

Essential and forgotten. Domestic work and the impact of policy responses during the COVID-19 pandemic in Spain and Italy

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Abstract

Results from the European project RESISTIRÉ show that the pandemic outbreak and policies adopted to contain the virus have reinforced pre-existing gender inequalities, resulting in a “spiral of increasing inequalities” (Axelsson et al., 2021: 110). The care domain is a key part of this spiral and has been at the centre of debates and of some of the COVID-19 policy responses. However, for the most part, policy interventions in the care domain have focused primarily on work-life balance, neglecting the impact of health-related policy restrictions on domestic workers – a highly feminised and racialised sector. Yet these workers have been dramatically affected by the pandemic and related policies, not only in terms of exposure to infection, but also in terms of exacerbation of pre-existing and intersecting inequalities. Moreover, when policies did address the domestic sector, they often reproduced gender stereotyped understandings of the nature of care work, and reinforced racist assumptions on migration. This paper compares the policies on domestic workers enacted during the pandemic in Italy and Spain, which illustrate how public policy engages in gendering and racializing domestic workers. Drawing on Bacchi’s methodology, it seeks to unfold and problematise the representations and implicit assumptions related to care work, and the gender and racial hierarchies underpinning them.

Keywords: care; domestic work; gender inequalities; COVID-19; intersectionality

Resumen. *Esenciales y olvidadas. El trabajo doméstico y el impacto de las respuestas políticas durante la pandemia de COVID-19 en España e Italia*

Los resultados del proyecto europeo RESISTIRÉ muestran que la pandemia y las políticas adoptadas para contener el virus han reforzado las desigualdades de género preexistentes y se ha entrado en una «espiral de desigualdades crecientes» (Axelsson et al., 2021: 110). El ámbito de los cuidados es una parte clave de dicha espiral y ha sido el centro de los debates y de algunas de las respuestas políticas al COVID-19. Sin embargo, en su mayor parte, las intervenciones políticas en el ámbito de los cuidados se han centrado principalmente en el equilibrio entre la vida laboral y familiar y se han olvidado del impacto de las políticas relacionadas con la salud en las trabajadoras domésticas, un sector muy feminizado y racializado. No obstante, estas trabajadoras se han visto dramáticamente afectadas por la pandemia y por las respuestas políticas no solo en términos de exposición al contagio, sino también en términos de exacerbación de desigualdades preexistentes y entrecruzadas. Además, aquellas políticas que abordaron el sector doméstico a menudo reprodujeron estereotipos de género sobre la naturaleza del trabajo de cuidados y reforzaron supuestos racistas sobre la migración. En este artículo se comparan las políticas sobre trabajadoras domésticas promulgadas durante la pandemia en Italia y España, ilustrativas de la forma en que las políticas públicas contribuyen a la discriminación de género y racial de este grupo de trabajadoras. Basándose en la metodología de Bacchi, el artículo trata de desplegar y problematizar las representaciones y suposiciones implícitas relacionadas con el trabajo de cuidados, y las jerarquías de género y raciales que las sustentan.

Palabras clave: cuidado; trabajo doméstico; desigualdad de género; COVID-19; interseccionalidad

Summary

- | | |
|---|--|
| 1. Introduction | 5. Analysis: Care as essential vs the continuity in policy discourse |
| 2. The intersecting inequalities of domestic work: Theoretical notes | 6. Conclusions |
| 3. Domestic work before the pandemic: The background in Italy and Spain | Funding |
| 4. Domestic work during the pandemic: Policy responses in Italy and Spain | Bibliographic references |

1. Introduction

Results from the European project RESISTIRÉ show that the policies adopted to contain the COVID-19 pandemic and their subsequent effects on the economy and the labour market have reinforced pre-existing gender inequalities, resulting in what the project has termed a “spiral of increasing inequalities” (Axelsson et al., 2021: 110).

The policy mapping conducted as part of the RESISTIRÉ project showed that gender is a long way from being mainstreamed, and that intersectional dimensions of inequality were not considered in the design of pandemic-related policies (Cibin et al., 2021: 12). Most of the policies adopted across

the fields of care and the labour market did not address gender inequalities sufficiently, and to some extent ended up reproducing mechanisms of exclusion from social and economic protections for the most vulnerable groups, while reinforcing assumptions regarding the distribution of care work. On the one hand, policies aimed at supporting workers generally excluded those in informal or precarious working relationships. This was particularly the case with domestic workers, who are at the intersection of gender and racialization. The report showed that in some countries income and employment support measures explicitly excluded this group of workers (Cibin et al., 2021: 47). On the other hand, the need for care services during the pandemic was addressed mostly (if not exclusively) from the perspective of unpaid care work through work-life balance policies. As a result, paid and unpaid care work were usually not treated as dimensions of the same problem, but rather were compartmentalised (Camilletti & Nesbitt-Ahmed, 2022: 221). Few initiatives went beyond the contingent needs of the crisis, and, in fact, it could be argued that the priority objective of most policies was to maintain economic activity, not to tackle the underlying cause of the gender care gap. While these policies protected the income of female workers and prevented many job losses, they also reinforced the gender division of labour.

Within the care domain a stratification can be observed, insofar as most policy interventions focused primarily on work-life balance measures (Cibin et al., 2021: 53) and, in some cases, on the working conditions of healthcare professionals in hospitals and facilities for the elderly. The impact of the crisis upon these essential workers was made visible in the public debate, raising awareness of their precarious conditions. However, a third group of workers involved in the care sector received less attention from policy responses: workers in the cleaning industry and paid domestic and care workers. This last group is the focus of this paper.

We would argue that, despite increasing awareness of the importance of care in public debate, the negative impact of policy restrictions on paid domestic work – a highly feminised and racialised sector (OIT, 2018) – has not been a core concern among policymakers. Yet these workers have been essential in attending to such a basic need as the social reproduction and care of the most vulnerable populations, and they were dramatically affected by the pandemic and its related policies, not only in terms of exposure to infection, but also in the exacerbation of pre-existing and intersecting inequalities of gender, nationality and socio-economic disadvantage.

The International Labour Organisation (ILO) estimates that in the early stages of the pandemic (March 2020) roughly 49.3% of domestic workers were significantly impacted in terms of reductions in numbers of hours of work, reductions in earnings and job losses. This figure peaked at 73.7% in May 2020 (ILO, 2020a). Yet this figure merely represents the regular segment of this labour market, which has the highest percentage of informality: 75% of all domestic workers worldwide are informal. In addition to the elevated risk of exposure to COVID-19, domestic workers risked losing their jobs and were

not always covered by social security in the event of illness. Increased checks to ensure that lockdown restrictions were adhered to also exposed migrant workers to increased risks of deportation, and prevented those without regular contracts from legally and safely travelling to their workplaces (ILO, 2020b). These constraints opened the way for increased forms of abuse by employers, such as those that are mentioned in the narrative interviews conducted as part of the RESISTIRÉ project (Axelsson et al., 2021: 17; Sandström et al., 2022: 20). The situation of some live-in workers was particularly acute. Many scholars have shed light on the momentum created by the pandemic in terms of the importance of care (Fine & Tronto, 2020) and the opportunity for a paradigm shift, with social movements at the forefront of claims-making and forms of resistance (Boris, 2022; Vega & Marega, 2021; Jiménez Castellón & Ruberte, 2021). Moreover, research on the impacts of the pandemic on domestic workers has revealed the limited provision (if not exclusion) for domestic workers in social protection policies worldwide (Camilletti & Nesbitt-Ahmed, 2022), and the socio-economic effects of lockdown, mobility restrictions and (lack of) social policies, coupled with pre-existing structural issues (Allen et al., 2020; Díaz Gorfinkiel & Elizalde-San Miguel, 2021; Duijs et al., 2021; Giordano, 2021; Leiblfinger et al., 2021; Martínez-Buján & Moré Corral, 2021).

While most of the analyses focus either on legal aspects (De Martino, 2021; Gómez García, 2021) or on social sciences approaches,¹ this paper proposes an interdisciplinary perspective, bringing together insights from both social science and legal analysis. Moreover, it offers a comparative approach to the policies enacted in Spain and Italy to address the difficulties of the domestic sector in the early phase of the pandemic outbreak. During the pandemic, paid domestic work remained highly invisible, and even when policies addressed the issues arising from the crisis, the way of representing the problem and the solutions to it reveal persistent assumptions based on gender inequality and anti-migrant attitudes.

Before looking more closely at the two concrete policy regimes under analysis, we offer a brief overview of the legal and institutional background against which these policies were developed and implemented. Next, the paper looks at the policies themselves, first describing them and then providing a more in-depth analysis, shedding light on the representations and implicit assumptions around care work, and the gender and racial hierarchies underpinning them. To do so, it draws on Carol Bacchi's *What's the Problem Represented to Be?* approach (Bacchi, 2009).

The paper aims, first, to draw attention to the role of legal regulation (or lack thereof) in creating and sustaining systemic and intersecting inequalities in the domestic work sector. To do so, the paper again highlights the uncontested assumptions regarding the special nature of domestic work, its exceptional regime under labour law, and how the irregularity fostered by legal arrangements and migration policies contribute to segregating racialised women in an

1. Exceptions include Stevano et al. (2021) and Martínez-Buján and Moré Corral (2021).

extremely precarious sector. Through their differences, the Italian and Spanish policies on domestic work illustrate how law engages in gendering and racializing domestic workers. Next, the paper aims to explore how the policy domains of care, labour and migration interact; how the precarious conditions faced by domestic workers represent an intolerable instance of gender inequality intersecting with racist policies, and should be tackled by law and policies consistently across those three domains; and how the way that domestic workers' issues affect gender equality is not straightforward, so it is not an item on the gender equality agenda of EU institutions.

2. The intersecting inequalities of domestic work: Theoretical notes

The issues relating to migrant domestic work stem from and are shaped by the interaction between three different policy domains: care, the labour market and migration,² which are inherently shaped by intersecting inequalities of gender, race and class (Andall, 2000; Anderson, 2000). This approach to domestic work has been widely explored in social sciences, with a particular focus on the gender (and sometimes race) dimension of some policy domains such as welfare regimes (Lewis, 1992; Orloff, 1993; Williams, 1995) and migration regimes (Lutz, 2008; Kofman et al., 2000; Anthias & Lazaridis, 2000). Similarly, legal scholarship has revealed the gendered dimension of law as a whole, and of particular legal domains such as migration (Mullally, 2014; Spijkerboer, 2000) and labour law (Conaghan, 2018; Fudge, 2014). The theoretical contributions underpinning these approaches both in legal and sociological studies are particularly relevant for our analysis.

This paper seeks to shed light on the inequality issues connected to the domestic work sector, by drawing on the concept of systemic inequality developed within critical (feminist) antidiscrimination law, in particular by Barrère (2014). Barrère contends that inequality is rooted in power systems;³ these systems rest on certain grounds or categories (sex-gender, race, class, etc.), and are reproduced by a series of interconnected elements (ideologies, myths, stereotypes, representations, etc.). These elements are embedded in the functioning of society and permeate all institutional domains (e.g. family, state, labour market, school, religious institutions and media), and derive from intergroup relations (Barrère, 2014: 20). This understanding resonates with and can be seen as complemented by Walby's theorization of intersectionality based on the concept of social system revisited through complexity theory (2007). According to Walby, each social inequality (e.g. gender, race, class) has its base in all domains (e.g. economy, family, state, polity).

2. The regimes are not always identified in the same way. Lutz (2008: 2), for instance, focuses on the intersection of gender regimes, care regimes (welfare) and migration regimes. Scrinzi, on the other hand, focuses on social policies, migration and labour.
3. The concept of system within this specific legal theory is close to and can be assimilated with that of social relations, regimes or power structures.

Besides differences between disciplines and the further complexity added by the debates within intersectionality studies (Bello, 2020; Cho et al., 2013; Walby et al., 2012), Barrère and Walby's approaches share an interest in the importance of revisiting and retaining the notion of system/regime to make sense of intersectional inequality. A crucial aspect of this theoretical approach is the idea of the mutual constitutiveness and mutual reinforcement of these systems, which compels scholars – but not only scholars – to engage in more complex analysis beyond single-axis and single-domain approaches.

Against this background, legal arrangements (policies and regulations) play a twofold role as being both an institutional domain and (one of) the set of norms governing all other institutional domains. In feminist legal theory, the concept of law as a *gendering* practice (Smart, 1992) and Holtmaat's description of how law reproduces gender (2001) are key to the analysis in question here.⁴

State policies “contribute to the shaping of a gendered and racialised division of domestic labour that links countries of origin and countries of destination” (Scrinzi, 2008: 29), with class being another important social inequality reinforced through these policies. Yet state policies rarely address domestic work and its underlying interplay between migration, labour and social policies: each policy domain is regulated separately and often in contradiction with the others (Ibid., 32).

3. Domestic work before the pandemic: The background in Italy and Spain

Italian households employ a large number of domestic workers. A significant change took place in the Seventies, due to the combination of a number of factors, such as the rapidly ageing population; the familistic welfare system characterised by monetary transfers rather than public care services; the increased participation of Italian women in the labour market; and the absence of any significant change in the gendered division of care work within the family (Andall, 2000; Colombo, 2003; Marchetti et al., 2021: 44). These factors explain why, from that moment on, the high demand for care workers has been increasingly satisfied by foreign women (from 5.6% in 1972 to 70% in 2021).

The care sector in Italy is profoundly marked by geographical (north/south) and racial divisions. On the one hand, most domestic workers are concentrated in the northern regions, where demand for these services is greater, due to a higher rate of women's employment and less pronounced family networks (Marchetti et al., 2021: 45), and working conditions and wages are better (Maioni & Zucca, 2016). On the other hand, the segmentation of the sector is reflected in the racial division between Italian women (employed as part-time

4. Holtmaat argued that Scott's elements involved in the social construction of the relationships between the sexes (cultural symbols; normative concepts that interpret them; social institutions and organisations; and subjective gender identities) (Scott, 1986) can also be applied to understand the law as a gendered practice (Holtmaat, 2001).

housekeepers) and foreign women (segregated in the live-in segment, and commonly known as *badanti*) (Andall, 2000; Di Bartolomeo & Marchetti, 2016).

The first law on domestic labour in Italy, which is still in force, dates back to 1958. It was the result of years of intense mobilization by workers' organisations,⁵ and was the political initiative of the two main parties of that time (Marchetti et al., 2021: 46). An important role was played by Catholic institutions, whereas traditional labour unions did not express interest in this field (Scrinzi, 2008). Since then, domestic workers have been granted basic labour rights, such as working and rest times, paid holidays, dismissal regulations, severance pay and matrimonial leave (Sarti, 2013: 73). By judicial intervention, domestic workers were given the right to collective bargaining (1969), which led to the first collective agreement (1974).

Despite these advances, there is a high level of informality and non-compliance with established labour legislation in Italy. Informality is considered to be a structural characteristic of this sector, mainly due to the specific nature of the workplace (a private house) and the job *per se* (devalued as mere "chores"). According to the Istituto Nazionale della Previdenza Sociale (INPS) [National Institute of Social Welfare], in 2020 the number of domestic workers with regular contracts was 921,000. Of these, 68.8% were foreign workers, 48.5 % were non-EU citizens, and the majority (87.6%) were women. Data from the National Institute of Statistics shows that in 2019 57% of labour relationships in the sector were irregular, by which it is estimated that the total number of domestic workers was 2.1 million (DOMINA Observatory on Domestic Work, 2021: 15).

Italy ratified ILO Domestic Workers Convention N. 189 (henceforth C189) in 2013. However, domestic workers' rights organisations, together with other social actors involved in the struggle, argued for the need to improve the current national collective agreement (CCNL) and bridge the gap between domestic work and other work sectors, in particular in relation to maternity leave, health and social security coverage, and working hours for live-in workers. All these issues should be regulated under EU labour law, which applies to domestic workers too. The need for these improvements has been further emphasised since the outbreak of the pandemic. In January 2021, the social partners who were signatories of the CCNL presented the government with a programmatic platform of actions (DOMINA Observatory on Domestic Work, 2021: 71), including proposals such as the adoption of a sickness allowance paid by the INPS, the deductibility of workers' wages from employers' incomes, and also the restoration of the yearly immigration quotas through the *decreto flussi* [flow decree], with a specific quota for the domestic sector. The maximum weekly working time set for live-in domestic workers remains problematic, as it exceeds the maximum 48 working hours established in the EU directive on working time.⁶

5. *Legge 2 aprile 1958, n. 339 Per la tutela del rapporto di lavoro domestico*, (GU n.93 del 17-04-1958) (Law for the protection of domestic work).

6. Directive 2003/88/EC, see also Scheiwe (2021).

The dynamics of this sector should also be read in conjunction with the migration policies enacted in recent decades, particularly those concerning the recruitment of foreign labour, and the amnesties issued between 1982 and 2012 to regularise the great number of irregular migrant workers created by restrictive immigration policies (Oliveri, 2020: 20). Following the 2002 immigration law (known as *Bossi-Fini*),⁷ a planned yearly quota for on-call recruitment was introduced, becoming the only means of legal entry for non-EU working migrants. However, this has been discontinued and, in any case, proved ineffective.⁸ A legislative proposal brought forward by the platform *Ero Straniero* [I Was a Foreigner] in 2017 sought to move towards a system that prevents workers falling into irregularity by introducing temporary residency permits “while searching for employment”, restoring the sponsorship system, and recognising a residency permit under proof of integration.⁹

After Italy, Spain is the EU country with the highest number of domestic workers. With an increase in the ageing population and a corresponding rise in care needs, plus the generalised incorporation of women into the labour market, domestic work has increased hugely since the nineties. Generally, the Spanish welfare system fails to provide sufficient state support for care, which is relegated to the private sphere (León, 2010: 413; Parella Rubio, 2021: 105) and rests therefore with families, often through domestic workers. While the *Ley de Dependencia* [Law on Dependent Care] of 2006 aimed to tackle care needs, its impact was limited.

Thus, the number of domestic workers doubled from 1990 to 2016 (Marchetti et al., 2021: 48). According to official surveys,¹⁰ 580,500 households in Spain employed domestic workers in the last quarter of 2019, while there were 396,626 domestic workers registered on the social security system in December 2019.¹¹ These represent only part of the workforce, as it is estimated that 30% work without a contract (Marchetti et al., 2021: 48; Parella Rubio, 2021: 106). Moreover, it is a highly feminised sector, with over 90%¹² of the workforce being female (Díez Gorfinkiel & Elizalde, 2021: 89).

7. *Legge 30 luglio 2002, n. 189 Modifica alla normativa in materia di immigrazione e di asilo* [Modification of the norms about immigration and asylum].

8. Foreign workers (non-EU) included in the yearly quota are entitled to a residence and work permit, on condition of being hired on a permanent contract for at least 26 hours per week. The most recent decree established a quota of 69,700 non-EU workers (*Decreto del Presidente del Consiglio dei Ministri 21 dicembre 2021, Programmazione transitoria dei flussi d'ingresso dei lavoratori non comunitari nel territorio dello Stato per l'anno 2021. (22A00166) (GÜ Serie Generale n.12 del 17-01-2022)*).

9. <https://erostraniero.radicali.it/la-proposta/>

10. *Instituto Nacional de Estadística* [National Institute of Statistics], 2019 and 2020, activity code 9700 (activities of households as employers of domestic workers), available at: <https://www.ine.es/jaxiT3/Tabla.htm?t=4128>

11. Data from the Spanish Social Security (*Serie de afiliación Media por regímenes, 2001-2022*), available at: <https://www.seg-social.es/wps/portal/wss/internet/EstadisticasPresupuestosEstudios/Estadisticas/EST8/EST10/EST290/EST291>

12. According to the labour force survey of the National Institute of Statistics in 2019 and 2020, 98% of domestic workers are women (data of the labour force survey, per occupation, available at <https://www.ine.es/jaxiT3/Datos.htm?t=4143>). Similarly, 95% of domestic

As in Italy, domestic work cannot be detached from migration dynamics. The increase during the nineties coincided with Spain becoming a country of destination (Arango, 2013: 3; Düvell, 2011: 280). Migrant women occupied – and continue to occupy – niches in the labour market, one of them being domestic work (Mestre i Mestre, 2002: 1; León, 2010: 414; Martínez-Buján, 2014: 285). Currently, around 40% of domestic workers are of migrant origin (Díez Gorfinkiel & Elizalde, 2021: 89; Parella Rubio, 2021: 106). In September 2022 there were 163,678 foreign domestic workers registered with social security, of whom 129,392 are from outside the European Union (mostly from Latin America, Morocco, the Philippines and Ukraine).¹³ However, the figure is higher, as many are not registered, some have an irregular migration status (an estimated 70,000 workers¹⁴), and others have obtained Spanish nationality.

The regulation of domestic work in Spain is fairly recent. In 1985, *Real Decreto-Ley 1424/1985, de 1 de agosto, por el que se regula la relación laboral de carácter especial del Servicio del Hogar Familiar* [Royal Decree-Law 1424/1985 of 1 August, that regulates the labour relationship of a special character of Service into the Family Household] was approved. It excluded domestic work from the social security system, and protections remained low. No written contract was required, and working time and salary did not have the same guarantees as under general labour regulations (Mestre i Mestre, 2002: 7).

A major shift occurred in 2011. In the context of the adoption of C189 on Domestic Workers by the ILO that year, *Real Decreto-Ley 1620/2011* [Royal Decree-law 1620/2011], of 14 November, was approved. Written employment contracts became a mandatory requirement (reducing informality enormously), the minimum wage was applicable, and working hours and rest hours were regulated, among other achievements. It failed, however, to place domestic work totally in line with other sectors. In fact, the preamble of the law justifies their different treatment by the fact that the activity is carried out in the family home, and within the personal relationship of “trust” that is required. In parallel, a special regime for domestic workers was included in the general social security system. This was a considerable step, as registration with the social security system became mandatory, and pension rights and sick leave were recognised. As a result, registrations increased enormously, making a great number of contracts regular. From January to December 2012 the number of workers registered increased from 283,131 to 414,453.¹⁵

workers registered on the social security system are women (data from the Social Security, available at <https://www.seg-social.es/wps/portal/wss/internet/EstadisticasPresupuestosEstudios/Estadisticas/EST8/EST10/EST290/EST291>)

13. Data from the Spanish Social Security of September 2022 (data series *Afiliados medios extranjeros por nacionalidad y regímenes*), available at <https://www.seg-social.es/wps/portal/wss/internet/EstadisticasPresupuestosEstudios/Estadisticas/EST8/EST10/EST290/EST292>
14. Domestic work is the sector that employs the highest number of migrant workers in a situation of irregularity, according to Gálvez-Iniesta (2020).
15. Data from the Spanish Social Security (Serie de afiliación Media por regímenes, 2001-2022), available at: <https://www.seg-social.es/wps/portal/wss/internet/EstadisticasPresupuestosEstudios/Estadisticas/EST8/EST10/EST290/EST291>

While these legislative changes were a great step forward, aimed at putting domestic work on an equal footing with other sectors in line with ILO recommendations, it still left the sector under a special regulatory scheme that perpetuated the structural precariousness, vulnerability and ultimately discrimination of domestic workers. For example, it still failed to grant unemployment protection.¹⁶ This law was meant to be followed by a set of regulations, but a change of government in 2011 stopped this from taking place, and ILO Convention 189 was not ratified (Marchetti et al., 2021: 50). Despite the demands of domestic workers' organisations and other civil society organisations, domestic work remained a "special" type of labour relationship, with fewer rights than most other jobs, characterised by the exclusion from unemployment allowance, the right of the employer to withdraw (and end the contract) at any time with no reason, and the non-applicability of health and safety at work regulations. No further changes were brought forward except for the special and provisional measure approved in 2020, which lasted only four months.

Important changes, however, occurred in 2022: the EU Court of Justice ruled that the exclusion of unemployment benefit amounted to a case of indirect discrimination due to sex,¹⁷ Spain ratified Convention 189, and *Real Decreto-Ley 16/2022, de 6 de septiembre, para la mejora de las condiciones de trabajo y de Seguridad Social de las personas trabajadoras al servicio del hogar* [Royal-Decree Law 16/2022, of 6 September, to improve the working conditions and those of the Social Security of domestic workers] was approved, recognising the right to unemployment allowance for domestic workers, establishing the need for justification in case of dismissal, and setting the basis for improvement in aspects relating to safety at work.

4. Domestic work during the pandemic: Policy responses in Italy and Spain

Policies affecting domestic work during the pandemic were analysed through the mapping of policy responses carried out as part of the RESISTIRÉ project. Spain and Italy were among the few countries that adopted policies in this sector, and a comparison between them offers the opportunity to understand similarities and differences in the way they address domestic work. In the case of Italy, two policies were examined: the *Cura Italia* decree and the *Rilancio* decree, which included a special allowance and a regularisation procedure for migrant workers. In the case of Spain, the analysis was limited to the special allowance for lack of activity, as no other measures mentioned domestic work.

16. Other specific aspects include the fact that in the case of part-time work and less than 60 hours of work per month, employees can enrol themselves directly. In a sector where working a few hours per week in different households is common, this has had a big impact.

17. Judgement CJ and TGSS, C-389/2020, EU:C:2022:120.

4.1. Regulation by exclusion in Italy, with two exceptions

During the COVID-19 crisis, the Italian government issued several measures aimed at mitigating the socio-economic impact of the crisis, but left domestic workers unprotected. First, the *Cura Italia* [Care for Italy] decree¹⁸ addressed this sector indirectly, through its omissions and exclusions. This specific choice resonates with the peculiar status attached to domestic work. While *Cura Italia* introduced a new furlough scheme in the case of private employers, it expressly excluded employers in the domestic sector. This is surprising, considering the sector employs at least one million (declared) workers and carries out important tasks for society as a whole, and because no other sector was explicitly excluded.

Likewise, in relation to the prohibition of dismissal provided for in *Cura Italia* (art. 46), it was expressly stated that this provision did not apply to domestic workers, given that at-will dismissal is possible in the sector.¹⁹ Moreover, domestic workers with children were also excluded from entitlement to the so-called “baby-sitter vouchers”.²⁰ It was not clear whether they were entitled to the parental leave introduced by article 23, but they were able to access the special parental leave for parents with children in quarantine due to COVID-19 infection.²¹

The *Cura Italia* decree received a negative reception from experts and organisations, who pointed out that such exclusion was the legacy of a long-standing political choice of treating care work as something less than work.²² Consistent with this perspective, while health and safety measures and protocols were updated to minimise the risk of infection in most workplaces, no guidance was given to family employers on how to ensure that employment relationships and care obligations could be carried out with adequate protections for the safety of both workers and care-receivers. Employers were recommended to encourage family workers to take vacations, in order to facilitate social distancing and prevent contact with people outside the family. If workers

18. *Decreto-legge 17 marzo 2020, n. 18, Misure di potenziamento del Servizio sanitario nazionale e di sostegno economico per famiglie, lavoratori e imprese connesse all'emergenza epidemiologica da COVID-19.* (20G00034) (GU Serie Generale n.70 del 17-03-2020) [Measures to improve the national health system and to support families, workers and businesses in relation to the COVID-19 epidemic emergency].

19. See Message no. 2261 of 1-06-2020 published by INPS and available here: <https://www.inps.it/bussola/VisualizzaDoc.aspx?sVirtualURL=/Messaggi/Messaggio%20numero%202261%20del%2001-06-2020.htm>

20. Art. 23 and 25 of *Cura Italia* decree.

21. *Art. 5 Decreto-legge 8 settembre 2020, no. 111, Disposizioni urgenti per far fronte a indifferibili esigenze finanziarie e di sostegno per l'avvio dell'anno scolastico, connesse all'emergenza epidemiologica da COVID-19.* (20G00134) (GU Serie Generale n.223 del 08-09-2020) [Urgent measures to address financial needs that cannot be delayed and to support the start of the school year in relation to the COVID-19 epidemic emergency]. It was clarified that INPS will provide for these special leaves (*circolare n. 116 del 2 ottobre 2020*).

22. See the appeal by a group of researchers, accessible on the website of the journal inGenere at this link: <https://www.ingenere.it/en/articles/towards-caring-democracy>

contracted the virus at work, this was considered an occupational injury covered by INAIL insurance [National Institute for Insurance against Accidents at Work], but the duty to keep paying wages in case of quarantine or isolation was left to the employers, who could later request reimbursement from the state. This of course translated into a considerable cost for families, who were also economically affected by the pandemic. The postponement of social security contributions until June 2020 (art. 29) was considered insufficient as a measure to support families who employ domestic workers. Less clear was the situation of live-in workers who tested positive but were not hospitalised. In most cases, they were trapped in their workplace. In cases of job loss and dismissal, domestic workers were only entitled to unemployment benefit or “last resort income” (*reddito di ultima istanza*), introduced by article 44.

The subsequent *Rilancio* decree²³ introduced two provisions which are relevant to domestic workers. The first is an income support measure for domestic workers in the form of a lump sum of 500 euros for the months of April and May 2020 (art. 85). Eligibility conditions included being registered on the INPS platform, not living in the employer’s home (live-out workers, accounting for 60% of the total), and having one or more contracts for more than 10 hours per week on 23 February 2020. The provision had two restrictions: it could not be combined with any other COVID-19 allowances to support the income of some categories of workers; and, in the case of beneficiaries of basic income (*reddito di cittadinanza*), the amount could not exceed the total amount of basic income. In practice, this measure applied to a very slight proportion of (regularly employed) domestic workers. Half of the sector, amounting to more than one million workers, consists of people working under informal agreements, who were left unprotected. Data made available by INPS revealed that 275,000 requests were submitted, of which 212,000 were approved (INPS, 2020), which is still fewer than the number of workers who were entitled to it.

Along with this measure, the *Rilancio* decree introduced an exceptional regularisation procedure for migrant workers (art. 103), which was open between June and July 2020. Allegedly, this was adopted to “guarantee sufficient protection of individual and communal health, as a response to the contingent and exceptional health emergency” caused by the pandemic, and “to encourage the emergence of irregular working relations”. Yet the policy was tailored to a selection of strategic market sectors in which the shortage of workers was declared an issue,²⁴ namely agriculture, livestock and fisheries and homecare (including

23. *Decreto-legge 19 maggio 2020, n. 34 Misure urgenti in materia di salute, sostegno al lavoro e all'economia, nonché di politiche sociali connesse all'emergenza epidemiologica da COVID-19.* (20G00052) (GU Serie Generale n.128 del 19-05-2020 - Suppl. Ordinario n. 21) (Urgent Measures on health, support to work and the economy, as well as social policies connected to the COVID-19 epidemic emergency).

24. Coldiretti is the major organization of agricultural entrepreneurs in Italy, which sounded the alarm over the impact of the closure of borders on the availability of foreign agricultural workers. <https://www.coldiretti.it/lavoro/coronavirus-1-4-dei-raccolti-a-rischio-senza-stagionali>

care for people, and housekeeping). The provision provided for two channels of regularisation. One relied on the initiative of employers, with the possibility of either signing a fixed-term employment contract with foreign nationals present on national territory, or of declaring the existence of an irregular employment relationship with Italian citizens or foreign nationals. To be eligible, the worker had to have been present on national territory continuously since before the declaration of the state of emergency. In the case of undocumented migrants, they would receive a residency permit for work reasons. The other channel allowed foreign citizens holding an expired residency permit to apply for a temporary residency permit lasting six months, to look for a job in the selected sectors. If they did find a job within six months, the temporary permit could be converted into a residency permit for work reasons. Conditions to apply were, again, presence in Italy and proof of having worked in one of the listed sectors prior to 31 October 2019. Proof of presence appeared to be particularly problematic, and depended on the practice of each local administrative office. With both channels, the decree allowed foreign nationals to apply for a one-year residency permit while “awaiting employment”, in the event that their previous employment relationship had been terminated (Palumbo, 2020).

Data published by the Ministry of Interior showed that 207,542 applications were submitted, of which 85% were from domestic workers and 15% from agricultural workers.²⁵ After two years, in March 2022, 105,000 residency permits had already been issued or were about to be issued (50% of the total of employers’ requests), and thousands of applications were still to be finalised. Considering that 11% of requests had been rejected as of March 2022, it appears that prefectures processed only 62% of the total requests they received.²⁶ This considerable delay left migrant workers in a vulnerable position. It should be noted that while waiting for the resolution, migrant workers could not leave Italian territory, or their request would have been revoked. This condition was recently lifted in the case of Ukrainian nationals working in Italy and who are waiting for the release of their residency permit.²⁷

4.2. *The Spanish special allowance for domestic workers*

A variety of urgent measures were approved in Spain in the weeks that followed the declaration of the state of emergency in March 2020, aimed at

25. Complete data are available here: <https://www.interno.gov.it/it/notizie/emersione-dei-rapporti-lavoro-presentate-piu-207mila-domande>

26. The process takes a long time. Once the prefecture has processed the request, it convenes the worker and the employer to sign the contract. At this point, the worker has to wait for the residency permit to be issued by the police station.

27. They are allowed to leave national territory “only to provide support to their family members” and then return to Italy, without becoming ineligible for regularisation. *Art. 6.1 Decreto del Presidente del Consiglio dei Ministri, 28 marzo 2022, Misure di protezione temporanea per le persone provenienti dall’Ucraina in conseguenza degli eventi bellici in corso. (22A02488) (GU Serie Generale n.89 del 15-04-2022)* [Temporary protection measures for persons coming from Ukraine as a consequence of the war].

preventing the spread of the virus, alleviating economic losses and supporting those in need. In this sense, *Real Decreto-ley 8/2020, de 17 de marzo, de medidas urgentes extraordinarias para hacer frente al impacto económico y social del COVID-19* [Royal Decree-law 8/2020 of 17 March, on urgent extraordinary measures to deal with the economic and social impact of COVID-19] was complemented days later by the approval of *Real Decreto-ley 11/2020, de 31 de marzo* [Royal Decree-law 11/2020, of 31 March], which adopted additional measures. Both regulations provided measures aimed at workers, families and vulnerable groups, as well as at companies, the self-employed, and the public administration.

Domestic workers were neglected in most of the measures relating to employment. They were not mentioned, for example, in the first urgent package of measures that were adopted through Royal Decree-law 8/2020. Due to their special regime, domestic workers were not included in the furlough scheme ERTE (*Expediente Temporal de Regulación de Empleo*), which allowed for the temporary suspension of employment contracts or a reduction in working hours, accompanied by the right to unemployment benefit for workers affected, and the obligation for companies to retain the jobs affected for at least six months.

As an exception to that generalised omission, a special allowance for domestic workers was established in articles 30, 31 and 32 of Royal Decree-law 11/2020, among other measures directed at families and vulnerable groups. The measure granted the right to an “extraordinary” and “temporary” allowance for domestic workers in the case of suspension or reduction of activity due to COVID-19. It was approved after a strong campaign in the early weeks of the lockdown, led by an array of associations of domestic workers in Spain demanding solutions (Jáuregui, 2020; Parella Rubio, 2021: 107).

The measure established that the allowance would be triggered by a temporary suspension (either partial or total) of activity due to COVID-19, in which case a declaration from the employer was needed, or the cancellation of the contract by the employer, either by dismissal or withdrawal. This measure applied only to domestic workers with a regular contract and who were registered on the social security system, and not to the considerable number of domestic workers (around 30%) who did not meet these conditions. The special allowance amounted to 70% of the basic salary, as per article 32, and could never be higher than the minimum wage. The calculation of the allowance appears prejudicial to this category of workers compared to other beneficiaries of state allowances, for whom the top-up maximum is higher than the minimum wage.

Subsequently, the Resolution of 30 April 2020 of the State’s Public Employment Service established the procedure for applying for the special allowance. In addition, the Resolution referred to the legislative framework for domestic work (Royal Decree-law 11/2020 and Law 27/2011), giving more details as to the justification of the need for this allowance and the consideration of work.

This measure came into effect on 1 April 2020, and lasted only until 21 June 2020. In contrast to many other measures implemented during the pandemic, this allowance applied to the months of lockdown and was not extended in time. The impact of this measure appears to have been limited. It was requested by only 55,994 domestic workers and was finally approved for only 44,062 of them (CES, 2022: 65).

5. Analysis: Care as essential vs the continuity in policy discourse

The following analysis of the COVID-19 policies described above addresses three main aspects: 1) the traces of exceptionality; 2) the role of immigration policies; and 3) the gender of domestic work. This allows us to shed light on similarities and differences in the policies' underlying assumptions, common omissions and misrepresentations.

The policies put in place during the COVID-19 crisis are of particular interest, as they illustrate the extent to which the “emergency framework” has altered (or not) the social and cultural values underpinning the treatment of domestic work as a gendered, racialised and class-based policy domain.

To undertake this analysis, Carol Bacchi's “What's the Problem Represented to Be?” (WPR) approach has been used. WPR is a useful tool to reveal and analyse the implicit representations contained in public policies. This approach moves away from the view that problems are solved through policies. Instead, it proposes that what a policy proposes as a solution “produces” the problem in a certain way. The proposed solution has, in a way, a performative/constitutive effect, thus limiting the responses to it to those deemed as “possible”, considering the particular understanding of the problem (Bacchi, 2012a: 21-22). According to Bacchi, examining the solutions provides us with an entry point to uncover how the issue is framed and problematised, by giving us insights into the implicit representations and assumptions that underlie such problematisation (Bacchi, 2012b: 4).

5.1. *Traces of exceptionality: Strongholds to tear down*

As discussed above, the regulatory regimes in both Spain and Italy consider domestic work to be a special type of work, separate from most other sectors. The atypical regulation of the domestic work sector is one of the final areas of public/private and productive/reproductive divisions that feminism has historically challenged. These discursive elements usually justified both the non-interference of the state in regulating specific relationships, traditionally family-based, that occur within the household as well as the rejection of market logics within the domestic sphere. Assumptions about solidarity and attachment embedded in the private/family domain underlie this reluctance, along with the difficulty of accepting market logics into households. The reluctance to interfere has worked to prevent an inquiry into equality and justice within this domain, and thus to challenge inequalities affecting relationships

in the private/family sphere.²⁸ The exceptionality of domestic work translates into the de-regulation or special regulation of labour relationships, leading to lower protection for workers and no mechanisms to balance the asymmetry of power between employer and employee. This is usually achieved by introducing exceptions into minimum standards legislation that emphasize the special relationship based on trust between the relevant parties. At-will dismissal, longer working hours, lack of maternity protections and (until recently in Spain) lack of unemployment benefits are among the issues which, coupled with the tendency to leave the individual employer alone to cope with the expenses, make domestic workers more vulnerable while also impoverishing families.²⁹ Measures adopted during the pandemic once again led to lower protections compared to other workers.

Following Bacchi's approach, COVID-19 policy responses in the domestic sector offer us an opportunity to explore how domestic work and domestic workers are represented, and the meanings that underpin such representation. The measures enacted during the pandemic exemplify the underlying assumptions already found in the general regulation of domestic work in Italy and Spain. The measures – and lack thereof – followed that same logic of the exceptionality of domestic work, building on and reinforcing the arguments usually used to justify the special regime applied to work relationships in this sector.

On the one hand, both countries excluded domestic workers from most of the support mechanisms that were put in place for workers in other sectors, reinforcing once again a hierarchy of value in which domestic work does not have the same value as other sectors, as it belongs to the private and unproductive sphere.

In Italy, the *Cura Italia* decree explicitly excluded domestic workers from the support mechanisms introduced for workers in other sectors, mainly a furlough scheme, a prohibition on dismissal, and entitlement to childcare vouchers. Given that this was the only sector specifically excluded, the decree marked a clear line between domestic work and other sectors. Such exclusions reaffirm the assumption that domestic work satisfies a private, individual need and cannot be considered as actual work exchanged on the labour market. The assumption is so deeply embedded that even when exclusion from protections is not explicit, it is presumed (Pavlou, 2016).³⁰

28. Family law scholars refer to this discursive practice as family law exceptionalism, which is based on the contract/status dichotomy (Marella, 2011; Halley & Rittich, 2010). Using this concept, they have exposed the ambiguities embedded in legal discourse concerning family relationships, which presents the family as a domain *sui generis*, while it is in fact highly regulated by the state. While the relationship is, to some extent atypical, the problem remains that families are employers in a labour relationship with an employee. As Mullally and Murphy (2014) put it, the greater the personal work relationship resembles a family relationship, the less likely the worker is to enjoy the protection of human rights law.

29. As is noted in the literature, domestic work is not a luxury of middle-class families but rather a need created by the lack of a state response to effectively address care needs.

30. Especially in Italy and Spain, where EU nationals in the domestic sector outnumber non-EU nationals, it would be enough to invoke EU free movement law to ensure protection (Pavlou, 2018: 94).

In the case of Spain, domestic workers were not even mentioned in the policies enacted to protect employment. They were simply understood as being excluded, given the “special” regime accorded to domestic work. To understand this framing of the problem, reference needs to be made to how domestic workers and their rights are represented in the Spanish regulatory framework, which represents domestic work as being divorced from “the principles of market economy”. This, together with the special trust required in these relationships, are the reasons used to justify a different regulatory treatment that results in lower protections.

On the other hand, those same underlying assumptions are found in the measures specific to domestic workers that were enacted in both countries during the pandemic. In the case of Italy, no explicit reference is contained in the text(s) regarding the rationale underlying the income support measure for domestic workers. Yet the numerous conditions set for eligibility to receive this support offer a sense of “what’s the problem represented to be”, and what assumptions underpin it, in line with the above.

In Spain, the government sought to address the increased vulnerability of domestic workers by introducing yet another exceptional measure, limited just to the period of the strict lockdown. And, in contrast to many other measures enacted then, the allowance for domestic workers was not once extended in time, again reinforcing the separation of domestic work from other work sectors. While Royal Decree-law 11/2020 acknowledged that the allowance was granted as a *response to* the lack of the right to unemployment benefits for domestic workers and the resulting vulnerability, the Spanish measure failed to problematise the separation of domestic work from most “other work”, thus perpetuating the discriminatory treatment.

In both countries, the exceptionality framework of domestic work as such and the exceptionality discourse sparked by the COVID-19 crisis together provide a specific description of the problem. The COVID-19 crisis is touted as the specific circumstance that justified the measures, implying that the issues addressed are strictly connected to the pandemic, and that beyond that period, the situation would go back to normal. Exceptionality falsely represents the problem as contingent rather than structural, and prevents the consideration of different solutions and interventions that go beyond the crisis. Gender and race are implicitly involved, as both policies constitute disparate treatment against a highly feminised and racialised sector, and contribute to making these inconsistencies less visible. At the same time, the unexpected outcome is that the pandemic crisis brought this issue to the surface.

Inequality is also significant, as the situation of domestic workers was addressed almost as an afterthought, once most of the other categories of workers had already been addressed by income support instruments. This is striking if we consider the pandemic was a care crisis that raised awareness of the importance of care work. Although domestic workers were formally recognised as essential workers, the treatment of this sector stands in contrast to that of other categories of workers employed in care facilities.

5.2. *Where are immigration policies in the debate?*

The migration regime lies at the centre of domestic work inequalities. An in-depth analysis of the exclusionary dynamics and policies of the migration regimes of Italy and Spain exceeds the remit of this article. However, a general overview suggests that irregularity feeds the labour market's need for cheap labour (De Haas, 2008: 1315), and that this is particularly true in the case of domestic work. Among the elements that are deployed to increase the vulnerability of migrant workers is the choice to regulate migration through administrative acts rather than legislative procedures. Increased vulnerabilities depend greatly on the citizenship status of the employee. Lack of regular residency status paves the way for abusive conditions, and some employers use it as a tool to control domestic workers, both in terms of retaining domestic workers and enforcing working conditions that would be otherwise unacceptable or not tolerated (Anderson, 2007: 261). This, coupled with the rising costs of providing paid care, lead to care workers' wages "being forced down by strategies such as employing those with the least bargaining power" (Williams, 2011: 30). Precarious residency status may also inhibit workers from reporting incidents of gender-based violence, a dramatic form of discrimination that is neglected in research and policy. Indeed the dynamic of gender-based violence during the pandemic is another topic that demands further exploration.

Further, research suggests that domestic work intersects with racial issues. In this sense, migratory origin is central to understanding the existing hierarchies in the power relationships between domestic worker and employer. Anderson precisely refers to "foreignness" and being "racially different" as something used by employers as a way of seeing themselves as *saviours* rather than as the party with the upper hand in an unequal relationship (Anderson, 2016: 166-167). Research also reveals preferences for certain women to carry out care work because they are seen as having characteristics that make them good carers (Anderson, 2016: 165). For example, Latin American women are perceived in Spain as "affectionate", "patient", and even "obedient" (Díaz-Gorfinkiel & Martínez-Buján, 2018: 109).

The nexus between domestic work and migration remains one of the great silences in the policies analysed and the related overall framework. Far from being neutral, those silences fail to problematise irregularity, and thus help perpetuate the hierarchies and inequalities ingrained in domestic work. Such silences are present in the overall framework of domestic work, and were once again evident in COVID-19 policies.

The silence was prevalent in the measures concerning domestic workers in both countries, particularly in Spain. Here, the path towards regularisation was blocked despite being debated in the early months of the pandemic and pushed for by several political parties and civil society organisations.³¹ Regardless of

31. The civil society *#RegularizaciónYa* [RegularisationNow] channelled the demand, which was finally discussed in the Spanish Parliament in September 2020 without success.

the discourse on essential care workers, the proposal for regularisation was represented by the government as contrary to European agreements on migration, and therefore not a possibility (López-Sala, 2021: 93). In contrast, Italian regularisation demonstrated the possibility of a different path. Here, the comparative approach proves to be particularly useful as it helps open up alternative proposals to problematisation (Bacchi, 2012b: 6). Nevertheless, the Italian regularisation was a utilitarian, slow and ineffective measure. While formally pursuing the objective of health protection, the regulation clearly rests on the idea of migrants being a temporary (and cheap) solution for labour shortages. The restrictive criteria set for applying for regularisation illustrate this quite evident purpose. Subordinating the procedure to the goodwill of employers without offering any incentive might also run the risk of exacerbating abusive practices and heightening the unequal relationship between the parties.

Another silence was prevalent in both countries. Both the income support measure in Italy and the special unemployment allowance in Spain neglect the reality of the high degree of informality in the sector, by making allowances available only to the small proportion of regularly employed domestic workers. In both cases, this led to the systematic exclusion of a large proportion of domestic workers who work without contracts, in most cases due to their legal status of irregularity. In Italy, around one million domestic workers were prevented from applying for the proposed allowance because they were not registered with the INPS; in Spain, the same applied to around 250,000 domestic workers. Undeniably, the silences in both Spanish and Italian policies open the door to exploitation and abuse, and to increased vulnerability. Furthermore, such silences reproduce the representation of migrant workers as less valuable than non-migrant workers.

5.3. The gender of domestic work as the most deafening silence

As RESISTIRÉ's findings revealed, gender equality is still far from being mainstreamed, and is instead compartmentalised in specific domains, such as work-life balance and gender-based violence. The fact this approach is problematic is particularly evident in the case of domestic work, which rests on the interaction between several policy domains, and in which conditions are profoundly gendered.

Perhaps the most striking silence of COVID-19 policies on domestic work is the absence of the gender dimension. Gender hierarchy is so deeply embedded in the regulation of domestic work that its elements are quite hidden and difficult to expose. The undervalued status of domestic work, its connection to the private sphere of emotion, solidarity and attachment, the nature of innate, female activity and low-skill sometimes emerge more explicitly in policy discourse.³²

32. As the Spanish Government put it, domestic workers are “low skilled” employees, remunerated at minimum wage, who would find it more convenient to access unemployment protection rather than continue working (CJ v Tesorería General de la Seguridad Social (TGSS), C-389/2020, ECLI:EU:C:2022:120, par. 53).

The silence around gender might not be as striking when looking at equality policies. Up until recently, domestic work had been quite neglected in equality policies, both national and European,³³ and has rather been addressed for its levels of undeclared work.³⁴ Furthermore, domestic work has been framed as an issue of work-life balance, and is represented as a response to the needs of families (Peterson, 2016: 94). Global developments in migration led also to the shift from the unpaid domestic work traditionally carried out by women in the family to paid domestic work carried out by other women, many of them from a migrant background, and in precarious conditions. The perpetuation of the roles and the gendered division of labour is thus left unchallenged and is shifted onto racialised women, making the intersections of gender, care and migration a compelling issue. The specific policies approved during COVID-19 reinforced these frameworks, providing contingent solutions and leaving the underlying assumptions untouched.

As noted above, the exceptionality discourse that characterises domestic work has worked to overshadow inequality that occurs in this sector and that disproportionately affects women. Legal scholarship too, to some extent, has not been able to problematise the day-to-day instances of inequalities that affect domestic workers, but has rather focused on a higher threshold of severe human rights violations (Pavlou, 2018: 85). There are, nonetheless, legal instruments, particularly EU directives on equality law, that should be mobilised to challenge gender discrimination in the domestic work sector.

6. Conclusions

Various authors have noted a divergence in the care policies of Spain and Italy during the 1990s and 2000s, with Spain “catching up” on family and care policies, while Italy hardly moved forward in this area (León & Pavolini, 2014: 366). While acknowledging their different trajectories (León et al., 2021: 453), this analysis of COVID-19 policies, however, points to a convergence in the particular case of policies around domestic work, with the two countries having more similarities than differences, as well as similar impacts; and both cases showing continuity with respect to previous policy, similar representations of domestic work, and similar underlying assumptions reflected in the policies.

In this sense, Bacchi’s “What’s the Problem Represented to Be?” framework has facilitated the unpacking of such representations and implicit assumptions contained in the legislative measures approved in the early months of the pan-

33. For instance, the Gender Equality Strategy 2020-2025 adopted by the European Commission (COM(2020) 152 final) does not mention actions explicitly aimed at improving the domestic work sector. Yet, very recently, on 5 July 2022, the European Parliament adopted a resolution on common European action on care (2021/2253(INI)), which could establish a discursive change in EU policies on domestic work.

34. As shown for example in the resolution of the European Parliament of 28 April 2016 on women domestic workers and carers in the EU (2015/2094(INI)), which focuses on improving working conditions.

demic. Two main approaches have been identified in how domestic work is represented. On the one hand, the separation of domestic work from other types of work, both implicitly (through exclusion from the general regulation) and explicitly (through the exceptionality of the measures enacted) reinforces the lower value assigned to this sector and justifies lower protections and the resulting precarity. In addition, such policies contribute to legitimising the assumption that care is a private matter, absolving the state from engaging in more consistent reforms of social policies. On the other hand, the silences revealed in the analysis are equally telling, as the measures adopted (or their absence) fail to problematise both the nexus between migration and domestic work, and the gender dimension, leaving the prevalent hierarchies, inequalities and roles unchallenged.

Policies that touch upon domestic work maintain a fictitious separation between welfare, migration and labour (Scrinzi, 2008: 32), although the reality of domestic work is built upon the regulations in each of those areas. The vulnerability fostered through policies in different domains illustrates how intersecting inequalities of gender and race mutually reinforce each other, placing the most vulnerable subjects in situations that prevent them from claiming their rights and finding a way out. In fact, the provision of care services in the labour market under the terms we are familiar with (high irregularity, low salaries and limited rights) is only made possible by those same vulnerabilities. Addressing these would involve changes in each of the regimes. From one side, if we are to build a caring democracy (Tronto, 2013) in which care is recognised and valued, as are those who provide it, investments need to be made in public care services available to all, along with the guarantee of decent working conditions. Migrant domestic workers, who make up the majority of the sector, should be included in this project and their situation regularised accordingly, and independent migration routes should be established to allow legal entry of migrant workers. Simultaneously, a more egalitarian distribution of care responsibilities within the household should be promoted through regulations and policies. This needs to be achieved not only by debunking gender stereotypes on the role of men and women in the family and the market, but also by establishing mechanisms (e.g. parental leaves of equal length and compensation, mandatory) that foster this change.

ILO Convention 189 has brought domestic work right into the domain of labour law, engaging with some of the most persistent assumptions underlying it; and EU policy is also moving away from the exceptionality discourse. Nevertheless, only nine EU Member States have ratified the ILO Convention so far, and EU law (but also other international human rights instruments) is rarely mobilised to challenge discriminatory legislations (and collective agreements) at national level (Pavlou, 2016, 2018). Reversing this trend might be one of the best long-term strategies for achieving equality in this sector.

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