

Private welfare: challenges to decent work for migrant care workers

DECENT WORK FOR ALL:
A KEY FOR EFFECTIVE INDUSTRIAL RELATIONS
BRIEFING ON THE SITUATION IN ITALY

18





Acronyms

ADEST: Home care service assistant

OSS: Health and social care operator

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Overview

Italy’s ageing population and the limited supply of home care services have led to the creation of a system of private welfare. Many families are now turning to foreign family assistants to care for their elderly relatives (caregivers, or ‘badanti’) and provide domestic help (maids). Research by the Associazione Nazionale Oltre Le Frontiere (ANOLF) Piemonte has revealed a weakly protected sector. Irregular contracts are widespread and many are still in an illegal situation with widespread irregularities in employment contracts. When these jobs were officially recognised in 2007 with the introduction of a national collective agreement, there were 700,000 people in the sector, mainly women from Eastern Europe, South America and Africa. By September 2009, that number had risen to 1 million. A significant minority of these undocumented migrants are still in an illegal situation.



Theory

The legislation

The “**Bossi-Fini**” law on immigration and asylum allows non-EU workers to be recruited if they legally reside in Italy and have a valid work permit. If that is not the case, workers have to apply for the right to work (*nulla osta*, or clearance) under the quota system governed by the *Decreto Flussi* (Flows Decree), using an online system. The future employer is then responsible for offering the job to the foreign worker who must apply for a visa at the Italian embassy or consulate in their home country. If the application to work is accepted the employer can collect it from the “Single Desk for Immigration” and send a copy to their prospective employee to enable them to collect their visa at the Italian embassy/consulate.

To obtain a residence permit, the employer and the non-EU worker must sign a Residence Agreement at the “Single Desk for Immigration”. The residence permit must be applied for within eight working days of the person’s arrival in Italy, from the Post Office. The employer must register the recruitment of a non-EU worker with the local police headquarters, the registry office, job centres, the national social security institute (INPS) and the national institute of occupational accident insurance (INAIL).

In September 2009 a new government regulation, the **Sanatoria** (i.e. regularisation procedure), came into force specifically targeted at non-EU citizens employed with families as family assistants/carers (*badanti*) or domestic helpers came into force. All those who did not have or no longer had a residence permit were allowed to apply for an indefinite one by means of an online procedure made available from 1 to 30 September 2009. All employers taking part in the procedure had to pay a lump sum of 500 Euros for each worker, and register the employment relationship with the INPS, further to which they were on record as having to pay social security contributions. Fewer than 300,000 applications were received out of an expected 700,000, suggesting hundreds of thousands of *badanti* and domestic helpers are still working illegally and unprotected. Although acquiring legal status was attractive to the workers, employers were put off by the cost to themselves, both the 500 Euros lump sum and the subsequent social security charges, as well as the requirement to employ the worker for a minimum of 20 hours a week, and the complexity of the process.

Employers found guilty of hiring an irregular worker can face fines of up to tens of thousands of Euros, while the worker, who has no control over the matter, can be expelled from the country and also be convicted to pay fines of between 5,000 and 10,000 Euros, according to the recently adopted Security Decree.

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Terms of employment

About 75% of those interviewed said they had an employment contract. Women in the country illegally, mainly from the Maghreb or Latin America, were more likely not to have a proper employment contract. Some (17%) did not receive a proper payslip with their pay, and of those who did, only a minority (41%) had their full pay properly registered on the payslip. Pay levels varied, with nearly half of the family assistants who took part in the survey earning between 600 and 800 Euros per month. It appears that salaries are determined not so much by working hours or the level of responsibility placed on the worker but more by the fact that contracts are drawn up by the parties, and by the degree of urgency in finding an assistant. Over a quarter have to pay their own social security contributions and over one third had never taken a holiday. Those most affected by lack of holidays and long working hours were again women in an irregular situation.

Practice An evaluation

An estimated one million migrant women work in private domestic care and assistance jobs. Typically they come from Eastern Europe (69%), mainly Romania, and are aged between 30 and 50. A smaller group (15.6%) come from Latin America, Africa (12.4%) and Asia (2.3%). In a survey carried out by the Associazione Nazionale Oltre Le Frontiere (ANOLF) Piedmont based on 50 interviews and a questionnaire to a sample group of 503 women of 31 nationalities, most say they left their home countries to escape a difficult economic, social or political situation, in the hope of being able to earn more in Italy and support their families. About 70% of women interviewed for the research began work without an official permit, mostly entering the country on a tourist visa, and then sought to become legal later. About 20% of them were regularised in the 2002 amnesty.

“I came to Italy in 1999 as a tourist, travelling by plane, the airline fare cost me 1,200 dollars (815 Euros); I came alone. I was admitted with a tourist visa, became illegal after the visa’s expiry date and in 2002 I took benefit of the amnesty.”

More than half the women interviewed (52%) had no knowledge of the work they would do in Italy and no information about the Italian job market. They found their jobs through networks of co-nationals, friends and acquaintances, not through public or private agencies.

“I came regularly as a tourist and then became an illegal immigrant. After a few months I found an employer who took advantage of the Flows Decree of 2004 and provided the necessary documents and a seasonal 9-month contract in agriculture; in 2005 I got another contract like the previous one and had to pay by myself all social contributions, which were supposed to be paid by the employer. I was also blackmailed, humiliated and threatened, like a beast. Now I pray to God to be lucky, find a permanent job and regularise my position once and for all.”

This lack of knowledge often made them particularly vulnerable to exploitation, in a sector where they are seen as a flexible and cheap solution. Families are often unclear about the tasks they expect their family assistant to perform. In addition to caring for an elderly person they often have to manage the whole household. Usually when an elderly relative needs care it is because they have geriatric diseases for which no specific nursing skills are required, provided the family and doctor can explain the treatment needed.

Many of the women interviewed did have some training in health or social care and 12% have obtained a recognition of their qualification after attending a specific course as a health and social care operator (OSS) or a home care service assistant (ADEST).

In some cases however the elderly person has a more serious condition such as senile dementia, for which the carer will probably not have the specialised knowledge and skills required. Some have even more complicated conditions such as Alzheimer’s disease, and require almost constant care. The situation can prove extremely stressful for the carer.

“Psychologically (heaving a sigh) since he has a mental illness, you must have very strong nerves; he always pushes me, hits me, spits at me, spits on the floor. She also has mental problems, she often loses her temper, starts screaming, fighting with the old man, and he gets even more nervous. They often fight, two or three times a week, I intervene to calm them down, he often pulls her hair, hits her...(heaving a sigh). It’s a constant stress and my head is aching very much...(starts crying).”



The job usually requires working, and living in the assisted person's home, which often means they are almost constantly on call. Over half of the women interviewed did have their own room, but more than a third had to share a room with the old person, or even sleep in the corridor next to that room, depriving them of their own space or any privacy.

"No assistant can tell exactly how many hours she works. We really work 24 hours a day. How can I stay in bed at night when the lady feels sick, how can I sleep when she calls me at night? Can you be indifferent, keep away, not assist an ill person outside the working hours? My only resting time is at the weekend when I go out. My contract is for 40 working hours, eight hours a day, easier said than done."

The long working hours and the difficult demands of the job, for which the workers may have no training or previous experience (in the case of specific diseases), can lead to isolation, loneliness, and depression, even nervous breakdown. Some do however enjoy a good relationship with the elderly person and or their family, and derive job satisfaction from the usefulness of what they do. When the elderly person passes away, some families help the assistant find a new job. Others simply send her away, with no help at all.

Social dialogue

Domestic workers in Italy are represented by a number of trade union groups, namely: the Italian Federation of Commercial, Tourism and Service Workers (FILCAMS-CGIL), the Italian Federation of Service, Commerce and Tourism Workers (FISASCAT-CISL), the Italian Tourism, Commerce and Services Workers' Union (UILTuCS-UIL), and FEDERCOLF - The Domestic Employees' Federation.

Their counterparts on the employers' side are: FIDALDO - the Italian Federation of Domestic Employers, part of Confedilizia (The Italian Confederation of Property Owners) which includes: Nuova Collaborazione (National Association of Domestic Employers), Assindatcolf (National Trade Unions' Association of Domestic Employers), Associazione Datori di Lavoro di Collaboratori Domestici (Association of Housekeepers' Employers), Associazione Datori Lavoro Domestico (Association of Domestic Employers) and DOMINA - the National Association of Domestic Employers.

In 2007 the social partners came together to negotiate a national collective agreement for all domestic workers and family assistants, regardless of their union membership, giving them a legally recognised professional status. The minimum wage for family assistants increased by an average of 30% after the introduction of the collective agreement.

National Collective Agreement on Domestic Work

The social partners have negotiated a national collective agreement to protect the rights of domestic workers, notably pay and working hours. A new collective agreement that came into force on 1 March 2007 makes a clear distinction between domestic workers and family assistants/carers. The agreement divides the jobs into eight categories, specifying duties, qualifications etc. for each level, beginning at the basic level A for domestic workers with no experience. A salary level is assigned to each category which the parties cannot go below, which is effectively a minimum wage set by the social partners for a specific professional group.

The benefits of regularisation

Having a legal residence permit provides security and protection as a person's rights as an individual. As a worker it means protection from exploitation. The most significant changes experienced by domestic workers who had regularised their situation were

- Being able to travel to their home country more regularly
- Having a proper employment contract and claiming their rights
- The possibility of reuniting their family and renting or buying a home
- The possibility of looking for work in other sectors of economy
- Social rights such as registration in and coverage by the national health service
- Emotional confidence and the freedom to walk around without fear.



For family assistants the salary levels are as follows:

Category	Occupation	Monthly Salary 2009 (Euros)
Higher level B	Assistant to self-sufficient individuals	776.62
Higher level C	Individual assistance to non self-sufficient individuals, unskilled	880.17
Higher level D	Individual assistance to non self-sufficient individuals, trained and skilled	1087.27

Maximum working hours for a cohabitant family assistant/caregiver are set at 54 hours per week, and for a non-cohabitant at 40 hours per week. Any time worked above those hours must be paid as overtime.

The employment contract also foresees paid time off for vocational training, rules for job sharing and severance pay. Employment contracts must indicate working hours, vacations, the weekly day off and half-day off. They must also specify many other details such as whether night assistance is required, the trial period, overtime pay, and board and accommodation. Workers are also entitled to social security benefits including unemployment benefit, sickness insurance, occupational accident or illness insurance, and maternity and family leave.

Good practice

Measures to help support domestic workers and family assistants include a series of projects financed by the European Social Fund, the EQUAL Programme, and regional, provincial and municipal funds. The principal measures and projects financed are:

- **Vocational training** aimed at providing a qualification in home care work. Training for family assistants takes place at the regional level and covers three basic aims: to ensure a basic skills level, to standardise training and to give opportunities for career development. Training is only available to workers legally resident in Italy. Nine out of 20 Italian regions have defined terms and conditions for training for family assistants. While the initiative in principle is to be welcomed there are some problem areas. Dropout rates are high, as it is difficult to combine training with their work responsibilities. Only migrants with long term plans to stay in Italy are interested in taking part, and those who do take the option of improving their skills tend to then take their skills out of the private care sector as they use them to find jobs in public sector services.
- **Registers** (municipal, provincial) of family assistants to provide a list of accredited workers. Only a few local authorities have so far established such lists, partly because of the burden of responsibility it places on them, but these registers would be useful to help match demand with supply.
- **“Window Offices”** for matching demand (families) and supply (migrant workers), offering counselling on the regularisation procedure and contracts and supplying temporary replacement workers during absence on annual leave, sick leave, etc. Information is important to both families and workers, and so these offices provide a

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service that is lacking on the black market. There has been strong interest in this aspect of the service, although less interest in help to ensure regularisation. The offices have proved an important point of first contact, but the results in terms of job contracts signed are less impressive (one contract for every first ten contacts in some regions). Job matching works better where a real “skills assessment” is available. These offices can also provide a better service if they can accompany the worker and family after their working relationship has begun, to help deal with differences arising from expectations about the level of care and support provided by the employee and the working conditions provided by the employer. This can be done if the offices are connected to municipal social services.

- **Care vouchers** for people hiring a regularised family assistant. Some regions – Abruzzo, Emilia-Romagna, Friuli-Venezia and Veneto - grant financial support in the form of a care voucher for the elderly who hire a family assistant. The voucher is tied to the hiring of a family assistant who must be regularised. In the case of the Sardinia and Valle d’Aosta regions a further requirement for the granting of care vouchers is the inclusion of the assistant on a register of qualified family assistants. Only a small proportion of families have taken up this option however, compared those who have taken up the usual regional care vouchers not bound by any constraints. Families appear to prefer the black market, even if it means giving up an apparent economic incentive. The problem is that the incentive is not great enough compared to the cost of social security contributions that regularisation entails.

Summary

There is a clear demand for home care for the non-self-sufficient elderly, but such care is too expensive for many families. To avoid these costs many thousands of families prefer to look for carers on the black market. They also prefer this option because they can find a more immediate and flexible response to their needs, free of constraints. As a result this type of care forms part of a partially submerged and segmented welfare model building on private welfare that is increasingly “framed” by legislation and measures and the intervention of the social partners.

The workers providing the service tend to be women escaping a difficult economic situation at home. A significant minority are prepared to accept an unprotected job as a short term solution to their needs, and will give up contractual protection in exchange for a higher net income. It can leave them open to abuse however, including low pay and long hours, as well as isolation and emotional stress.

The formalisation of labour relations is essential for improving the working conditions of family assistants, giving them legal security and protection from exploitation, qualifying their work and driving families towards a care market that is connected with the public social and health service system. The initial costs involved and above all the ongoing social security costs deter many employers, particularly those on lower incomes, from opting for regularisation however. Measures to encourage employers to regularise their workers, such as care vouchers and tax benefits, have proved either too weak (in view of financial incentives) or unattractive (in view of additional responsibilities and assumed “burdens” for the employers, i.e. the person needing care and support or her/his family members) to be effective for the big majority of the migrant family assistants/caregivers.

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About the project

“Decent Work for All: A Key for Effective Industrial Relations” is a one-year project which aims to produce recommendations on how to improve working conditions around Europe in sectors with higher incidences of precarious working conditions (ie construction, health and long-term care) and more vulnerable groups (ie youth, undocumented migrants) through coordinated efforts by governments, employers and trade unions in the framework of social dialogue. It also looks into the role of social partners in fighting precarious labour and promoting decent work and quality jobs.

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SOLIDAR is a European network of 53 NGOs active in over 90 countries working to advance social justice in Europe and worldwide. SOLIDAR lobbies the EU and international institutions in three primary areas: social affairs (more social Europe), international cooperation (development cooperation) and education (lifelong learning for all).

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Recommendations

- Measures to regularise more irregular workers, preferably providing a longer term solution than a regularisation.
- The local welfare system should include specific measures to provide for domestic care work and domestic helpers to better support families in meeting the cost of this growing need.
- Care vouchers to encourage the regularisation of illegal workers must offer a clear economic benefit. The numbers benefiting from these would be further increased if they were linked to additional services that the public authority can provide such as job matching, long term support and protection, and the integration of social and health services.
- Tax deductions or rebates for the social security contributions paid by households employing family assistants must be significantly higher if they are to act as an incentive, and should cover more than two thirds of the cost of social security contributions for lower income families. Alternatively a tax credit could be introduced.
- More vocational training is needed for family assistants who have to care for elderly people, including specialised training for those who have to care for people with dementia or Alzheimer’s disease. For those already in work, it must be tailored to fit in with their responsibilities to enable them to take advantage of this training.
- More “windows offices” to match demand with supply and more registers of accredited family assistants are needed, but should be part of a comprehensive system, with clear links to social services and to employment offices/services.
- Counselling services should be made available to family assistants so that they can talk to someone about their concerns and the pressures of their job, particularly the emotional and psychological strain that such work can impose on a person.
- Migrant workers in this sector must be made aware of their rights, particularly those covered by the National Collective Agreement on Domestic Work.