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Zabdi J. Salazar
Trinity University

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Cover Page Footnote

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Paradoxes of Gender Equality Policies and Domestic Working Conditions in Madrid

Zabdi J. Salazar

Trinity University

ABSTRACT

Madrid has experienced a significant integration of Latin American immigrant women in its domestic service labor market since 2005. The general sentiment among Madrileños is that the phenomenon benefits both Spanish working mothers and immigrant women. We explored the Spanish government's goals of gender equality and some of the realities of domestic working conditions. Subsequently, we asked the question: Do gender equality policies of Madrid's local government exclude and marginalize Latin American immigrant women in the domestic service sector or to what extent do they benefit such women? Through survey data, personal interviews with Latin American women in the domestic service sector, and a review of literature on gender equality theory, we found that the local government's priorities on gender equality are contradictory and myopic. Even though domestic workers report relative respect and economic gains, they experience the effects of inequality under the law and limited opportunities for advancement.

KEYWORDS

immigration, domestic workers, Latin American women, gender equality

INTRODUCTION

Spain is a unique case study to analyze the immigration patterns of Latin American women in domestic service along the country's demographics, economic pull and push factors, historical significance, human agency, and even gender equality policies (Ekelund, 2009). Immigration law has created an immigrant friendly environment, beginning with the 1985 act, the first formalization of *La Ley de Extranjería*, outlining the process to receive immigrants. During the *Franquismo* era, Spain was a country of emigration due to the political turmoil of the times, but by the late 1900s, the country began to rapidly host a substantial immigrant population. Beginning from the 1990s to mid-2000s, Spain has led multiple regularization programs (Brick, 2011). Spain has granted legal status to 1,176,324 migrants from 1985 to 2005 (Brick, 2011).

These migration factors also relate to the changing demographic circumstances in Spain. These include the over-aging and low-birth rate of the population and the policy goal of integrating women into the labour market which has led to outsourcing domestic chore responsibilities to domestic workers, usually female and foreign born (Domingo, Sabater, & Verdugo, 2015).¹ According to the annual statistics of the Ministry of Employment and Social Security (2017), the number of foreign-born women registered in the Social Security Labour system who work in the domestic sector has ranged from 49,656 in 2001 to 183,646.2 in 2016. The year 2005 had the highest peak of registered workers at 224,747, best explained by the regularization program passed that year (Ministry of Employment and Social Security, 2005). However, there are still many concerns over a strong underground market of domestic employment despite many labor and structural reforms.² Legislation on the rights of domestic workers has also affected immigration flows.³ León (2013) condenses the statistics of a 2005 regularization program by explaining that more women (89%) than men (79%) obtained a work permit because of the demand of domestic work. Therefore, she highlights how demand for domestic work affected immigration policies that favored many women by obtaining legal status.

1 Most noteworthy are studies expecting that by 2066, 14 million people, 34.6% of the population will be 65 years or older (Abellán & Ayala, 2012).

2 Studies criticize Spain's problem of a strong informal economy attracting immigrants (León, 2013; Mata-Dodesal, 2007). "The migration model of Spain and Southern European countries features a heightened permeability of borders, which produces, in the existence of a large underground economy, a strong pull factor for irregular migration (King and Rybaczuk, 1993). Illegal migration can be accommodated within pre-existing black economies (Arango, 2000; Reyneri, 2004)" (León, 2013).

3 Spain first recognized domestic work in labor laws in 1969, yet it was informal without any contract. The most important reform to date is the 2011 ILO Convention No. 189 that led Spain to eliminate the special regime of domestic work, while incorporating such workers under the General Regime (Pavlou, 2016). The law also expanded the rights of workers, such as their right to obtain a formal labor contract for set hours a week at a minimum wage (Pavlou, 2016). However, the reform did not grant unemployment benefits nor protection against occupational injury or diseases (Tascón López, 2011).

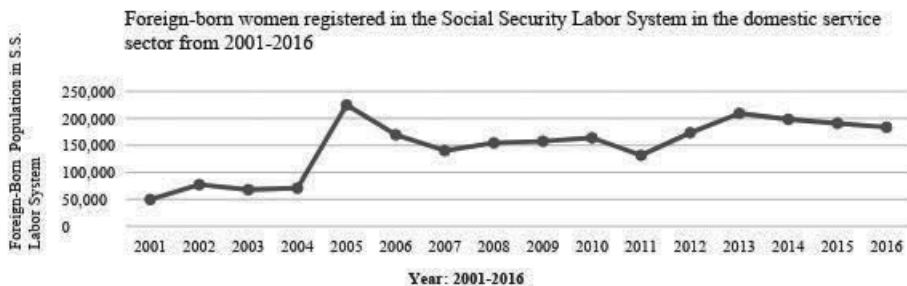


Figure 1 Yearly Statistics 2001-2016 from the Ministry of Employment & Social Security on Foreign-born workers registered in the Social Security system

According to a report published by the OIE (Real Instituto Elcano) about 13% of Spain's population is foreign-born, which accounts for more than six million immigrants (Enríquez, 2016). A significant demographic group is the Latin American population that has risen dramatically since the 1990s. From 1990-1999, a total of 114,197 immigrants from Latin America settled in Spain. This number has risen to 722,173 from 2008-2011 (Domingo, Sabater, & Verdugo, 2015). According to the National Statistics Institute (INE) 2017 residency statistics, there are 942,180 Latin Americans residing in Spain. In Madrid, almost 1 in 4 immigrants (24.96%) is of Latin American origin (INE, 2017).

These circumstances created a need for local immigration centers, Centros de Participación e Integración (CEPI), which became vital for the integration of foreign-born immigrants into society.⁴ As an intern in one of these eight immigration centers in Madrid, I observed noteworthy patterns that have now become a focus of study for this investigation. According to the 2016 statistics of the immigration center, about 69% of their registered users are female. These statistics highlight the role of women securing resources for legal status and their integration in society. As also noted by the 15th of March 2017 version of the plan of integration of immigrants in the community of Madrid 2017-2021, the female immigrant is considered as the leading social engine in regulating their status and obtaining resources for their integration. Most of these women come from Latin American countries, predominantly from Paraguay, Honduras, Nicaragua, Venezuela, Bolivia, Dominican Republic, Colombia, Peru, and Ecuador. However, a great proportion of the users in 2016 were of Spanish nationality.

4 Inmigra Madrid: Portal de Investigación y Convivencia, CEPI, Comunidad de Madrid 2017

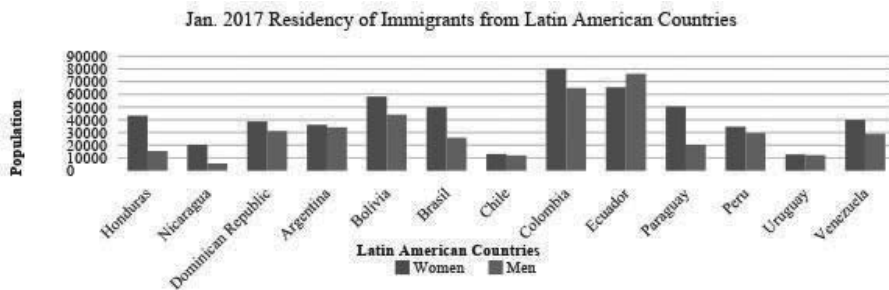


Figure 2 National Statistics Institute (INE), 2017 Residency Statistics.

The feminization of immigration trend (Castles, Miller, & Ammendola, 2003) is evident in immigration flows to Spain from the countries above in Figure 2. Most important, of the 942,180 Latin Americans in Spain, approximately 42% are men and 58% are women (Ministry of Employment and Social Security, 2017). This is a substantial 16 percentage point difference. Past extensive studies on immigration flows of Latin American immigrants, particularly from certain countries, also confirm that women are oftentimes coming to Spain in greater numbers than men (Domingo, Sabater, & Verdugo, 2015; Pellegrino, 2004).

2017 IMMIGRATION POLICY & DOMESTIC WORKERS

This investigation will focus on the government's current perception on the phenomenon of the influx of Latin American women in the domestic service sector. According to the plan of integration of immigrants in the Community of Madrid for 2017-2021, the government celebrates the presence of domestic workers.

“More than a third of the 12 percentage points of the rate of native female activity has increased in the last decade is explained by the phenomenon of immigration, namely thanks to the greater pre-eminence of domestic workers (Oficina Economica del Presidente, 2006). This incorporation to the labor market benefited both Spanish women like immigrants, who begin their immigration progress with the goal to gain income for them and their families, contributing to a double generation of employment.”

There are two main assumptions that the government suggests with this statement. First, increasing the number of women in the labor market is important for gender equality. Second, both Spanish women and migrant domestic workers mutually benefit from such arrangements. In this investigation, I will contest these two main assumptions and then finally determine whether such claims are valid. I will argue that the Spanish government's current strategy in dealing with care work is too simplistic. A privatized strategy to addressing caretaking needs superficially meets certain political goals through achieving gender equal-

ity, creating more jobs, and celebrating immigrants' contributions. The 2005 immigration policy facilitating the flow of domestic workers conveniently solves problems on those three fronts, at least at first glance. However, this case study finds, like other studies, that policy makers are blind to the deeper inequalities affecting migrant workers. First, this paper will explore Spain's gender equality debate surrounding domestic workers and inherent contradictions in those policies. Second, the testimonies of domestic workers in Madrid, from my personal interviews, will bring to light some of their working conditions.

GENDER EQUALITY POLICY & DOMESTIC WORKERS

According to the executive summary of The European Parliament's 2016 analysis of gender equality policies in Spain, during the years from 2004 to 2010, the country prioritized the "adoption of important laws regulating gender-based violence, equality in employment, political and economic decision-making, care of dependent people, same-sex marriage, and sexual and reproductive rights" (Lombardo, 2016). Thus, this report emphasizes both gender mainstreaming, i.e. analyzing the effects of policies on women and parity democracy, i.e. integrating more women in the labor market (European Women's Lobby, 2018; Verloo, 2005). These prioritizations are evident in Spain's 2005 migration policies and are notable in Madrid's 2017–2021 plan of integration of immigrants' report. However, a critical paradox underlying the motivations of these strategies exist. The EU's report critiques how the 2008 economic crisis led Spain to curtail many gender equality initiatives from 2009 to 2016. The report further argues that Spain's current policies on the labor market and the domestic service sector negatively affect Spanish women the most (Lombardo, 2016). The most significant problems are limited options for women in part-time work or flexible work opportunities that would allow time for familial responsibilities. Consequently, women have privately hired domestic workers to address the lack of opportunities for flexible work. Many academic papers highlight the absence of the welfare state and the lack of public institutions in providing alternative solutions to meet society's care-taking needs (Lutz, 2008; Erel, 2012; Gutiérrez-Rodríguez, 2013). The demand for domestic workers has reflected Spain's immigration and economic policy. Paradoxically, because Spain did not prioritize labor market reforms to solve women's caretaking problems, the government capitalized on the demand of domestic workers as another way to achieve gender equality.⁵

Verloo (2005) asserts the necessity of a Critical Frame Analysis methodological approach in policy making that begins by analyzing a country's gender equality goals, strategies, and assumptions. Spain's policies are based on a normative assumption that women's participation in the labor market is key to gender equality. A second assumption is prioritizing the advancement of dual-income families and a work-family balance. Domestic workers are strongly linked to achieving these goals, especially in relation to providing economic stability and creating employment opportunities (Kvist & Peterson, 2010). However, Kvist & Peterson argue that these assumptions are problematic because they undervalue care work

5 Further analysis on the effects of prioritizing gender equality policies in Spain's labour economy in comparison to the private markets should be investigated. The market itself has already sorted out the conundrum, as through the 2008 austerity crisis, labor market dynamics negatively affected women (Lombardo, 2016). Economics, supply and demand, may once again trump substantial changes to achieve men's increased involvement in care work for the prioritization of enhancing dual-earner household models. Thus, the complexities of everyday life and economic structures greatly affect the decisions and strategies developed by mothers.

by linking domestic service to the emancipation of women (2010). Further, Spain did not question the asymmetric power relations between Spanish employers and migrant domestic workers along the lines of nationality, race, gender, and class (Kvist & Peterson, 2010). The authors conclude that Spain's vision of gender equality excluded migrant woman (2010).

Peterson's study (2007) further analyzes the empowering and disempowering frames on domestic work considering gender equality policies in Spain. "In the Spanish context, dominant policy frames on gender equality both reproduce women as primary caregivers and privilege some women's care dilemmas over others, legitimizing and (re)producing social inequalities related to class and nationality" (Peterson, 2007). Therefore, the author notes domestic workers limited agency as they are depicted as the "invisible 'other'" and usually marginalized in public discourse. The study argues that an empowering frame is to recognize domestic work as just any other job, as the International Labour Organization (ILO) 2011 convention No. 189 held. However, Isabel Quintana, a representative of the Association of [Female] Domestic Workers of Vizcaya fears the lack of questioning over the "gendering of care work" as women continue to do all the care work with or without compensation. (Peterson, 2007). Gutiérrez-Rodríguez (2013) takes many assumptions addressed by Peterson to an even more condemning conclusion. "It is not only domestic workers doing care work who are disregarded by the state, but also the increasing numbers of undocumented migrant women undertaking care work in private households. Their contribution to the national economy is not officially recorded (Misra et al. 2006, p. 320). Therefore, it can be argued that EU national migration policies support the exploitation of these workers and render them invisible. Paradoxically, domestic work hardly figures within the official migrant labour recruitment sectors, while migrant labour for this sector is in high demand (Düvell 2005; Gutiérrez-Rodríguez, 2010)." However, Spain has undertaken measures to formalize domestic work as seen with the 2005 and 2009 immigration reform laws. León also highlights that the "domestic sector in Spain is more regulated than in many other countries" (2010). Still, these efforts may even be counterproductive, as the informal market continues to be strong (León, 2010; 2013).

A goal of gender equality is for both men and women to obtain equal pay for work by achieving an ideal work-family balance (Scambor et al., 2014; Kvist & Peterson, 2010).⁶ Thus, breaking down the dominant ideals of the female universal caregiver and male breadwinner model. However, in Spain there is a great unbalance of care work among men and women. Even though balancing unpaid care work is a desirable goal in theory, in practice women continue to share a higher burden of the work, particularly in Spain compared to other European nations⁷ (Goñi-Legaz, Ollo-López, & Bayo-Moriones, 2010). Further, Tobío & Gorfinkiel (2007), whom analyzed the testimonies of Spanish working women, found

6 A meta-study that considers men in gender equality policies concludes that striving for an ideal "care masculinity" rather than a "hegemonic masculinity" may be a path forward. As stated, "We need to address the gender relations in order to change gender imbalances and inequalities. When, for example, the work-family balance for men is improved, this also means an important step toward achieving a more equal distribution of paid and unpaid work between women and men" (Scambor et al., 2014).

7 "The increased presence of women in the workforce has led to a corresponding decrease in the amount of time women devote to housework, but has not prompted an equivalent increase in the commitment among their male partners to household activities (Condran and Bode 1982; Geerken and Grove 1983; Knudsen and Waerness 2009)" (Goñi-Legaz, Ollo-López, & Bayo-Moriones, 2010).

that outside help reinforces the female universal caregiver and male breadwinner model. Ultimately, men get away with less domestic and care responsibilities. “Paid domestic service therefore becomes the main way to make family and employment compatible without interfering in the professional lives of husbands” (Tobío & Gorfinkiel, 2007). This problematizes Spain’s view of achieving gender equality, as migrant workers reproduce the traditional caretaking model. Myopically prioritizing women’s participation in the workforce ignores the other goal of gender equality, a doable work–family balance. Thus, domestic workers may contribute to delaying private social changes such as integrating men as carers in the family (Tobío & Gorfinkiel, 2007). In practice, despite allowing for a dual-income home, the ideal of equally dividing care work is unachievable. Assuming that domestic workers are the best solution towards achieving gender equality omits discussion at the political level of men’s contributions in care work.⁸ A probable explanation is the difficulty of changing society at the cultural level while politically prioritizing migrant workers as key to gender equality is attractive on economic, migratory and political grounds.

Feminists and organizations further critique that it is the complete appropriation of another woman that allows Spanish women to achieve equality in the labour-market. “They talk about the work–family balance, if families have a bit of purchasing power, a little more, they try to get this, the work–family balance, but at the cost of bringing in another woman. It isn’t achieved by dividing the tasks between sexes but another woman takes her place, and it’s even worse because it isn’t just that she will do the household chores like she did in her [own] home but that she will be cancelled out as a person.” (Gil Araujo, S., & González-Fernández, T., 2014). Peterson (2015) explores in her work that the appropriation of the time of another woman is oftentimes ignored in public discourse.⁹ Despite advancements legitimizing care work, activists remain silent on domestic workers’ right to family life (Peterson, 2015). However, the claim in this testimony merits greater analysis to see whether it may withstand strict scrutiny. If we contrast this view with Madrid’s local government assertion that both Spanish women and migrant workers benefit from their arrangements, then they are two completely different tales. Thus, to what extent is the agency of migrant women respected or denied?

At the same time, accepting the proposition that labor-market entry of women is critical to gender equality can also exclude a discussion on women who take on roles as “full-time” mothers. In a single breadwinner home, in theory, all needs would be met within the immediate nuclear family and outside help would not be necessary. Thus, it is also important to note whether the definition of granting women the choice to be a “full-time” mother or enter the labour market may rest on a different idea of gender equality. Regarding the affordability of domestic work, discussions also addressed how only middle and upper-class

⁸ Araujo & González-Fernández (2014), Gutiérrez-Rodríguez (2013), and Parella Rubio (2003) also address the persistence of social inequalities between men and women by the employment of domestic workers, yet they analyzed the intersectional power dynamics involved. “The employment of migrant women in this sector enables us to identify a transfer of class and ethnic inequalities among women...Female migrant workers thus act as a peripheral “reserve army” that reduces the cost of services linked to social reproduction for both capital and the state, by increasing social inequalities between women” (Araujo & González-Fernández, 2014).

⁹ A 2008 report similarly found that policy making ignored discussion on the work-life balance for migrants (Rubin, et al., 2008).

women can hire domestic workers (Peterson, 2007).¹⁰ Thus, also begging the question as to which women achieve gender equality. A pragmatic perspective also influences what care strategies may work best. Practically, the demographics of Spain are problematic as geriatric care is in high demand because of a growing elderly population (Cangiano, 2014).¹¹ As a result, domestic workers might continue to alleviate care duties. Despite an unforeseen consequence of men helping less at home, the work will still be demanded (Cangiano, 2014). Cultural norms, the complexities of everyday life, and demographic forces greatly affect the decisions and strategies developed by mothers.

CASE STUDY METHODOLOGIES

The 29 survey responses gathered centered on four key factors: livelihood situation, economic stability, regularization status, and discrimination. The personal interviews with 11 women were semi-structured and focused on their experiences in the domestic service sector, also guided by the survey questions. Further, my general observations by interacting with Latin American women immigrants at the reception desk area are also discussed. Input from the labor director of the immigration center was also valuable in constructing the profiles of immigrant women and enhancing my overall observations. A few limitations of this case study are the small sample size of convenience, limited access to interviewees, and the few qualitative studies on domestic migrant workers in Madrid.

Assumption number two that both Spanish women and domestic workers mutually benefit will be critically addressed in this section through a discussion of the challenges and benefits that these workers face. Many do experience strong economic autonomy and social freedom. Such economic autonomy and social liberation were connected to the level of unjust discrimination faced by some domestic workers. At the same time, social mobility is limited. Some women have also expressed discontent with inequality under the law. Further, live-in workers without legal status are most susceptible to endure discriminatory or uncomfortable situations. Still, there are complexities and paradoxical findings that merit further research.

Table 1: Profile of Interviewed Domestic Workers June 2017

Nationality	Age	Educational Attainment	Legal Status	Year arrived in Spain	Rights Respected ?	Labor Contract & S.S.
Bolivia	50	Primary School	Permanent Residence	2004	Yes	Yes
Peru	49	High School	Permanent Residence	2007	Yes	Yes
Salvador	23	High School	None	2014	No	No
Salvador	36	High School	None	2015	No	No
Paraguay	26	Secondary School	None	March 2017	Yes	No

¹⁰ . “Domestic workers are represented as a solution to women’s double workday, although accessible only to more economically privileged women” (Peterson, 2007).

¹¹ “Evidence...suggests that demographic aging—in combination with socioeconomic, cultural, and in situational factors such as increasing education and labor force participation of women aged 45-60, changing perceptions of parental care responsibilities, and the disadvantaged and female-centered nature of elder care as a sector of employment—has led to a growing reliance on migrant workers in the provision of older-adult care in most Europe” (Cangiano, 2014).

Honduras	22	Primary School	None	June 2016	Yes	No
Bolivia	44	University Studies	Spanish Nationality	2005	Yes	Yes
Dominican Republic	58	Secondary School	Permanent Residence	1996	Yes	Yes
Colombia	60	High School/Vocational	Spanish Nationality	2010	Yes	Yes
Paraguay	47	High School	None	2004	?	No
Colombia	57	Secondary School	Temporary Residence	2006	No	Yes

Note. Information gathered from interviews of eleven domestic workers 2017.

BENEFITS OF MIGRANT DOMESTIC WORKERS

Most of the women interviewed expressed how they felt secure, calm, and free in Madrid in comparison to their home country. The women tended to find the culture in Spain liberating and accepting. From the women I interviewed, they all reported that they had never experienced any physical harassment or oppression. These women also often noted the corruption and rampant crime in their home countries. Specifically, two young migrant women from El Salvador who had recently entered Spain expressed that their parents supported their decision to move to Madrid because of the dangers of their home country. “I came because of how my country is, and for the level and quality of life. It is very dangerous at home. I feel much more comfortable and secure here,” a 22-year old migrant from El Salvador stated. Interestingly, she is also a university graduate with a degree in family law with both of her parents working for the government. Yet, the lack of safety and security in their own country is what motivated her and her brothers to come to Madrid. Regarding their development of social networks, there are a variety of situations. Some women are fortunate enough to arrive to Spain with some family members, while others do not know a single person.¹²

Women already in domestic service expressed economic satisfaction and flexibility in supporting their families. For example, a migrant woman from Peru stated that after working in Madrid for a while she gained much financial security. However, when she had to go back to Peru because of a family crisis, she decided to return to Madrid after seven months because of the limited economic opportunities in her home country. “I left with good money, back to Peru, and I bought a flat and a car. But in the end, it never comes out as you want. I went back to my old company at the police station. But everything was the same, only about 450 euros was the salary. I said wow! Being accustomed to what I used to earn in Madrid. I was only 7 months in Peru and I came back here to Madrid to live,” she said. Even as a domestic worker in Madrid, her economic prospects were much better, as it enabled her to buy a flat, a car, and pay for her daughter’s university tuition. One migrant woman from Paraguay who arrived in 2004, similarly expressed that she faced many stressful challenges in her home country. Despite enjoying autonomy by running her own business, the economy was unreliable. After coming to Madrid as a live-in domestic worker

¹² However, the labor relations director at the immigration office commented that many migrant women usually connected with other migrants, yet they lacked robust social connections with Spaniards. This may be due to the affinity and similarity of the situation of fellow migrants, especially those without papers. Another possibility may relate to the perception of migrants as “the other” by Spanish citizens (Parella Rubio, 2003; Salazar-Parreñas, 2001).

without legal status, her financial stress was alleviated. She enjoyed her fixed income and her sense of freedom in a new country. Thus, wage differences in Spain and other countries, regardless of occupational sector plays an important factor in migratory decisions (Vidal-Coso & Miret-Gamundi, 2014). Of the eleven migrants interviewed, eight expressed that they sent back remittances to their home country. Further, most expressed that they sent back approximately two-thirds of their income, usually around 600–900 euros. A study on Ecuadorian migrant women sending remittances, confirm the level of economic autonomy and flexibility they experience by such practice (Deere & Alvarado, 2016).¹³ Still, the study also notes how only a minority of women can benefit from such economic autonomy and gender equity (Deere & Alvarado, 2016).

According to a program report of the immigration center for Latin American immigrants, such women enter new roles as transnational mothers and oftentimes become the main breadwinners of the family (Justiniano, 2012). Many feminist studies equate women becoming the main breadwinners of a family and financial autonomy to power and status (Tobío & Gorfinkiel, 2007; Gil Araujo & González-Fernández, 2014). A migrant woman from Paraguay who arrived in 2004, said that her husband accepted her decision to move to Madrid for better economic prospects. At one point, she was able to bring her entire family to Madrid, but her husband could not find employment, deciding to return to Paraguay. She said that Spain offers more employment opportunities for women than men because of the demand of care work. This testimony shows how the demand of domestic work in Madrid is greatly linked to the feminization of migration patterns.¹⁴

Despite the sense of security, freedom, and economic autonomy experienced by many women, some report different levels of discrimination. For example, a woman from Colombia who arrived in 2006, expressed that in her early years as an undocumented worker, she experienced uncomfortable situations, a lack of vacation days, and expectations of always being on demand. However, her economic stability and the abundance of work in the domestic sector allowed her to leave that job and look for another home to offer her services. When pressed on whether she would have endured disrespect if she did not have such financial security, she stated that she would have. Thus, despite increased financial autonomy, their undocumented status leaves them vulnerable and dependent on their employers, unless they have supportive family members or networks. Other levels of negative discrimination along intersectional identities have been much more extensively recorded by other studies. Certain feminists conclude that because of the oppressive hierarchy along the lines of race, class, gender, and nationality, and the unregulated nature of the private home, domestic work at home can be regarded as immoral (Parella Rubio, 2003; Gutierrez-Rodriguez, 2013; Ehrenreich & Hochschild, 2003; Hochschild, 2000; Lutz, 2002; Salazar

13 “Therefore, to the extent that asset acquisition contributes to secure a woman’s fallback position—the resources she can rely on—migration processes in Ecuador do seem to be contributing to gender equity and potentially to the process of women’s empowerment...” (Deere & Alvarado, 2016).

14 “Migrant families have transformed their structures, redefined their roles, and constructed strategies for managing everyday life in transnational contexts. From our point of view transnational motherhood should be seen as a substantial component of the strategies of resistance and survival of many Latin American families” (Gil Araujo & González-Fernández, 2014).

Parreñas, 2001; Sassen, 2006).¹⁵ At the same time, in a 2016 survey by Madrid’s government, 91% of immigrants believe they have integrated well into society with most Spaniards also agreeing at 68% (Barómetro de Inmigrantes, Madrid, 2017). The program report of the immigration center also stresses immigrant women’s sense of freedom in Spain, which may explain that there may be some improvements over the years (Justiniano, 2012).

An important consideration is given to relegating care work into private companies so that a third party can regulate and facilitate respectful contractual agreements. Such argument explained by Nelson (2006) is evident in the testimony of a domestic worker who said that after twelve years working as a domestic worker, she was in the process of applying for a fixed full-time job at a private cleaning agency. “I like working on this. I had always worked in my country on this. There are many advantages, well, you have good pay, they give you private security and accident insurance, and this is important, because for example, in a home you do not get this, but you can get these benefits through a company,” she said. Further, another interviewee highlighted how she had just recently been hired by a private cleaning agency that would provide her more flexibility as she will be cleaning different houses only for a set number of hours each day. As noted by these testimonies, this structure of domestic work helps women gain more autonomy, flexibility and freedom. For women with legal status, it is usually a goal and preferable to work under a private company. Thus, such a formalization of private companies overseeing domestic work could be a way to curtail the number of immigrants arriving illegally if it becomes harder to find a job in the informal market.¹⁶

All these benefits aside, for most undocumented female migrants, the most convenient way to enter the labor-market and maintain a livelihood is by seeking a job as a live-in domestic worker (Gil Araujo & González-Fernández, 2014). From the survey responses of 29 domestic workers, 13 or 44.83% of them stated that they were live-in workers. Further, of these 13 domestic workers, 9 of them are undocumented, and of these undocumented, 6 of them have resided 3 years or less in Spain. In one of the interviews conducted by León (2013) to gather insight on what individuals thought about the 2011 labour reform, there is an observation that the norm may backfire. “The paradox is that if the norm is truly enforced, access to the domestic sector, especially in the case of migrant women in need of residence permits, becomes severely restricted” (León, 2013). Therefore, an unforeseen consequence of legitimizing and dignifying the rights of domestic workers, can be the strain on live-in migrant women to obtain residence permits. The informal economy is main-

15 A study from Cataluña comparing the discourses and interactions between Spanish women employers and Latin American women employers found that “at the level of perception and cognitively, the idea of foreigners and immigrant workers among the autochthonous population is very scornful” (Arroyo, 2007). Such tensions between Spanish and immigrant women may also relate to how undocumented domestic workers usually accept lower wages at the expense of Spanish women. Further, Arroyo exercised her study in 2007, before the ILO 2011 convention No. 189 on domestic workers’ rights. In one interview with a live-in domestic worker, her boss is helping unite her family in Spain. Albeit a single testimony, it still challenges the argument that a migrant worker is completely cancelled out by a Spanish family (Peterson, 2015; Gil Araujo, S., & González-Fernández, T. 2014; Parella Rubio, 2003; Arroyo, 2007). Thus, despite the intersectional power relations at play, this does not warrant the conclusion that disrespect or oppression is widespread (Nelson, 2006; Meagher, 2002; Lynch, 2007).

16 León (2013) also discerned from the works of Orloff (2009: 329) that “steps towards the formalization and standardization of this occupational sector will increase the legal protection of workers that are particularly vulnerable to abuse.”

tained as Spanish families would rather employ live-in workers informally to avoid the higher costs associated with legal employment.

In the testimony of one migrant women from Colombia who arrived in 2007, such paradox became a reality. When she was in the process of submitting her documentation for legal status, her employers had initially agreed to offer her a labor contract. But when she was granted temporary residence, they dismissed her, and she lost her job and residency status. She believed that the family had seen that the costs were too high. This experience acknowledges how the new law certainly plays a role in the decisions of Spanish employers as the incentive to hire undocumented workers to save costs may be more attractive than to abide by the law. A larger study is needed to fully analyze to what extent such reform has backfired. From this study, the requirement of labor contracts does not seem to be strictly enforced. The most practical option for undocumented women is to be employed illegally as a live-in domestic worker. At the same time, the increased cost of legally hiring a domestic worker may only partly explain the problem. The complexity of complying with the new labor and social security rights also incentivize native Spaniards to hire a domestic worker illegally (Gomes, 2013).¹⁷

CHALLENGES OF MIGRANT DOMESTIC WORKERS

Most of the common challenges of immigrant women in domestic service include going through the regularization process, assimilating to the customs, building social networks, and finding job opportunities. The challenges most overlooked and expressed by domestic working women center on two key factors. The first is continued exclusion from all the benefits that the law provides to most other job professions. The second is the limited opportunities of personal advancement despite residing in the country for more than five years and even obtaining permanent residence or nationality.

The lack of full recognition of domestic work under the law was noted by a comment of one of the immigrants I interviewed who had been in Spain since 2010. A primary contradiction rested on their exclusion from unemployment benefits, protection from firings, and limited sick days. One interviewee from Colombia described that she understood the rights they had as domestic workers. “But what I do not like, well like I say, the law is there for no reason. Well, if we are let go from work, we have no rights to unemployment benefits. But meanwhile, we pay to the social security system,” she expressed.

Even though León (2013) cautiously celebrated the 2011 ILO convention No. 189 and 2012 law that Spain passed which formally recognized domestic work, many deficiencies that the author addresses may be true. As noted by the previous interviewee as well, private companies offer better benefits than what domestic workers gain under current laws. Therefore, despite the January 2012 law expanding benefits for women hired by domestic employers, it is still not at the same level as other employment opportunities, even within the same sector. Only documented migrant women can attain a job with an agency, further relegating those without legal status to accept their conditions in the informal economy. Another discrepancy in law and practice is that from my survey data only 19 out of 29 or

17 Gomes also highlighted that Brazil’s Amendment 72/2013 noted the importance of decreasing the complexity of paying taxes as a possible policy solution (2013). Brazil did not experience an increase in the underground market of such services, but on the contrary the formalization of domestic workers under the law expanded (Gomes, 2013).

65.52% of domestic workers knew the specific laws on domestic service work. The 2011 ILO Convention No. 189 recommends that Spain adopted closely in its 2012 reforms, concerns the importance of domestic workers knowing their rights and the law.¹⁸ Larger studies are needed to further assess this information to determine whether improvements in increasing awareness on domestic service law, both for employers and employees, is merited. As Peterson (2007; 2015) argued, empowering domestic workers as right-holders is a crucial step forward. Despite the continuous moral debate on the legitimacy of paying for household work, ensuring domestic workers have the same right as all other workers is critical to dignify migrant women (León 2013). However, only granting some rights after the ILO No. 189 Convention, Spain precariously continues to give a message that they are not fully recognized as real workers.

A major consensus among all interviewees was that personal advancement, even for those with superior studies from their country of origin, is quite limited. The difficulty and long process to homologate many of their professional studies remains a barrier. At the same time, the women expressed that they earned solid incomes as domestic workers and that it covered most of their needs, thereby they did not seek any other work. Still, two of the interviewees expressed regret and psychological distress at some points in their life for not pursuing an academic path or a professional career when at one point they had. Other studies also highlight how women have little possibilities for upward mobility or experience reverse social mobility in the labor market (Arroyo 2013; Salazar-Parreñas, 2001; Vidal-Coso & Miret-Gamundi, 2014).¹⁹ Thus, this reality problematizes the opportunities available to migrant women, and questions who the primary benefactor of gender equality policies is.

An interesting conversation with an immigrant from Colombia who married a Spanish man and moved to Spain in 2010, centered on her experience in her home country as being the one who hired someone to care for her home. In contrast, she found herself being the one hired in Madrid to care for someone else's home. She explained that she bared her situation because the pay in Madrid as a domestic worker was still much greater than in her home country. She found that the most demanded, accessible, and easiest job to acquire was in geriatric care. However, she expressed that the hardest experience to reconcile was how she used to work for a company as an administrator in Colombia. She also never had the chance to homologate her studies. Her experiences are unique since she expressed

18 “Each Member shall take measures to ensure that domestic workers are informed of their terms and conditions of employment, in an appropriate, verifiable and easily understandable manner, preferably, where possible, through written contracts in accordance with national laws and regulations” ILO C-189 Article 6 (2011:13).

19 The work of Arroyo focuses on the testimonies of women from the four main provinces in Cataluña. “Women perceived high indexes of discrimination and exclusion mainly in terms of job opportunities, as they know it is very difficult to climb to the next step in the job pyramid through the work they realize, or to have access to any of the country's services that the State grants to workers, or to have better jobs in terms of remuneration due to their condition of being a woman, immigrant or foreigner” (Arroyo, 2013). The cross-national study on migrant domestic workers in Rome and Los Angeles by Salazar-Parreñas, similarly found that many educated migrant women experience reverse class and social mobility. “In both cities, many of them perform domestic work with a college education in hand. From this they share the experience of contradictory class mobility or an inconsistent social status in the labor market” (Salazar-Parreñas as 2001). Another study found that “contrary to human capital theory, previous labour experience did not appear to prevent a loss of labour status after migration: the higher the category of the job the migrant held in the country of origin, the more likely it was that she experienced downward mobility, and the less likely it was that she moved into a higher labour category” (Vidal-Coso & Miret-Gamundi 2014).

how many opportunities were opened to her as the wife of a Spanish man. Still, she found the pursuit of her own passions difficult. Another immigrant with university studies from Bolivia, who arrived in 2005, and obtained Spanish nationality, articulated similar experiences and her frustration for not becoming a professional. “Let’s see if I can ever get out of cleaning. I cannot afford to leave my steady job to risk myself for anything else,” she said. Therefore, despite already obtaining nationality status, she experiences limitations in her job prospects and difficulties with finding a job in another sector. Still, she did experience social-mobility to some extent since she initially worked as a live-in domestic worker, but her current fixed job is cleaning at a hospital. Her experiences may also be attributed to the ethnicization of domestic work and segmentation theory (Vidal-Coso & Miret-Gamundi, 2014).²⁰

Generally, migrant women recognize how their legal status greatly affects their job opportunities and social-mobility. An immigrant from Bolivia who arrived in 2005, stressed those sentiments. “If the Spanish cannot find a good job, well it is even worse for us,” she said. To date, Spain experiences high levels of unemployment, currently at 18.75% (Taborda, 2017). Among the immigrant population, unemployment levels have been recorded from 31 % to 52% among certain demographics such as Ecuadorians and Moroccans (Gonzalez-Enriquez 2016).

Another immigrant from Colombia who arrived in 2006 similarly addressed that she withstood precarious conditions because of her undocumented status. “Well clearly, in a foreign country we do things that we’ve never done in our home country...you just come with the mentality that you are arriving to a foreign country, and you need to accept what you get. If you do not come with this mentality in mind, then...,” she said. These women psychologically and emotionally prepare themselves to adapt to their situation and tolerate many of their new conditions.²¹ They understand the sovereignty of nation-states and come prepared to withstand all difficulties as non-nationals as any other alternative is probably worse in their home country.

Even though some migrant women may not completely get out of cleaning, those with permanent residency or nationality can attain other service-sector jobs through companies. An interviewee from Peru who arrived in 2007 with an unfinished track in nursing, explained how her primary work during her early years was in domestic service. Yet after she attained her paperwork, she found a part-time job at a “Telepizza” company while also continuing to care for elderly people. She had also expressed that in Peru, she had previously worked as an administrator for a company as she enjoyed interacting with clients, which is why she sought work outside of domestic service.²² Another immigrant women moved from the domestic sector to working at a restaurant. However, she had prior connections

20 “The multivariate regression analysis...confirmed our assumption that non-EU European and Latin American women were at greatest risk of losing their occupational status upon migration, whereas women from the EU-25, North America and Oceania were more likely to have improved their occupational status. These findings are in line with structural or segmentation theory, and with the “ethnic penalty” identified by Heath and Cheung (2007)” (Vidal-Coso & Miret-Gamundi, 2014).

21 Whether her treatment as a non-citizen is justified, Gutierrez-Rodriguez (2013) links their status to slavery and colonial power dynamics. “The relevance of migration policies in creating different categories of citizens and non-citizens reiterates the colonial logic of dehumanization” (Gutierrez-Rodriguez, 2013).

22 A quantitative study found how migrants in administrative positions in their home countries were the most mobile in Spain (Vidal-Coso & Miret-Gamundi, 2014).

and help from family members. Lastly, as already described before, many women can become employed by private cleaning and caretaking agencies, which provide better regulations, pay, and benefits. Overall, the social-mobility of Latin American women continues to be restricted.²³

CONCLUSIONS

As seen through this research, Madrid's government oversimplifies the situation and two main paradoxes arise. Madrid's two main assumptions are overwhelmingly problematic. Thus, there is a greater need for further studies, evaluation, and to address effective policy making. On the first assumption, Spain's views and implementation of gender equality policies are problematic on many levels and not in line with effective gender mainstreaming strategies (Verloo, 2005; Lombardo, 2016). The government's failure to change the labor market to help women enter the workforce is an overlooked factor that has partly led to the privatization of domestic care work. Paradoxically, the country has embraced a de facto private strategy of working Spanish mothers hiring migrant workers to meet their caretaking needs, under the guise of gender equality. Such narrative has been politically convenient on an economic and migratory perspective, leading to superficially addressing gender equality. The problems associated with a superficial lens of gender equality include the lack of men in caretaking responsibilities, reforms of the labor market, and the marginalization of domestic workers' rights.

The assumption that both Spanish women and domestic workers mutually benefit is much more complex, raising the question on which women truly achieve gender equality. Although migrant women benefit from strong economic autonomy, social freedom, and relative respect, they still experience the effects of incomprehensive labor laws and limited social mobility. During prosperous economic times, women earned wages that enabled them to send remittances, support their families, and improve their social situations. However, in recent years with high unemployment rates and a slow economy, many undocumented migrants often bear uncomfortable conditions and precarious pay as live-in domestic workers. Still, many of these migrant women are critical decision-makers as they value the opportunity to work in a much more secure and safe country. Discrimination by Spaniards is not necessarily outright oppressive and demeaning as other studies have found (Peterson, 2015; Gil Araujo, S., & González-Fernández, T. 2014; Parella Rubio, 2003; Arroyo, 2007). Rather, in this case study, some Spanish employers are considerate of the situation of migrants and migrants perceive themselves as integrated to society. Still, ethnic and gender inequalities in the domestic service market is evident (Peterson, 2007, 2015; Parella Rubio, 2003; Araujo & González-Fernández, 2014; Vidal-Coso & Miret-Gamundi, 2014). Regarding labor laws and the domestic sector, there is a noteworthy paradox. There are many reasons suggesting that the new law, while granting basic rights to domestic workers, is hurting the ability of migrant women to attain labor contracts due to the strong presence of the informal economy. High incentives to hire undocumented workers persist. At the

23 A study on the social-mobility of Latin American women based on qualitative analysis on the 2007 National Immigrant Survey finds that women who enter the country without any legal status do experience limited occupational mobility. Once they attain their residency, many can move into other service sector jobs such as hotels or restaurants (Vidal-Coso & Miret-Gamundi, 2014). However, the focus on survey data collected in 2007 is dated by ten years and does not account for the effects of the financial crisis nor qualitative measures.

same time, domestic workers demand for their work to be fully dignified by receiving unemployment benefits since they contribute to social security. Further, highly educated migrant women experience reverse class mobility. Some women also have a sense that they can never get out of the domestic service sector, even after attaining nationality. However, there are some women that can at least move into other service sectors or become employed in a private cleaning agency that offers better conditions and more benefits. Despite the debate on the morality of paid care work and the contradictions related to different views of gender equality, looking forward Spain will probably continue to demand migrant domestic workers, especially for geriatric care services (Cangiano, 2014). Thus, a comprehensive strategy merits a stricter policy to formalize the underground economy of domestic service and the exploration of alternative solutions to address caretaking needs.

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