

# The “home front”

## How migrant domestic workers cope with unfettered exploitation

They leave their home countries intent on building a better future, but all that awaits them is exploitation. They work without papers in private households, often in exchange for a roof over their heads. Devoid of any specific training, they look after dependent and sick people, having to cope with overbearing emotional demands without outside help. Many of them find themselves subjected to physical and psychological mistreatment, and even sexual violence. Left alone in the face of brutal abuse, migrant domestic workers in Spain have started to join hands to gain mutual support.

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**Many domestic workers face sexual harassment from their employers.**

Image: © Belga



## The solitude of women workers and their lack of knowledge of their rights help aggravate their precarious situation and their inability to defend themselves.

Last August, in the context of what they called "Operation Ayote", Spanish police arrested eight members of a gang recruiting Nicaraguan women to work as home helps in Spain, taking care of elderly or sick dependants. A total of fifty women have been identified as the gang's victims since 2016. The gang constantly threatened its victims with reprisals against their families left behind in Nicaragua to ensure that they obeyed orders and did not denounce their recruiters. Relatives of gang members living in Nicaragua were tasked with finding the victims, more often than not young, unskilled women with children to look after and on the verge of social exclusion, making them prey to promises of well-paid dignified work in Spain. On accepting, they were given a plane ticket and 1000 euros in cash, allowing them to enter Spain on a ninety-day tourist visa.

Once in Spain, they were contacted by a gang member who sent them to places to stay in La Rioja or Huesca, two provinces in the interior of the country. He immediately confiscated their passports and money, telling them that they were now 6000 euros in debt to the organisation and that this had to be repaid quickly, at a rate of 600 euros a month. The group's leader – herself a woman – usurped the identities of the young women to post ads on the internet and social networks. Once a contract had been concluded with the employers, she sent the victims to perform the services, with instructions underpinned by new threats. Paid directly by the customers in cash at the end of the month, the young women had to hand over 85% of their wages to repay their debts. The rest was supposed to be enough for them to get by on in Spain. When they needed rest or found themselves out of work, the gang put them up in its rooms, billing them for all services. If they were unable to pay, it lent them money at a 20% interest

rate. This could push up their debts to astronomical heights, making them difficult to repay. Certain victims told us how, in an effort to reduce their debts, they had been obliged to have sex with the gang leader. These episodes were filmed without their knowledge. The women were then subjected to the threat of the pictures being published if they did not pay their dues. Finally, a phone call denouncing trafficking in human beings sparked off the police investigation.

### Why do these mafia gangs go unnoticed?

For a long time, the victims of the group smashed by Operation Ayote went unnoticed in Spanish society, a society benefiting from their services. It is estimated that the organisation was responsible for putting some five hundred women on the domestic work market since 2009. The fact that it was able to operate without fear of punishment is undoubtedly due to the generalised exploitation characterising the whole domestic services sector in Spain.

By no means a marginal sector, it is growing constantly: estimates put the number of people working in the sector at 750 000, 83% of whom are women working in private households in Spain. The country has one of the highest numbers of domestic employees in Europe, for two main reasons: it is very difficult for people to reconcile their work and family life, and at the same time, widespread deregulation of these services has resulted in very low wage levels and a high percentage of work in the informal economy. Estimates put the percentage of domestic workers without an employment contract at 30-40%. A study recently conducted by the Catalan branch of the Comisiones Obreras (CCOO) union

revealed that 51% of domestic employees came from abroad, a percentage higher than in any other sector. In the hotel and catering sector for example, the other sector employing large numbers of adult migrants, the percentage is "only" about 30%.

The term "domestic employee" also conceals major disparities in working conditions. On the one hand there are the women officially employed by cleaning or home-help companies which pay social security contributions, while on the other hand there are the women employed directly by private individuals in need of their services. The latter group of women, the majority of whom are migrants, are the ones suffering from deplorable working conditions: they either work without contracts or they are registered with the Spanish "special social security system", the specialness of which lies in them being excluded not just from unemployment benefits but also from the scope of the law on the prevention of occupational risks, while at the same time subjecting them to particular terms of dismissal, by means of "rescission".

### "If you fall ill, you get fired!"

"Rescission" is the legal procedure allowing private individuals to dismiss their domestic workers without having to justify their action and without having to pay compensation equivalent to 12 days' wages, a bargain way to get rid of a sick worker, regardless of whether she is a victim of a work-related accident or suffering from an occupational disease or any other normal illness. Even if she has an employment contract, the same rules apply. Such dismissals at no cost constitute in practice a flagrant mechanism for circumventing women workers' right to health, as they are generally dismissed if they fall ill. This is something often highlighted by representatives of various women's organisations which, thanks to their extensive use of social networks, constitute social and moral support platforms for their members.

While causes vary and procedures differ in the use of this mechanism, the result is always the same, as Daybelyn Juarez from the association Mujeres Migrantes Diversas (Diverse Migrant Women) explained: "If you fall ill, they'll fire you. And in many cases, you'll find yourself without a roof over your head as you were previously housed by your

employer." She recalls the case of a colleague who lodged in the house where she worked and who suffered from an attack of renal colic: "She was working without a contract and she started getting terrible abdominal pains. The owner told her it wasn't worth going to see a doctor. All she needed to do was to drink some herbal tea. When the young woman's condition got worse and her employers saw that she was in great pain, they drove her to the hospital. But they dropped her off in the middle of the night two blocks away from the hospital, with instructions not to say who she was working for. They didn't even go near the A&E department. The young women called the numbers of the association's coordinators and we went there to pick her up. She remained in hospital for several days. After being discharged, she didn't go back to her employer, because nobody from the family had deigned to inquire how she was faring." Juarez also told us about Deriber, a woman who had lost the use of three of her fingers after a brick fell onto her hand. Her employer had dismissed her on seeing that she could no longer do the household chores. When she first came to the association, she didn't want to denounce her employer. But she changed her mind after Daybelyn took her to the Centro de Información de Trabajadores Extranjeros (CITE, the Information Centre for Foreign Workers) run by the Catalan branch of the CCOO. The family thought they could get away with everything at little cost. But when they got a letter from the CCOO, they acknowledged having employed Deriber as a maid. The victim ultimately won her court case with the social and legal support of the union.

Norma Véliz from the Mujeres pa'lante (Forwards, women) association had similar stories to tell, such as that of a colleague who became intoxicated after mixing bleach and ammonia. She had been dismissed after this

accident but did not report it to the labour inspection authorities: "She didn't have a residence permit. But even if she had had one, she wouldn't have said anything. The people are afraid, so they prefer to keep their mouths shut." Véliz told us of the many cases of intoxication and allergies caused by gases emanating from the chemical products used. Another colleague, for example, got ammonia on her face and was burnt. "She stayed stretched out in the bathtub. Despite this young woman having an employment contract, she was sent packing because of the accident. Her face still bears the after-effects." Véliz also recalled the case of another worker who suffered intense pain while ironing and was diagnosed as having carpal tunnel syndrome. "She was also fired. She had to stop doing domestic work and look for something else. But she wasn't entitled to anything at all: no unemployment benefit, no compensation." Another Mujeres pa'lante member who was working without a contract fell from a ladder while cleaning the windows. She was also fired. She had to prove that she had fallen in that house and did not want to go to court: "It's our word against theirs and the people know that we have little chance of winning," explains Véliz.

Shirley from the Libélulas association told us of another case of a worker with an occupational disease who had been dismissed: "One of my friends got polyps in her nose after being exposed to degreasers that she used for cleaning. She had been working nearly two years in that household. She had to have an operation to remove the polyps, while the intoxication affected her eyesight. After the operation, her employers dismissed her. At that very moment, her residence permit expired. As she had no employment contract to justify its renewal, she found herself again working without papers."

Libélulas chairwoman Isabel Valle highlighted the psychosocial risks to which workers are exposed due to the contempt shown to them. "Imagine the case of this young woman who has just arrived and who doesn't know how a washing machine works. She didn't separate the white washing from the coloured washing. When her employer saw that one of her T-shirts had been ruined, she told her that one whole year of work would not be enough to compensate for the T-shirt." Valle also told us of the case of a young woman employed as a live-in worker in a household in Figueras, a town near Barcelona, for 500 euros a month. "I asked her: 'But how can you get by on so little?' and she replied: 'Isabel, I can't even pay for my room, yet I have to send money home.'" Such situations of desperation explain why women workers accept any amount.

### "Horrible things happen in these homes"

The most sordid psychosocial risk domestic employees come up against is sexual harassment. The men who harass these women often do it with the complicity of their wives or children who play down the incidents: "Well, my husband was turned on last night, wasn't he?" This was the question a harasser's wife put to her employee to let her know that she had also heard her husband drumming on the door of the room where her maid lay in terror.

This controversial subject has attracted the attention of social anthropologist Silvia Bofill from the University of Barcelona. Silvia Bofill and Norma Véliz from Mujeres pa'lante have just published a new study highlighting the sexual harassment faced by migrant housemaids<sup>1</sup>. The study shows that the phenomenon is far from marginal and that we are witnessing hushed-up structural macho violence in one of the most deregulated and precarious markets in Europe.

One of the participants of the survey conducted by Bofill and Véliz, Amina (a fictitious name) found simple but frank words when speaking of the drama facing these women: "Horrible things happen in these homes". Coming from Morocco, for seven years she was subjected to sexual violence from the husband of the Alzheimer patient she was looking after. She put up with it all to provide for her children, until she couldn't take it anymore and took sick leave. This led

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A survey has shown that 40% of migrant domestic employees have suffered various forms of sexual harassment.

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1. The full text of the study (in Catalan) is available on: <https://irla.cat/publicacions/assetjament-sexual-dones-migrades-treballadores-llar-cures/>

## Their workplaces and their migrant status rule out traditional union action strategies.

to her being dismissed and kicked out of the house. Her testimony for the investigation was shocking.

Several women's associations have measured the reality of this hidden violence: a study conducted in the Basque Country revealed that 22% of migrant women providing domestic service were subjected to sexual harassment. Another survey conducted in Madrid in 2017 put the percentage at 24%. Bofill and Véliz interviewed eighty women in Barcelona, arriving at similar results: 41% affirmed having received vulgar comments, innuendo or sexual proposals, 28% had endured excessive groping, while 10% had received demands for sex, with or without pressure. Finally, 10% stated that they had been subject to sexual violence.

Magdalena is one of them. She came to Spain from Guatemala to escape the violence there and found work in Barcelona in the home of an elderly couple, where she worked six hours a day, Mondays to Saturdays, without a contract, for 550 euros a month. The wife was basically bound to her wheelchair. Magdalena helped her get dressed and take a shower and accompanied her to the shops. After one month, the husband started harassing her, putting his hand under her skirt while she was cooking. The wife didn't notice anything. After two months, Magdalena quit, but without denouncing her aggressor as he had threatened to accuse her of stealing if she did so. Similarly, she didn't explain her reasons for quitting to the recruitment agency as she was afraid of not being understood.

The testimony of a woman named Lourdes is particularly revealing: when she turned to the employment agency which had found her the job to denounce her employer, an elderly widower who made her propositions and spoke of sex during meals, the agency told her that this was quite normal among old men and that she shouldn't attach too much importance to it. The agency thus

legitimised what had happened to her. The case of Rosa Maria, a sixty year-old woman from Colombia, is similarly illustrative: she worked a few hours a week for an elderly couple: "I was up a ladder doing some cleaning when the grandfather came over in his wheelchair and put his hand on my thigh. I was so afraid I almost fell off the ladder." On getting down, Rosa Maria was furious and asked him why he had done that. He replied that he had not done anything at all and that he would tell his children she had hit him. She decided to discuss the incident with the oldest daughter, but she didn't believe her.

### Union initiatives in defence of domestic employees

Social movements are reacting in many different ways to this situation. First of all, the platforms established by unions and women's associations are calling on the Spanish government to ratify ILO Convention 189 (the Convention on Domestic Workers) as a first step towards changing working conditions. Ratification would bring domestic services under the umbrella of unemployment insurance, would put an end to "rescission" as grounds for dismissal, would make all income liable to social security contributions and would lead to the full application of labour law, including the law on the prevention of occupational risks.

Simultaneously, the unions are developing various strategies to tackle the complex problem of migrant workers in the domestic services sector. The CCOO's Federación de Construcción y Servicios (Construction and Services Federation), for example, is currently setting up PROMODE, a project run in cooperation with Italian and French organisations, with a view to developing a joint European programme to make such work visible and valued. For its part, the Instituto Sindical

de Trabajo, Ambiente y Salud (ISTAS, the Union Institute for Labour, the Environment and Health) has developed an information package for women workers and their employers presenting the various exposures to occupational risks and providing recommendations on how to prevent these risks. Although private employers are to a large extent unaware of such occupational risks, they have an obligation to prevent them. Regulations covering the special employment relationship in domestic services oblige employers to provide their employees with safe and healthy working conditions. They can incur liability when this is not the case.

The most difficult aspect for the unions is to actually work with the victims of such exploitation: their workplaces and origins rule out traditional union action strategies. In reaction to these difficulties, the Catalan CCOO's information centre for foreign workers has developed a methodology for establishing a trust-based relationship with groups of migrant women. Carles Bertran i Bruguera, the centre's director, explained this approach to us: "We need to take account of the solitude of these women workers and their lack of knowledge of their rights, two phenomena aggravating their precarious situation and their inability to defend themselves. This is especially true since a great number of them have no residence or work permits for Spain. Many of them are organised in associations, sometimes grouped around their nationality of origin, which function as personal development groups and which help them to regain control over their lives, but also to claim their rights and denounce the situations of exploitation they are subjected to. The experiment, launched in 2017 in Catalonia at the instigation of the CITE and the CCOO's Construction and Services Federation, seeks to bring such groups and the unions together. Its outcome is an appreciable increase in union membership among the target audience. It has also heightened the visibility of these employees and the fight for their rights in the media and corridors of power. This visibility has led to concrete progress, as witnessed by the signing of an agreement between the Generalitat de Catalunya (the government of the Autonomous Community of Catalonia), the sector's main representatives and the principal unions. The agreement lists no less than 37 measures, including some of the key demands of the workers concerned. ●