

# Is There a Dualistic Protection System for Migrant Domestic Workers? The “Easy” and “Speedy” Ratification of the ILO Convention on Decent Work for Domestic Workers in Italy

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## **ABSTRACT**

Domestic workers provide a variety of services and contribute significantly to the global economy. However, domestic work has long been undervalued in the labour market. In January 2013, Italy became the first country in Europe, and the first among the countries receiving migrant domestic workers, to ratify International Labour Organization Convention No. 189, the Domestic Workers Convention. In contrast to the unprecedented dedication to domestic workers’ labour rights specified in C189, the majority of domestic workers presently in Italy are migrant women and undeclared workers. This article draws on interviews to show how Italy’s ratification of C189 was accomplished through well-organised tripartism and top-down ratification processes, while perpetuating the undervaluation of the work status of migrant domestic workers.

## **KEYWORDS**

Domestic workers; ILO Convention No. 189; Italy; migrant workers; labour protection

## **Introduction**

The global care chain consists mainly of migrant domestic workers, whose productive labour has been undervalued (Chang, 2000; Hochschild, 2000). This is despite “the significant contribution of domestic workers to the global economy, which includes increasing paid job opportunities for women and men workers with family responsibilities, greater scope for caring for ageing populations, children and persons with a disability”, as stated in the preamble of the International Labour Organization’s (ILO’s) Domestic Workers Convention No. 189 (C189).

Labour protection for domestic workers has been far less equalised than that of other job categories, mainly due to the following three aspects (Boni, 2011; Oelz, 2014; Monticelli and Seiffarth, 2018). First, owing to the historical roots of slavery and the various master–servant relationships of domestic work, there has been a tendency to confine domestic workers to the category of family property and family members in the private sphere rather than to consider them as workers or employees (Sarti, 2005). Second, many domestic workers are migrants, and their presence and work status are frequently undeclared and undocumented – that is, they are unprotected because of the migration system rather than the employment system (Boni, 2011; Schwenken, 2013, 2017; Triandafyllidou, 2013). Third, since policy-makers, legislators and politicians in power “are themselves employers of paid domestic workers”, domestic workers’ movements for expanding labour rights have not been actively promoted by “those in power” (Monticelli and Seiffarth, 2018: 18).

In 2011, the International Labour Conference adopted a convention for the protection of domestic workers (C189) and a related recommendation (R201). The ILO's C189 and R201 stipulate that all domestic workers are workers and offer a global minimum standard for domestic workers (Johnstone, 2012; Oelz, 2014; Pape, 2016; Marchetti, 2018). Since many countries still do not guarantee basic workers' rights or even basic citizenship for migrant domestic workers, the result has been described as "the culmination of a global movement advocating better promotion of domestic workers' rights" (Oelz, 2014: 7) and a way of "making invisible domestic workers visible" (Boni, 2011: 581).

Simultaneously, however, more than a few experts have recognised that the epochal adoption of C189 will not lead to immediate changes in domestic workers' practical working environment (Schwenken, 2013, 2017; Islam et al., 2016; Parreñas, 2017; Trebilcock, 2018). For example, Parreñas (2017: 117) indicates that, as noted in Article 6, the concrete and explicit definitions and interpretations of matters specified in C189 are entrusted to member states of C189, which "allows member countries to avoid legislation and enforcement of labour standards". Moreover, Boni (2011: 583) concludes that "adequate legislation and inspection systems must be adopted at the national level" because "the risks of lack of enactment in practice are everywhere".

On 22 January 2013, Italy became the fifth country to ratify C189 and also the first of the European countries among the receiving countries of migrant domestic workers. Italy's speedy ratification of C189 was described by one of the concerned parties as follows: "You may think it strange that it [the speedy ratification of C189] occurred in Italy." The reason it was strange was that the Italian bureaucracy always takes a very long time to achieve political consensus and take decisions, especially due to the characteristics of Italian politics and social welfare (Gal, 2010). Furthermore, it is well known that the Italian "migrant-in-the-family" care model consists mainly of migrant domestic workers in the grey market (Sarti, 2004; Bettio, Simonazzi and Villa, 2006; Catania et al., 2007; Pasquinelli and Rusmini, 2008; Heimeshoff, 2011; Triandafyllidou, 2013). In fact, in 2019, 57 per cent of all 921 000 domestic workers were estimated to be irregular workers (DOMINA, 2022). In other words, while Italy has ratified C189, the greatest portion of domestic workers are still not those performing "decent work", which is the core concept of C189.

The main research question of this study is: "Why has the lack of labour protection for the majority of domestic workers in Italy remained in place, not only before Italy's ratification of the Convention in 2013 but also in the 2020s, almost ten years after ratification?"

We hypothesise that there may be other factors contributing to this problem in the C189 Convention ratification process in Italy. More specifically, differences in the role and position of active domestic workers in the labour movement, as well as in the ratification process of C189 in Italy, may determine whether the acquisition of domestic workers' rights after ratification has been achieved. In this paper, the hypothesis is investigated by conducting a literature review and semi-structured interviews with parties involved in the ratification of C189, which are also almost identical to those involved in the National Collective Agreements in Italy.

## **Literature Review – Variations in the C189 Ratification Process**

### ***Differing evaluations of the ratification process***

On 16 June 2011, both C189 and R201 were adopted by an overwhelming majority at the ILO's International Labour Conference (Pape, 2016). C189 consists of twenty-six articles covering rights to a safe and healthy working environment, working hours, rest hours, minimum wage, disclosure

of employment conditions, freedom of association and collective bargaining. R201 is a recommendation that supplements C189 by specifying rest days and hours of work, the remuneration rate of standby hours, and minimum living conditions for live-in domestic workers (ILO, 2013).

As mentioned, there were two contrasting evaluations and outlooks on the future impact of C189 on improving domestic workers' rights. On the one hand, the successful establishment of C189 in the most representative international organisation was unprecedented, especially from the following two perspectives:

- Despite some exceptions, C189 covers basic labour rights and security that are almost equal to those for other general work categories. For example, it includes basic eligibility for social security systems, the right to organise and the right to collective bargaining, which have long been excluded from labour rights for this group (Boni, 2011; Blackett, 2014; Oelz, 2014; Pape, 2016; Parreñas, 2017).
- Domestic workers have successfully organised at the local, national and global levels, surmounting historical and current difficulties associated with often being undocumented and isolated (ILO, 2013, 2014; Boris and Fish, 2014; Pape, 2016).

In fact, several organisations – such as Women in Informal Employment: Globalizing and Organizing (WIEGO); the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF); and the International Trade Union Confederation (ITUC) – have strengthened domestic worker organisations at the international level. In addition, the ITUC and International Domestic Workers Federation (IDWF) launched the global “12 by 12” campaign to promote the ratification of C189 (ILO, 2013, 2014; Schwenken, 2013; Boris and Fish, 2014; Pape, 2016).

On the other hand, in a negative light, the following three main points are discussed:

- The movement for the ratification of C189, including the 12 by 12 campaign, has not always led to an improvement in the work conditions of migrant domestic workers (Schwenken, 2013, 2017) because the ILO has a bias in favour of Global North countries receiving migrant domestic workers (Mahon and Michel, 2017).
- Each state can and must set its own legal definitions of domestic work, and it should make great efforts to develop not only regulatory systems but also inspection and control systems (Boni, 2011; Oelz, 2014; Parreñas, 2017; Trebilcock, 2018). Originally, employment such as casual work was excluded from the “domestic worker” definition in C189 (Novitz and Syrpis, 2015).
- The ILO tripartite principle based on a context of dialogue and cooperation among governments, employers, and workers was constituted in the interwar period in the first half of the twentieth century but has not been favourable in the global economy and society of the twenty-first century (Standing, 2008; Carbonnier and Gironde, 2019; Jakovleski, Jerbi and Biersteker, 2019; Kott, 2019; Louis, 2019).

Previous studies have shown that the ability of C189 to improve domestic workers' rights varies widely by region and country. Below, regional differences in the ratification of C189 and the 12 by

12 campaign are examined to verify the research framework of this study.

### **Regional differences**

By 2019, twenty-nine countries had ratified C189. A total of 84 countries participated in the 12 by 12 campaign, which achieved twelve national ratifications of C189. Table 1 shows the countries that have ratified C189 and the countries that participated in the 12 by 12 campaign by region.

**Table 1** Number of countries that had ratified C189 by 2019 and participated in the 12 by 12 campaign, by region

Region	North America	Latin America	Europe	Africa	Asia-Pacific
Number of countries ratifying C189	0	16	7	4	1
Number of countries participating in 12 by 12 campaign	2	18	26	20	18

Source: Schwenken, 2013; ILO ([https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300\\_INSTRUMENT\\_ID:2551460](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:2551460))

Note: “America” in the original source was divided into “North America” and “Latin America”.

A limited number of studies have revealed the ratification process of several countries (Johnstone, 2012; Schwenken, 2013; Oelz, 2014; Pape, 2016; Cherubini, Garofalo-Grymonat and Marchetti, 2018; Marchetti, 2018). In Latin America, there were active grassroots domestic workers’ movements and campaigns for C189 ratification. Indeed, the highest number of countries ratifying C189 were identified there, compared to other regions. In parallel, there was also top-down promotion of ratification by ministers with domestic work experience and by non-governmental organisations (NGOs), such as in Bolivia (Pape 2016; Marchetti 2018). On the whole, the combination of existing legal frameworks, very active domestic workers’ unions and organisations, and left-leaning governments contributed to these countries’ openness to ratification (Schwenken, 2013).

On the other hand, Europe overtook Latin America in the number of countries participating in the 12 by 12 campaign; it had the greatest participation of any region. Despite this, the number of European countries that ratified C189 was less than half the number in Latin America. Regarding Italy and Germany, both countries’ ratification processes were achieved in a short period and in a top-down manner rather than in a bottom-up process motivated by domestic workers’ movements (Schwenken, 2013; Cherubini et al., 2018). Additionally, the ratifying countries were not always motivated by the real development of domestic workers’ rights (Schwenken, 2013: 20–21).

While differences in intra-regional characteristics and regional size should not be ignored – such as in North America, where there are many domestic workers but essentially only two countries, the United States and Canada – the variations in relationships between the countries ratifying C189 and those participating in the 12 by 12 campaign (as well as in the IDWN) can be classified into the following three types:

- A combination of the most 12 by 12 campaign participation but only a modest level of C189 ratification among the receiving countries – the Global North (Europe and, presumably, North America).

- A combination of more 12 by 12 campaign participation and the highest level of C189 ratification among the sending countries – the Global South (Latin America).
- A combination of more 12 by 12 campaign participation and the lowest level of C189 ratification among the sending countries – the Global South (Africa and Asia-Pacific).

## Analytical Approach and Methods

### ***Three factors in the C189 ratification process***

The three variations in relationships between 12 by 12 campaign participation and C189 ratification discussed above reveal that ratification was not necessarily motivated by more active workers' movements, nor was it achieved mainly in the sending countries. Additionally, even though C189, “the culmination of a global movement advocating better promotion of domestic workers' rights” (Oelz, 2014: 167), has been ratified, in some host countries (such as Italy) there are still a majority of (migrant) domestic workers who do not have access to minimal labour protection.

Based on the discussions above and the concept of insider–outsider theory (Lindbeck and Snower, 1988, 2001), which has been widely applied in studies on migrant workers, this study examines whether domestic workers themselves will be insiders or outsiders in influential organisations and/or decision-making during the ratification process, and will not only advocate for but also help implement the “better promotion of domestic workers' rights” (Oelz, 2014: 167). In this context, regardless of country or region, governments and employer organisations are mainly composed of nationals or others with full citizenship who are in the majority and have full political, economic and social rights – that is, they are typical “insiders”. In contrast, domestic workers are deemed self-employed or in atypical employment; furthermore, in some cases, they are often migrants in receiving countries, and their political, economic and social rights are much less secure than those with full citizenship – that is they are frequently “outsiders”. Additionally, domestic workers are also dichotomised: There are those who have more internal and central positions from which more rights and powers can be wielded in the ratification process, often because they have more secure and stable employment and are highly skilled and organised; but there are also those who do not have such positions.

To identify the characteristics of Italy's C189 ratification process and domestic workers' involvement in that process, the following three dividing factors are discussed:

#### 1) *Receiving or sending countries of domestic workers*

A great difference exists in the share of domestic workers among all employees in the host countries in Europe (0.3 per cent), and the sending country, Brazil (6.5 per cent). This differentially affected the ratification of C189 and its significance (Dias et al., 2014). Thus, the political (and organisational) power of domestic workers in the host country tends to be weaker than that in the sending country (Schwenken, 2005, 2017; Monticelli and Seiffarth, 2018).

#### 2) *Domestic-worker-led or non-domestic-worker-led*

In Europe, the general ratification process was mainly led by governments and major trade unions that were not necessarily composed of active domestic workers. However, in Latin America, the region with the largest number of countries ratifying C189, some government

officials had experience in domestic work, and there were both strong and active domestic workers' movements (Pape, 2016; Marchetti, 2018).

### 3) *Top-down or bottom-up dynamics*

A top-down process for ratification indicated that consensus-building based on tripartism had already been largely achieved in the country, and frequently C189 ratification was achieved in a shorter period without any opposition or conflict. This case is mainly found in Europe where there were already relatively complete legal and regulation systems, and for that reason there was often a view that new measures for protecting domestic workers' rights were not necessary (Schwenken, 2013; Cherubini et al., 2018). In contrast, the bottom-up process indicated that organisations for both domestic workers and their employers had not yet been sufficiently achieved, and such organisation often begins with active workers.

## **Methods**

In the following sections, the parties involved in the C189 ratification process and their consensus-building are identified through an examination of the three factors above. Regarding (1), Italy is one of the major receiving countries for domestic workers in Europe, and further details of domestic worker profiles, such as their origins and issues related to employment protection in Italy, are examined. Then, (2) and (3) are discussed, mainly based on qualitative data consisting of semi-structured interviews with the six organisations involved in Italy's ratification of C189. These interviews were conducted in Rome from 20–26 March 2016. On the employer side, the interviewed organisations were Assindat-colf and DOMINA. On the worker side, ACLI-COLF, a Christian domestic workers' organisation, and three major Italian unions (CGIL, CISL and UIL) were interviewed.

The interviews took place at the headquarters of each of the six organisations, lasted between 80 and 120 minutes and were recorded and transcribed. A questionnaire was devised, consisting of twelve simple questions regarding the C189 ratification process, such as how and by whom the ratification process was organised, as well as any issues that had emerged during the process. The questionnaire was sent to the interviewees by e-mail, and responses were received from all organisations before the face-to-face interviews began. The interviewers were the author and two sociologists, who could then conduct more advanced interviews based on the responses to questionnaires they received in advance. Who participated in the interview was left to the discretion of each organisation; except for one organisation, there were multiple representatives at each interview. In both employers' associations, the main interviewees were legal professionals such as lawyers; on the workers' side, they were generally representatives from the public relations, domestic work and migration sectors.

## **Domestic Workers in Italy – Are They Outsiders?**

### ***Origins: Foreign-born women as the main domestic workers***

In 2020, a total of 920 722 domestic workers were registered by the National Institute of Social Security (INPS) in Italy; of these, 763 257 were women, who accounted for 87.6 per cent of all domestic workers. Migrants accounted for 68.8 per cent of all workers (DOMINA, 2022). At the beginning of the 2000s, the number of migrant domestic workers and Italian domestic workers

were almost the same; however, the proportion of migrant domestic workers rapidly increased in the first decade of the century, mainly due to the repeated implementation of regularisation programmes for non-EU irregular workers. Since the beginning of the 2010s, however, Italian domestic workers have slightly but continuously increased, in contrast to a decreasing trend in migrant domestic workers (Castagnone, Salis and Premazzi, 2013; INPS, 2018).

Categorised by major region of countries sending migrant domestic workers, conspicuously, the largest regional group is Eastern Europe, which accounts for 44 per cent of all domestic workers, followed by Asia (15 per cent), Central and South America (7.2 per cent), and Africa (6.2 per cent) (DOMINA, 2022).

### ***Employment protections: Undeclared work as a main employment model***

Undeclared work without labour contracts enables workers and their employers to avoid their obligation to pay taxes and social insurance fees, but it is workers alone who risk losing their rights as workers and citizens. Historically, Italy has been among the countries with the largest grey economies (Schneider and Enste, 2013). At the beginning of the 1990s, more than 70 per cent of domestic workers in Italy were estimated to be irregular workers, while migrant workers accounted for only approximately 20 per cent (Sarti, 2004). In other studies, in the 1990s and 2000s, during an explosive increase in migrant domestic worker numbers, approximately 75–77 per cent (Heimeshoff, 2011: 47) or approximately 80 per cent (DOMINA 2022: 165) were estimated to be undeclared workers.

In the second half of the 2010s, 1.1 million of two million domestic workers were estimated to be irregular workers (Casadei and Melis, 2018). In 2020, even though the share of irregular workers has been decreasing, 57 per cent of all domestic workers in Italy were still estimated to be irregular workers (DOMINA, 2022).

These consistent levels of irregular employment status in the Italian domestic work sector were triggered mainly by the inter-relational configuration of migrant and social/care policies (Gori, 2002; Bettio et al., 2006; Pavolini and Ranci, 2008; Simonazzi, 2009; Castagnone et al., 2013). In Italy, the number of undocumented and undeclared domestic workers from Eastern Europe has grown. There are several factors that account for this: welfare care systems with strong family responsibility and cash-based benefits; the “ex post facto approval system” with a repeated regularisation programme for migrant (often domestic) workers (Miyazaki, 2019); and a state-facilitated, short-term migration circulation programme (Schwenken, 2013; Marchetti, 2018). The academic qualifications and professional skills of many Eastern European migrants were undervalued, and they have been prevented from gaining full citizenship.

Initially, upon domestic workers’ first entry into Italy, 63.1 per cent had only a tourist visa, and 18.4 per cent had no visa at all. In other words, at least 81.5 per cent of migrant domestic workers did not enter Italy with appropriate documentation, and the majority who entered with tourist visas had illegally overstayed their visas several months after their entry (Catania et al., 2007: 22–23).

Furthermore, the irregular/undeclared work problem in the Italian domestic work sector has been regarded as an issue of migrants and not of labour, since the majority of domestic workers in Italy are migrants (Cherubini et al., 2018: 727). More specifically, the “distorted cultural relativism of employers, practically, private Italian families, tends to justify their violation of migrant domestic workers’ rights: First, in their countries, they suffer so much; thus, here, they are far better off” (Palumbo, 2017: 180–181). Second, the employers of domestic workers differentiate themselves from entrepreneurs in that they do not pursue profit (Boni, 2011). Third, working in the private

sphere and having pseudo-familial relationships tends to perpetuate domestic workers' roles as pseudo- and undervalued workers (Catania et al., 2007; Castagnone et al., 2013; Palumbo, 2017).

## **An “Easy” and “Speedy” Ratification of C189: Why and How was it Achieved?**

### ***Impact of the domestic workers' movement – the 12 by 12 campaign***

As mentioned previously, Italy became the first country in Europe, and the first country receiving migrant domestic workers, to ratify C189, but how and why was this achieved?

ACLI-COLF is the Catholic domestic workers' organisation; it was founded in 1945 and is a key association with a long history of engaging in domestic workers' rights movements in Italy. CISL is one of the three major Italian unions. With regard to participation in the 12 by 12 campaign, both organisations had a common view that their systematic and strategic participation in international networking and the 12 by 12 campaign would greatly facilitate the ratification of C189. However, they had different perceptions about who the campaign was (or should be) for:

We have carried out the 12 by 12 campaign.... We have developed it by enlarging the networks with the domestic and international associations. The trade unions have also participated in this promotion. During the campaign, we, ACLI, have carried out the campaign not only for Italian domestic workers but also for migrant domestic workers to be able to acquire the same rights (Interview, ACLI-COLF).

CISL was lobbying for the development of the 12 by 12 campaign. Many activists in the campaign were women. I can say that this [campaign] was for the problem of women's labour rather than for domestic work. We worked out the programme to be able to ratify C189 by the ILO's International Migrant Workers Day, 18 December 2012 (Interview, CISL).

The interviewee from CISL regarded C189 as a women's work issue rather than a domestic work issue; in contrast, among all the interviewees, only the representatives from ACLI-COLF mentioned that migrant workers should not be overlooked in the ratification process, and that the organisation's actions in the 12 by 12 campaign were not only for “domestic” domestic workers but also for migrant domestic workers.

### ***National legislation and collective agreements sufficient for ratification***

The interviewee from an employers' organisation referred to Italy's speedy ratification as an unusual outcome considering the characteristics of Italy's political decision-making process.

The existing national collective agreement made it easy for Italy to ratify C189. We already had all we needed, and we could ratify C189 without any difficulties and hard work because our protection system for domestic workers is really advanced. Maybe you think it strange that there is such a thing in Italy (Interview, ASSINDATCOLF).

Italy's speedy ratification of C189 was considered “strange” by some because slowness and complications have long been characteristics of Italy's political decision-making processes (as mentioned earlier in this paper). A similar reference to this was also made by the DOMINA interviewee:



There are many unfavourable and underdeveloped things in Italy. However, with regard to the ratification of C189, we accomplished it relatively easily because, at the time of the ratification process, we already had the necessary national laws and the national collective agreements for domestic workers, and it had been more than twenty years since the first national collective agreement was ratified. Italy is one of the few countries that have a national collective agreement in the domestic work sector. This was the most important factor. Then, secondarily, given the existence of the collective agreement in the domestic work sector, in Italy, there are associations of private families and their representatives that take the form of employer groups. By virtue of these groups, employers, in other words private families, have been able to approach a dialogue (Interview, DOMINA).

In many receiving countries, the sector is not as large as in Latin American countries, and employers are mostly private families rather than commercial enterprises. It was revealed during the interviews that existing employer organisations in the domestic work sector in receiving countries were important for C189 ratification. However, the historical legacy of both consensus-building and the development of related legislation based on tripartism was considered to have resulted in the smooth and speedy ratification of C189. In fact, the first national collective agreement (Contratto Collettivo Nazionale di Lavoro) regarding the domestic worker sector was ratified in 1974 (Ioli, 2010).

On the worker side, the CGIL interviewee also mentioned the historical legacy of legislation in the domestic work sector as an important factor for C189 ratification:

The first legislation regarding domestic workers was established in 1939, and since then we have protected workers' rights, even though the legislation in 1939 stated that domestic workers should not be infected by epidemics because it affects employers' families, therefore it does not relate to workers' rights.... It [protecting domestic workers' rights] became possible in 1974 (Interview, CGIL).

Following the 1939 law, a 1942 law prohibited domestic workers from participating in trade unions. Therefore, none of these laws were actually concerned with the protection of domestic workers. However, in 1969, the 1942 law was ruled unconstitutional, and five years later, on 22 May 1974, the first national collective bargaining agreement for domestic workers was made (Ioli, 2010). Considering that many countries still had not guaranteed domestic workers' minimum labour standard rights by the 2010s, it is significant that legislation regarding domestic workers was passed as early as the first half of the twentieth century.

### ***Italian government in favour of the ratification***

The CGIL interviewee also suggested that the government's positive attitude towards C189 contributed to its speedy ratification:

The Italian Minister of Labour was invited to the meeting to promote the convention's ratification, and the minister himself stated that Italy would promote the ratification of C189. Therefore, we did not have to pressure our trade unions' side. ... The labour minister made this statement because Italy already had legislation for domestic workers' rights (Interview, CGIL).

Regarding the government's positive attitude towards ratification and Italy's more progressive legislation in the domestic work sector, the CGIL, ACLI-COLF and UIL interviewees all noted the same phenomenon. However, in addition to this, the ACLI interviewee particularly highlighted the differences in employment practice with other countries, and the UIL interviewee

testified that there were some remaining legislative obstacles:

Generally, in this kind of situation in other countries, as a result of the convention's ratification, including the domestic legislation in the ILO's convention is an issue because the domestic legislation does not meet the [standards of the] ILO's conventions. In addition, domestic workers are often regarded as self-employed persons, and they frequently become workers in the black market. However, in our country, domestic legislation covers almost all the contents of the ILO's C189, even though there are some exceptions (Interview, ACLI-COLF).

However, regarding the maternal protection and dismissal, some problems remained [between Italian legislation and C189]. Due to these problems, some people insisted on revising domestic legislation in the Italian parliament, but we thought that it was very risky because the Italian parliament is very slow. Therefore, in that moment, we insisted to the Ministry of Labour that the convention's ratification should be quick, ... and the remaining two problems [that is, maternal protections and dismissal] should be discussed after the convention's ratification (Interview, UIL).

While all other interviewees mentioned the speedy and problem-free ratification process of C189 in Italy, there were two things that only the UIL interviewee mentioned. First, as mentioned above, they negotiated with the Italian government to encourage quick ratification regardless of the remaining minor issues. However, in such circumstances, why was early ratification urged, and why did the government ultimately accede to this urging? One possibility is indicated in the statement by Democratic Party MP Luigi Bobba at the XI Permanent Commission of the Chamber of Deputies on 14 May 2012. According to the summary of the minutes entitled "Ratification of ILO Convention No. 189/2011 on Domestic Workers",

[he] considers it opportune, for this reason, that the Government initiate the necessary procedures to achieve – in advance of any other nation – the ratification of the convention in question before the aforementioned event, pointing out that this would give the country, also because of the participation of the Head of State, greater authority and would constitute an important political signal, to be fruitfully spent within that international forum (Camera dei deputati, 2012).

Thus, at least this Italian politician considered an earlier ratification of C189 and the head of state's attendance at relevant international conferences as an opportunity to send "an important political signal" externally rather than to improve rights for domestic workers.

Second, the UIL interviewee had strong concerns that C189 would not be followed in reality:

We requested that each country ensure that the convention is actually observed in their countries because it would be difficult to follow [C189] when the employers do not agree with it. Some problems arise because the domestic work sector is a particular sector, and employers are private families and are not strictly employers ... and there is a recognition that families are not as strong as enterprises and are weak subjects, although domestic workers are even weaker and more vulnerable (UIL).

The UIL advocates for workers' rights. However, the interviewee stated that the organisation also defends employers of domestic workers – that is, Italian private families. Since the UIL itself comprises Italian private families, it is natural for this major trade union in Italy to mention that the employers of domestic workers are "weak subjects" and should be protected rather than being treated the same as a for-profit company. In fact, the CGIL interviewee also noted that "we are on the workers' side, but we are also employers of domestic workers" since the majority of labour

unionists are Italians and part of Italian families.

Thus, the fact that all three parties in this tripartite advocacy movement are, in effect, on the employers' side likely had a stronger influence on the speedy and smooth ratification of C189 than did the historical development and heritage of their advanced legislation and national collective agreements stated by all interviewees.

## **Conclusion: What Can We Learn from the Case in Italy?**

It is an indisputable fact that even in the 2020s, almost ten years after Italy's ratification of C189, the majority of all domestic workers in Italy are, in some form, "outsiders" – not only in the labour market but also in civil society. Fundamentally, nothing has changed in Italy's situation, although the ILO's C189 gave particular attention to the undocumented and irregular situation of migrant domestic workers. In fact, migrant domestic workers were organised into participating in the 12 by 12 campaign, and Italy is the country with the most advanced legislation and national collective agreements in the domestic work sector.

The interviews conducted in this study revealed the following four peculiarities of the Italian domestic work sector:

- Regardless of their position within labour or management, all the interviewees had a common view that Italy's developed and detailed legislation for the domestic work sector contributed significantly to the speedy ratification of C189, since no modifications of national legislation were needed for such ratification.
- The long history of tripartite discussions and decision-making for national collective agreements and legislation also contributed to the top-down dynamics, with the highly organised labour–management parties and relatively good relationships involving frequent communication and interactions.
- The Italian government actively supported C189 ratification, partly with the political purpose of strengthening Italy's position externally.
- The main members of the tripartite mechanism who were directly involved in the ratification of C189 were Italians and Italian families, and not active migrant workers or domestic workers.

In sum, and referring to the three indicators of the conceptual framework discussed in the previous section, the ratification process of C189 in Italy can be characterised as:

- 1) *receiving or sending country*: Italy is a receiving country of domestic workers, where the majority of domestic workers are circulating migrants.
- 2) *domestic-worker-led or non-domestic-worker-led*: Actions during the campaign were not led by active domestic workers.
- 3) *top-down or bottom-up dynamics*: The campaign was characterised by top-down dynamics, involving the highly organised labour–management parties of the domestic work sector and tripartism.

Currently, Italy's domestic work sector is, on the one hand, divided into the small minority of "insiders", with well-organised and generously guaranteed legislation and agreements (compared to those for domestic workers in other countries) and, on the other hand, the majority of "outsiders", who lack those advantages. This means that these outsiders can hardly participate in tripartite consensus-building, such as ILO C189 and national collective agreements. Even if they participate in workers' movements such as the 12 by 12 campaign, they are never guaranteed the same rights, entitlements and interests that they should gain as a result, unlike documented migrants and Italian or migrant workers engaged in declared work.

Indeed, in Italy, those involved recognise the ratification of C189 more as a goal, or as international authentication of Italy's advanced domestic legislation, than as a starting point or stepping stone for domestic workers' rights movements. Mahon and Michel (2017: 289) found that the ILO is strongly invested in C189, and that "a bias in favour of dealing with the care and service needs of the receiving countries, especially in the North, is evident". In this context, Italy would be a typical case.

The ratifying countries in Central and Southern Europe, such as Italy and Germany, have relatively generous and developed welfare systems and a long heritage of organisation and legislation in the domestic work sector. However, in reality, there are many undeclared and undocumented migrant domestic workers there, and they have cleverly been externalised rather than included in their host countries in terms of guaranteeing their social rights and citizenship. In contrast, in Latin America and Africa, many C189-ratifying countries have had a grassroots domestic workers' rights movement "from below", and the ratification of C189 has been recognised as a stepping stone to develop and crystallise their movements on the basis of (relatively) undeveloped social and legal conditions.

Moreover, in addition to the diversity *among* continents and regions, the diversity *within* them should not be overlooked. For example, in Europe, Spain's welfare and migration systems and their current situations are similar to those in Italy, as identified by Rubio (2003) and Pla-Julián (2014), and Spain has not yet ratified C189. In contrast, Germany's top-down and quick ratification processes and its relatively small impact on migrant domestic workers' real working conditions (Schwenken, 2013: 17) are very similar to those in the Italian case, even though Germany's welfare and labour policies and political system differ significantly from those in Italy. Furthermore, paradoxically, in terms of the campaign for the rights of irregular migrant domestic workers and their labour protection, non-ratifying countries, such as the United Kingdom, the Netherlands and Singapore, seem to be more active and developed than ratifying countries such as Italy and Germany (Anderson, 2010; Islam et al., 2016; Eleveld and Van Hooren, 2018).

In Italy, there appears to be an almost unchanged externalisation of undocumented foreign workers, even after the ratification of C189. This is likely because, as the interviews revealed – at least for almost all potential members of the labour and management organisations involved in the ratification process – the situation of undocumented foreign workers without rights is not caused by Italy's "advanced legislation for domestic workers" but by its immigration policy, which is an issue outside the jurisdiction of their classic tripartite movement.

Overall, even though the labour protection legislation is well developed, protection for most short-term migrant domestic workers (especially in the Global North) is provided largely by the immigration legislation that determines their minimum social rights and which has a greater impact than the labour legislation (which is already relatively well-developed). In addition, there is a large gap between the institutional purpose and the actual situation of the immigration legislation itself, as seen in the regularisation programme and quota system in Italy. The actual situation of the Italian migration system for domestic workers exactly fits the well-known gap hypothesis proposed by

Cornelius, Martin and Hollifield (1994), and it is also self-contradictory (Boswell and Straubhaar, 2004).

Especially since the beginning of the twenty-first century, migrants have become more segmented into various citizenship and work permit status categories in their host countries, mainly in the Global North (Joppke, 2010). Also, non-migrant workers have been fragmented by the rise of the digital platform and gig economy since the end of the 2000s, and the domestic work sector has become one of the main job categories in these economies (De Stefano, 2016). In Italy, as revealed by De Vita and Corasaniti (2022), the latest national collective agreement for domestic work has been improved since C189 was ratified in 2013. In addition, a job-matching service and vocational and skill education service provided by social corporations and commercial enterprises have emerged in recent years. However, at the very least, a complete link between the immigration system and the labour and social security systems needs to be further facilitated so that migrant workers' rights protections are not lost due to immigration policies.

Last but not least, the claim that a family as an employer or as a workplace is special is fundamentally the same as the claim that migrant workers are special as workers because they are immigrants, which ultimately deprives migrant domestic workers of their basic rights. In the 2020s, at a time when ICT and employment patterns are changing rapidly, it may be necessary to examine whether short-term circular migrants, who are differentiated from settled migrants and natives by migration policies, require exactly the same types of (classic social) contributions and benefits in social policy.

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