leave. The worker must justify absences to his/her employer: if no justification is provided within three day's time, the absence is regarded as a resignation.

The National agreement for domestic workers is the only national contract that does not provide a period for breastfeeding. Domestic workers have five months of maternity leave, two before childbirth and three afterwards, or one before the birth and four after (Fondazione Andolfi 2003). During this period domestic workers have the right to 80% of their average daily wage. In reality, employers often fire domestic workers when they are pregnant, as emphasised by Giusi Rivello.<sup>15</sup>

Employers must make contributions for their domestic workers or nannies by fixed quarterly deadlines by completing a form. Contributions are used by the social security system (INPS) and the Italian National Insurance Institute for Industrial Accidents (INAIL), to liquidate certain indemnities (for unemployment, illness and maternity, for on-the-job accidents and family support cheques), as well as for pensions. To calculate the quarterly contributions, the amount (set by INPS each year) corresponding to the domestic worker's hourly wage must be multiplied by the number of hours worked during the weeks falling within the quarter. For full-time employment (i.e. more than 25 hours per week) there is a flat-rate contribution that does not depend on hourly wages. The calculation must be based on every day that wages are earned, with the result that hours actually worked during the quarter are added to those paid during periods of leave (for illness, vacation, weekdays holy days, leave, etc.) for which the employer must pay the worker's wages.

Domestic employment may be terminated for three main reasons: dismissal, resignation and expiry of a fixed-term contract. Employers do not need a just cause (such as negligence or serious fault) to dismiss domestic workers, which is not the case with other employment contracts within Italian law. Furthermore, the law does not require employment to resume in cases of illegitimate dismissal. If there is a valid cause for dismissal, employers are not required to serve notice. In all other cases, employers must provide notice of 8-15 days otherwise they must pay a penalty. When a worker resigns he/she must provide notice, unless he/she leaves for a justifiable cause (failure to pay, mobbing, etc.), and domestic workers are entitled to a severance indemnity (TFR). Those who are unemployed when their residence permit for work expires must request a permit (lasting six months) to stay on to seek another job.

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15 Interview taken on 5 February 2007.

### 3. Strategies for migrants' integration

*This section gives a general overview of strategies for migrant integration, in order to make clear the legislative framework in which projects—good practices specifically addressed to female migrant domestic workers—are implemented. At national, regional and local level, specific strategies for female migrant domestic workers are absent, but the existing strategies for migrants' integration constitute the legal basis for the projects described in the next section.*

#### 3.1 The National Level

The national legislation on the integration of migrants is still regulated by the Single Act No. 286 of 25 July 1998, regarding the regulation of immigration and the rules about foreigners' conditions. The Single Act regulates the admission, permanence and expulsion from Italian territory, and the treatment and rights of foreigners living in the national territory. The Bossi-Fini law modified only the rules about the admission, permanence and expulsion from Italian territory, leaving reception and integration policies unchanged.

The Single Act established a Commission for Migrants' Integration Policies (no longer active in the present legislature), which developed the so-called "reasonable model of integration" (Zincone 2001). This model singled out two main integration policy goals:

- Low conflict interaction between nationals and immigrant minorities through:
  - Safety and security measures meant to reassure Italian citizens;
  - Pluralism and communication measures meant to produce mutual respect and understanding;
- Respect of immigrants' personal integrity through:
  - Full rights for legal immigrants;
  - Basic rights for undocumented immigrants.

Despite this model, migrant conditions in Italy are still characterised by a "subaltern integration"; migrant workers are mainly employed in those job sectors rejected by Italian citizens (Ambrosini 2003). "Subaltern integration" is positive for migrants' acceptance in the short term, but it is not sustainable in the medium and long term because in the future, second generations will refuse the marginal social and working conditions of their parents.

On 24 April 2007 the present Ministry of Interior presented a draft reform of the Single Act. Regarding integration, the Government will cease to consider immigration as an emergency and begin to implement integration strategies for the medium and long term. The draft reform is based on two different strategies for migrant integration:

- A direct strategy: sustaining paths of active citizenship;
- An indirect strategy: working with civil society associations.

The main aim of the reform is to promote an integration based on the rights and duties of everyone, for both Italians and migrants. An important instrument of integration will be the right to vote. The reform creates the possibility for those migrants regularly living in Italy to participate in local authority elections. This fundamental aspect aims at obtaining an electoral and legislative process that is truly representative of the diverse population and promotes an active citizenship for migrants. Other measures suggested by the reform bill are equal rights and duties in education, housing, health assistance and employment. Special measures have been drafted for minors and women.

The indirect strategy is aimed at creating and improving the networks of associations, both Italian and migrant, that support and empower the migrants and promote their civil and political rights.

### **3.2 Regional level**

After the reform of the Fifth Title of the Italian Constitution (in force since 8 November 2001) regarding the regulation of the Local Autonomies, the responsibility for the implementation of measures to enable the social integration of migrants was assigned to regions. Although there are many differences among the regional initiatives and legislation on migrant integration, the region of Emilia Romagna has been chosen as a case study in order to better understand regional and local measures in regard to implementing its aims.

Emilia Romagna is the first Italian region to introduce legislation on migrant integration, with the approval of a regional normative Law No. 5 of 24 March 2004 (rules for the social integration of migrant citizens). It addresses the integration of migrants living regularly in Italy. This law assigns the tasks of observing the migratory phenomenon as well as programming, coordinating and evaluating the interventions aimed at migrant integration through a three-year programme. In recent legislature approximately €14 million has been budgeted for activities that would benefit migrants. According to the Caritas Dossier 2006, about 312,123 migrants are actually living in Emilia Romagna, representing 7.5% of the total population (4,151,369 inhabitants).

This region has three main goals in the promotion of regional politics to enhance migrant integration:

- i. The removal of all obstacles to full social, cultural and political inclusion;
- ii. The reciprocal recognition and promotion of cultural, religious and linguistic identities;



- iii. The enhancement of awareness on the rights and duties linked to migrant living conditions.

The strategies followed by the region of Emilia Romagna can be summarised in three points:

- i. To increase the knowledge of the phenomenon and its evolution through the actions of Regional and Provincial Observatories on migration;<sup>16</sup>
- ii. To Enable instruments and practices of governance among different stakeholders, both at institutional and grass-root level;
- iii. To programme, recognise and evaluate a body of responses to migrants' needs.

These strategies led to interventions in the following sectors.

**a. Social participation.** The Regional Law 5/2004 sets the constitution of a regional body (Consulta regionale) for the social integration of migrant citizens. Among its participants there are 18 representatives of migrants (9 females and 9 males, respecting a gender balance). Its tasks are:

- To formulate proposals to the Governmental Body of the region (Giunta regionale) in order to adjust laws and regional measures to migrants' needs;
- To judge and formulate proposals for the three-year programme for migrant integration;
- To propose and judge initiatives and measures for the implementation of Regional Law 5/2004.

**b. Measures against discrimination.** Emilia Romagna region is responsible for observing, monitoring, assisting and giving legal counsel to migrants who are victims of discrimination directly or indirectly. A Regional Centre on Discrimination has been created for the prevention of discrimination against foreigners. Unfortunately the Centre has no budget but it is operated at Region's offices by regional employees.

**c. Housing.** The Emilia Romagna region oversees interventions for facilitating the accommodation and the purchase of a first house for migrant citizens.

**d. Health assistance.** According to regional and national law migrants have the right to receive health assistance. Particular assistance is given to women and minors. Non-regular migrants have the right to receive urgent and essential health assistance as well.

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16 For an overview on the Provincial and Regional Observatories, see websites (only available in Italian): [[www.osservatorioimmigrazione.provincia.bologna.it](http://www.osservatorioimmigrazione.provincia.bologna.it)], [[www.emiliaromagnasociale.it](http://www.emiliaromagnasociale.it)].

**e. Education.** Minors resident on Italian territory have equal access to schools and services for children. The integration of foreign children is among the most important strategies aimed at improving the school system of the region. The region supports initiatives for adults to learn Italian and also supports intercultural education programmes.

**f. Employment.** The Emilia Romagna region promotes initiatives for the employment inclusion of migrants as employees, self-employed workers and entrepreneurs.

**g. Intercultural communication and migrants' associations:** Emilia Romagna supports the creation of intercultural centres and the activities of migrant associations in order to promote the intercultural dialogue and cultural integration of foreign citizens.

### **3.3 Local Level**

According to Regional Laws 5/2004 and Law No. 2 of 12 March 2003 (rules for the promotion of social citizenship and for the realisation of an integrated system of interventions and social services) provinces and municipalities are responsible for the planning and implementation of two different programmes respectively:

- Territorial provincial plan for actions of social integration in favour of migrant citizens, having the following intervention areas:
  - Intercultural communication;
  - Monitoring through the Provincial Observatory on Migration;
  - Promoting the creation of associations and social participation;
- Finalised programme of a zone for social integration of migrant citizens, with the following tasks:
  - Activities in scholastic and extra-scholastic field addressed to minors;
  - Informative offices for migrants;
  - Facilitation of access to services;
  - Intercultural mediation.

The strategies for migrant integration implemented by local authorities aim to involve migrants directly in the governance of the local communities, encouraging both political and social participation. In 2006, the Province of Bologna launched a project for the political representation of migrants, with the aim of establishing a Provincial Council of Migrants in the province. Moreover, initiatives of intercultural communications are locally encouraged through the funding of projects about intercultural communication, intercultural dialogue and the enhancement of

“other cultures”. Particular support is given to initiatives and associations of migrants, in order to increase the positive visibility of migrants in the territory.

In the planning of local strategies for migrant integration, special consideration is given to women. The interventions for migrant women are mainly focused on two areas at local level:

- Interventions for migrant women who are alone, with or without children, or pregnant;
- Interventions for women victims of sexual harassment or violence.

#### **4. Best Practices**

*In this section some of the projects mentioned by interviewees and national researchers are presented as examples of good practice for social and employment integration of female migrant domestic workers. The initiatives are divided into the most significant areas of intervention.*

##### **4.1 The Exposure of the black market labour force and the assistance to employers and employees**

The increasing need for care and the absence of a response from the welfare system forces families to choose the appropriate domestic worker themselves, often in a hurry. The risk that families will turn to the black market to hire a care worker is very high. The following projects try to provide assistance for both the demand and the supply of domestic workers and at the same time combat the black market labour system.

###### **a. “Italia-Lavoro”: occupation and services for the person**

The project, started in 2006 and still ongoing, aims to create a link between the demand for and the offer of domestic work, in particular for nannies and people minders, and to facilitate regular contracts. The purposes of the project are the following:

- To open offices for the information, selection, training, mediation and intermediation of the workforce;
- To select nannies and people minders adequately qualified and register them in databases;
- To support the family in its role as employer and, through economic contributions, help them to hire a domestic worker;
- To promote new opportunities for social and employment integration for those workers who are among the weakest and least qualified groups of the labour market, through processes of information, training and mediation;
- To provide the workers with contacts for medical assistance.

The project has been implemented in three Italian regions, Lombardia, Friuli Venezia Giulia and Veneto, with funding from the Ministry of Labour and the support of provinces, municipalities, local centres for health assistance, public institutions, trade unions, training centres, police departments, and Caritas.

Lorenzo Chialastri, responsible for the Consulting Centre for Migrants of the Caritas of Rome, affirmed that tutoring in the employment inclusion of domestic workers is fundamental for their integration.<sup>17</sup>

For further information please visit [[www.italialavoro.it](http://www.italialavoro.it)].

#### **b. Registers for domestic workers**

In 2005, the municipalities of Rome and Milan created official registers of people minders with professional experience and degrees achieved in their countries of origin. The office that manages these registers is also responsible for the selection and organisation of interviews. It also provides economic assistance to low income elderly people who need to hire a care worker. The aims of the initiative are:

- The promotion of the quality of the people minder's job;
- The facilitation of the search for and choice of domestic workers for families;
- The offer of opportunities to workers to advance their careers;
- The exposure of the black-market labour pool so that the public is made aware of those who work in the sector of care giving.

For further information please visit:

[[www.insiemesipuo.net/A](http://www.insiemesipuo.net/A), [anziani.elencobadanti@comune.milano.it](mailto:anziani.elencobadanti@comune.milano.it)].

#### **c. Formalisation of the competences**

Female migrant domestic workers often do not have certificates or degrees, and this is the reason why the majority of them are exploited in the lowest categories of the labour contract (see the section about collective agreement). Attending training courses is a way to improve working conditions and to promote better employment integration of female migrant domestic workers. The training courses are a recent phenomenon. They can be considered a first attempt at a structured reply to an increasing and urgent need for care in Italian society. However the courses often address the needs of the employers rather than the needs of the employees.

The problems with the courses can be summarised as follows:

- Many courses do not take into account capabilities and competences developed previously;

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<sup>17</sup> Interview taken on 27 March 2007.

- The majority of the courses give a final degree that is not recognised in the public hospitals or health assistance centres;
- Very often a lesson about workers' rights is missing among the topics covered by the courses.

#### d. Training course for nannies and elderly-people minders—Mosaico Commission

The Mosaico Commission has run this project for the past ten years, an institutional body composed of 10 municipalities. It aims to create equal opportunities for women and improve their level of participation in the political, economic and social life of the Emilia Romagna region. Initially, the annual training course was available to women interested in working as housekeepers or caregivers, and aimed to help them find jobs. More recently, the course has been designed for those who want to train specifically in caring for the elderly. Most of those who do this work are migrant women. The teachers are operatives involved in the territorial services: caretakers, cooks, educators, social assistants, nurses, psychologists and pedagogues. The course caters to Italian women and foreign unemployed women who have a good knowledge of Italian. It includes vocational guidance and a tutor in order to facilitate the link between the supply and demand for labour. The duration of the course is 8 weeks (3 hours per day/3days per week) and covers some important subjects such as nutrition, medicines, treatment for elderly people and assistance for particular disabilities.

From 2008 the course will incorporate two important changes. It will give a final degree that will be recognised as part of the regional course for social and sanitary assistants and it will include a lesson on social and work rights.

For further information please visit:  
[[www.comune.bologna.it/iperbole/composam](http://www.comune.bologna.it/iperbole/composam)].

#### e. Increase information about the job of care giving

Very often female migrant workers come to Italy to take up care work without the necessary information and knowledge about a job that requires them to care for people with physical and mental difficulties. The following project aims to bridge this information gap.

#### f. Multilingual information booklets for foreign family caregivers

This initiative was implemented in 2003 by the Emilia Romagna region as part of the “Integrated Project for Sustaining the Emersion and Qualification of Elderly people and Disabled Care Work, Carried Out by Domestic Workers”. The region, with the support of a group of experts in home care work for the elderly, trainers and language-mediators, has drafted a set of information booklets, aimed at migrant domestic workers, on the main issues related to home care work, such as:

1. The relationship with the elderly person;
2. Ensuring personal and household hygiene and safety;

3. Giving help during meals;
4. Assisting the elderly person with movement;
5. Caring for persons affected by dementia;
6. Services network orientation;
7. Rights, opportunities and obligations.

About 22,000 copies of the booklet have been printed. It has been translated into the 8 languages spoken by the majority of the housekeepers and home care workers who have applied for the legalisation of their position: i.e. Russian, Polish, Rumanian, Arabic, English, French, Spanish and Albanian.

The brochures are intended to provide:

- Initial support for newly arrived caregivers;
- Advice on the most frequent home care work related problems;
- A way to become familiar with the technical house and healthcare work terminology;
- A first aid manual providing advice on how to relate to an elderly or disabled person, his/her family and the local community.

The booklets have been distributed through the Elderly Care Services based in all the District Municipalities, where experts have also been available for counselling.

For further information please visit:

[[www.emiliaromagnasociale.it/wcm/emiliaromagnasociale/home/anziani/emersione.htm](http://www.emiliaromagnasociale.it/wcm/emiliaromagnasociale/home/anziani/emersione.htm)]

#### **g. Social participation and active citizenship**

Female migrant domestic workers are often isolated from the public life of the host country because they work in the households for the majority of the day and the welfare system lacks the necessary channels for encouraging their involvement in society. The following projects aim to involve female migrant domestic workers in the life of the local community.

#### **h. ELSA—policy of empowerment of foreign people minders**

This project was implemented in the Provinces of Forlì and Cesena (Emilia Romagna Region) from July 2005 to December 2007. It aimed to support and improve care work, and at the same time to encourage and enable actions for the social inclusion of female migrants domestic workers, especially for those who care for the elderly. It considered the local community as a driving force for action on behalf of migrant workers in the social and cultural services.

The main intervention areas were the following:

- Opportunities and empowerment for female migrant domestic workers, through training courses, provincial offices for the recruitment of domestic workers and the promotion among the families of regular labour contracts;
- New strategies for active local welfare assistance, through the creation of communitarian services for both families and domestic workers. This aspect is crucial for the social and employment integration of female migrant domestic workers, because migrant women and their employers are involved personally in the definition of the services aimed at them. The methodology consists of several stages:
  - o The mapping of the territorial areas and the choice of a local community with a significant number of elderly people and caregivers;
  - o Interviews with families and workers, in order to understand their needs;
  - o Creation of focus groups made up of female migrant domestic workers to discuss the necessary interventions and to share experiences and problems;
  - o Proposals for and active participation of female migrant domestic workers in the definition of local services and politics addressed to the caregiver sector and their social integration;
  - o Implementation of communitarian local services.

This project is co-funded by Equal Programme and the Emilia Romagna region, and it has being implemented by Arco, a society that sets up projects for supporting active citizenship.

For further information please visit: [[www.arcopolis.it/elsa](http://www.arcopolis.it/elsa)].

#### i. The Women's Intercultural Centre "Alma Mater"

The Women's Intercultural Centre "Alma Mater" in Turin was created in September 1993 and is run by "Alma Terra", an intercultural association of Italian and migrant women. The centre is an intercultural laboratory and a place for mediation between women and the city of Turin. Its aim is to support and encourage migrant women's capabilities and resources, in order to facilitate their integration into Italian society.

"Alma Mater" offers important services for supporting migrant women:

- Information and orientation about local resources, in order to facilitate entry into Italian society;
- Intercultural mediation;
- Legal counselling to make migrant women aware of their duties and rights and to inform them about legal services and institutions operating in Turin;
- Activities with children;

- Laboratory of Italian language;
- Micro-credit for women without relatives and friends.

In addition the centre offers cultural and recreational resources:

- A documentation centre;
- A multicultural theatre company which is a laboratory for improving intercultural dialogue through arts;
- A hammam for both Italian and foreign women;
- A cooking and sewing laboratory.

## **5. Conclusion**

Italy has experienced the phenomenon of immigration only recently and in a few decades it has become one of the European countries with the highest number of migrants. Changes affecting family structures, women's emancipation and the ageing of the Italian population have caused an increasing need for care, especially for elderly people. This demand has been filled by female migrant domestic workers who are coming in large numbers to Italy, from Eastern European countries in particular.

The "care sector" is mainly informal and irregular because of the inability of the welfare system to respond with economic resources or public structures to the needs of families, and because of contradictions in the actual immigration law. The draft of the new immigration law contains some important changes that may encourage female migrant domestic workers to shun the black market labour system, which is the channel that most of them use to find work at present. From this point of view the abolishing of the "residence contract" and the special measures foreseen for migrant domestic workers are the most relevant innovations towards a better social and employment integration of female migrant domestic workers.

Until now this category of migrants has been characterised by invisibility, exploitation and irregular living conditions (i.e. absence of labour contract and residence permit). The stakeholders involved in the integration of female migrant domestic workers are the institutions, mostly regional and local, the trade unions and the associations.

The challenge is to overcome the so-called "subaltern model of integration" and to implement a model of integration based on migrant involvement in the social, economic and political life of the host country, without any form of discrimination. Migrant women's empowerment is crucial for their integration into society; empowerment can be achieved by developing and formalising their capabilities. The present collective agreement for domestic workers differentiates those who



have degrees and certificates, placing them in higher and better-paid work categories. Unfortunately, in Italy the black market for labour is still very large and the advantages of the new contract will be difficult to achieve in the short term. Many projects have been implemented to expose the issue of domestic work to the public and to enhance the participation of migrants in the life of the host country. For these initiatives, regions, provinces and municipalities play a central role.

Migrant domestic workers are often the only link to the immigration world and to extra-European cultures for many Italian citizens, but actually there are no projects aimed at promoting positive awareness of these new cultural groups in Italy. These women carry with them a cultural legacy that remains mostly hidden because of their social exclusion and the absence of channels in which to express themselves and communicate their experiences.

Female migrant domestic workers are often exploited, working for many hours in the house without establishing any relationship with the employer, who ignores their culture of origin. In addition migrants are frequently excluded from the mainstream media and from public spaces, so it would be necessary to implement projects aimed at promoting intercultural dialogue between migrants and the host society.

## **Annex A**

### **Stakeholders interviewed**

#### **Nicola Scalabrini—18 January 2007**

President of “Mosaico Commission” an institutional body composed of 10 Municipalities, which aims at creating equal opportunities and improving Italian and migrant women’s participation in the political, economic and social life of the Emilia Romagna region.

#### **Orietta Rucolo—19 January 2007**

Head of the female coordination of the Emilia Romagna CISL (Italian Confederation of Workers’ Trade Union).

#### **Pierangelo Spano—26 January 2007**

Head of the Social Politics Area of the Municipality of Venice and author of a book entitled *Le convenienze nascoste. Il fenomeno delle badanti e le risposte del welfare* [Hidden conveniences. Elderly people minders’ phenomenon and the answers offered by the welfare system].

#### **Sandro Mazzadra—1 February 2007**

Professor of Migrant Studies at the Faculty of Political Sciences, University of Bologna.

#### **Giusi Rivello—5 February 2007**

Responsible for the FISASCAT (Italian Federation of Commercial Services and Tourism Workers)—the Emilia Romagna CISL’s office for the resolution of problems linked to the collective agreements for domestic workers.

#### **Giampaolo Spettoli—12 February 2007**

Head of the Migrants Services Centre—Emilia Romagna CISL, the trade union department responsible for migrants’ assistance in legal and working problems.

#### **Simona Lembi—21 February 2007**

Councillor for Equal Rights of the Municipality of Bologna. Responsible for the promotion of women’s empowerment in the municipal territory of Bologna.

#### **Lorenzo Chialastri—27 March 2007**

Responsible for the Consulting Centre for Migrants of Caritas Rome, a centre that addresses migrants’ primary needs (housing, health, jobs), socio-cultural problems (language, training, education) and legal problems.

#### **Alessandra Di Iacovo—2 April 2007**

Employee at ACLICOLF of Bologna, a Catholic association that offers counselling, information and assistance to Italian and migrant domestic workers and their employers, especially for labour contract and residence permits.

**Barbara Buralassi—5 April 2007**

Employee in the Social Policy Area of the Emilia Romagna Region, specialised in Italian and migrant women's issues.

**Maria Grazia Battisti—11 April 2007**

Employee at the Consulting Centre for Migrants of Caritas Rome.

**Public meetings attended**

**Bologna, 12-13 October 2006**

International Conference on Violence against women. During the meeting we encountered Encarna Bodeleon, Lecturer of Philosophy of Law at the University of Barcelona, and Daniela Almer, member of the WAVE (Women Against Violence in Europe). We exchanged points of view and examples of good practice in the field of violence prevention against women and especially against female migrants.

**Bologna, 7-9 November 2006**

European Trade on Public Communications, a meeting about women and female migrants' involvement in the media and information technologies.

**Bologna, 24 November 2006**

Conference, organised by Bologna Province, about female migrants and their identities.

**Bologna, 23 March 2007**

Meeting of Emilia Romagna Region about local plans for migrant social integration, during which many migrant associations presented their projects.

**Bologna, 26 March 2007**

Conference entitled "New citizens in the changing cities", about integration policies for the social citizenship of migrants.

**Bologna, 4 April 2007**

Conference about elderly people minders held in Imola, a suburb close to Bologna, and organised by the migrant women association "Trame di Terra".



# National Report: The Case of Spain

*Rocío García, María Padrós and Fatima Fuentes*

## 1. Background

The review of the existing literature shows that recent studies on the specific female migrant domestic worker collective and their social and work situation, within the Spanish context, are almost non-existent.

It is important to highlight the exhaustive study conducted by Sigma Dos (IMSERO 2004), which presents a descriptive overview of the situation of migrant domestic workers in Spain. Amongst the studies that refer more generally to women, migration and the labour market, some are dedicated to specific issues which are similar to domestic work, such as caring for the elderly (Colectivo IOE 2005) or Parella's analysis that focused on the "reception context" and care jobs (Parella 2000). In some cases, the emphasis is placed on the perceptions and experiences by both employees and the employers of female migrant domestic workers (Días y Tobío 2004, Colectivo IOE 2001b). Some material provided by trade unions has contributed additional information that is also of interest (CGT 2006, UGT 2006).

Thus, in order to provide information about the legal situation and population data, we have used statistical data from the main public administration organisations which are involved in this field, particularly the Anuario Estadístico de Inmigración [Yearbook of Statistics on Immigration] (Observatorio Permanente de la Inmigración, 2006),<sup>1</sup> on laws and regulations concerning the domestic work and the migration sectors.

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<sup>1</sup> Yearbooks are produced by the Observatorio Permanente de la Inmigración [Permanent Observatory for Immigration], within the Ministry for Work and Social Affairs. See the following webpage to see Yearbooks from 1996 and other statistic reports [<http://extranjeros.mtas.es>].

Also, the data and the literature are supported by other information taken directly from fieldwork carried out along with key actors. Specifically, six interviews were held which covered public administration, trade unions, and civic associations:<sup>2</sup>

Table 1: Interview Data

Sector	Institution	Profile of the person	Code
Public administration	Generalitat de Catalunya–Secretaria General d’Immigració [Catalan Government–General Migration Secretary]	Female Officer in public administration	E6
Trade Unions	Comisiones Obreras (CC.OO)	Male Labour Insertion Cleaning sector	E1
	UGT–Associació AMIC–Mutual help migrants association in Catalonia	Migrant Female Organisations Area	E5
	Mutual help migrants association in Catalonia	2 female Labour counselling	E4
Associations	Co-ordinator for socio-labour insertion "Anem per feina"	Male and female co-ordinators	E2
	Latin Women without frontiers Association.	Female. Social worker	E3

### Migration in Spain

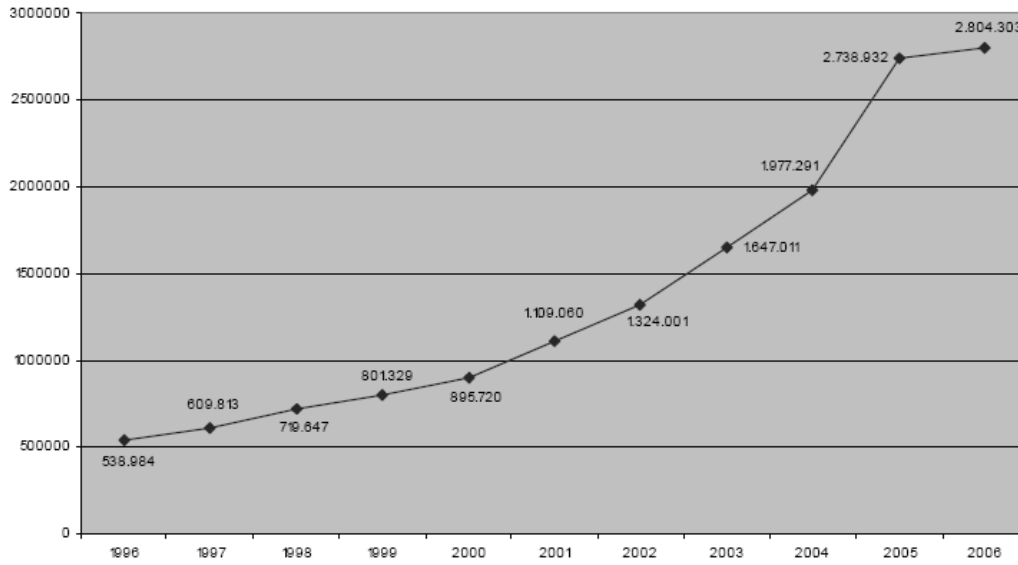
The first aspect to be noted with regard to migration in Spain is that it is a quite recent trend compared to other countries in the European Union. Over the last two decades Spain has become a migration country in terms of annual fluxes. Furthermore, the acceleration of the migration fluxes registered over the last five years, along with the proportion of foreigners who reside in Spain has placed Spain amongst the countries with the highest migration levels in Europe.

According to the last data presented by the Permanent Observatory for Immigration, on 31 December 2006, there were 3,021,808 foreigners in Spain (including EU citizens) with either a resident card or an authorisation of residence in force, which represents 6% of the total population in Spain (Observatorio Permanente de la Inmigración 2006). However, in data from the population census survey dated 1 January 2006 it can be seen that 3,730,610 foreigners were registered. In other words, they constituted 9.3% of the 44,709,000 people living in Spain.

<sup>2</sup> Interviews were held in January and February 2007.

Table 2 shows the evolution of the number of foreigners residing in Spain, between 1996 and 2006.

Table 2: Evolution of foreigners residing in Spain between 1996 and 2006



Source: Observatorio Permanente de la Inmigración. 2006

The effects of the migration phenomenon on Spanish society are of great importance. According to the report *Inmigración y economía española 1996-2006* [Immigration and the Spanish economy 1996-2006] (Sebastián 2006), 50% of the jobs created in the last 5 years were held by migrants. This report states that the occupation of labour posts has moved parallel to a notable reduction in unemployment tax for Spanish citizens, which allows us to conclude that migration did not create unemployment but it actually reduced it. This means that migrant people have energised the labour market. Among other effects, it is important to highlight the fact that the contribution of migrant people is key to maintaining the social protection systems, and that the current dedication of migrant workers to their jobs benefits both Spanish families and society as a whole. Besides, migrant people take on jobs that the autochthonous Spaniards reject (for instance, in sectors such as agriculture, construction, hostelry or domestic work).

Legislation on the subject of immigration in Spain is as recent as the phenomenon itself. The first action carried out with the objective of controlling and regulating the migratory phenomenon was the creation of Organic Law 7/1985, related to the Rights and Freedoms of Foreign Nationals. This law was strongly criticised due to the way police reacted to the migratory phenomenon and to the restrictive regulations related to the rights of foreign nationals (Sanchez 2005).

The Law was subject to an appeal that it was unconstitutional, which was resolved by a motion passed by the Constitutional Tribunal 115/1987, on the 7<sup>th</sup> of July. This motion repealed various parts of the ruling and marked a change in the constitutional doctrine on issues of immigration, thus moving towards a more progressive position. Therefore, faced with the rapid changes within the migratory phenomenon, in 1994 the *Plan para la Integración social de los Inmigrantes* [Plan for the Social Integration of Immigrants] was approved by the Council of Ministers. This plan aimed to tackle immigration from a global point of view, for the first time in Spain, by following the European Union guidelines.

A new Organic Law was initiated in 2000 (Organic Law 4/2000) and it was reformed later that same year in a more restrictive way (Organic Law 8/2000 Revision of the Organic Law 4/2000), and once again in 2003 (Organic Law 11/2003 and 14/2003). This reformed law, which is currently in force, reinforced penal measures and the conditions for expulsion, and is especially focused on controlling and fighting against undocumented immigration. It faced criticism because it was very restrictive. However, in March 2004, the government changed, and it was the new administration that created a Royal Decree for the implementation of the Law, (Royal Decree 2393/2004). This version was less restrictive.

Along with the Royal Decree a process of regularisation began between March and June 2005. This initiative tried to facilitate the regularisation of foreign people who were in Spain without the required documents and permits. A huge number of immigrants who were in the labour market, in schools, in the street, but in a non-legal administrative situation, emerged and became visible and their status in Spain was regularised.

Once the regularisation process is complete, the law allows people who arrive with the corresponding visa from their country of origin to reside in Spain, as long as this is accompanied by a valid passport, a certificate proving they have a clean criminal record, a medical certificate and the documents which prove that they have the means to meet their maintenance costs. Another of the routes permitted by law is temporary residence for family reunification reasons, with valid family members being the spouse, children or spouse's children, progenitors or those of the spouse, those under eighteen years of age or those who are powerless as the foreign resident is their legal representative.

Currently this is the legislative framework in force. A significant link between residency and work can be observed; in this sense, the work arena which immigrants find themselves in will have a decisive influence on their opportunities for access to regularisation.

### **Women and migration**

The feminisation of the migratory fluxes is recognised at an international level. As Castles (2000) indicates, although women have always represented a significant



part of the migratory population, this has increased gradually: in 1995, 48% of the international migratory movement comprised women and they surpassed the proportion of male migrations in many of the host countries. According to the United Nations Population Fund (UNFPA 2006), women account for 95 million out of the 191 million people who live outside their countries.

In Spain, although there is no unified behaviour among the groups of migrant women, the countries of origin with the greatest female representation are mainly Latin American. According to the Social Security census of December 2006 (Observatorio Permanente de la Inmigración 2006), 50.21% of migrant women in Spain were from Latin American countries with the majority coming from Ecuador, Colombia, Bolivia, Peru and Argentina. 18.7% were from European countries not belonging to the European Union, and 16.44% were from European Union countries. The remainder were from Africa (9.05%), Asia (5.14%), North America (0.41%) and Oceania (0.04%).

However, just as UNFPA indicates, although the general data shows that women emigrate just as much as men, the weight granted to them in policies and their analysis is less significant. Furthermore, the role women play in migration as well as the risks and obstacles they face makes it necessary to pay more attention to them as a specific group (UNFPA 2006). Indeed, the report points out that there are specific repercussions which gender has on migration. For instance, it is women who send a larger proportion of their income to their countries of origin, thus contributing to their economic development.

Castles (2000) also observed the change in the motivations behind female migration, pointing out the fact that these motivations are not perceived in public spheres that automatically classify the woman as dependent. The increasing trend of women at an active age and with an independent residence card, compared to those with residence cards granted through family reunification, seems to indicate that women arriving in Spain are progressively more independent and although they are registered within the context of a family strategy, they are the ones who take the initiative and have roles as protagonists more often. Research carried out in Spain (CREA-UB 2001-2005) also proves that there is a diversification in the profiles of female immigrants and, although family reunification stands out, the percentage of women who emigrate due to personal plans is becoming more significant. Therefore, the results indicated that one-quarter of Arab-Muslim women, who are mostly Moroccan, emigrate with a personal plan such as a job. There are also a proportion of these women who live with friends (14%). In other recent research (CREA-UB 2005-2008), there is evidence that the movement of women is not solely motivated by a desire to follow the men; this shows that migrant women are breaking away from the image of submission and dependence.

In the fieldwork that we have carried out, the reality of female migration as a personal project is confirmed:

*For us it is normal to see woman who migrate on their own. Based on our experience in the organisation we have always experienced the*

*phenomenon of women migrating alone and the fact that they bring their family afterwards (E3).*

### **Female migrant domestic workers**

Domestic work is strongly related to the situation of migrant women: according to data (Observatorio Permanente de la Inmigración 2006), out of the total number of immigrant women who are currently registered with Social Security, 22.14% of them are registered for the Régimen Especial de Trabajo Doméstico [Special Regime for Domestic Work].<sup>3</sup> This data contrasts with the data for men: only 1.47% of immigrant men who are registered with Social Security are registered under the Special Regime for Domestic Work (which however is a high figure, compared with the figure for Spanish men registered for Domestic Work).

Domestic work was the main sector where people could find a job and be regularised during the regularisation process in 2005: 183,855 applications were approved, which was 33.4% of the total number of all of the authorisations and registrations that Social Security department carried out during that period (Pomareda et al. 2005).

According to the opinion expressed by the Trade Unions, this same process

*Was an underground situation which meant that through the reform of the law the situation of domestic workers who were not registered anywhere came to light, they were carrying out work which was not registered anywhere (E1).*

Of course, the real number of immigrant women carrying out domestic work is higher, and this has to be taken into account as there is a very significant group of women who do domestic work and are undocumented. This situation became clear during the regularisation process carried out in 2005, in which the majority of authorisations were approved for the Domestic Work sector, and there was a large quantity of women who until that time had been in an irregular or undocumented situation. The opinions of trade unions representatives also reflect this:

*This situation came to light and because of that this boom of domestic workers appeared, workers who until that moment had not been registered anywhere (E1).*

The numerous cases involving domestic workers without a contract is a consequence of the administrative irregularity that the immigrant population experience, and the secrecy within the domestic sphere. According to data provided by IMSERSO (2004) half of all carers for the elderly, for example, carry out their duties without a contract. It must be taken into account that domestic work is the sector in which the highest numbers of women work irregularly, which

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3 The Legal Regulation of domestic work activities is discussed in the next section.

also happens to a large extent in the case of Spanish women (Instituto de la Mujer 2005).

The huge number of immigrant women who are involved in domestic work reflects various dynamics in the Spanish context (Parella 2000). On one hand, in the gender defined context of the Spanish work market, there are professions which are strongly feminised. On the other hand, there is also a growing movement away from the type of job which is socially associated with the extension of care work by Spanish women. Therefore the demand for domestic employees increases and there is no supply from Spanish women, which means that this sector is occupied more and more by immigrant women. It should be pointed out that the ageing population is a source of new responsibilities for Spanish women and Spanish families. The care of the elderly alone takes up 27% of the total labour market for immigrants as domestic employees (IMSERSO 2004).

The new dynamics in Spanish families and the supply of immigrant women for domestic work have changed the profile of domestic workers:

*We could say that there has been a definitive change in this specific field of work, the people who used to do this kind of job did so in order to complement their husband's income, it was a stable job, with a work system which was similar to that of a teacher, the work and economic relationship was good etc ... the relationship has changed a lot, female workers who do this job now do it while being aware of the fact that they are doing a job, for a while ... this type of occupation has changed (E2).*

According to the Yearbook of Statistics on Immigration of 2006, migrant women registered for the Special Regime for Domestic Workers in Spain come mainly from Latin America. More than half of the 165,835 domestic workers are from Latin America, approximately 63%. The most representative countries are: Ecuador (41,674), Colombia (21,025) and Bolivia (13,061). The second largest group is from Europe and in particular from Romania (22,245) and Bulgaria (5,262). From Africa, Morocco (9,714) is the country from which the highest numbers of female immigrants arrive, and Asia, the Philippines is the country where most of the female migrants come from (4,399).

In relation to the demand for domestic workers in Spanish families, data gathered from several research projects in 2001 concluded that between 800,000 and 1,000,000 families have domestic workers (Colectivo 2001a). The employers' profiles are usually families with a good income, and situations involving absolute necessity (one-parent families, containing a member with a severe disability, etc).

For immigrant women caring for people (children and the elderly) within the home is seen as a way to enter the general labour market, according to statistics provided (IMSERSO 2004; Observatorio Permanente de la Inmigración 2005) and also to the interviews conducted.

*This is a market which is open since there is a supply, they cannot get into other fields but they can get into this one (...) It is an informal field of work, it is not governed by contracts, or by the social services, or by the same surveillance as that imposed on other areas, such as in companies (E3).*

*When men and women have no papers, it is more difficult for men to find work when they have no papers, it is more difficult for them to work, but on the other hand via domestic work women, either by looking after the elderly or cleaning homes or doing a little bit of everything, are more able to find work but they also find it more difficult to find better jobs (E4).*

Access to employment usually happens through personal relationships, friends and the social network.

*There is a tendency towards using contacts when a lady arrives from another country, well she already has her sister or her cousin who does domestic work (E3).*

*They get to know a family and so, well, there are some of them who get into domestic work through friends who are working in Spain (E4).*

According to the information provided by the key actors interviewed, in relation to the background of immigrant domestic workers, it is relevant to point out the level of education they have achieved. While Spanish domestic workers have usually completed primary or secondary education, there are an unusually high percentage of women who have been to university amongst immigrant domestic workers.

*One of the changes which has happened over the last few years is the fact that they are qualified women, there are a lot of women with degrees working as domestic workers, [and] there are a lot of qualified women in domestic work (E4).*

*That immigrant women (...) there are a lot of qualified and educated people who, due to the fact that they cannot have their qualifications validated, work in domestic work in my experience as I have also experienced it myself, it is not the option women from other countries have dreamed of ... but due to the circumstances here in the cities, the resources ... you are very much influenced by that ... (E5).*

Finally, public debate on this issue is practically non-existent. Even the social image of female migrants is clearly connected to domestic work. There have been no significant awareness campaigns, debate, no battles to help them, or even information about the reality these women have to face.

## 2. Legislation and employment contracts

### 2.1 The legislation

In Spain the regulations pertaining to Social Security for the domestic work sector are different from the general or standard regulations.<sup>4</sup> The regulation of this Regime dates back to 1985, when a Royal Decree was issued in order to regulate the work situation involving special characteristics in the field of domestic work. This regulation established some rules for the sector which did not previously exist, and which was considered to be progressive at that time.

The activities regulated by this Special Regime include all types of domestic tasks, as well as running the household or looking after the home as a whole or in part, looking after or taking care of the members of the family or the people who live in the home, as well as childcare, gardening, driving vehicles and other similar tasks.

The Special Regime regulations state that the work contract can be agreed in written or verbal form, according to Article 4 of the Decree. The regulations ensure some rights while they also establish some limitations, as we can see if they are compared to the regulations of the General Regime. For instance, in Article 6 it is established that the salary shall be the Minimum Inter-professional Salary established by the standard legislation. In cases where the employer provides accommodation or maintenance costs, a percentage of the salary can be discounted as agreed by both parties, but may not exceed 45% of the total salary. Also, there is a right to receive extra bonuses corresponding to the cash value of fifteen working days salary paid in two halves.

There are rights related to timetables and breaks, with the specifics to be agreed between the two parties. The contract can be terminated prior to the time agreed at the instigation of the employer. In cases where the provision of services has exceeded the duration of one year, the employer must give a period of notice, which must be communicated to the employee a minimum of 20 days before the termination of the contract. In all other cases prior notice of 7 days must be given.

Similarly, there are differences in the Social Security Insurance, and the rights and procedures related to dismissal, etc.

With regard to civil participation there is no existing specific regulation for migrant domestic workers. Legislation in force establishes rights for immigrants with regard to public participation, association, strikes and participation in trade

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4 There exists a General Regime, which the majority of workers register for (this includes industry, services, construction etc), the Special Regime for Freelance Workers, and the special regimes for agricultural workers, domestic workers, sea-workers and coal-miners.

unions, etc. Many of the rights are limited to people who are in a regularised administrative situation in the country.

## **2.2 Implementation of the Law**

The first consideration that should be noted here is the fact that the sector of female migrant domestic workers is characterised by informality and precarious employment. In addition to the problematic parts of the law and its implementation, the fact that there are huge numbers of women working in the domestic sector has to be taken into account. These are women who are not registered in the Social Security system and we have very little information about them.

The contributions provided by the people from organisations and trade unions give real information on the effect the legislation has had on the lives of female migrants in domestic work and other situations outside this legislation. The secrecy involved in the sector makes it more difficult to find out about the real conditions that these women work in. More case studies would provide a better picture of this reality.

Employment contracts are normally verbal. These verbal agreements in many cases leave women in a vulnerable position. In some cases, organisations working with migrants intercede in the agreement as far as work conditions are concerned, in order to establish certain minimum conditions.

Associations also play the role of mediator in negotiations between employers and employees related to dismissals. For instance, once the regularisation process in 2005 was finished, there were several cases involving dismissal in which employers did not want to compensate the domestic worker for the period prior to their regularisation.

*Of course, the working relationship existed before now and people have said we are in the right when we have been able to prove this (E1).*

*If they sack them they usually pay nothing, it is the worker who has to go to a syndicate or another place to make a claim, usually they are covered by the Social Security so if they are insured it is easier for them to make a claim (E5).*

One of the major problems in the Special Regime is that employees have no access to any provision for unemployment, therefore, they are unable to stop working at any time.

*Under other systems perhaps the person can stop working, ask for unemployment benefit and do some training to have the opportunity to improve their situation. People who do domestic work do not*

*receive unemployment benefit, therefore it is difficult for them to leave a job, (...) they cannot access Professional Training courses (E4).*

In order to qualify for their residency permit, foreign nationals create their own strategies to ensure that they are in a legal situation when they have to renew their residency applications. Specifically, despite the fact that the law sets out a minimum annual salary, female migrant domestic workers continue to pay their Social Security contributions themselves even when they have no work so that they can renew their residency permit.

*And another thing which is also related to domestic work and the social security contribution, is that is when their working relationship ends, especially when they are paying it themselves for various houses, sometimes the job ends and they continue to make contributions so that they do not lose their papers (E4).*

Action to guarantee the fulfilment of work related legislation with regards to contracting domestic staff under the responsibility of Social Services, can only be carried out by safeguarding the rights of the inviolability of the home and ensuring due respect for personal and family privacy. Of course in reality this translates into a lack of control of job conditions.

It is for these reasons that the trade union movement has been calling for a revision of labour regulations after more than 20 years, but no modifications have been made.

*The workers statute excludes these workers who remain at the mercy of a royal decree dating from 1985 which we have been condemning for a long time and it continues to be stalled; it is long overdue (E1).*

The study carried out by Colectivo IOE in 2001 (before the immigration boom in Spain and the regularisation process we have referred to) on the lives, perceptions and feelings of female domestic workers, distinguishes firstly between those who are live-in workers, and those who are live-out workers (contracted or paid per hour).<sup>5</sup>

According to this study, the opinions gathered provide evidence that live-in female employees have very little free time for themselves and for social participation. This is one of the aspects highlighted by associations that have seen a lesser degree of participation by female migrant domestic workers.

On the other hand, there is evidence of the participation of the immigrant population and immigrant women, both in civic organisations, such as schools or neighbourhood organisations, and in specific immigrant organisations. Also the results of a study carried out between 2005 and 2006 by the Third Sector

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<sup>5</sup> Despite the importance of this difference, there is a lack of data about the different types of contracts for women registered with the Social Security in the domestic work sector.

Observatory in which a directory of immigrant people's organisations was drawn up found that there are 575 immigrant organisations (Observatori del Tercer Sector, 2006).

*Immigrant people are involved in social participation, and they are integrated into organisations. Another phenomenon has slowly been taking place, whereby these women are becoming members of parents associations and neighbourhood associations (E2).*

*I think that the area of immigrants associations is very wide, although I do not know if it represents the entire immigrant population (E4.)*

### **3. Integration strategies**

In order to carry out an analysis of integration strategies, the following statement by the International Organisation of Migration (IOM 2006) is a useful focal point:

*The focus of integration strategies is rightly on migrants' experience in and interaction with the host society. Integration strategies aim to find ways in which migrants and host communities can appreciate and respect their social and cultural similarities as well as their differences. Successful integration can help ensure that migrants fulfil their societal responsibilities and are empowered to enjoy their rights. Integration is critical to social cohesion and stability, to maximising migrants' economic and social contributions, and to improving the quality of life of migrants and host community members alike (IOM 2006: 3).*

Contributions from social agents who have been interviewed as part of our fieldwork share this definition of integration strategies.

For instance, a migrant woman, involved in an organisation for the social inclusion of women, stresses the importance of integration as an inclusive process based on interaction between the "host population" and migrant groups:

*To create those tools which allow women to participate in spaces for associations, in other spaces, not only in associations for immigrants, because in other spaces you are ... And if we talk about strategies in society, you are talking about immigrants creating ghettos, and maybe those structures are an integration strategy for people in their field, but the question is also what other strategies they offer us, if those strategies have to come from within the immigrant population or from the host population, and sometimes it seems it has to be the immigrants (E5).*

Another migrant woman, who is actively committed to the situation of Latin-American migrant women, discusses the importance of people having knowledge:



*There have to be integration strategies; the strategy to overcome racism is to meet the people (E2).*

Professionals in the field of immigration in Spain are aware that the immigration phenomenon is still recent and experiences in other countries have to be studied in order to promote models of coexistence and to reject those models which have already failed. This same idea is expressed by a social worker:

*Strategies have to be created, groups have to start being included, maybe using a model more like the one in the USA, not like the one in France. They have to guarantee living conditions for people who come, [and] then integration is much easier (E3).*

And also, they point out the importance of the media:

*There is a need for the involvement of the media in order to provide reliable information (E3).*

Some integration strategies promoted by the public administration have been provided below. These included plans from the national, regional and local governments themselves, as well as some contributions and opinions contributed by the fieldwork done at those three levels.

The opinions provided in interviews discuss the lack of specific integration strategies in public policies, stating that initiatives are actually emerging from civil society itself:

*It is really necessary to have a clear idea of what has to be done. It is civil society which is responding, it is us in the associations who are providing a response (E2).*

Furthermore, the people interviewed point out certain crucial strategies that should be promoted. Some of these integration measures can only be carried out through changes in the current legislation. One strategy would involve female migrant domestic workers having legal work and residency permits so that they would not have to face humiliating conditions due to being undocumented.

Another argument made is that the special regime for domestic work should not exist:

*The special labour regime has to move towards the general one, it would be a step towards integration and the improvement of the situation for these women. There is no visible policy, there is a need to work with legal options, there is nothing, no information or news that provides opinions to help make the population aware, and immigrant women are not willing to do anything (E3).*

Also, information and knowledge of their rights should be made available to immigrants:

*I think the legislation has to exist (...) and the rights of immigrants have to be considered because sometimes you don't know if people in domestic work are self-employed or employees, there is no legislation which states what their rights are and this is an issue I am unaware of, I was in housework but I didn't know anything about it, so there is a need for more information for women. I wish there was an organisation aimed at this sector, and then they would not have to call us saying 'If I pay national insurance will I then be paid when I'm unemployed?' These are issues that maybe any employee who has paid national insurance knows about, but in the domestic work system there is little knowledge on what the real situation is (E5).*

Facilities for training and lifelong learning are also considered to be essential. Measures to standardise qualifications are also asked for:

*It can also happen considering that labour improvement is many times slowed down due to bureaucracy, qualification standardisation, and access, (...) for instance in the field of standardisation, if the administration can speed up the process (E4).*

### **3.1 Integration strategies at a national level**

At a national level, it is important to highlight the recent Strategic Plan for Citizenship and Integration 2007-2010, promoted by the Ministry for Work and Social Affairs (Ministerio de Trabajo y Asuntos Sociales 2007). Its objective is to speed up the integration process for citizenship as a whole, both for native people and immigrants.

The Plan has 12 areas of intervention: Welcoming stage, Education, Employment, Housing, Social Services, Health, Childhood and Youth, Equality, Women, Participation, Awareness, and Co-development. Gender is an issue which has been mainstreamed in the plan, although there are also specific measures and actions aimed specifically at immigrant women. The Plan is based on the need for transversality but it recognises the specific interventions necessary to balance female participation and correct situations of inequality with regards to gender. For this purpose, the *Programme for favouring the access, participation and involvement of immigrant women in all areas of life* has been implemented. This programme contains two measures: specific training in the equality of opportunities for professionals working in this field, and the promotion of a participatory culture through supporting immigrant women associations or associations with the same aim, and social policies which pursue the same objective.

Civic Participation is also a mainstream trend in the whole plan and involves a specific group of measures. However, although the plan makes some reference to

the specific difficulties in the domestic work sector, as one of the four main sectors of migrant activity in Spain, it does not include any specific measures or strategies for female migrant domestic workers.

### 3.2 Integration strategies at a regional level

From 2001 onwards the Autonomous Communities have created their own Action plans for migration. Catalonia set a precedent in 1993 with the first interdepartmental Plan for Immigration, 1993-2000, and currently, the Citizenship and Migration Plan 2005-2008 is being implemented in this region (Generalitat de Catalunya, 2005).

This plan introduces the concept of *Resident Citizenship*, as a new concept of citizenship based on residency. This is the acknowledgement of the category of citizen for any person who lives in Catalonia independently of his or her legal situation in the country. This is considered an advance towards ensuring rights for migrant people. The following is a statement by an official from the Migration General Secretariat, who was interviewed:

*The fact is that what we are interested in [is] the dignity of the people who are here, everyone who is here must have the same rights and duties as the rest of the citizens, all our actions work towards improving this aspect and stating our opinions (E6).*

Again, specific strategies for the integration of female migrant domestic workers are not set out in the plan, despite the fact that it states that women are mainly working in the domestic sector, without any regulation and their employment situation is precarious.

Amongst the other integration strategies for migrants set out in this plan, the following is emphasised:

- Support for migrant associations and organisations: through specific calls for proposals to promote these associations' projects, dissemination and raising awareness of the existence of female migrant associations, and the promotion of conferences on civic participation.
- Improving female migrant training: to carry out projects and actions which promote female migrant training so they can have equal social opportunities to the rest of the citizens.
- Training professionals: to provide training for professionals who usually work with migrants and in multicultural contexts, to successfully manage that diversity. The most important and specific part of this training is gender training and training on migration.

### **3.3 Integration strategies at a local level**

Municipalities in Spain have created different strategies to deal with migration. A common one is the operation of services to advise and provide information to the migrants.

The situation in Barcelona is interesting. There is the Municipal Migrant Council in which migrant associations participate, and also the Service for the Attention to Migrants and Foreigners (SAIER). This service is free of charge and provides help for migrant people, asylum seekers and refugees. It does not emphasise any specific action to help migrant women and/or female domestic workers.

Contributions from the interviews demonstrate that help at a local level is seen as a potential integration measure, especially because of the proximity, the opportunity to work together, and the fact that female migrant women's access to events, activities, and education can be facilitated.

*Another situation would be that domestic workers would be able to attend training courses for workers. Not an IT or a human resource course, but a professional course which provides an opportunity for labour insertion because as an unemployed person it is more difficult to access training, when they have a job they are provided with the necessary training in accordance with their needs and specific training resources (...) associations, (...) Therefore, it is necessary to adjust the courses to their situation and their timetables and their specific labour situation (E4).*

Some of the ideas that were highlighted are: working to create social networks; mediation; events and celebrations for everyone; spaces for dialogue and the dissemination of activities and associations.

## **4. Best practices**

Two experiences at a regional level and two other experiences at a local level will be described here. These practices have been selected because they have shown positive results and provide a global response to helping migrant women (specifically including female migrant domestic workers) with making their legal situation independent. All of them are led by civic organisations.

We have studied these practices by interviewing volunteers and employees of these organisations, and we underline what can be considered to be of added value in each one.

#### 4.1 Socio-labour Insertion Alliance “Anem per feina” [“Let’s get to work”]

This non-profit organisation was set up in 1998. It has a global programme for the social and labour insertion of women, especially those who experience the most difficulties. The specific aims of the organisation are:

- To encourage social and labour insertion through access to work with decent conditions.
- To monitor the process of each woman in accordance with the situation.
- To ensure continuing training and acquisition of social skills for women.
- To make workers aware of the situation, their rights and duties, and the importance of paying social security contributions.
- To promote the participation of women and their families.

This organisation realised that women need to find a job immediately, and after that there would be the opportunity to promote training and other activities. As they explain,

*The idea was immediate access to a job. There was a feeling that women were failing the courses and other training activities but what was actually failing was the immediacy that they needed, to arrive in a place where they have a job; after that you can work with all the rest, but the first thing is the job (E2).*

Thus, the function of the welcoming process for migrant women in the organisation is relevant: 75% of its users are non-community migrant women. From the beginning the organisation has been working with migrant domestic workers to provide them with social justice and dignity:

*We carried out domestic work from the beginning. Other organisations have reservations about this field. We decided to support it, and the idea that it should be regularised, and to try to make women aware of their rights, their need to claim social security, the fact their hours should be limited ... (E2).*

Therefore, this organisation provides a labour exchange which specialises in providing domestic work and care services for the elderly. Later it incorporated businesses and other services.

According to the organisation’s 2005 Report, out of 395 new job offers that were provided, 264 were successfully filled, and out of the 87 women who participated for the first time in the insertion Programme, 76 women had access to a first job. It also has a Labour Mediation Service for mediation between women and their employers, available from the first contact until the end of the working relationship.

Through an agreement with the Catalan Institute for Women in two cities, this government institution directs all the requests they receive towards the Socio-labour insertion Alliance.

Furthermore, the organisation arranges a weekly women's group in which women get to know each other, have discussions, and improve their abilities and skills. In relation to this group, they state:

*We always try to ensure that it is mixed, not blocked by Spanish women nor by small groups, thus it provides enrichment for everyone (E2).*

#### **4.2 AMIC: Associació d'Ajuda Mutua als Immigrants de Catalunya [Association for Mutual Assistance for Immigrants in Catalunya]**

This is a non-profit organisation that provides social and labour integration for immigrants, especially non-EU immigrants. It was founded in 1993, and is linked to the trade union UGT (General Workers Union).

One of the services that it provides is a guidance service for migrant people that helps make their legal situation independent. The association also facilitates training in order to improve their opportunities.

About 50-60 migrant women who are job hunting use this service each month. Once again, many of them come looking for domestic work because they are undocumented. Most of the women who use the service are young and have university degrees. The association encourages these women to get their degrees recognised and look for better jobs.

AMIC also networks with other migrant organisations, keeps in contact with public administration and trade unions, and promotes the participation of the migrants:

*We are working towards the development of a network including all the organisations in Catalonia, we hope there will be better results over the next year (E5).*

#### **4.3 Asociación Mujeres Latinas Sin Fronteras [Association of Latin American Women without borders]**

This organisation offers a framework for meeting, welcoming and providing integral training to women who have emigrated from Latin America. It also builds new social networks and helps them overcome the sadness and pain of having left their country. There is a social worker that offers advice, and there are also over 60 volunteers in the association.

When women have just arrived and they are not familiar with the new context, they can enrol in a course that this association organises, which includes cooking, house cleaning, general skills and knowledge necessary for the labour market.

The association helps provide contacts for employment, and fights for justice and competitive salaries, even for undocumented migrant women. It also provides a labour mediation service. When an employer does not accept the conditions, the women do not accept the job and the mediation service will help resolve the conflict.

Furthermore, the association provides other services such as childcare for the women's children. It also places a strong emphasis on women's social networks, which are considered to be very important. The association is a member of the Federation of Cultural and Educational Associations for Adult People as well several other organisations whose purpose is to help these women become integrated into society.

#### **4.4 *Poble Sec per a tothom* [Poble Sec for everyone]**

Poble Sec is a neighbourhood in Barcelona, and “Poble sec per a tothom” is a social platform formed by individuals and socio-cultural organisations that promotes peaceful coexistence in the area, builds bridges between organisations and encourages dialogue and communication between everyone.

There is also an employment exchange arranged for domestic work and informal work, aimed at people who find it difficult to gain access to the labour market. The people who go to the association are undocumented migrant women, who know that they can only have access to domestic work. Poble Sec helps them look for a job in the area, taking advantage of their proximity and contacts in the neighbourhood. The employment exchange has significantly increased, and there are about 300 people looking for a job at the moment.

But, what makes the platform more than just an employment service is that it incorporates the needs of immigrants into all of the events, which take place as part of the services, which it promotes, in the fields of employment, childhood, youth, health, elderly people, and participation. They encourage migrant women to participate in activities arranged by other organisations, and also facilitate their participation along with their children, so they can be more involved and create social relationships.

## **5. Discussion**

During the early part of the twenty-first century Spain experienced an immigration boom, after which it has become a country with a proportion of

immigration, which, in comparison to the total population of the country, is ahead of other European countries such as France, the Netherlands or the United Kingdom (Sebastián 2006). Through the 2005 regularisation process, which was the largest in the history of the country, the sector, which conceded the highest number of work and residency permits, was the domestic work sector. According to data from the 2006 Statistics Yearbook (Observatorio Permanente de la Migración 2006) there are 165,835 immigrant women registered in the Social Security, in the Special Regime for domestic work, and the regulation for that regime dates back to 1985. According to various social actors, what this special regime lacks is protection for female migrant domestic workers.

It should be noted however, that this is still a sector comprising black market labour, and the number of migrant women who carry out domestic work is much higher than official estimates.

We have described some initiatives that help, support and guide female migrant domestic workers carried out by syndicates, civil society organisations and female migrant associations themselves. In addition, over the last few years some immigration policies have been initiated that emphasise the value of citizenship amongst the immigrant population, and that have included welcoming and integration strategies for the immigrant population. These policies are both transversal and gender-specific.

In short, within the context of Spain female migrant domestic workers are vulnerable because of the intersection of discrimination, which they suffer from as immigrants, as women, and as workers in a discredited sector for people with “low-qualifications”. However, despite this situation and the large numbers of women in that situation, we have found that there is no public debate about their situation,<sup>6</sup> and no specific strategies are being created to improve their work and life conditions.

Thus, an initial commitment would involve promoting social awareness and a discussion of the situation, which would hopefully encourage changes in social and political attitudes and also in individual conditions. This debate should be accompanied by better knowledge and analysis of the problems and the needs of the domestic work sector and female domestic workers, since to date this situation has been studied very little in Spain.

The opinions of the female migrant domestic workers, as well as those of other women with whom they share situations involving inequality, are essential to the

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6 The debate on discrimination in the domestic work sector and especially in relation to female migrants has been limited to specific circles and contexts until recently. Some changes can be noted, such as the fact that in the Conclusions of the Talks held in April 2006, by the Consenso Social sobre Migraciones [Social Consensus on Migrations] (a group of organisations and groups which work to increase the positions of consensus in society with regards to the phenomenon of immigration) an explicit formal complaint was made against the Social Security Special Regime for domestic work.



research and social debate on integration measures. In a seminar entitled “Women and Social transformation” held in 2001, women without university degrees, along with Judith Butler, Lúdia Puigvert and Elisabeth Beck-Gernsheim, discussed an emerging type of feminism that aims to make women’s presence visible, through dialogue and the equality of differences (Beck-Gernsheim, Butler & Puigvert 2003). Migrant women and Spanish women without qualifications, women who were carrying out domestic work without contracts and regulations in the underground economy were also participants in this seminar. The day after the seminar, the newspaper “La Vanguardia” dedicated a whole page to the contributions from both the academic women and the “other women” (Ayen 2001). It included quotes from those women who were working without contracts, and from women who usually considered themselves as feminists.

This conference made the living and working conditions of these women in the wider society visible for the first time. As a result, there were various reported cases in which domestic work employers decided to regularise the situation of the women they had in their homes by providing them with legal contracts.

The research carried out to date has raised some issues in society about the necessity to intervene with policies and specific strategies that will hopefully address the problems of female migrant domestic workers in Spain. It was agreed that the following measures should be taken.

- The revision and prohibition of the special regime for domestic work, due to the fact that it is anachronistic and discriminatory.
- An increase in information related to the rights of female migrant domestic workers, as much for the women affected as for society as a whole, makes the problems and the contributions of this group visible.
- The promotion of solidarity between women and different cultures, through activities, which manage to bring together different groups with adequate access and strengthen civil networks.
- The recognition of the skills, qualifications and experience of migrant women, as well as the promotion of greater opportunities for free education.
- The elimination of discrimination against immigrants, especially in the procedures and bureaucracy related to regularisation, salary discrepancies etc.



## A General Overview

*Dimitris Parsanoglou*

The team attempted to compare the outcomes of the research that has been conducted in the partner countries [Cyprus, Germany, Greece, Italy and Spain], within the framework of the project. The aim of the research conducted was to collect data and information regarding current legislation, best practices and strategies adopted in the aforementioned countries as these relate to female migrant domestic workers.

A comparative analysis of the main findings of the research reports reveals similarities as well as important differences among the countries involved. The main discrepancy among the countries is related to the respective migration histories and traditions. We can distinguish the countries from Southern Europe (Cyprus, Greece, Italy and Spain) which share a more or less common history of recent migration trends from the German case where immigration has a longer and different trajectory.

The main characteristic that the four countries of the South share is that they have traditionally been countries of emigration. They have not until relatively recently been transformed from emigration to immigration countries: more specifically, a net inflow of migrants is observed in Italy since 1972, in Greece since 1975, in Portugal since 1981 (King, Fielding & Black 1997) and in Cyprus and Spain since the early 1990s. The situation is markedly different in Germany since it constituted a paradigmatic form of labour in-migration society for at least two decades after the end of World War II. Despite these important differences among the countries studied, there are some characteristics and trends which are common in all five national contexts. These can be summarised as follows:

- The increasing trend of the feminisation of migration;
- The changes of the welfare state, of which services are increasingly being replaced by those provided by female migrant domestic workers;
- The persistence of traditional gender roles in the private/domestic sphere;
- The increasing ‘informality’,<sup>1</sup> of domestic work which is connected to the increasing numbers of undocumented migrant domestic workers.

It has been increasingly evident to the partners throughout this project that female migrant domestic workers play an additional role besides the carrying out of domestic work: they are in fact the ‘*reconciliators of family and professional life*’ for their employers. The decline of the welfare state in all the countries studied, the integration of women in the labour force, as well as the absence of adequate policies and services in relation to the reconciliation of family and professional life have all played a role as pull factors in the increasing demand for migrant domestic labour. With the role of men absent from discussions on the reconciliation of family and professional life, female migrant domestic workers have replaced unpaid work in the household. This delegation allows for the reproduction and reinforcement of traditional gender roles in all countries involved.

Female migration is gaining quantitative and qualitative importance worldwide. It is estimated that of the approximately 191 million migrants in 2005, around 95 million were female (UNFPA, IOM 2006). Although family reunification is still cited as the main reason for female migration, it is very often used as the only available means of entering a country while employment is the main purpose for migrating. In reality, independent female migration for the purposes of employment is increasing steadily. As it has been pointed out in the country research reports, in many cases women face fewer difficulties than men to find employment in the destination country. Yet, the jobs available for migrant women are highly gendered and limited to domestic work, care work for elderly people and children, and are less common in the tourist and services industry. Domestic work in most of the countries studied is for many female migrants the main means of entering the labour market.

With the exception of Cyprus and to some degree Italy where domestic work is regulated through employment contracts prepared and issued by the state or through collective agreements, ‘informality’ of domestic work seems to be the rule in Germany, Greece and Spain.<sup>2</sup>

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1 With the term ‘informality’ we mean the work which is performed beyond employment contracts, tax and social insurance regulations. In one word, work performed within the informal economy is known as the ‘black’ labour market.

2 We must note here that even in Cyprus there is a strong tendency among female migrant domestic workers to leave the houses of their employers in order to work on a free-lance basis within the ‘black’ labour market, in the Italian cases serious doubts are expressed by several actors about whether the regulations of the *new collective agreement* will really come in force, given the excessive ‘black’ labour market. For more information please see the country reports.

This 'informality' is present not only in Southern European countries where there is a long tradition of an informal or parallel economy, but also in Germany where efforts aiming at transforming informal domestic work into 'regular'/formal employment have failed. The predominantly informal character of domestic work practiced by migrant women is among others connected to their legal status. Precarious legal regulations on residence and work permits sometimes render formal pathways much more difficult to achieve than informal ones. Here we can distinguish three types of regulation that correspond to respective legislation patterns:

- *The 'temporary worker' pattern followed in the case of Cyprus:* as the country report thoroughly describes, migrants in general and female migrant domestic workers in particular are considered 'temporary workers'. Their residence permit is granted within the framework of a specific employment. Leaving the employer without previous notice renders them automatically illegal and susceptible to deportation.
- *The 'ex post regularisation' pattern met in Spain, Italy and Greece:* these countries along with Portugal constitute the Southern European migration paradigm as they lacked any consistent migration policy to confront the unprecedented massive inflows of migration. The first country that made an attempt to regulate migration was Spain in 1985 followed by Italy in 1987; Greece passed a law on migration in 1991 although the first regularisation programme was implemented in 1998 (Baldwin-Edwards 2001). All the attempts that followed had as a basic characteristic the regularisation of undocumented migrants already living in these countries.
- *The 'zero migration' pattern followed in Germany:* since 1973, when the *recruitment stop* was imposed by the federal government, there are virtually no legal ways for non-affluent third country nationals to migrate to Germany (apart from some exceptions described in the relative country report). Therefore, the vast majority of female domestic workers are undocumented and are not likely to be regularised in the near and remote future.

The above mentioned types of migration regimes have resulted in a growing *institutional precariousness* in all the countries studied which hinders the integration of female migrant domestic workers into the labour market and into the broader society. Institutional precariousness is practically translated to unstable legal statuses and the subsequent deficiency in the protection of migrants' rights. In most cases, female migrant domestic workers waver between legality and illegality, since residence permits are strictly linked to employment.

Nevertheless, the nature of domestic work itself implies a series of problems which are common in all the countries studied. These are mainly related to employment conditions and can be summarised as follows:

- Relations of dependency with the employers, especially in the case of live-in workers who in some cases constitute the majority of domestic workers as is the case in Cyprus.
- Unclear boundaries between working and personal tasks and time.
- Difficulties in claiming nationally recognised working rights, such as 13<sup>th</sup> salary, annual leave, paid overtime etc. because of their particular terms of employment, the isolation of the workplace, or their informal legal status.
- Difficult or even impossible inspection of working conditions because of the protection of privacy as far as private households are concerned.

The above conditions also create severe obstacles to female migrant domestic workers which are also directly related to their civic participation. Although several strategies have been drawn by states aiming at the integration of migrants, in most cases these are gender blind and only few are specifically addressed to migrant domestic workers. In addition, these plans do not take into account undocumented migrants even if they have been living in the country for several years. To conclude one could argue that in all the countries studied, the integration and civic participation models for migrant domestic workers remain to a great extent theoretical and the rule is a 'subaltern integration' or in other terms, 'integration from below'.

The integration and civic participation models that currently exist in some of the countries (i.e. in Germany) have many deficiencies and do not meet any of the needs of migrant domestic workers and most of the times the needs of the employers. In the lack of systematic strategies and policies which promote the integration of migrants, grassroots action is one of the main ways to integrate female migrant domestic workers. Based on informal networks, migrants in general and female migrant domestic workers in particular, share information about legal and social issues in order to face the difficulties imposed by the strict migration regimes. It is no exaggeration to suggest that migrant social mobility is mainly a product of migrants' own action.

In relation to the above, civil society and NGOs have played a pivotal role in promoting the integration of migrant domestic workers in their respective countries, either with or without assistance from central or local authorities. Some of the good practices found come from either migrants' associations or non-governmental organisations working with migrants. Based on voluntary work or on national and European funding (with the serious problems of sustainability that such funding entails) some important steps have been taken particularly in Spain and Italy. These good practices involve, apart from solidarity actions and awareness raising campaigns, practical assistance such as vocational training and employment placements. In Italy however local authorities (at a municipal and regional level) seem to be more systematically involved in these good practices than in the other countries, where the main actors are migrant organisations, NGOs and trade unions.

Important but not unproblematic is the role of trade unions both in employment and social participation. In the cases where trade unions work with migrant domestic workers, the problems evoked are numerous and difficult to overpass. Low visibility, isolation, limited possibilities of intervention at workplace, mistrust or even fear on the part of the workers are some of the factors mentioned. Thus, the scope of action for trade unions remains at the level of consultation mainly on legislation matters. In Cyprus, Greece and Spain some trade unions provide additional services to migrants, such as language courses, training etc., regardless of migrants' legal status. It is true that unions' interventions aim at the empowerment of migrants in general with no gender specific actions.

In conclusion, we could argue that female migrant domestic workers face serious obstacles towards civic-social participation and integration in the labour market in all the countries studied within the framework of this project. There are currently no effective policies protecting their rights since domestic work is to a great extent unregulated. Integration strategies for migrants adopted by states do not seem to take in account gender specificities and specific issues faced by domestic workers in particular. Limited are the examples of best practices developed and in most cases they emanate from initiatives at a grassroots level.





# 5

Policy Recommendations  
on the Integration of Female Migrant Domestic Workers  
on National and European Level



# Policy Recommendations for Cyprus Integration of Female Migrant Domestic Workers in Cyprus: From “duties” to “labour”, from “maternalism” to “labour rights”

## Strategies for Employment and Civic Participation

*Zeieia Gregoriou*

### **A. Analysing the national context: interlocking exclusions and exceptions**

The integration of female migrant domestic workers is a policy issue that cuts across both gender equality and migration policy. Analysing the current legal framework on migration in Cyprus and exposing how gender-and-race discriminations are built into policy frames can actually help us expose some of the limitations, omissions and even contradictions of gender equality policy in Cyprus. Some forms of gender violence and gender discrimination in employment can become invisible when women are examined as a homogeneous social group. The policy recommendations put forth here are based on the recognition that the intersectionality of gender with migration constitutes an indispensable analytic tool for understanding and combating the social exclusion of female migrant domestic workers in Cyprus. Female migrant domestic workers experience gender exclusion in different ways and different degrees than Cypriot women because of their migrant status. *Vice versa*, female migrant domestic workers experience discrimination and exploitation as migrant workers in different ways and different degrees than Third Country Nationals because of their gender.

Female migrant domestic workers constitute a particularly vulnerable group of women in Cyprus because they experience multiple and interlocking forms of “othering”.<sup>1</sup>

(a) *“Other-ed” as coloured women*

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1 ‘Othering’: “the process by which, through shifts in position, any given group can be ignored, trivialised, rendered invisible and unheard, perceived as inconsequential, de-authorised, “Other”, or threatening, while others are valorised” (Geever 1999: 7).

Cypriot society associates blackness with underdevelopment and perceives “whiteness” as its national prerogative and a social norm; therefore the racialisation of female migrant domestic workers serves to naturalise (and justify) the exploitative nature of the female migrant domestic worker’s job. The reference “mavrou”, discussed by Margarita Zervidou in the Cyprus National Report on the Integration of Female Migrant Domestic Workers is socially demeaning when it is used indirectly as a reference and not only when addressed directly (in the first person) to the female migrant domestic worker as a racist verbal address (“*Mavrou!*”). It constitutes a racist speech act even when phrased in the third person (for example, “Who will take care of the baby when you go back to work, will you get a ‘*mavrou?*’”) because it racialises “her”, objectifies “her”, strips her of the social status of the “white” and the ethical, political and legal status of the subject. Whether it is phrased as an indexical reference or as a direct address, such a speech act effects “her” placement as human in that zone of indistinction where violations against “her” rights do not count as violence against the sanctity of human life.

(b) *“Other-ed” as migrants*

Because female migrant domestic workers are exempted from the legal frame (e.g. economy needs test) that regulates the admission and employment of Third Country Nationals, violations of their basic labour rights are justified as exemptions. As the Cyprus National Report points out, several terms of their Employment Contract violate human and labour rights, yet these violations are not deemed as dangerous deviations that have repercussions for the status of human rights and collective agreements in Cyprus as a whole because “their” contract is already framed as an “exception”, (i.e. it is regulated by the Migration rather than the Labour Department). The reason such state sanctioned violations of labour and human rights are overstepped is because “her” contract is already framed within the indistinct area of “exception”. For example, the contract has been drafted by the Migration Department rather than the Labour Department. Also, those labour grievances between female migrant domestic workers and employers which are deemed as “irresolvable” by the Labour Relations Department Tribunal are forwarded to the Migration Department as the appropriate body to ‘adjudicate’.

c. *“Other-ed” as workers*

Female migrant domestic workers most often carry out types of work (cleaning and caring) which are not recognised under formal categories and types of labour. These are also types of work that are traditionally framed as women’s unpaid “labour”. Some of the tasks they carry out are also considered “dirty”, “menial,” “abject”, characteristics which are usually also projected on the nature/culture of the persons who carry out these tasks (since they are the *only* ones to carry out such tasks). One of the objections to a “Multi-handed Domestic Poster”, voiced by both the representative of the Police and the representative of the Labour Department, was that codification of “her” multiple tasks as “overwhelming”, oppressive, exploitative or racist was both “inaccurate” and “extreme” because such a multiplicity of tasks is something that belongs to the nature of her work. The description of her work as “duty” rather than as a formal job—“These are her

*duties*” [«Είναι τα καθήκοντά της»]—was used to naturalise and normalise the “exceptional” nature of the female domestic worker’s job.

Particularly interesting is the articulation of this grammar of “duties” by the representative of a specific migration control Authority: “These are the duties which she has to do, if she came just to provide company for the woman at home we wouldn’t have brought her” [«Είναι καθήκοντα που πρέπει να κάνει, αν ερχόταν για να είναι παρέα της γυναίκας στο σπίτι δεν θα τη φέρναμε.»] As this formulation suggests, the logic of “overwhelming tasks as duty” rests on two other claims: *first*, the claim that “she” did not come (to work on her own terms) but “we” “brought” [recruited] her (to work on our own terms), and, *second*, the claim that an absence of overwhelming duties would indicate that the distinction between leisure and labour has been breached. In other words, it is assumed that the combination of work with leisure is legitimate only for the owner (the owner of the home and the owner of the country, i.e. the national citizen). Because in the case of live-in female domestic migrant workers the place of her work is also the place of her residence, the view that “she” must work all the time has become established among Cypriot employers as a managerial but also a domestic norm. The slippage of her activity from work to leisure (and the slippage of her identity from worker to resident/tenant) is framed as something that breaches both the order of the workplace and the order of the home. Thus the assignment of overwhelming and continuous duties is perceived as a tactic that prevents such a “dis-order”.

#### *d. Other-ed” as sexual subjects*

In many cases of sexual harassment, female migrant domestic workers do not file complaints either because there are no legal channels available to them or because they have already formed the impression (from stories they hear from other female migrant workers) that even if they file complaints the authorities will not take these complaints seriously.<sup>2</sup> Female migrant domestic workers are framed as “other” not only as recipients of sexual violence but also as sexual subjects. The restrictions on their mobility and style of life, which are built into their employment contracts, suppress their right to a private/intimate life as well as

2 EP, a female migrant domestic worker who reported to the Employment Agency responsible for her recruitment and placement that she experienced sexual harassment by the father of her employer, was asked by the Director of the Employment Agency in the presence of an expanded audience to show to him exactly where and how she was touched by the “*pappou*” (grandfather). When she asked her employer for a release, she was asked, in exchange, to sign a statement (in Greek) which stated, as it was explained to her, that she had no complaints about the unwanted “touches”. After she signed the statement she was granted the “release paper” which was, however, post-dated (limiting her intermediate, job-seeking period to two rather than thirty days). When she reported to the Migration Department to ask why she was granted a post-dated “release paper”, it was explained to her that this was because she had not “filed” a “formal” complaint (personal communication with EP). This personal narrative is not cited to provide evidence of sexual harassment (EP might be an unreliable narrator, given her weak legal position as a “run away”). This example is cited first, to configure how a female migrant domestic worker interprets authority and deals with power networks and, second, to explain why setting up regulations and juridical procedures does not suffice to empower female migrant domestic workers if a public interface (inter-linguistic, inter-cultural) that facilitates access to the juridical is not also established.

their reproductive rights. Maternity leave, for example, would be an unthinkable option for a female migrant domestic worker since an extended absence from work (even for reasons of sickness) qualifies as a reasonable excuse for the termination of the contract by the employer. Such violations of human and labour rights are not mentioned with the result that female migrant domestic workers as female subjects are perceived as a-sexual providers of care. They are perceived as mothering receptacles for other women's children but, to the extent this mothering is framed as a commodity, female migrant domestic workers are alienated from the right to mother their own children.

Such obvious violations of the principle of gender equality beg the question: Why do Cyprus' strong gender equality laws not suffice as a legal instrument for exposing and combating the economic and social marginalisation of female migrant domestic workers? Many gender equality policy changes introduced during Cyprus' pre-accession period were based on goal-oriented adaptation strategies (the need to harmonise with EU Directives is inscribed in the opening paragraphs of many gender equality laws). Not only did the Cypriot government introduce important legislative reforms in order to adopt the *acquis communautaire*, but it also had to introduce administrative changes for the relevant implementation and to establish monitoring mechanisms (such as the Gender Equality Authority and the Employment Equality Authority). These reforms were not voluntary but mandatory, since Cyprus' primary obligation as a pre-accession country was to comply with the *acquis communautaire*. For this reason, gender equality institutional and legal reforms in Cyprus were framed as obligatory juridical changes carried out in order to comply with EU Directives, to meet membership requirements, and to ensure the political and economical benefits ensuing from EU accession. However gender equality reform was not accompanied by public debates, critical discourse or reflection about patriarchal structures and institutionalised forms of gender exploitation.

If Cypriot women were excluded from gender equality reform as political subjects, female migrant domestic workers (already exempted from the category "Cypriot women") were excluded both as subjects and objects. As the Cyprus National Report reveals the contracts for female migrant domestic workers violate most National Gender Equality Laws<sup>3</sup> on equal pay and equality in employment: "the monthly salary of migrant domestic workers has remained at £150 for the last 17 years. This salary is less than half of the current minimum salary for Cypriots" (Zervidou 2007: 37). According to the Cyprus Commissioner for Administration, assuming that female migrant domestic workers work seven hours a day for six days a week, this salary amounts to an average hourly rate of £0.82, compared to the Cypriot women domestic workers' salary which currently ranges between £4 - £5. In addition, according to the same source, "they are not allowed a ... COLA

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3 Two important gender equality laws in regards to employment are *Equal Pay Between Men and Women for the Same Work or for Work for which Equal Value is Attributed (Amendment) Law No. 177(I) of 2002* and *Equal Treatment Between Men and Women in Employment and Vocational Training Law No. 205(I) of 2002* (The 2002 and 2004 laws on Equal Treatment of Men and Women in Employment and Vocational Training were modified in 2005 to reflect the requirements of Directive 2002/73/EC).

increase or a 13<sup>th</sup> salary. Even when the accommodation and food expenses which are usually covered by the employer are accounted for, the wage gap is still vast.” (Commissioner 2005: 9). But as was seen earlier, these women work for more than seven hours a day. They are virtually on call on a twenty four hour basis when they reside in their employer’s house, which means that their true hourly rate is well below even £0.82 (Zervidou 2007: 42-43). The immense discrepancy between the average hourly rate of £0.82 (female migrant domestic workers) and the average hourly rate of £4 - £5 (Cypriot women domestic workers) does not strike policy-makers as a violation of the principle of equal payment because migrant labour has become recommodified.

Thematising these discrepancies as gender inequality issues and as female labour exploitation issues and introducing migration mainstreaming to gender equality would require a more radical policy reform than just introducing economic integration measures for female migrant domestic workers. The progress that has been made in Cyprus over the last few years towards gender equality in the workplace, equal access to employment and the protection of maternity is grounded on the reconciliation of work with family life for women. Reconciliation of work with family life for women in Cyprus, according to 2005 EU wide comparative statistics rates among the highest in Europe (Aliaga 2005).<sup>4</sup> This reconciliation, however, is achieved not because the workplace has become more flexible, child care has improved or distribution of reproductive labour between men and women has changed. Greek Cypriot women are able to enter the labour market on more equal terms than before because the availability of cheap migrant domestic labour enables them to resolve and reconcile their two roles. In other words, gender equality policy in Cyprus is based on the existence of an exploitative economy of female migrant domestic labour.

If female migrant domestic workers are exempted from gender equality policies, one might expect that mechanisms and policies for their integration would be proposed and developed in relation to the national policy on migration and integration. As stated in the National Report, however, there is no national policy for migrant integration (Commission of the European Communities 2006).<sup>5</sup> In fact,

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4 The employment rates for women with children are highest in Slovenia, Denmark, Lithuania and Portugal, followed by Austria, Finland, Cyprus and the Netherlands. The data were taken from the European Labour Force Survey conducted in 2003 (for Cyprus, second quarter).

5 The absence of a national integration policy is recorded in the Second Annual Report on Migration and Integration, SEC(892) 2006: “Given the low number of long-term immigrants and recognised refugees, the Republic of Cyprus has not yet adopted an integration policy” (8). Though it is true that the number of recognised refugees is quite low in Cyprus (in raw numbers, Cyprus’ refugee population is the EU’s seventh lowest), the percentage of non-EU nationals in Cyprus is above the EU average, standing seventh at 5.8%. Cyprus also represents one of the few EU countries where the majority of non-nationals come from other EU Member States, at 55.8% (Niessen et al. 2007). Framing (and restricting) integration policy in regards to long-term (i.e. long-term residence) migrants confirms our view that migration and integration in Cyprus are approached as two separate policies. This approach diverges significantly from the EU Tampere mandate to approach “migration and integration” as a common policy and to introduce integration policies as early as admission. Given Cyprus’ migration policy to restrict the stay of female migrant domestic workers to four years (below the five year residence requirement for

one could argue that there is no overlap at all between female migrant domestic workers and “migrant” as a policy frame. In other words, female migrant domestic workers are legally framed as “temporary workers” and thus are exempted from migration policy. As stated in the Cyprus National Report,

the Aliens and Immigration Law defines the term ‘migrant’ as “... an alien who, without being permanently resident in the Republic, legally enters it with the aim of residing there permanently”, a definition which obviously excludes migrants entering the country to work for a specific period of time (currently set at a maximum period of four years) (Zervidou 2007: 40).

Migration Policy in Cyprus is framed by two dominant discourses, on one hand, the discourse of fortress Europe (and fortress small border states), and on the other hand, the discourse of national risk in view of the ongoing ethnic division of Cyprus and the demographic changes in northern Cyprus. While at the European level, during the last few years migration policy is becoming inextricably linked to integration policy,<sup>6</sup> at the national (Cyprus) level migration is discussed and managed *without* and *against* the consideration of a national integration policy.<sup>7</sup> Political discourse on migration is almost always referenced to policies of border control, and migration management is almost always conflated in public discourse with the control of illegal migration. Public panic about the effects of migration on the demographic profile is instigated and used to create panic about the national character of Cyprus.

The turn from “migration policy” to “migration and integration” policy at the EU level mostly benefits third-country nationals who are long-term residents (third-country nationals acquire long-term resident status after they have resided legally and continuously within the territory of a member state for five years).<sup>8</sup> This focus on long-term residents at the EU level can be found in several places in COM(389) 2005 (A Common Agenda for Integration Framework for the Integration of Third-Country Nationals in the European Union).

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the granting of long-term residence status), this restrictive framing of integration suggests that female migrant domestic workers are excluded from integration.

- 6 “Admission and integration policies are inseparable and should mutually reinforce each other” (European Commission 2004: 9).
- 7 We must note that this approach is very similar to the disconnection of migration and integration with socio-economic development that occurred throughout Europe in the nineties. As Niessen and Huddleston (2007) suggest, “migration was disconnected from the socio-economic debates and turned into judicial migration management debates, which focussed on restriction and control” (56).
- 8 Article 4, paragraph 1 of *Council Directive 2003/109/EC* of 25 November 2003 concerning the status of third-country nationals who are long-term residents, states that “Member States shall grant long-term resident status to third-country nationals who have resided legally and continuously within its territory for five years immediately prior to the submission of the relevant application” (European Council 2003: L 16/47).



With regard to employment and integration:

**3. 'Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible'**

[...]

Monitoring the application of the Directives concerning discrimination in employment and on third-country nationals who are long-term residents (ibid: 6).

With regard to social integration:

**6. 'Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration'**

[...]

Monitoring the application of the Directive on third-country nationals who are long-term residents and on equal treatment irrespective of racial or ethnic origin (ibid: 8).

With regard to admission and integration:

**3.2 Legal framework concerning the admission and stay of third-country nationals**

[...]

Since the Community acquired competence in the area of migration under the treaty of Amsterdam, it has adopted a series of legislative instruments on the conditions for the admission and stay of third-country nationals (directives concerning family reunion, students, researchers, and the long-term residence). These directives create a legal framework, prescribing equality of treatment and according rights of access to employment, and to education/training, all of which elements are necessary components not only for a credible immigration policy but also for any successful integration of third-country nationals as part of that policy (ibid: 12).

With regard to labour market integration and non-discrimination:

*At the EU level, the Commission will monitor the impact of the National Reform Programmes on the labour market integration of immigrants, encourage Member States to develop labour market integration strategies and monitor the legislation which safeguards immigrant rights, notably on the status of long-term residents; on combating discrimination, racism and xenophobia (ibid: 17).*

The incremental approach to the granting of citizen rights to migrants at the EU level has been translated and accommodated within Cyprus' national migration policy as a cautionary remark rather than as guidance for introducing integration

policies. The incremental approach to rights means that Third Country Nationals [TCNs] with long-term residence status should be granted rights comparable to those of citizens. Instead of translating this as an EU recommendation for expanding and improving integration policies for migrants, in Cyprus' migration policy the long-term residence status requirement of five years has come to be defined as the dangerous threshold against which migration flows must be controlled. The same threshold that is marked as the apogee of integration at the EU level of migration policy, at the national level is marked as a maximum limit for residence permit and is used as a tool for migration control. Migrants eligible for residence status are framed as the undesirable outcome of past migration policies, a 'mistake' to be dealt with in the present (awarding long-term residence visas to those who are eligible) but also a mistake to provide 'lessons' for 'fixing' migration controls towards a more secure future (i.e. establishing a maximum four-year limit on temporary residence).

This legal measure has particular repercussions for the recommodification of female migrant domestic labour in Cyprus. The legal limits on "temporary migrant stay" construct domestic labour as a commodity and frame female migrant workers into permanent temporariness. They are perceived as recyclable workers—workers "we" recruit for the needs of "our society" to be returned to their countries at the end of their "term". Likewise, migration flows of female domestic labour are framed as something external to Cypriot society which continues to act as if racist and sexist exploitation was an intrinsic characteristic of fragmented imported labour and not a consequence of its own structures. Thus the systematic application of the residency restriction on temporary migrant workers has exempted the government of Cyprus from the responsibility to develop integration policies for migrant workers in general and female migrant domestic workers in particular. This migration control mechanism, however, has also backfired by leading many female migrant domestic workers to withdraw from the formal labour market at the end of the four year period and to "disappear" into the labour black market instead.

It is against this double exclusion of female migrant domestic workers from gender equality policy and from migration-without-integration policy that the following policy recommendations are put forth.

## **B. Recommendations for Cyprus' Integration Policy**

### **1. Introduce gender mainstreaming to migration policy**

*The gender specificity of migration flows to Cyprus must be acknowledged and integration policies must be developed to combat those forms of precarious employment and exploitation experienced specifically by female migrant workers.*

- Minimum salaries for female migrant domestic workers employed as "cleaners" or "carers" must be equivalent to salaries provided for similar

categories of labour (a more comprehensive monitoring mechanism is needed for the implementation of the *Equal Pay Between Men and Women for the Same Work or for Work for which Equal Value is Attributed Law No. 177(I) of 2002*).

- The right to maternity leave and maternity protection must be explicitly phrased in the female migrant domestic worker contract.
- Health care benefits for prenatal, delivery and postnatal health care for the mother and the child covered by Social Insurance and Health Insurance (both paid for by Employers) must be comparable to those provided for Cypriot Female Employees.
- Labour inspection officers examining claims of sexual harassment and excessive work load must have access to the workplace (in this case, “the home” must be primarily framed as the “workplace” for domestic Employment and not as the “asylum” of the Home’s Owner).
- In the case of live-in employment contracts, labour inspection officers must evaluate the quality of residence quarters provided for the employee before and during employment.
- Migration officers, police officers and labour relation officers dealing with female migrants must receive special training on gender equality.
- Weekend Women’s Health Clinics must be established in every district, preferably in city-centre and/on localities where migrants live. These clinics must be open on a walk-in basis and service must be free of charge.

## **2. Introduce migration mainstreaming to gender equality and social inclusion policies**

- Cyprus’ CEDAW Report must report on developments relevant to combating labour exploitation and civic marginalisation of female migrant workers.
- Cyprus’ National Action Plan on Social Inclusion must address forms of social exclusion experienced particularly by female migrant domestic workers.
- Indicators and statistics on child-care and home-care provision must reflect the forms and amount of care provided by female migrant domestic workers.
- Policies aiming to the reconciliation of work with family life and the increased participation of women in the labour market must re-evaluate their effectiveness taking into consideration the wide provision of cheap female migrant domestic work. If it is the availability of “cheap” migrant domestic labour that makes this reconciliation possible and not planned state intervention (such as “flexible employment schemes”), gender equality employment policy must aim to combat both the privatisation of care provision and the exploitative structure of migrant domestic labour. Securing social funds for the subsidisation of migrant domestic care and increasing the provision of public care might be two complementary measures in this direction.

### **3. Address migrant admission and migrant integration as inseparable policies**

*Cyprus must reconsider its migration policy within the Tampere mandate and*

- Develop a comprehensive policy for “Migration *and* Integration”.
- Acknowledge that integration starts as early as migrants’ admission into the country and that its purpose is to promote the social, cultural and economic inclusion of *all* migrants.
- Reconsider the “control/security approach” to migration and recognise the contribution of migrant labour to the economic and social development of Cyprus (The current backlash of xenophobic discourse against migrants and asylum seekers renders this recommendation even more vital. Politicians and other officials in high-rank positions must engage in kinds of public discourse that recognises the economic and social benefits of migration).
- Institutionalise an open and continuous system of regularisation for undocumented migrant workers (currently there are no arrangements and regulations in place which would allow or even encourage undocumented/irregular female migrant workers to re-enter the formal economy).
- Revise the legal definition of “migrant” and recognise female migrant domestic workers as “migrant workers” (and not as “guest workers”)
- Disconnect border control policies from the interpretation of the Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (ΟΔΗΓΙΑ 2003/109/ΕΚ ΤΟΥ ΣΥΜΒΟΥΛΙΟΥ της 25ης Νοεμβρίου 2003 σχετικά με το καθεστώς υπηκόων τρίτων χωρών οι οποίοι είναι επί μακρόν διαμένοντες). The latter must be understood within the context of developing integration policies and combating employment and civic discriminations against TCNs. Granting long-term residence status to female migrant domestic workers must be reconsidered as a step towards creating conditions for integrating migrants and protecting labour and human rights and not as a dangerous threshold.
- Waive the 4 years maximum stay limit for female migrant domestic workers because it functions as a female-only barrier to the granting of long-term residence status to TCNs. This regulation excludes female migrant domestic workers from all integration measures developed for long-term migrants.

### **4. Address the precarious legality of female migrant domestic workers**

*The Cyprus government must address the precarious legality of female migrant domestic workers’ employment and reform those aspects of migration and employment systems which produce illegality and obstruct the re-entry of undocumented (“illegal”) female migrant domestic workers into the formal economy of labour.*

- The Residence permit and the work permit must be disconnected in order to enable mobility from employer to employer and from job to job. “Tying” migrant workers to employers and granting (or maintaining) the work permit only if such a tie is in place is an arrangement that legalises conditions of labour slavery and trafficking.
- Institutionalise an open and viable process of regularisation that would enable “run-aways” (female migrant domestic workers who drop out of the formal labour market and work illegally) to re-enter the formal labour market.
- The release period must be extended to at least two months and during that period intermediary part-time work permit and intermediary (labour and health) insurance must be available.
- In order for the release period to function as an intermediary stage between periods of legal employment, female migrant domestic workers must have access to information about job openings (see Recommendation on the establishment of Public Employment Board/s).

## 5. Mobility as a labour right

Under Cyprus’ current migration regime, female migrant domestic workers are “tied” to an employer and employers are “tied” to an employee before the migrant enters the country. This “tie” constitutes a prerequisite for the issue of a work permit. In order to break this “tie” and combat the trafficking of female labour (carried out by private employment agencies in both the country of origin and the country of admission), we recommend

- the introduction of job-seeker visas  
A “job seeker visa” would be valid for a three month period. This kind of visa would enable female migrant domestic workers to enter the county legally and actively search for a job but would also enable employers to choose their employees. In this way both employee and employer would be actively and responsibly engaged in the negotiation of the terms of employment, rendering the contract more transparent and more viable.
- that criteria and procedures for the issue of employment and residence visas are rendered transparent.
- the elimination of the privileged access to state authorities enjoyed by employment agents as representatives of female migrant domestic workers. Instead, establish public bodies which can provide translation and mediation when needed, promote a more friendly interface between authorities and migrants and encourage direct interaction between migrants and authorities. During pre-admission, admission and employment female migrant domestic workers’ transactions with migration authorities and labour relation authorities are almost always mediated by recruitment agencies and/or employers. This kind of mediation often creates the impression that work-permit visas are issued by the employers and not by the state and this contributes to the culture of fear that ties employees to

employers and/or recruitment agencies. Female migrant workers must become familiar with admission, employment and grievance negotiation procedures, have knowledge of their responsibilities and rights as workers and have direct access to public migration and labour relations authorities.

- reform of recruitment and hiring procedures in ways that enable employer and employee to clarify the terms of employment before the signing of a contract.
- that disputes between employers and employees are framed as labour disputes and examined by the relevant labour relations department. Migration control authorities are not the appropriate legal bodies to adjudicate for labour disputes.
- expediting the procedure for filing and examining complaints and defining time limits within which each case is examined. Intermediate employment must be legalised and access to flexible labour insurance and health insurance schemas must be provided.

#### **6. Promote the professionalisation of household maintenance and caring jobs**

- Institutionalise job categories for female migrant domestic workers

Proposed categories:

- *Household maintenance*
- *Care for sick or disabled persons*
- *Child Care*
- *Elderly Care*

- Enforce minimum salaries comparable to minimum salaries for jobs of equal value carried out by Cypriot nationals.
- Combat those conditions of employment (dependency, fear and sense of powerlessness) which undermine the legally binding nature and implementation of workers' rights. Restrict the "stay-in" option.
- Trade Unions must find ways to approach and register female migrant domestic workers.
- The Labour Equality Authority must expand its scope to include female migrant domestic workers.
- Disconnect terms of domestic employment from the nature of domestic cleaning and caring work (multi-faceted demands, multiple duties, extensive workloads and responsibility to be on-call on a 24-hour basis). Institutionalise rotating systems of care provision for the elderly and the sick, codify domestic tasks in transparent and measurable terms, and regulate work schedules.

## **7. Establish Public Employment Boards for female migrant domestic workers at the national and district level**

The Duties and Tasks of such Board/Boards could include:

- Operating as an interface between Job-Seeking Visa holders and potential Employers.
- Setting up a public database of available full-time or part-time jobs. Employers could post announcements for jobs available and candidates would have access to information about job openings instead of relying on “hear-say” channels of information or private employment agencies.
- Promoting a just, flexible and viable job seeking and hiring system that would make the formal labour economy a more attractive option than the black market of domestic labour.
- Informing Employers and Employees about labour and human rights.

## **8. Introduce forms of flexible employment for FMDWs**

- Disconnect female migrant domestic worker “full time employment” from “full-day work for employer” (regulate flexible work schedules and codify domestic labour in qualitative and quantitative terms).
- Introduce flexible forms of social insurance and health insurance for part-time employment, transitional periods and periods of unemployment.
- Institutionalise flexible forms of employment that allow female migrant domestic workers to combine insured part-time jobs towards full-time employment (combined with a system of regularisation, this option would provide incentives for irregular migrant workers to re-enter the formal labour market).

## **9. Promote the Professional Development and Accreditation of female migrant domestic workers in the fields of Domestic Care and Domestic Health Care**

- Introduce areas and levels of specialisation for female migrant domestic workers in the fields of Household Maintenance, Child Care, Elderly Care, Nursing, etc.
- Introduce a female migrant domestic workers Qualification and Job Experience Portfolio for the purpose of mapping female migrant domestic workers previous job experience, skills, specialties, language training and other forms of life-long education.
- Recognise and institutionalise the right to Education and organise professional development workshops for female migrant domestic workers. Professional development should *not* be limited to the field of “domestic” or “female” work. It could include workshops in the fields of physiotherapy,

nutrition, etc., but also in fields such as computer literacy, foreign languages, business, marketing, etc.

#### **10. Language and orientation courses**

*The offer of introductory language courses and civic orientation courses for newly arrived migrants aims to develop civic participation competences rather than to force cultural assimilation. Newly arrived female migrant domestic workers must be addressed as potential members of the society and the civic community and not as carriers of cultural deficit.*

Four kinds of workshops must be available to workers when they enter the country:

- (a) Greek Language Courses
- (b) Civic Participation Courses
- (c) Migrant Orientation Courses
- (d) Gender Equality Courses

Language courses and Civic Participation courses that offer information about the host society's history, cultures and political and legal institutions should aim to empower migrants as civic agents. Female Migrant Domestic Workers must become familiar with their rights and responsibilities as workers and develop a comprehensive idea about

- (a) The national and local systems of labour relations and social insurance
- (b) Human rights and gender equality monitoring instruments
- (c) About migrant organisations and NGOs working with migrants

Migrant orientation courses must provide newly arrived migrants with information about health services, health insurance options, social and labour insurance, maternity rights, workers' collective agreements.

#### **Guidelines for migrant courses:**

- Both migrant orientation workshops and language courses must be free of charge.
- The right to enrol in orientation workshops and Greek language courses must be codified in legally binding ways in employment contracts.
- The attendance of workshops particularly during the first year of arrival should be encouraged. Quality assurance, verification of successful attendance (see Recommendation on skills and competences portfolio) and award of allowances for participants



(both for live-ins and live-outs) are some of the necessary conditions for ensuring attendance.

- Dissemination of information about these workshops through sources that migrant workers consider trustworthy and non-xenophobic (use technologies of dissemination accessible to migrants such as SMS messages and fliers).
- Flexibility of programmes: evening courses, fast track modules, distance and e-learning modes.
- Migrant Information Packages, in printed and digital form, should be available in both English and, at least, in the languages of the major migrant communities of Cyprus.
- Older members of the migrant community must be included in the design and delivery of these courses.

#### **11. Welfare, Social Insurance, Health care and Welfare Benefits**

- State subsidisation of female migrant domestic workers salaries and tax discounts for households that employ female migrant domestic workers *on the basis of family income*.
- Health care, unemployment benefits and welfare benefits provided for female migrant domestic workers should meet national standards.
- No discrimination should be allowed (e.g. about the kinds of illness covered, length of coverage, pregnancy/delivery care, care for dependents) on the basis of “exception”.
- Health Care Insurance should cover part-time employment, periods of unemployment, and in-between periods during transition from one job/employer to another.
- Flexible schemes of Health Care Insurance should be available for female migrant domestic workers employed under Flexible Employment Schemes such as shared contracts and combined part-time jobs.
- Bilateral agreements must be signed between Cyprus and the countries of origin of migrant workers in order to facilitate the transfer of savings and social insurance remittances upon repatriation.

#### **12. Framing civic participation as active citizenship and political participation**

##### **Recognise and support public and/or communal spaces**

- Places of communal gathering for female migrant domestic workers such as parks, churches and squares should be recognised and supported as public spheres and as networks of active citizenship.
- New spaces for communal gathering such as multicultural centres and women’s centres should be developed, taking into consideration that:

- *The terms of employment for live-in female migrant domestic workers compromise the right to family life, the right to privacy and the right to intimate life for six, sometimes seven days a week.*
- *Alternative places of refuge are needed in cases of workplace sexual abuse or other forms of harassment since the workplace and the domestic are practically inseparable.*
- *The terms of work in the domestic sphere individualise and disperse workers in terms of time and place in ways that is difficult for them to use the workplace as a place for social interaction, workers' organisation and active citizenship.*

#### Promote active citizenship

- Female Migrant Domestic Workers must be granted the resources and legal advice needed to establish and develop their own associations, register these as public bodies and establish links with other public authorities and other associations at the local and international level.
- Female migrant domestic workers with long term permits must be granted voting rights for municipal elections and, depending on the length of stay, parliamentary and presidential elections.

#### Access to Media

With the exception of a four-page monthly supplement in *Politis* Newspaper (published in English) there are no migrant media, printed or any other kind, in Cyprus. Whereas migrants themselves have no access to media, the media (particularly TV entertainment programmes) are flooded with caricatures of migrants, particularly sexist and racist images of female migrant domestic workers. Such sexist and racist representations must be combated while at the same time female migrant domestic workers must be enabled to fashion public self-representations as workers and women.

- Government, private and civic society actors must support migrant initiatives to set up migrant newspapers and newsletters, in their national language and/or in English.
- The Cyprus Radio Television Authority, the responsible authority for the implementation of Law 7(I)/98 on Radio and Television Stations, must ensure that representations of migrants in TV series do not violate Article 30 of Law 7(I)/98 ("The stations have the responsibility to ensure that their programmes do not provoke hatred on the basis of racial, gender, religious or national difference"; author's translation).
- Public media (CyBC) must introduce multicultural zone programmes and recruit hosts for such programmes from the major communities of migrants.

**13. Reconcile female migrant domestic work with family life**

- The family reunification right for female migrant domestic workers with long-term residence status should be accompanied by policies that render family reunification possible and viable (increase of salary, elimination of the stay-in option, availability of child care, affordable housing).
- Eliminate the age criteria for children of female migrant domestic workers eligible for admission under the family reunification policy.
- Automatic award of work permit for reunified family members of female migrant domestic workers.
- Institutionalise the right for visits to the country of origin (at least once a year) and the right for family emergency trips.
- Separate employee vacation from employer vacation and enhance female migrant domestic workers' right to plan/negotiate their vacation time periods.
- Provide affordable quality child care.

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## **Policy Recommendations for Germany**

### **Domestic Work:**

### **Germany's most open secret**

*Sabine Hess*

First I will state some main features of the situation of female migrant domestic workers in Germany since it is necessary to understand the national legal, social and cultural background in order to be able to draw conclusions with respect to strategies for employment and civic participation. Then I will shortly outline “the place of awareness” for the cause of female migrant domestic workers within German society and conclude by enumerating short, medium and long-term measures for civic participation and employment and name best practice approaches.

To properly address the situation of female migrant domestic workers in Germany we have to take the following basic features into consideration:

Basically, female migrant domestic work is situated at the intersection of the gender, migration and labour regimes. That means that strategies for integration and employment have to address all three aspects. The German situation is quite specific since domestic work is mostly done in a double twilight-zone. However, the working and living situation of female migrant domestic workers is highly heterogeneous. Some live in Germany with a regular residence status; others have no legal residence status and many commute between two or more countries; most of them are employed on an hourly basis. This situation is basically caused by the highly restrictive German migration policy, following the logic of the “recruitment ban” (Anwerbestopp) which prevents the legal entrance of migrant domestic workers. There is one special temporary immigration track for women from accession states to the EU (Poland, Hungary, Slovakia, Slovenia, Czech Republic and since 2005 also for Bulgaria and Romania) to work as assistant care providers in households of elderly persons whose need for care provision is certified by their health insurance. But this is arranged in the specific German mode of “exception to the recruitment ban” (Anwerbestoppausnahmereordnung) and only allows for a maximum stay of three years. The official recruitment is organised in quite similar

ways to the “guest-worker” system. The numbers of workers that make use of this system, however, are rather low with 1,700 applications from employers in 2005.

Still, there exist no legal entry paths for other forms of qualified work (it is very hard to have qualifications or diplomas from abroad accredited in Germany). This means that most migrant women are confronted with structural mechanisms of de-qualification (brain waste) as they can only find work in the informal sector, mostly in person-related services. Hence, many migrant women are channelled into domestic work.

Generally there is still no integration policy by the national state, which is worthy of the name. The only change the new immigration law 2007 brought about is the *duty* to attend German language classes, which is praised as a central integration measure. The German integration policy can be characterised as highly contradictory. On municipal and regional level as well as on the level of civil society there are several integration schemes and measures because it is these actors and institutions that have to deal day to day with the shortcomings and problems of de-facto-immigration. The low profile of migrant integration is also caused by an education policy and system which is highly exclusive from the very beginning of schooling as several international surveys demonstrate. The system only allows for a small percentage of higher educated migrant youths.

- 1) In contrast to other European countries with a more permissive approach on irregular work in general as in the US or France where people without proper papers work and live for years, the German policy can be characterised by a criminalisation of irregular work and especially of irregular work of migrants. Criminalisation as a strategy was demanded by trade unions that told their members to report on irregular workers, and this approach intensified under the Red/Green coalition. In contrast to other countries, German legal provisions require also that tax or social insurance authorities pass the data on social security contributors to migration control agencies and this data exchange is highly efficient. Additionally, Germany has a general data collection system especially for the foreign population, the “Ausländerzentralregister”. Moreover, Germany has a law punishing all actors “supporting” undocumented migrants.
- 2) The German migration policy is accompanied by a family and labour market policy which is still following the traditional hierarchical gender model which Ilona Oster defined as one of the most conservative in Europe. That means that despite huge numbers of women in the workforce the state hardly provides facilities for childcare. The latest attempt in 2007 of “Family Minister” Ursula von der Lieh to improve this situation especially for women with small children caused massive criticism by the conservative parties which still defends the model of the wife staying at home and bringing up the children in the midst of the nuclear family. That means the huge changes in daily life and culture in relation to work, gender roles etc. are not mirrored by corresponding ideological, structural and political developments.

- 3) We have also to take into consideration the new culture of work which is becoming more and more demanding. The demand for a working week of 35 hours seems to be far away. Instead precarious working conditions boost the new working ethic of the “entrepreneur of oneself”.

All in all the sector of female migrant domestic work can be characterised as follows:

On one hand, the demand for different types of person-related services is very high due to a lack of care facilities provided by the authorities as well as a prevailing hierarchical gender model within the families, both structurally based on a very conservative family policy. On the other hand the restrictive immigration policy which is still following the logic of the “recruitment ban” has contrary effects to its declared aim to prevent immigration. It rather “produces” a female migrant labour force suitable for the so called low qualified jobs, many of them offered by the informal work sector. This connection is not the result of conspiracy but rather partly caused by the creative practices of female migrants who use the resources they have (their own networks, their own channels into the labour market) and make the most out of the situation.

Their informal, undocumented status is their only competitive advantage in this new international division of labour. Working irregularly promises higher earnings than the collective labour agreements guarantee in many of the so-called low qualified jobs at the expense of exclusion from social and working rights. Additionally, for the large group of commuting migrants the perspective of integration is a different one as they are at least partly integrated in and “protected” by their countries of origin.

### **The place of awareness**

The situation of domestic workers can be described as one of Germany’s most open secrets, which makes the situation really weird. Nearly everybody knows one example of undocumented domestic work, but there is hardly any open discussion, in either the feminist discourse, or the labour market and unionist discourse, or in the welfare state or charitable discourse of large care institutions. Only in the case of severe incidents has the topic managed to enter the news, (e.g. in the case of a suicide by an au-pair and in the case of the first and only police raid in the Rhine-Main region against a network of migrant care givers), but it vanished again from the media shortly afterwards. Only the situation of carers for elderly people received wider press coverage. On this subject the discussion is also highly ambivalent and it reveals Germany’s contradictory approach on immigration. Whereas public opinion and officials (even judges) off the record express clear sympathy with the situation of families in need of affordable care work, the official line brands undocumented care arrangements as black market activities and consequently it is condemned as such like other types of illegal activity.

But in the last ten years, both the new grass root social movement against racism and migration related action groups have raised awareness of migrant domestic

worker issues with campaigns for legalisation and a broader understanding of migration which address more than just the plight of refugees—the main issue during the 90s. Within the feminist discourse this awareness is connected to a shift in the perception of female migration emphasising the agency of female migrants instead of victimising the women. These two changes can also be traced back to a new interest in economical restructuring, work aspects and hence in labour migration. This led to a new framing of the cause of migrants as an issue of workers rights and not only as a humanitarian issue. As a result, political as well as practical supportive practices have been probed and developed; a discussion has been launched and European wide networking activities started.

In contrast to Southern European countries and the US, undocumented migrant workers in general, and more so migrant domestic workers, were hardly considered in the work of trade unions. This stance derives more or less from the blind stance of trade unions concerning the two main aspects composing female migrant domestic work. On one hand, domestic work does not belong to the traditional definition of waged labour determining the organisational structure of trade unions that is still organised according to the traditional economic sectors even though they are vanishing. On the other hand the union policy was predominantly organised around the logic of the social nation state and its defence. So migrant labour was seen as unfair competition and the unions battled against irregular labour. Against the backdrop of an openly racist policy far into the 1990s, it can be seen as progress that the unions stopped their open calls to combat irregular labour and that individual members of certain unions have become more and more interested in questions of legal support and in organising these sectors.

Also in German academia until the late 90s female migrant domestic workers have been neither an issue in migration nor in gender studies. This changed rapidly with several qualitative studies on the issue which have been published over the past four years.

Short, medium and long-term measures to be taken:

### **Transformation of undocumented work into regular jobs for the benefit of the employee**

- 1) Start labour immigration policies worthy of the name. Set up immigration possibilities for labour migrants with more permanent prospects to stay and be endowed with full civil rights. Set up a specific admission for domestic work which is not bound to an employer as in some Southern European countries.
- 2) Unlink residence permits from labour contracts.
- 3) Stop brain waste and de-qualification. Accept the qualifications of migrants and start anti-discrimination measures in favour of labour market integration of migrant women according to their qualifications. Stop channelling migrant women into domestic work only.



- 4) Increase the incentive for migrants to look for regulated work to reduce the dependency on the informal, irregular labour market that offers better payment than regulated jobs but is exploitative and uncertain. That means that female migrant workers must have all rights to enter the formal labour market and that regulated work must pay as well as the dominant informal work.
- 5) Empowerment: Unionise domestic workers respectively; support all approaches of self-organisation of female migrant workers, even if they organise under a different label (which is mostly what happens in Germany).
- 6) Support them by means of awareness campaigns and the distribution of information through churches and welfare institutions. Use the marginal rights that already exist even if they are working irregularly. ZAPO (see national report: best practice) has demonstrated this kind of approach. Unfortunately it had to stop its support and advisory work due to a funding shortage.
- 7) Professionalise domestic work, not in the common understanding of forming service pools and agencies, but by using workshops where migrants learn how to behave like a proper employee with rights and duties and learn practices to defend themselves, how to draw boundaries between work and leisure time, how to bargain a fair contract and so on. Also agencies and service pools have to offer such work-shops.
- 8) Transnationalise social and health insurance, pension and succession rights, as well as employment rights to address the increasing phenomena of commuting migrants and transmigrants.

### **Transformation of undocumented work into regular jobs to benefit the employer**

- 1) Increase the incentives to employ domestic workers on a regular basis.
- 2) Awareness campaigns that domestic care work needs to be properly paid as a necessary work for the polity.
- 3) All measures have to be accompanied by a family and labour market policy that offers true alternatives to underpaid, informal domestic services. First and foremost to finance a caring infrastructure on the basis of the latest professional standard for children and elderly people.
- 4) Launch binding anti-discrimination, respectively affirmative action, measures and true possibilities for a gender-democratic division of labour to raise incentives for men to play a bigger part in family labour.
- 5) Launch a discussion on the value of labour and family friendly working hours.

**Start measures for social integration and civic participation in the short term**

- 1) De-criminalise undocumented migration and labour and all actors involved in this field. That means cancelling all laws and suspending all regulations on a national, regional as well as communal level that punish private actors and institutions that are in contact with illegal migrants. Suspend all laws and regulations that force private, communal or state actors and authorities to pass on the data to migration control agencies. It is only on this basis that social integration and civic participation is possible, even in the state of illegality, and it would end the total social exclusion from schooling, the health system or legal advice. The overall goal has to be the introduction of liberal legalisation or regularisation policies.
- 2) Support civil society actors with easily accessible un-bureaucratic funds, especially the low institutionalised support groups and self-organisations who are the only actors in the field of female migrant domestic work that have developed best practices for legal advice and daily life problems such as schooling, housing and the health situation.
- 3) Support all municipalities in applying de-criminalisation measures and in launching affirmative actions and open access to schooling, health provisions and legal advice. The city of Munich has demonstrated best practice on these issues and their model should be generalised within the German assembly of municipalities. Once it is well known irregular workers also have the right to sue for a living wage, fewer employers will dare to deprive them of their rights.

## Policy Recommendations for Greece Employment Rights, Civic Rights and Migration Regime

*Athanasios Theodoridis*

Female migrant domestic workers in Greece face a series of problems presented in our national report. These problems emanate from three main fields which coincide with the three areas thoroughly examined in all the countries that participated in the project:

- Migration regime
- Labour regime for domestic workers
- Civic/social participation

In order to deal theoretically and practically with the problems faced by this social group and sketch some viable policy recommendations, we must always bear in mind these three aspects as well as the dimension of *gender* which is very important if not crucial. This is the only way to foster strategies and best practices that can promote the integration of female migrant domestic workers into the society and away from racist, unequal and sexist patterns.

Many of the problems noted are general and touch the whole migrant population in the country, whereas additional difficulties concern women specifically and domestic workers in particular. In that sense, a meaningful number of policy recommendations are associated with the overall migration regime, in other words with the ensemble of regulation patterns that condition migrants' status in the country. Institutional precariousness and uncertain legal status can be considered as the first obstacle for all migrants who live in Greece and consequently for female migrant domestic workers as well.

### **Policy recommendations concerning the migration regime**

In all interviews and meetings with migrant women during this project the first problem raised was the procedure of issuing residence permits. The strict association of the right of residence with declared (therefore insured) employment is a constant obstacle to the issuance and renewal of the residence permit. Therefore, efforts should be made to prevent legal migrants from becoming illegal during their permit of stay. An important step would be to introduce a drastic reduction in the number of insurance stamps required for the renewal of the residence permit. We believe that this system of associating the renewal of migrants' residence permits with the days that they have worked in Greece, and for which they have been legally insured, should be reconsidered and abolished.

Another severe problem is that the procedure is very *costly* and *time-consuming*. The fees paid for residence permits are the highest in the European Union and the issuance of the official document of the permit takes from three to six months (some years ago the official residence permit was issued even after its expiry date!). During this period migrants do not have the right to travel abroad unless there is a special ministerial decree for allocating holiday periods. It is, therefore, necessary on one hand to unify the fee for a residence permit at EU level at a minimum price; on the other hand, the whole procedure must be improved and the right to frequent visits abroad must be respected.

Migrants and antiracist organisations very often describe the migration regime in Greece as a 'hostage regime', because of its strictness and uncertainty. In general terms, there should be initiatives to promote a continuing regularisation model based on the constantly changing needs of the society and not on a *numerus clausus*. Severe obstacles such as economic disadvantage, housing and other limits for family reunification should be reconsidered by the state.

### **Policy recommendations concerning employment**

Domestic work as such has not yet been an issue of discussion even among migrant associations. Although it is one of the main occupations among migrant women, there is a predicament when it comes to public discussions. During our research, however, several problems have been individually reported by female migrant domestic workers. The first problem raised is the informal character of working arrangements and the lack of protection mechanisms in place for domestic workers. It is necessary to create such mechanisms in order to provide a common basis of rights. The establishment of a *Public Agency* with competence to manage the system and guarantee the enjoyment of rights of domestic helpers (i.e. 5 working days per week with provision for replacement by other helpers during the absence of the "live-ins") could be a decisive step. Contracts should be available only through this public agency. This agency could replace the informal agencies that very often exploit migrant women especially during their entry into the country. Subsidies from the government will cover a percentage (maybe one-third)

of the salaries of domestic helpers, since their services should be regarded as a “public good” and, therefore, as a part of the welfare state. In addition, job-seeking visas (for 3 months) could be provided to all persons that are interested in working in Greece and they could register themselves in the above public agency.

One reason for the ambiguous status of domestic work is the unclear boundaries between reproductive and productive work. Therefore, provisions for collective agreements should clearly mention and fully “cover” the job of domestic helpers as an official profession. The right to unionise should be provided and promoted by trade unions. Only in this way can access to social benefits be gained under the same circumstances as those available to national citizens.

It is well known, not only in the case of Greece, that a great number of domestic workers are educated women with skills and professional qualifications. Limiting these women to domestic work as the only means of entry into the labour market constitutes a clear case of brain waste. It is necessary to facilitate the procedure of recognition of their skills in other fields in order to help their mobility. In this direction, the freedom to change employer and employment status from employed work to self-employed work and vice versa at any time could help migrant women to pursue a socio-professional upward mobility.

Finally, certain steps should be taken toward the creation of bilateral agreements with countries of origin to safeguard the pension rights of those migrants who wish to return to their countries of origin.

### **Policy recommendations concerning civic/social participation**

The demands and the dependency status that domestic work implies hinder not only civic but even social participation of domestic workers. Isolation of the workplace is an important factor that makes the social integration of domestic workers very difficult. Against this problematic reality there should be a provision that during their first year of work domestic workers can choose a less heavy schedule in order to be able to follow Greek lessons. Moreover, it should be compulsory for employers to respect the right of migrants to follow courses. The learning of language, history, civilisation, etc should not be compulsory for the achievement of long-term residence status, but should be offered freely by local branches of the Public Agency with the help of local municipalities or regions. Furthermore, information lessons and counselling should be provided at municipal and regional level.

As far as civic participation is concerned, it presupposes a brave revision of the whole question of citizenship which in Greece is based upon *ius sanguinis*. Automatic citizenship should be provided after a certain period of time (with exceptions) especially for children who are born in Greece. We cannot emphasise enough that these children must be officially registered with the municipalities.

No civic participation can be fostered without the admission and participation of migrants in advisory bodies of administration (such as the *National Committee for the Integration*). The right to vote in local elections, provided already in several European countries, is another step towards civic participation.

Another area of intervention is the activity already undertaken by migrant communities. There is a need for financial support of pre-school activities in migrant communities that run their own multicultural schools that in all cases are self-sustained. Some individual examples of support by municipalities (i.e. the City of Athens provides food for the Filipino kindergarten held by KASAPI association) should be generalised on systematic grounds.

The problems faced by female migrant women are various and complex. They are not limited to this particular group, although in this case there are cumulating difficulties. Nobody can underestimate the role of gender hierarchies and stereotypes that confine migrant women to domestic work or the deficiencies of welfare state infrastructure that lead many households to employ cheap female migrant workers. Moreover, the question overpasses the limits of migration. In fact, it touches the whole society and questions the very foundations of the social division of what is called reproductive labour.

## Policy Recommendations for Italy A Tool to Develop Integration Models for Female Migrant Domestic Workers

*Sandra Federici, Andrea Marchesini Reggiani and Fabio Federici*

The following policy recommendations refer to female migrant domestic workers' conditions in Italy and are based on research carried out by Lai-momo cooperative for the project "Integration of female migrant domestic workers: Strategies for Employment and Civic Participation" funded under the INTI Preparatory Actions 2005 of the European Commission.

These recommendations represent a tool to develop integration models for female migrant domestic workers and they are addressed to three strategic sectors:

- Political sector (Regions, Provinces, Municipalities, social-sanitarian districts);<sup>1</sup>
- Technical sector (Local Public Health Assistance, Zone Plan,<sup>2</sup> municipalities' services);
- Organised civil society sector (trade unions, associations, social cooperatives).

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1 The social-health district allows the first contact between the citizens and the Regional Health System—it is the place where it is possible to receive initial health assistance, social-sanitarian services, certifications, authorisations, etc.

2 The Zone Plan is the fundamental tool to define and implement the integrated system of interventions and social services with the aim to develop services responding to local community's needs.

## **Italian Policy Recommendations**

### **Entry protocols for female migrant domestic workers**

To create “entry protocols”, an obligatory path should be followed in order to clarify the reciprocal positions of the employers and the employees (rights and duties, working hours, tasks required, etc.) before the beginning of the domestic job. Entry protocols should accompany the labour contract, as an additional document containing clear explanations about the required tasks. These documents would reduce misunderstandings between employers and employees and would increase awareness of duties and responsibilities.

### **The quality of work**

Defining “integration”, it is necessary to take the work situation of the female migrant domestic workers into consideration because they:

- Live with limited civil participation outside the workplace;
- Have a migratory project that, in most cases, does not foresee a family re-union;
- Are considered less important than elderly people, minors and the needs of the family, because of the urgent demand for care that characterises the present historical, social and economic reality.

In order to increase the quality of domestic work it is necessary to maintain contact with female migrant domestic workers to understand their points of view and ascertain what improvements in the relationships with families, in the working conditions and in the training courses would be useful to them.

We therefore suggest

- The organisation and promotion of systematic dialogues with female migrant domestic workers, in order to understand their needs and views starting at a local level and then at national level;
- The organisation and promotion of systematic dialogue with families in order to understand their needs with regards to the employee they need;
- Share the results of these dialogues with the local community;
- Interact with the entities operating for the welfare system in order to promote a permanent network between all local stakeholders involved in the sector, i.e. the families, Municipalities, Local Public Health Assistance, Zone Plans, Provinces and Regions;
- Test and disseminate tools to measure the quality of work and its effects on people and local communities.



A way to realise the above is to start with the local governments that are closest to the problems and are responsible for the implementation of the local services. The means for making these proposals concrete are contained in the social-health district and the Zone Plan, established by law 328/2000 (the law for the reform of public assistance).

The possibility to fund and test new ways to promote dialogue between employers and employees should be the responsibility of regional and local institutions in order to avoid reducing the domestic employment to a mere work relation without any connection to the family or the local community. The contribution of female migrant domestic workers to society both professionally and culturally should be acknowledged and promoted.

The guidelines for the implementation of these aims should be very flexible; they should be able to interpret and adapt to female migrant domestic workers' local specificities and to the relationship with the families and the local community. They should also take into account every global economic and social change that may affect the workers, including the situation in their countries of origin.

### **Socio-Psychological support to female migrant domestic workers**

There are some socio-psychological effects on domestic workers because of their situation: i.e. working to ensure the family well-being without taking proper care of themselves; looking after other people's children and at the same time knowing that their own children are left behind; renouncing, partially or totally, personal privacy; working in a context that includes a certain amount of emotional involvement without the possibility of expressing their personal feelings; being on call 24 hours a day.

Training courses addressed to domestic workers do not pay enough attention to the above aspects. On the contrary, they focus mainly on technical issues (vocational guidance, language, etc.). This narrow focus probably derives from the following assumptions: the domestic workers' ability to sustain the psychological weight and to autonomously overcome it is taken for granted; the psychological well-being of these domestic workers is considered of secondary importance, at least in comparison to the quality of work.

Reality, however, shows the contrary. The number of cases of socio-psychological crisis is increasing, and the consequences affect not only the women experiencing them but also the families they are working for. To avoid these problems, a training model that considers these aspects, not only for a single event but also throughout time should be created.

Within the measures adopted for the female migrant domestic workers integration, specific funds for their psychological well-being should be foreseen. These measures should provide moments of psychological reinforcement and be

conceived and realised by paying attention to the specific typology of services offered by domestic workers. Access to these situations shall also be facilitated.

The best territorial institution for this kind of action is the local *Social-Health* district and the Zone Plans. In fact the local *Social-Health* district and the Zone Plans can closely follow each single case and at the same time create awareness in the local community of the necessity of investments within these fields. In addition to investments in the education of domestic workers, consultation with other colleagues, as well as with Italian women and families can be extremely useful in overcoming crisis situations or psychological problems. It is then necessary to inform political stakeholders about these problems in order to help them form policies.

### **Support to families**

In 2007 the Emilia Romagna region established a provincial fund of about €311 million for non self-sufficient people. It is to be used to support health and social services especially for elderly people. This can be considered a good example of the welfare system's response to the issue and it improves collaboration with associations and civil society.

These programmes have the following priorities:

- To directly and indirectly support domiciliary assistance, to families and communities with the aim of assisting people in their ordinary context;
- To develop integrated assistance, both health and social;
- To improve public financial contribution for families;
- To professionalise the qualifications of people minders;
- To promote services for distance-assistance to be run in collaboration with voluntary associations;
- To support informal networks of social solidarity.

### **Raising public awareness**

Public campaigns should be used in order to sensitise the society about female migrant domestic workers' issues and to communicate a positive image of domestic work.

Arts and media have a fundamental role in raising awareness and in showing other points of view, professionally using contemporary communication techniques.

# Policy Recommendations for Spain

## Short and Long-term Measures to improve Female Migrant Domestic Workers inclusion and participation in Spanish Society

*Lena de Botton*

In the present document we will briefly present some short-term and long-term measures to improve Female Migrant Domestic Workers inclusion and participation in Spanish society. These measures and strategies result from the Spanish context analysis and the demands of several social agents involved in this area (trade unions, migrants associations, administration, etc.).

The inclusion of the Female Migrant Domestic Worker (FMDW) group involves three dimensions: the gender dimension, the migrant condition and the labour context. The measures proposed here will complete the ones already identified in the policy meeting of 11-12 May. We will define measures oriented to promote the empowerment and inclusion of female migrants. Some of these are measures that can also be extended to the more general group of Female Domestic Workers.

### **1. Female Migrant**

#### **▪ Against exploitation and exclusion**

We find a high per cent of exploited women in the female domestic worker sector. This situation creates an obstacle for the workers as well as for the welfare state. But for migrant women this situation is even worse because they can find themselves in an irregular situation. For this reason domestic work has been one of the sectors that received more social security applications during the Spanish normalisation process (33.42%).<sup>1</sup> At the same time a female migrant work sector became visible.

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<sup>1</sup> See [<http://www.mtas.es/balance/pagina7.htm>].

As a result there is a double challenge to overcome the existing differences. On one hand it is necessary to fight against exploitation so that domestic workers have good working conditions, and on the other hand it is necessary to create a continuous regularisation process to avoid the exclusion caused by the constant production of undocumented people.

- **Free education**

Educational exclusion increases the risk of suffering social exclusion by migrants. The way to improve inclusion in the different social areas (work, health, housing, civil participation, etc.) is by providing access to good education for migrants.

Providing a good education will reduce the risk factors which face this group. Free education is proposed that is adaptable to their needs, is accessible, and takes the workers' timetable into consideration.

- **Skills recognition**

Many female domestic workers and especially migrants face disqualification mechanisms that result in immediate loss of income. These women are then forced to search for employment in the informal and unregulated work sector. For this reason it is very important to introduce **more flexible standardisation processes** as well as to advance the **recognition of the qualifications** obtained in their own countries. Several social movements<sup>2</sup> working on behalf of migrants have requested that some working limitations of the Spanish stranger's law be reformed. These measures refer to the introduction of quotas (indicating number and sector or geographic area), and to the creation of a Catalogue of Occupations incorporating areas which are difficult to cover along with national preference criteria.<sup>3</sup>

- **Re-Conciliation**

One of the actual debates among the scientific community and social movements refers to the difficulty Spaniards have in managing family and working life. In many cases, it is with the help of female migrant domestic workers that Spanish families reconcile their working and family lives.

But how can these "reconciliation" migrant women reconcile their own lives? They have, in fact, developed several personal and collective strategies to manage the obstacles they face. They have composed a social network that offers help and

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2 This is a demand that was produced in a process called Consens Social de les Migracions [Social Consensus of Migrations] that took place in Barcelona. The process gathered the agreements from more than 150 entities related to migration. See [<http://www.consensosocial.org/home2.htm>].

3 See [<http://www2.inem.es/catalogoOcupaciones/web/asp/catOcupaciones.asp>], and [<http://www.boe.es/boe/dias/2003/11/21/pdfs/A41193-41204.pdf>].

support to gain them time for education, work and other activities. It is important to **improve active working and social politics** in order to reconcile the lives of these women.

- **Promote self-organisation and mixed**

The world of associations offers responses to several demands of migrant workers and especially female domestic workers. Among these associations are some that have been created by the migrants themselves, or some in which they play an active role. When democratically organised, they allow several benefits to other entities because they possess a good knowledge-base of the lives and experiences of migrants and can respond to existing needs. These associations can also provide more confidence to migrant collectives. Finally, the **inclusion of migrant women's voices** in the entities' organisation can have many advantages.

## 2. Domestic Workers Collective

- **Special regime abolition**

In the Spanish context domestic work is regulated by a special regime (except contracts made for specialised firms of the sector). There are almost 600,000 domestic workers regulated by this special regime. Many women who are working in this sector find themselves in the informal economy. The social movements claim to abolish the special regime for domestic work and transfer these workers to the general regime in order to give them the same working conditions as other workers. This change would mean that domestic workers have:

- The right to unemployment benefits.
- The right to enjoy joined holidays.
- The right to a written contract.
- The right to better indemnity when fired.
- No deduction from their salary for food and accommodation.

- **Dialogic principles—democratic organisation**

Through a democratic organisation of common spaces the professionals and migrant women can come to an agreement and design a collective action more adjusted to reality. When interactions are oriented toward equality and when the conditions for an egalitarian debate are created it is easier to give expression to different voices and not only to the establishment. One of the resulting would be the empowerment of all those women who traditionally do not take part in the decisions that concern them.

- **Panel of advisors**

The creation of an assessor council on domestic work and the inclusion of migrant workers to such an authoritative body would contribute to decision processes, evaluation and action of intervention. It is envisaged that the assessor council would be formed by different social agents that would participate directly in the analysis (for instance: domestic workers, trade unions, employees, ONG, etc.). It would include people from different backgrounds who would be permitted to evaluate the problems based on their own experience and make proposals that were relevant to needs and realities. The benefit of such an advisory body would be the inclusion of the voices of the actors in the decision-making process or policy recommendations that are pertinent to the needs of female migrant domestic workers.

## **Policy Recommendations at the European Level for the Integration of Female Migrant Domestic Workers**

Formulated at the Policy Experts Meeting, 10-13 May 2007, Lefkosia  
Cyprus

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### **A. Addressing the precarious legality of female migrant domestic workers' residence and employment status and reforming those aspects of migration and employment systems which produce illegality and/or obstruct the re-entry in the formal economy of labour**

#### **1. Securing legal residence status for female migrant domestic workers**

Legality of stay (Residence Permit) should be separated from legality of work (Work Permit). As many national reports show, the close legal tie between residence permit and work permit is inflexible and ineffective. If a female migrant domestic workers' work permit expires, is terminated or is cancelled (sometimes just because the employee wanted to change job or employer), the residence permit is also cancelled. The repercussion is either direct (because the two permits are tied together and a simple break of contract leads to loss of work permit and immediately to cancellation of residence permit, as in the case of Cyprus) or indirect (because the female migrant domestic worker is not employed and does not contribute to the social insurance fund, the contribution reaches a minimum threshold after which the residence permit is also cancelled, as in the case of Greece). With their residence permit cancelled, many female migrant domestic workers cannot re-enter the formal labour market as legal workers and thus "become" undocumented workers.

- Unlinking residence permit from work permit would grant female migrant domestic workers flexibility as workers and would also facilitate mobility across jobs and employers.

- For the effective implementation of the Family Reunification Directive reunification must include the automatic granting of work permits to family members.
- Residence Permit must be unlinked from the requirement of accumulating a minimum number of Insurance Stamps during employment (measures taken to combat uninsured labour should focus on employers, insurance systems and labour law enforcement instruments rather than penalising migrant uninsured labour).
- Discriminatory regulations that restrict the mobility of female migrant domestic workers across employers and sectors of work must be waived.
- Legality of stay must be disconnected from the requirement of single and/or continuous employment.

## 2. Mobility of labour as a labour right

As many national reports point out, in many cases female migrant domestic workers are “tied” to an employer through a job contract conducted before migrant workers enter the country. This “tie” is often a prerequisite for the issue of a work permit. The idea behind this policy is that the “migration flow” of female migrant domestic workers must be managed according to the labour needs in the domestic sector. This kind of “check” on migration labour flows, however, not only fails to serve as an economy needs test (because reproductive labour is not usually submitted to this test) but it also creates conditions for slave labour. Furthermore, it gives the false impression that visas are “given” by the employer rather than issued by the state. Added to a series of negotiations that potential migrants contact with private employment agencies, mediators and/or potential employment, this impression enhances the dependency on employers and undermines female migrant domestic workers trust in state or public authorities (where a potential complaint would be reported).

The introduction of the “Job seeker visa” for a limited period of time is a strategy which would help reconcile the economic needs test with the protection of female migrant domestic workers’ labour rights (we recommend a 3 month period for job seeker visa). This kind of visa would enable female migrant domestic workers to enter the country legally and search actively for a job. It would also facilitate employers to choose their employees. In this way both employee and employer would be actively and responsibly engaged in the negotiation of the terms of employment, rendering the contract more transparent and more viable.

- Introduction of job-seeker visas
- Enhancement of the *direct interaction* between visa seeking potential migrants and *public authorities*. Such interaction requires the establishment of a culturally sensitive interface between public authorities and applicants, transparency of procedures and a reliable system of



information dissemination (both at the country of origin and at the country of arrival).

- Recruitment and hiring procedures must be reformed in order to ensure that both employer and employee are familiar with labour rights and able to clarify the terms and conditions of employment before they sign a contract.
- Both Employers and Employees should be able to break their contract if its terms are violated.
- Disputes between employers and employees must be framed as labour disputes and thus examined by the relevant Labour Relations department. Migration control authorities are not the appropriate legal bodies to adjudicate for labour disputes.
- The procedure for filing and examining complaints must be expedited and time limits within which each case should be examined must be institutionalised. Intermediate employment must be legalised and access to flexible forms of labour insurance and health insurance must be made available.
- An open and continuous system of regularisation for undocumented/irregular female migrant domestic workers must be established.

**B. Institutionalise Job Security and Workers' Rights for female migrant domestic workers and combat those conditions of employment (emotional dependency, fear and sense of powerlessness) which undermine the legally binding nature and implementation of workers' rights**

1. **Introduce labour categories for female migrant domestic workers. We recommend the following categories:**
  - Child Care
  - Elderly Care
  - Household maintenance
  - Care for sick or disabled persons
2. **Establishment of Public Employment Agencies for female migrant domestic workers at the national and local level**

The Duties and Tasks of such Agency/Agencies:

- The Job/Employer Finding Public Agency should also have the responsibility for coordinating an open, ongoing and inclusive system of regularisation.
- The Agency must promote the full application of national collective agreements and the right to unionise for female migrant domestic workers.

The emergence of transnational domestic labour presents the unions with the challenge to examine and combat exclusions which are built in their national frame of labour. Recognising domestic caring labour as a formal sector of the labour market is one of the conditions for any attempt to unionise female migrant domestic workers.

- The Agency must inform both potential employees and potential employers about labour rights, collective agreements and human rights and make sure that these constitute the guiding principles for any contract or oral agreement. Matching Employers with Employees or finding Employees who are willing to take up jobs as described (and prescribed) by Employees does not constitute in itself an acceptable arrangement and does not necessarily count as a process of migrant integration. Tasks or compilations of tasks assigned to a person willing to carry them out for pay do not count as decent jobs. ‘Matching arrangements’ are still illegal if they violate labour rights and human rights.
- The Agency can establish a data base for available full-time or part-time jobs. Employers can post job announcements for jobs available and job candidates would have access to information about job openings instead of relying on “hear-say” channels of information or private employment agencies.
- The Agency can promote a just, flexible and viable job-seeking and job-hiring system which could render insured part-time employment or combined mini-jobs in the formal labour economy more attractive than the black market of domestic labour (available legal frames for the employment of female migrant domestic workers are usually based on a Fordist system of employment, “tying” wage-earning and social insurance to full-time employment, construing “flexibility of labour” as an employers’ prerogative rather than a market condition or a job feature.
- The Agency can serve as a focal watch point (at national and local level) for sexist and racist discourse against migrant workers in national and local media.
- The Agency can also function as a National Watch for the implementation of:
  - (a) EU Directives against ethnic discrimination *particularly* in regards to Female Migrant Domestic Worker Employment and Civic Participation Policies (COUNCIL DIRECTIVE 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin<sup>1,2</sup> COUNCIL DIRECTIVE 2000/78/EC of 27 November 2000

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1 Paragraph 13 of COUNCIL DIRECTIVE 2000/43/EC clarifies the following:  
To this end, any direct or indirect discrimination based on racial or ethnic origin as regards the areas covered by this Directive should be prohibited throughout the Community. This prohibition of discrimination should also apply to nationals of third countries, but does not cover differences of treatment based on nationality and is without prejudice to provisions governing the entry and residence of third-country nationals and their access to employment and to occupation.

2. **Article 3 (Scope), paragraph 2:**  
This Directive does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country

establishing a general framework for equal treatment in employment and occupation).

(b) National Gender Equality Laws (a deliberate effort must be made by Member States to cover migrant domestic labour under gender equality policy and to report on development or omissions in the CEDAW reports).

- The Agency can promote the legally binding character of these Directives for female migrant domestic workers. The legal force of these Directives towards combating exploitation of, and discrimination against, female migrant domestic workers on the grounds of ethnic, racial and gender equality is *yet* to be established. Unless cases of racist and sexist employment practices and discrimination against female migrant domestic workers on the grounds of ethnic and gender difference are taken to court, these Directives will remain theoretical and ineffective for female migrant domestic workers.

### 3. Disconnect the terms of domestic/care employment from the nature (multi-faceted demands and long hours) of domestic and care work

(For example: If the nature of a disabled person's needs demands round the clock caring services, the terms of employment for female migrant domestic workers should not be adapted to the coverage of all these needs)

- Institutionalise forms of employment for care and domestic work based on rotating systems of care provision.
- Describe tasks of domestic labour in codifiable and transparent terms.
- Regulate work schedules.
- Apply EU part-time employment laws to the part-time employment of female migrant domestic workers.
- Disconnect female migrant domestic workers full-time employment from full-day employment by a single employer; disconnect conceptions of "domestic workplace" from "full time care-and-cleaning provision for single household".
- Regulate minimum pay for both full and hourly work according to collective agreements.

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nationals and stateless persons on the territory of Member States, and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned.

**COUNCIL DIRECTIVE 2000/78/EC** also specifies in regards to third-country nationals, paragraph 12:

To this end, any direct or indirect discrimination based on religion or belief, disability, age or sexual orientation as regards the areas covered by this Directive should be prohibited throughout the Community. This prohibition of discrimination should also apply to nationals of third countries but does not cover differences of treatment based on nationality and is without prejudice to provisions governing the entry and residence of third-country nationals and their access to employment and occupation.

- Institutionalise flexible forms of employment and labour insurance that facilitate full-time employment and full labour and health insurance benefits for female migrant domestic workers who are partially employed in multiple households.
- Institutionalise flexible types of contacts and flexible forms of full-time employment that allow female migrant domestic workers to work in more than one household or multiple employers to employ the same female migrant domestic workers (full-time employment through shared contracts and chains of mini-jobs).

**C. Promote the Professional Development and Accreditation of female migrant domestic workers in the fields of Domestic Care and Domestic Health Care**

1. **Introduce areas and levels of specialisation for female migrant domestic workers (see B1).**
2. **Introduce a female migrant domestic worker Qualifications and Job Experience Portfolio for the purpose of mapping female migrant domestic workers previous job experience, skills, specialties, language training and other forms of life-long education.**
3. **Recognise and institutionalise the right to education and organise professional development workshops for female migrant domestic workers. Professional development should not be limited to the field of “domestic” or “female” work. It could include workshops in the fields of child care, nursing, care of elderly, nutrition, *but also* workshops in fields such as computer literacy, languages, marketing, etc.**

**Conditions:**

- Workshops should be open to all migrants and not tied to residence permits, work permits or social insurance.
  - Such workshops should be free, workplace relevant and time flexible.
  - Employment contracts should include clauses that protect the right to attend such workshops for live-in female migrant domestic workers.
  - National grants for integration and work training should be disseminated to the organising local authorities (e.g. municipalities).
  - Migrant workers should be included as much as possible as organisers and teachers in these workshops.
4. **Promote policies and procedures for the verification and authentication of third-country Degrees/Diplomas.**

5. **Promote and institutionalise in legally binding ways the recognition of female migrant domestic workers as *workers* and not as “family members”, “family dependents”.**

#### **D. Language and orientation courses**

The offer of introductory language courses and civic orientation courses for newly arrived migrants must aim to promote the development of civic participation competences and not to cultural assimilation. New arriving Female Migrant Domestic Workers must be addressed as potential members of the society and the civic community and not as carriers of cultural deficit. Four kinds of workshops must start upon entry into the host country:

- Language Courses
- Human Rights and Labour Rights Courses
- Civic Participation Courses
- Migrant orientation Courses

Language courses and Civic Participation courses that offer information about the host society’s history, culture and political and legal institutions should aim to empower migrants as civic agents. Female migrant domestic workers must become familiar with their rights and responsibilities as workers and develop a comprehensive idea **(a)** about the national and local systems of labour relations and social insurance, **(b)** about human rights and gender equality monitoring instruments, **(c)** about migrant organisations and NGOs working with migrants.

Migrant orientation courses must provide newly arrived migrants with information about health services, health insurance options, social and labour insurance, maternity rights, and workers collective agreements.

##### **Guidelines for migrant courses:**

- Both migrant orientation workshops and language courses must be free of charge.
- The obligation to enrol in orientation workshops and the right to education must be codified in employment contracts.
- The attendance of workshops, particularly during the first year of arrival, should be encouraged. The verification of successful attendance (see skills and competences portfolio, C2) and the award of allowances for participants (both for live-ins and live-outs) are some of the necessary conditions for ensuring attendance.

- Information about such workshops should be disseminated quickly and effectively, through channels of information which migrant workers consider trustworthy and non-xenophobic, and through technologies of dissemination accessible to migrants.
- Flexibility of programmes: evening courses, fast track modules, distance and e-learning systems.
- Migrant Information Packages, in printed and digital form, should be available in both English and Third-Country Nationals' Languages (the languages of the major migrant communities).
- Older members of the migrant community must be included in the design and delivery of these courses.

### **E. Framing Civic Participation as Political Participation**

*Civic Participation should not be interpreted simply as social participation. The participation of female migrant domestic workers in the public sphere should be encouraged through their inclusion in local councils and eligibility for local elections (to vote and to be voted).*

Female migrant domestic workers' places of communal gathering such as parks, churches, squares should be recognised and supported as public spheres and networks of active citizenship.

New spaces for communal gathering such as multicultural centres and women's centres should be developed, taking into consideration that:

- the terms of employment for live-in female migrant domestic workers compromises the right to family life, the right to privacy and the right to intimate life for six days a week.
- an alternative place of refuge is needed in cases of workplace sexual abuse or other forms of harassment since the workplace and the domestic are practically inseparable.
- work in the Domestic Workplace individualises and disperses workers in both time and place, in ways that make it difficult for them to use the workplace as a place for social interaction, workers' organisation and active citizenship.

## **F. Welfare, Social Insurance, Health Care and Welfare Benefits**

Social insurance, health care and welfare rights and welfare benefits should be secured for both female migrant domestic workers employees and female migrant domestic workers employers.

### **1. State subsidisation of female migrant domestic workers salaries and tax discounts for households that employ female migrant domestic workers on the basis of family income**

The kinds of care services carried out by female migrant domestic workers (domestic care, health care, child care, care of older people, care of persons with special needs) constitute a form of public good. The extensive employment of female migrant domestic workers for care jobs has followed the withering of centralised, bureaucratic and often non-viable national welfare systems in many European countries. The privatisation of social welfare should not undermine the recognition of care as a public good or alleviate the state's responsibility for the provision of this good. Privatisation of provision does not mean privatisation of the public good of care. Instead, privatisation of provision should be combined with state funding. For this reason, middle-class families in need of female migrant domestic workers care services should be eligible for state subsidies in the form of welfare benefit grants and tax exemptions.

### **2. Health care, unemployment benefits and welfare benefits provided for female migrant domestic workers should meet national standards**

- No discrimination should be allowed (e.g. about the kinds of illness covered, length of coverage, pregnancy/delivery care, care for dependents) on the basis of "exception".
- Flexible forms of Social Insurance and Health Care Insurance should be available for part-time employment, periods of unemployment, and in-between periods (during transition from one job/employer to another).
- Flexible schemes of Health Care Insurance should be available for Female Migrant Domestic Workers employed under Flexible Employment Schemes such as shared contracts and combined part-time jobs (see mini-jobs in Germany National Report).<sup>3</sup>

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3 Though the term "flexihealth" came up in our discussions and was used in regards to flexible schemes of Health Insurance provision, adjusted to post-Fordist economy, I have avoided using the term here because in academic literature it seems that the term has a different meaning, that is, ways of preserving workers' health in the current context of flexibility. In our discussions the term referred less to health needs and more to systems of provision.

### **3. Reconciliation of Work with Family life for female migrant domestic workers**

- The family reunification right for female migrant domestic workers with long-term residence status should be accompanied by policies which render family reunification possible and viable.
- Elimination of age criteria for children of female migrant domestic workers eligible for admission under the family reunification policy.
- Automatic award of work permit for reunified family members of female migrant domestic workers. Child care and free education provision should be available for female migrant domestic worker parents.
- Increase of minimum salaries for female migrant domestic workers.

### **G. Towards a Globalised System of Human Rights**

Female migrant domestic workers should be eligible for all kinds of human rights legally enforced in the country of residence (their rights to equal pay for equal work, family life, private life, job security, etc. should not be compromised by referencing policies and rights to standards in the country of origin).

Because of the particularities of female migrant domestic workers' workplace, the following rights must be rendered explicit and enforceable:

- The right to family life
- The right to intimate life
- The right to private life

Strategies for promoting these rights include:

- Institutionalising and protecting the right for home visits at least once a year
- Institutionalising and protecting the right for emergency visits
- Introduce criteria for stay-in forms of employment
- Introduce forms of housing inspection for the conditions of private quarters (for live-ins)
- Female migrant domestic workers' right for family reunion and the right for cultural identity should be respected and religious and cultural holidays should be accommodated in the labour calendar. Employee vacation, holidays and free time should not be defined by, and adjusted to, the employer's family calendar.



## H. Migration mainstreaming

- Participation of female migrant domestic workers as subjects and not mere representation as objects is indispensable for mainstreaming migration in media, civic life and education.<sup>4</sup>
- Allocate time slots in national media for programmes in Migrant National Languages. The content of these programmes could be social and political and not only cultural.
- Support initiatives for ethnic and multicultural media.

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<sup>4</sup> Examples such as Radio Multiculti and Migrant newspapers in Greece will be discussed in more detail later.



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**Coordinated by:**

**The Mediterranean Institute of Gender Studies**

**University of Nicosia**

**Partner organizations:**

**ANTIGONE - Information & Documentation Centre on Racism, Ecology, Peace and Non Violence, Greece**

**CREA (Centre of Research in Theories and Practices that Overcome Inequalities) University of Barcelona, Spain**

**ISIS, Institute for Social Infrastructure, Germany**

**LAI-MOMO (Italy) is a non-profit co-operative, Italy**

**The Filipino National Workers Association, Cyprus**

**Financially supported by:**

**The INTI Preparatory Actions 2005 for the integration of third country nationals of the European Commission**



**University of Nicosia Press / Εκδόσεις Πανεπιστημίου Λευκωσίας**

**ISBN 978-9963-634-51-4**