

CAUGHT IN THE VULNERABILITY TRAP

Female migrant domestic workers in the enlarged EU

by **Oksana Shmulyar Gréen & Andrea Spehar**

In May 2014, in commemorating the first decade since the European Union's eastward enlargement,¹ well-wishers pointed out that earlier divisions between the “old” and “new” EU member states, and in particular between “Eastern” and “Western”² Europe, have become outdated.³ Many authors see the opening of European labor markets and the free movement of goods, services, and labor within the EU as indications of a remarkably successful accession process. These benefits of the enlargement process become even more tangible in the post-crisis context, where the old division between East and West has given way to one between those European countries that were more severely affected by the crisis, such as the Baltic states and Spain, and those less affected, such as Poland and Germany.⁴

In this article, we examine a “hidden side” of the successful enlargement process in which the East-West division still plays an essential role. In particular, we wish to highlight the increasing feminization of migration in Europe as a result of the opening of the East-West borders and as a reaction on the part of many Eastern Europeans, both in and outside the EU, to the political and economic distress in the region. Several studies emphasize that women are likely to predominate among the recent migrants to and within the EU.⁵ In keeping with the global trend, the “feminization of migration” in the EU is spurred by a growing demand for labor in the low-paid sectors of the economy, including domestic work, personal services, care for the elderly and children, and the hotel and restaurant industries.⁶ Paid domestic and care

work⁷ in the EU is now the most important single category of employment of female migrants from the new EU member states and the non-EU countries of Central and Eastern Europe.⁸ Analyses of this trend often highlight the gaps in the social welfare systems of the receiving countries of the West, caused by the aging populations, low birth rates, and rising numbers of women in gainful employment. These gaps legitimize the need to outsource domestic tasks to other women, and in many cases migrants.⁹ What remains less explicit in the existing research is that the gaps in social welfare in the receiving and sending countries are interconnected. One factor that encourages Central and Eastern European women to migrate to the West is the erosion of their own social and economic situation at home, which cements the asymmetry in economic prosperity between “East” and “West” and perpetuates inequalities between the “old” and “new” EU member states. New divisions also emerge between the EU and its neighbors further east, creating very different kinds of opportunities for migrant workers in the enlarged Europe.¹⁰

OUR KEY RESEARCH question concerns the relation between the status of domestic work and the migrant status of the women performing that work, which we frame in terms of work status-migrant status vulnerability.¹¹ We argue that the phenomenon of paid domestic and care work in the EU is the most vivid example of the tension between freedom of movement within the EU and increasingly restrictive immigration and employment regulations

for third-country nationals (TCN).¹² The enlargement processes since 2004 have prompted increased mobility within and migration to the EU, where domestic workers from CEE enjoy different rights depending on whether they have an EU citizenship. At the same time, migrant women from all CEE countries perform jobs that are categorized as a relatively unskilled and/or low-paid, and this fact determines to a great extent their low occupational and social status in the receiving countries of the “West”. While domestic and care work is organized differently in each country of the EU and performed both by freely mobile EU citizens and by non-EU citizens, we argue that several structural and institutional disadvantages in this sphere of work are common to the receiving countries and make migrant domestic workers especially vulnerable.¹³ That vulnerability is encapsulated in a paradox pointed out by Gutiérrez Rodríguez, who has characterized domestic work as both “a structural necessity” for many of the EU’s welfare societies and “an arena of social exclusion”.¹⁴ The present article investigates this paradox by illuminating two sets of factors, framed as work status and migrant status, that produce and reproduce the precariousness of domestic and care work in the EU.

BASED ON AN EXTENSIVE overview of the existing research and the policy debate on the gendered aspects of post-enlargement migration, especially in the domestic and care work sector in the EU, the present paper addresses the following questions: What are the major trends in post-enlargement labor migration? How is this type of migration gendered? Why are domestic and care workers needed in the EU? What has national and international policy done to protect domestic workers’ rights? What are the institutional and structural factors that make this work precarious? These questions inform the structure of the article, which concludes by highlighting some key challenges for both policy and research.

Post-enlargement labor migration to and within the EU

Labor migration from CEE countries to and within the European Union has been a topic of growing academic and political interest over the last decade.¹⁵ Since the fall of communism, migration,



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and especially economically motivated migration, has become a characteristic of all post-communist countries. In the early 1990s, migration from the region was an immediate reaction to the deteriorating economic and social conditions of the post-socialist period. Rising unemployment and high risk of poverty were the main incentives for going abroad in search of temporary jobs. Russia, and to some extent the Czech Republic and Hungary, became the “growth poles” for irregular labor migrants who preferred to look for better opportunities within the CEE region. Many other CEE migrants went to the more affluent countries in the West, crossing the borders as tourists and then engaging in low-skilled and low-paid jobs in petty trade, agriculture, and construction.¹⁶ The major labor migration flows at that time were from Poland, Romania, Ukraine, and Albania to the southern countries of the European Union, where tolerance for clandestine work and irregular residence has been the major attraction.

Since 2004, freedom of movement and the end of transitional restrictions on citizens of Romania and Bulgaria, the EU’s newest member states, has dramatically changed European migration. Several researchers observe the emergence of a “new migration system in Europe”,¹⁷ characterized by a sharp departure from permanent immigration in favor of a proliferation of temporary

migrant workers' programs. In keeping with the global trend, there is an absolute growth in circular, irregular, and increasingly transnational migratory flows between East and West. Post-enlargement labor migration still takes place in a European space, but with more distinct tendencies towards exploitation and exclusion, so that "new Europeans" are in danger of becoming second-class citizens in the EU. Favell bases this assessment on a large number of studies, accentuating the finding that migrants from CEE "accept sharp downward mobility in [...] status and qualifications in order to fill some low-end niche in the labor market that is grimly justified [by] its payoff for family back home".¹⁸ Other scholars argue that migration from CEE can be characterized as different stages in a migration process which progresses from an initial stage of temporary work abroad to transnational commuting and then to permanent residence.¹⁹ However, not every migrant goes through these phases. As Anderson argues, it is difficult in practice to maintain the difference between settled and temporary migrants, since their status strongly depends on immigration regulations and on the organization and type of work available in the receiving countries.²⁰

A decade after the enlargement, it is still difficult to provide a comprehensive account of actual post-enlargement labor migration to the EU.²¹ To begin with, only three member countries of the EU, Sweden, Ireland, and the United Kingdom, have adopted a free-access regime for migrant workers from the A8 countries²² which calls for the registration of such workers and so provides nationwide data for migration research. Yet even in Sweden, Ireland, and the UK, many migrants register neither their departure from home nor their arrival in the receiving country, so that the data is still inexact. Furthermore, the nature of the current migration flows described by Engbersen and his co-authors as the "lasting temporariness"²³ and the predominance of labor migrants in informal labor markets of the EU further complicate the task of gathering accurate data.

ACCORDING TO SOME OF the recent studies that cover all the EU member states, the migration flows between the new and the old member states have been modest on average, with some tendency towards increased migration to the UK, Ireland, and Austria.²⁴ Ayres et al. observe that nationals of the new, Eastern European member states are the largest groups of EU27 foreign citizens, with five percent coming from Romania and four percent from Poland.²⁵ At the same time, Poland and to some extent the Czech Republic have become receiving countries for labor migrants from east of the EU border.²⁶ The migration of non-EU nationals to the EU has also increased since the enlargement. According to Eurostat data from 2012, third-country nationals represent the largest proportion, 38.5 percent, of migrants residing in the EU27. Of these, more than half are citizens of Turkey, Albania, and Ukraine.²⁷ Some preferential tendencies in migration flows can also be observed: labor migrants from Poland predominate in the UK, Ireland, and Sweden, while migrant workers from Estonia go to Finland, and those from Romania go to Spain.²⁸ At the same time, to fill the demand for cheap labor in the new EU member states, labor migrants from Ukraine and Moldova predominate in

Poland and are also found in the Czech Republic.²⁹ In response to the economic downturn after 2008, the major EU countries changed their rhetoric on migration and created national policies and international strategies to control, manage, and regulate migration, and in particular to curb irregular migration to the EU.³⁰ Several studies of post-crisis migration to and mobility within the EU find a clear tendency in policy changes in regard to migration, and to labor migration in particular. Some EU member states introduced new rules to discourage immigration: Italy made visa violations a crime; Spain and the Czech Republic introduced programs to facilitate immigrants' return home. Others adopted traditional rules: Italy and Spain set quotas for incoming migrant laborers, for example. Another change observed was France's tightening of inspections in workplaces with high concentrations of migrants.³¹ The restrictive measures in these and other countries sharply reduced migrant workers' prospects of finding jobs in the EU. In Ireland, Great Britain, and Spain, for example, labor migration from the CEE region has been reduced, while labor migration in Germany and Italy seems to show moderate growth.³² These studies also confirm that the most decisive factors for the continued growth or reduction of migration flows were labor market access and the effects of the crisis in various EU labor markets.³³

Gender and post-enlargement migration

In analyzing the major trends in post-enlargement labor migration, we find a gendered perspective important, with particular attention to the experiences of women. As Piper and French argue, women have significantly different migration motivations and options from those of male migrants: they often face injustice and violence in the process of migration due to a "dual discrimination on the basis of being female and non-citizen or absent citizen".³⁴ The migration of women, and of women from CEE in particular, to more affluent countries in Europe or overseas is certainly not a new phenomenon. There is, however, a rapidly growing body of literature that emphasizes the increasing feminization of migration as a research and policy concern.³⁵ For example, recent studies show that the proportion of female migrants in the total migration flow is over 60 percent in Poland and Italy, and just over 55 percent in the Netherlands, Portugal, and Greece.³⁶ Moreover, over 60 percent of female migrants in the EU27 are nationals of non-EU countries.³⁷ How can these rising numbers be explained?

To begin with, the transition to capitalist economies has significantly eroded the economic and social status women had gained during socialism: women lost welfare protections, labor participation, and political representation.³⁸ Throughout the region, unemployment, including long-term unemployment, has affected women considerably more than men.³⁹ According to the 2006 report of the United Nations Development Fund for Women (UNIFEM), 40 percent of all unemployed women in the region are also exposed to a greater risk of remaining unemployed for a long period.⁴⁰ In addition, women as well as men in most of these countries are active participants in the growing informal economy,

working in unstable jobs with no formal benefits.⁴¹ The immense economic restructuring processes that began in the 1990s have deepened the gender gap in most of the CEE countries.⁴² As a result, growing unemployment and underemployment, reduced social services, labor displacement, increasing poverty and inequality, and violence against women have created and continue to create increasing pressure on women to look for new survival strategies for themselves and their families. These changes seem to be the main push factors driving increasing female migration from CEE to the wealthier countries of Europe.

MOREOVER, WOMEN, especially mothers, migrate without their spouses and children in an effort to improve their own and their family's well-being. Many migrate out of pure necessity; that is, in order to ensure their own or their family's livelihood, health, and security. In this capacity, women often assume the role of the major economic provider, and at the same time retain the role of the principal caregiver in the family left behind.⁴³ Others take employment or study abroad as a way to improve their standard of living and career opportunities. Recent estimates indicate that there are around three million immigrants from Eastern Partnership countries, Central Asia, and Russia in the EU and EFTA member countries.⁴⁴ The majority of these migrants are women. Taking a closer look at the countries nearest the EU borders, the International Organization for Migration (IOM) finds that 20 percent of the Ukrainian working age population works abroad every season.⁴⁵ Other sources observe that Ukraine "is the major supplier of migrant labor to Europe, [and] the major sending country of irregular immigrant workers".⁴⁶ Women comprise 33 percent of all labor migrants, but over 50 percent in the Western regions bordering on the EU.⁴⁷ In Moldova, serious concerns are expressed about the exodus of men and women – in equal numbers – as every sixth adult in the country migrates abroad in search of work. A mobility agreement signed between the EU and Moldova raises hopes in the EU that the current "demographic theft" can be discouraged in favor of legal, temporary migration.⁴⁸ Like Moldovan migration, labor migration from Albania has reached epic proportions since the country's independence. According to recent data, one in four adults leaves Albania in search of work.⁴⁹ Studies on intra-EU migration between the old and new member states, most of which are in the CEE region, also show that female emigration from Poland, Romania, Lithuania, the Czech Republic, and other countries has increased significantly since the enlargement.⁵⁰

It is important to emphasize that the economic crisis of 2008 had different consequences for male and female migrant workers. While male workers, concentrated mainly in construction and seasonal agricultural work, suffered job losses and tended to return back home, women's migration in domestic and care services and other female-dominated sectors of the economy

continues to grow despite the economic crisis.⁵¹

The conditions underlying East-West migration are certainly complex and often contradictory in their effects. Migration provides women with opportunities for social and economic mobility and exposes them to different gender and social roles, which could be liberating for individual female migrants. Yet their net gains may be negative if neither the destination nor the sending country respects migrant workers' contribution to the care economy, subjecting them instead to new forms of exploitation, abuse, and exclusion, as in the case of migrant domestic and care workers in the EU.

Why is migrant domestic and care work necessary in the EU?

Women's overwhelming participation in domestic and care work in Europe per se is not a new phenomenon,⁵² nor is the predominance of migrant workers in domestic services. What is striking is the rapid growth in the demand for paid domestic services in Europe by private households since the mid-1990s. There is no universally accepted definition of domestic and care work. In the research, the term "domestic work" is used to describe different kinds of tasks (cleaning, housekeeping, elderly care, child care, guarding, gardening), different work arrangements (live-in and live-out positions, single or multiple employers, service agencies, formal or informal employment), different work locations (the worker's home, the client's home, nursing homes), and different legal bases (free mobility, au-pair programs, labor laws).⁵³

BECAUSE OF THE HUGE variety of specific employment relations and legal regulations in the domestic and care sector, the official

statistics on this sector in Europe are uncertain. Globally, as the recent International Labor Organization (ILO) report indicates, the number of domestic workers has increased between 1995 and 2010 from approximately 33.2 million to 52.6 million.⁵⁴ In Europe, the number of domestic workers in 2010 is estimated at just over 2.4 million.⁵⁵ Furthermore, several sociological studies observe that women who have recently migrated to

the EU tend to be heavily concentrated in care and domestic services in private households.⁵⁶ While women born in Europe make up approximately one percent of all workers employed in domestic services, more than ten percent of foreign-born migrants are employed in this sector.⁵⁷ Given the prevalence of informal employment and irregular migrant status among a great number of migrant workers in Europe (and globally), at least one million unreported migrant workers should be added to these figures.⁵⁸

THE RISING DEMAND for migrant domestic workers in Western European countries is attributed first of all to a combination of socio-demographic and welfare factors. Because of low fertility rates, the European population is expected to decline significant-

“WHAT IS STRIKING IS THE RAPID GROWTH IN THE DEMAND FOR PAID DOMESTIC SERVICES IN EUROPE BY PRIVATE HOUSEHOLDS SINCE THE MID-1990S.”



PHOTO: FEDERICA DE STEFANI

Every day, Svetlana leads Rosetta to the bathroom to prepare for the day. One of the winning photos in the Migrant Domestic Workers in Europe Photo Contest.

ly over the coming decades. As its composition increasingly shifts towards older age groups, the working-age population will also age and decline. The EU Green Paper on demographic change points out that the number of persons aged 80 or more in Europe – now 18.8 million – may reach nearly 34.7 million by the year 2030.⁵⁹ These demographic trends put serious pressure on the European care systems. The Green Paper points out that families in Europe will not be able to provide the necessary care using only the national labor force.⁶⁰ As a response to this challenge, the largest increases in the employment of domestic workers can be observed in Spain, France, and Italy, where foreign-born domestic workers predominate.⁶¹ In addition, migrant domestic and care workers in many Western European countries originate in the Central and Eastern European countries. In Italy, for example, 61 percent of all foreign-born domestic workers come from the CEE region.⁶² The numbers of migrant domestic workers from Central and Eastern Europe employed in Germany, Spain, and Great Britain are very significant as well.⁶³

ANOTHER IMPORTANT FACTOR facilitating the increasing participation of migrant women in domestic care in Europe is what Helma Lutz calls the “persistent absence of distributive equality”:⁶⁴ the ongoing asymmetry between men’s and women’s gainful employment and care responsibilities. Beginning in the late 1970s, feminist debates questioned the traditional gendered division of labor in which the private sphere was an invisible and undervalued domain, in which women conventionally took responsibility for the care of the elderly, children, and disabled persons. Since then, most EU countries have experienced a massive increase of female participation in the paid labor market. The objective of

increasing female employment has also ranked high in the political agenda of the EU and its member states as a means of compensating for the forecast decline of the labor force. Between 2000 and 2010, employment in the EU increased by 14.7 million persons, of whom 9.1 million were women and 5.6 million men.⁶⁵ However, the trend towards women’s formal employment in the West has not been accompanied by a redistribution of household work between the sexes.⁶⁶ Instead, the majority of EU countries, while supporting policies on gender mainstreaming and the reconciliation of personal, work, and family life, treat the issue of care as a problem to be solved individually. Data from the European Institute for Gender Equality clearly shows persisting differences in men’s and women’s use of time, especially in regard to the time devoted to domestic work, which generally leave women with less free time than men.⁶⁷ On average, 80 percent of women are involved daily in unpaid household work, compared with only 45 percent of men.⁶⁸ The purchase of domestic labor relieves those women who are able to afford it from doing this work themselves and

helps to avoid generational and gender conflict over the division of domestic and care tasks at home. This is what several feminist researchers describe as the failure of a new gender order in Europe – that is, “outsourcing (part of) their care work to migrant women” represents a failure to reconcile family and work responsibilities equitably between the sexes.⁶⁹

National and international policy responses

In spite of the common factors driving the need for migrant domestic and care workers in the EU, legislation and policy in the different member states shows distinct approaches to the issue of domestic and care work depending strongly on how the welfare, migration, and care regimes intersect in the given country (see Table 1).⁷⁰ Sweden, for example, represents a welfare-state type of “optional familialism”, in which care is still largely provided by state institutions. At the same time, Sweden, unlike many other EU countries, offers unrestricted access to its labor market to both citizens and non-citizens of the EU. This is one reason why most migrant domestic workers in Sweden are live-outs and employed by a firm or self-employed, while others work temporarily and informally.⁷¹ Poland, on the other hand, is an example of a post-socialist state with a welfare regime of “implicit familialism”, and has many vestiges of the dual-earner model that are characteristic of many other CEE countries. In addition, migration policies in Poland are torn between restrictive visa regimes in general and an open-door policy towards certain non-EU CEE countries. Furthermore, the absence of any formal remuneration for domestic services to individual families produces adverse conditions for migrant domestic workers, most of whom perform

Emancipation depends on having another woman perform the domestic work – not on men doing their part.

Table 1: Domestic and care work in selected EU welfare states⁷³

Country	Welfare regime	Migration regime	Legal migration options for domestic and care workers	Service providers	Financing of domestic services
Germany	Explicit familialism	Managed migration	Only migrant workers from new EU member states	Individuals, live-in	Vouchers, tax credits to families
Sweden	Optional familialism	Open-door policy	General work permit system for TCNs	Companies, live-out	Tax deductions to families
Italy	Implicit familialism	Managed migration	Quota for TCN domestic workers	Individuals, live-in	Tax subsidies to companies
Poland	Implicit familialism	Mixed	General work permit system; access facilitated for TCNs from Ukraine, Moldova, and Russia	Individuals, live-in and live-out	Tax deduction introduced, but rescinded in 2007

domestic and care work on an informal basis.⁷²

Table 1 indicates, using just a few examples of EU member states, that the institutional arrangements for migrants performing domestic and care work in the EU correspond with an interplay between the roles of families in providing care, migration regimes that encourage or restrict inflows of migrants, and the ways in which the different nation states choose to finance domestic services. The national policy responses also suggest that migrants' domestic and care work in private households has become a "structural necessity"⁷⁴ of family life, economic development, and the maintenance of welfare systems in the EU member states. At the same time, however, domestic work remains a socially undervalued and poorly regulated area of work which has yet to receive adequate recognition, both nationally and internationally.

The International Labor Organization (ILO) and the United Nations (UN) are among the strongest international advocates of the protection of human rights, and the protection of migrant workers' rights in particular. However, as several researchers point out, most of these organizations' instruments for protecting international migrant workers' rights are not adapted to the specific context and characteristics of migrant domestic work.⁷⁵ Some of the earlier ILO conventions, the Migration for Employment Convention (C97) and the Migrant Workers (Supplementary Provisions) Convention (C143), were designed to ensure that national and migrant workers are treated equally⁷⁶ by spelling out regulations for migrant workers' entry and return, working hours, pay, and social security issues. Both of these documents became important catalysts for further international instruments for protecting migrant workers' rights, especially by addressing the issue of growing undocumented and illegal labor migration, which is highly relevant to most of the domestic workers in Europe and globally. However, neither of the ILO conventions named recognizes the specific problems of migrant workers on temporary visas, nor provides absolute rights for migrant workers. The limitations of international instruments for safeguarding the rights of migrant workers include restrictions on job mobility, social security, and family unification, all of which depend on the conditions of employment and residence in the receiving countries.⁷⁷

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), adopted by the UN General Assembly in 1990, is a milestone among human rights agreements in defining basic, universal rights and explicitly mandating their extension to vulnerable groups worldwide, including domestic workers.⁷⁸ A new effort aimed specifically at the protection of temporary migrant workers' rights was undertaken by the ILO in the Multilateral Frame-

work on Labor Migration,⁷⁹ adopted in 2006. This framework emphasizes the values of the Decent Work Agenda and goes beyond other international conventions in advocating national labor legislation covering the rights of migrant domestic workers and other vulnerable groups. However, like their precedents, the International Convention and the Multilateral Framework on Labor Migration are not binding legal documents, and thus they do not fundamentally challenge the sovereignty of national states to impose restrictions on temporary migrant workers' rights.

THE NEWEST TREATY setting standards for domestic workers' rights, the ILO Domestic Workers Convention (C189) and Domestic Workers Recommendation (R201), was adopted in 2011. The Convention requires governments to bring domestic workers into the scope of labor law on minimum wages, working hours, weekly rest, overtime wages, terms of employment, social security, and maternity protection. It also contains detailed requirements for governments to regulate private employment agencies and investigate complaints, and stipulates special provisions for migrant workers.⁸⁰ Both the European Commission and the European Parliament have endorsed the Domestic Workers Convention and authorized its ratification among EU member states.⁸¹ So far, only two of the EU member states, Italy and Germany,⁸² have ratified the Convention. Research on the implementation and possible implications of the Convention is very scarce, yet the few studies that exist have already criticized the Convention for not covering undocumented migrant domestic workers, who clearly predominate among migrant workers in the world.⁸³

Meanwhile, national trade union organizations and other migrant workers' support organizations have achieved some positive results by using the soft but legitimizing power of international instruments. In Italy, for example, domestic work is recognized as employment both in labor migration policies and in collective agreements. Collective agreements in Germany and France have also been adapted to include migrant domestic workers. Efforts to extend European social security legislation to include migrant domestic workers' rights are also being made in Spain and Germany.⁸⁴ Nonetheless, there are several important challenges to the full implementation of international instruments protecting migrant workers' rights. As previous research has found, the

relation between migration and labor standards enforcement is a particularly challenging problem for the protection of domestic migrant workers' rights.⁸⁵ What happens to migrants in receiving countries is determined first of all by national regulations, labor market laws, and immigration policies, which may or may not conform to international norms. Furthermore, the implementation of international human rights law depends to a large extent on states' political will (and often, in regard to economic, cultural, and social rights, on their economic capacity) to comply with international standards.

Migrant domestic and care work in the EU: work status–migrant status vulnerability

In international research on paid domestic and care work, there is extensive evidence of abuse, long working hours, low wages, and exclusion from various social security benefits such as pensions, unemployment insurance, and health care.⁸⁶ There are important reasons to argue that domestic and care work is not just another labor market, but one that stands out by the following important characteristics: the intimate nature of the social sphere in which the work is performed; the social construction of the work as women's work; the special relationship between employer and employee, which is highly emotional, personal, and characterized by mutual dependency; and the logic of care work, which is clearly different from that of other employment.⁸⁷ Notwithstanding the increasing tendency towards commodification of domestic and care work, paid work performed by migrant women, like the unpaid care work of all women, remains undervalued and deprived of social and economic recognition.⁸⁸ Based on the analysis of key research findings, we identify two major groups of reasons why domestic and care work performed by migrant women in the EU, in spite of the high demand for such labor, is an arena of the exclusion of migrants from the European economy and European societies.

The first group of factors are the pitfalls of low work status. These factors are related to a tension between the nature of domestic care work as a necessary part of life, and the inferior status of such work. Care is systematically ignored as an element of social participation in the context of citizenship rights.⁸⁹ The pitfalls of low work status arise in the field of paid domestic and care work because economic logic coexists and overlaps with the opposing logic of the family. As Kontos convincingly argues, the familiar logic of satisfying human needs is opposed to the economic logic of standardization of work, which involves issues of formalization, productivity, and profit.⁹⁰ The opposing principles of action inherent in these two logics obscure the economic and power relations between the employer and the domestic and care workers. As a result, the work of care performed by migrant women in the private sphere remains invisible and undervalued. Moreover, the lack of formal regulations for work in private households contributes to working conditions characterized by flexibility, low pay, and a lack of safety and protection, all of which make the workers' situation precarious.⁹¹ As Anderson asserts, the precarious situation "captures both atypical and

insecure employment and has implications beyond employment pointing to an associated weakening of social relations".⁹²

THE EXPERIENCES of migrant domestic and care workers from different European countries show that domestic services in private households, in particular those performed by live-in workers or workers with irregular status, are not considered as "work" in the full sense of the term. Despite the existence of regulatory frameworks on migrant labor in most European countries and the international conventions on decent work for domestic workers,⁹³ those working in this sector are excluded from basic labor standards and rights.⁹⁴ Work performed in the home is regarded as a family affair, and the regulation of rights and entitlements is left up to the moral standards of individual employers.⁹⁵ At the same time, the lack of professionalization of this sector makes it harder for migrant women to leave the informal sector, in which most domestic work is performed in a situation of dependency on the employer, to regularize their positions, or to move on to other careers better suited to their education and previous work experience.⁹⁶

This situation also impairs the compensation of domestic work, both in money and in social advantages. A global tendency observed by Goldring and Landolt is that irregular work has a lasting effect on precarious employment: once migrant workers with irregular status enter precarious jobs, they find it "difficult to jump over or to move out of"⁹⁷ precarious employment, even if their migration status becomes more secure. This tendency is found among migrant domestic workers from the CEE region in particular: whether or not they are now EU citizens, women from the CEE region are disproportionately concentrated in precarious, less skilled, low-paid, and devalued employment as domestic servants.⁹⁸

ANOTHER IMPORTANT PITFALL of low work status for domestic workers is that migrant women who work in this area are often well qualified, yet the job they perform is usually seen as a low-skill occupation. The systematic devaluation of their professional and educational backgrounds is a common problem faced by migrant women in the EU, and results in "deskilling" and loss of human capital among the migrant workers.⁹⁹ Deskilling has been found to be a cause of serious concern, not only to the individual migrants themselves, but also to the societies from which they come and those in which they work. The wages paid to domestic workers are also low.¹⁰⁰ According to Ayres et al., the gap between the earnings of native-born and migrant women has increased significantly in most of the EU15¹⁰¹ states. The average earnings of migrant women at arrival are approximately 38 percent lower than those of native-born women.¹⁰² In some countries, TCN migrant workers are particularly disadvantaged: in France, their earnings are only 52 percent of those of native-born citizens, and in Sweden, only 36 percent.¹⁰³ Thus, the fact that migrant women fill the increasing demand for cheap and flexible labor is not accidental, but a result of the gendered construction of the domestic and care sector, and of the gendered gradation of labor markets in general.

Intersecting with the pitfalls of work status is another group of factors which we call the pitfalls of migrant status. This type of disadvantage results from a complex relation between the gendered gradation of domestic and care work and from the fact that most domestic and care workers in Europe are migrants. To begin with, in spite of the growing demand for migrant workers in these areas of the economy, the channels for regular migration to the EU are steadily declining. As indicated in the discussion on national and international policies, the recruitment practices for migrant domestic workers vary significantly across the EU. Only a few European countries currently issue work permits for domestic work.¹⁰⁴ Some European countries, such as Cyprus, Germany, and Poland, have set up systems for the admission of migrant domestic workers under temporary work programs.¹⁰⁵ Other member states, such as Spain, Italy, and Greece, have instated quota systems for the recruitment of TCN domestic workers, allowing employers to recruit workers from abroad under specific conditions.¹⁰⁶

THE TEMPORARY NATURE of most of these immigration models is one of the most crucial pitfalls of migrant status. The combination of temporary work permits and temporary residence permits results in constant pressure on migrants either to extend their permits or to enter the informal labor market, and is apt to restrict their full enjoyment of labor rights and access to public services.¹⁰⁷ Balancing on the edge of legality in both their residence and work status places female migrant domestic and care workers in a vulnerable position. Those who do not have EU citizenship or are subject to transitional restrictions on free movement are in danger of falling into irregular migrant status.¹⁰⁸ As the recent report of the European Union Agency for Fundamental Rights (FRA) observes, irregular migrant workers in the domestic and care sector have a greater risk of exploitation and abuse with regard to the five most fundamental rights (that is, rights related to fair pay and working conditions, protection against unjustified dismissal, freedom of association, access to justice, and family life).¹⁰⁹ At the same time, undocumented migrants make convenient scapegoats to blame in public discourse for problems such as crime rates and deteriorating public welfare services.

Results from the FeMiPol research project, conducted in 11 EU countries,¹¹⁰ indicate that migrant domestic and care workers, regardless of their legal status and work arrangements, are often confronted with violations of their rights as workers and human beings. According to the project's results, there are cases in all of the countries studied of nonpayment of overtime and regular work, breaches of contract, and a general lack of contracts that would protect workers from wrongful termination. Interviewees also experienced the devaluation of their work, humiliation, sexual harassment, downward occupational mobility, and accusations of theft.¹¹¹

“BALANCING ON THE EDGE OF LEGALITY IN BOTH THEIR RESIDENCE AND WORK STATUS PLACES FEMALE MIGRANT DOMESTIC AND CARE WORKERS IN A VULNERABLE POSITION.”

However, migrants' experiences in the domestic and care sector vary depending on their country of origin and on the country in which they live and work. The research shows, for example, that a high level of dependency on the employer is common in Cyprus, the United Kingdom, Slovenia, and Sweden, where residence and work permits are tied to a specific employer, while such dependency is not as pronounced in Greece.¹¹² Yet another pitfall of migrant status is what Krzystek describes as “a staircase model of rights”,¹¹³ in which women from non-EU Eastern European countries, for example, have only a limited set of social citizenship rights compared to EU citizens moving to another EU country for work. According to findings by Doyle and Timonen, women EU citizens perceive their migration experience and the long-term goals of their migration as somewhat more secure because they migrate legally and because they can visit their families back home or bring their spouses and children with them. Some may even bring along their own parents to look after their children while they work.¹¹⁴

Notwithstanding, the domestic work sector in the EU and globally is highly ethnicized, and employers tend to apply negative stereotypes, categorizing women from certain countries as only suitable for low-status and low-paid jobs.¹¹⁵ According to a report of the European Network Against Racism,¹¹⁶ the systematic association of migrant women with care and domestic work tends to further the professional and personal downgrading of migrant women. At the same time, it impairs migrant workers' access to employment on equal terms with native workers in the EU.¹¹⁷

Concluding remarks

The present article argues that EU enlargement and the consequent freedom of mobility have meant increasing migration flows between Central and Eastern Europe (CEE) and the earlier EU member states. In the example of migrant domestic and care work, we aimed to highlight the twin processes taking place in Eastern and Western Europe as an explanation for the increasing numbers of women among recent migrants to the EU. The rapid growth of migrant domestic work in Europe coincides with the change of political and economic systems in Eastern Europe, the introduction of market-driven policies in the welfare sector, and increasing female employment in Western Europe. Women from CEE migrate in order to be able to provide for themselves and their families. In the EU, they tend to find work in traditional women's roles: as cleaners, carers, personal assistants, etc. They perform jobs that local women often avoid because of low pay, poor working conditions, and limited prospects.

AS NUMEROUS STUDIES show, migrant women's work in private households is an essential part of the family life of many Europeans, the European economy, and the European welfare system.

As second-rate citizens their position is fragile. Migrant women constantly run the risk of violations of all kinds.



In November 2013, weekly jobs fairs were held in the capital Bucharest in expectation of the opening of Britain's border in January 2014. British companies are actively recruiting Romanians to come and work as midwives, waiters, and hotel staff in the UK.

Indeed, many women in today's Europe are able to pursue both career and family commitments thanks to the presence in their country of immigrant women from the poor regions of Central and Eastern Europe and beyond, to whom they can delegate their family and household-related caring work and chores. The central argument of this paper is that migrant domestic and care workers in Europe face serious challenges due to a number of structural and institutional disadvantages that we call the pitfalls of work status and migrant status. These two groups of factors perpetuate a precarious situation in which the low value attributed to domestic work prevents its proper social and economic recognition, while the limited rights that accompany migrant status in the receiving society render female migrant workers powerless in bargaining for fair working conditions and in protecting themselves from various forms of human rights abuses. Domestic and care work is not fully recognized as productive work either in Europe or globally, in part because of gender ideologies which portray care work as a natural part of women's role, as something requiring few skills, and as something any woman or girl is able to do. In hiring migrants to perform what is essentially regarded as subservient work, employers can externalize the racial or ethnic and class identity of migrant domestic and care workers, who provide cheap and flexible labor, but at the same time face many kinds of discrimination.

Although scholarly and political interest in domestic work in Europe is increasing, there are still several challenges to both policy and scientific intervention in this field. As we have noted, international conventions and regulations on migrant workers are still poorly implemented, and more specific conventions on domestic workers neglect the migrational dimension of this sector. Moreover, the international laws and instruments tend to accept the principle of nation-state sovereignty over issues of migration and migrants' rights. Further challenges in the policy domain include linking immigration debates to the problem of aging western societies, and critically addressing the issue of care provision and its feminized character. European and national policy makers need to reform labor and gender equality laws to recognize the value of domestic work in general in order to improve the rights of migrant domestic workers, reduce informal employment, and alleviate precarious work and migration situations in this sector.

Among the key challenges to research is the lack of reliable

and systematic data on migrants, and on domestic and care workers in particular, that would permit comparative research in different national and welfare contexts in Europe. Such data would allow a systematic analysis of the reasons and political mechanisms behind immigration policies that are central to stratification among migrants with different legal status and different rights. Furthermore, another important challenge is to comprehensively examine the contradictory logic of paid domestic and care work, which is both a necessary part of life and a job performed by migrants whose rights are undermined. Failure to do this further impedes the acknowledgment of migrant domestic and care work's importance to middle-class Europeans' goal of balancing work and family. ✕

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