

States in Crisis

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Gender, migration and household services in Spain: the role of economic and legal frameworks



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INTRODUCTION: THE CONTEXT OF ANALYSIS

- *The gender perspective on migration: a subject of analysis since the 1980s*
 - *The international migration of women engaged in household services*
 - *Household services and migratory patterns in Southern Europe*
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The gender perspective on migration: a subject of analysis since the 1980s

- The feminization of international migrations is a post-industrial phenomenon.
- Migration of women both within and between countries has increased exponentially over the last three decades.
- The feminization of the labour market has led to the feminization of survival in the world.
- Therefore, the globalization of production has been accompanied by the globalization of reproduction, a complex way in which gender, race and immigration interact.



The international migration of women engaged in household services



- Domestic and care services have existed in most of the world since ancient times but the social and economic transformations associated with the capitalism of the post-industrial period have altered its conceptualization and its dynamics.
 - Household services have currently been interpreted as a transfer of labour from South to North that enables to benefit from this type of migration.
 - The immigrants women offer lower costs and greater flexibility to support the productive system and its work lies on the blurry border that separates the private and public spheres.
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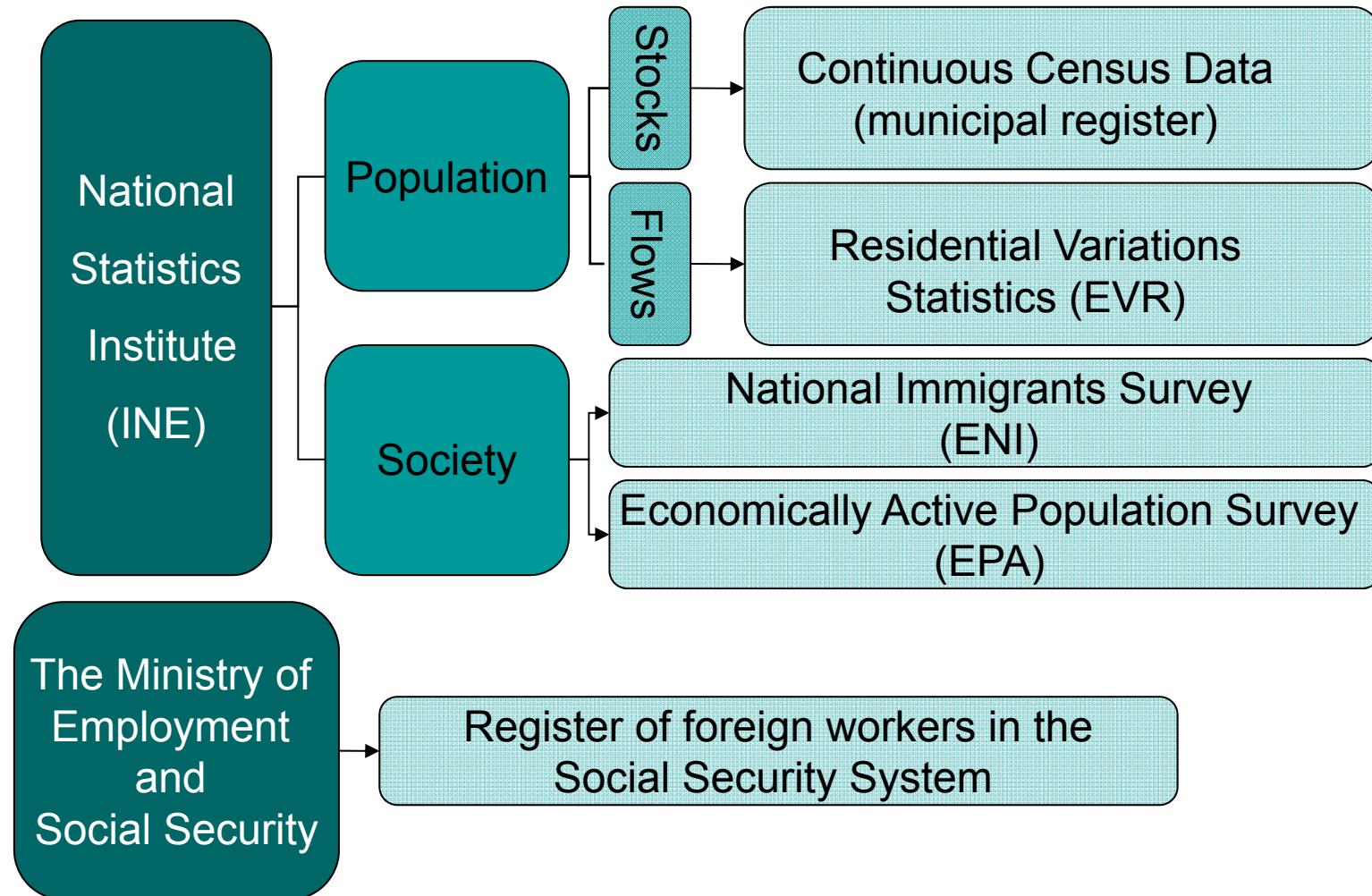
Household services and migratory patterns in Southern Europe

- Household services in Mediterranean countries must be approached from a threefold perspective: changes in the employment structure caused by the informalisation of the labour market; the conceptualisation of the family in a context characterized by the 'two-fold presence' of women's work and the controversial role of the state in shaping economic and social relations.



- Spain is the European country with the greatest number of female domestic workers, most of them immigrants (the number of legal domestic workers in Spain was approximately 400.000 in October 2012, 55 per cent of them foreigners).
 - Different factors explain this circumstance: immigration legislation; the process of population ageing; the increasing number of native women joining the paid labour force; the scarce development of welfare policies aimed at balancing family life and the labour market; and the traditional patriarchal family values.
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STUDY SOURCES



*Population and Housing Censuses (2011) (Dissemination of information in December 2013)

THE CLOSE RELATIONSHIP BETWEEN ECONOMIC EVOLUTION AND IMMIGRATION

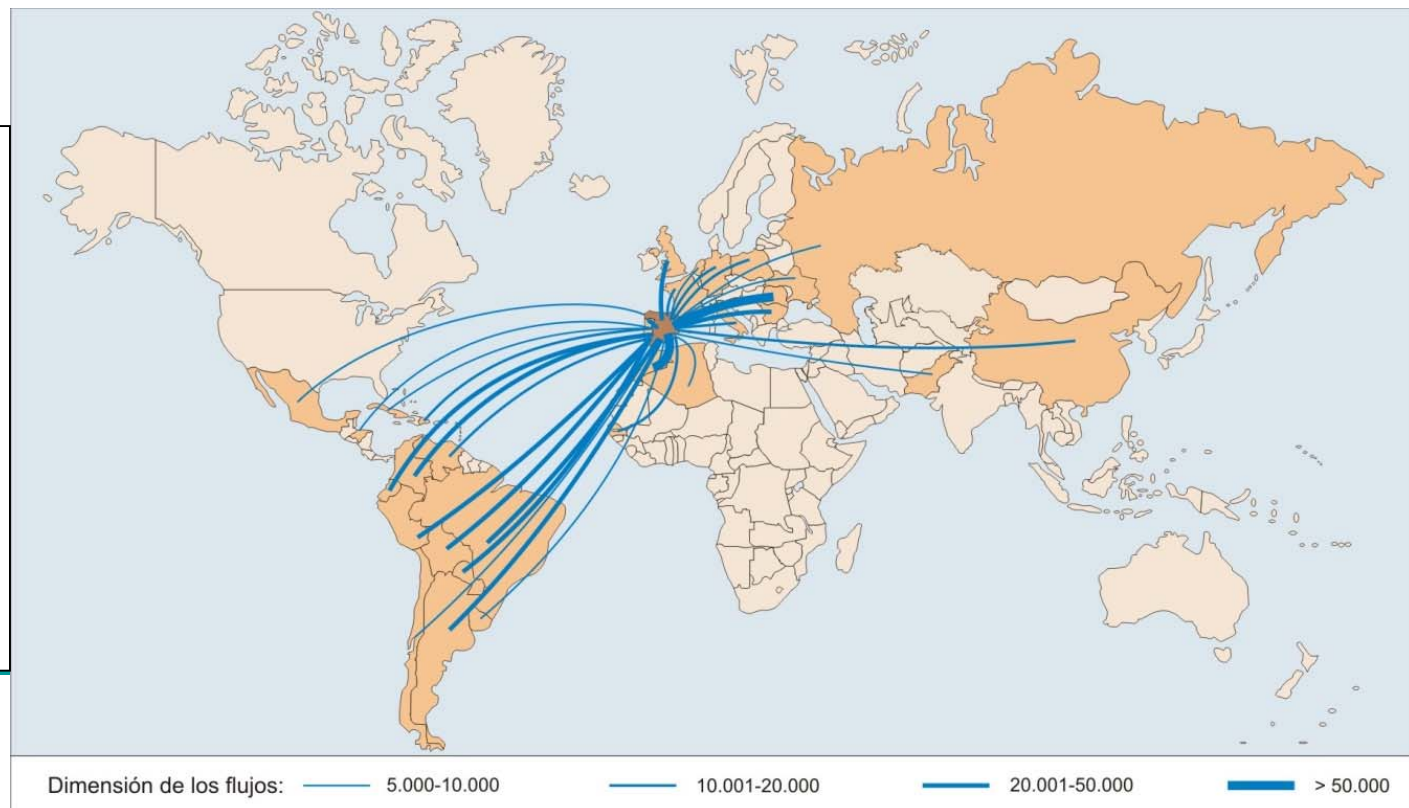
- *Economic expansion in Spain and the immigrant women*
 - *The profile of Latin American immigrants in the domestic service during the expansion phase of the economic cycle*
 - *The contraction phase in the Spanish economy and the immigrant women*
 - *The resilience of household services in times of economic downturn*
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Economic expansion in Spain and the immigrant women

- From the mid 1990s on, the consolidation of an economic model characterized by low productivity activities and a rapid growth contributed to intensifying the immigration. These mobility flows became much more female dominated.

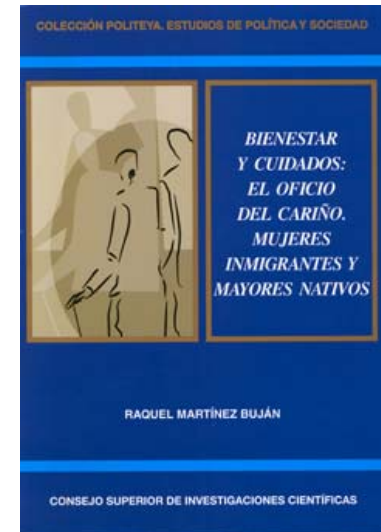
Flows of immigrants in 2007 by countries of origin

Source: EVR



Economic expansion in Spain and the immigrant women

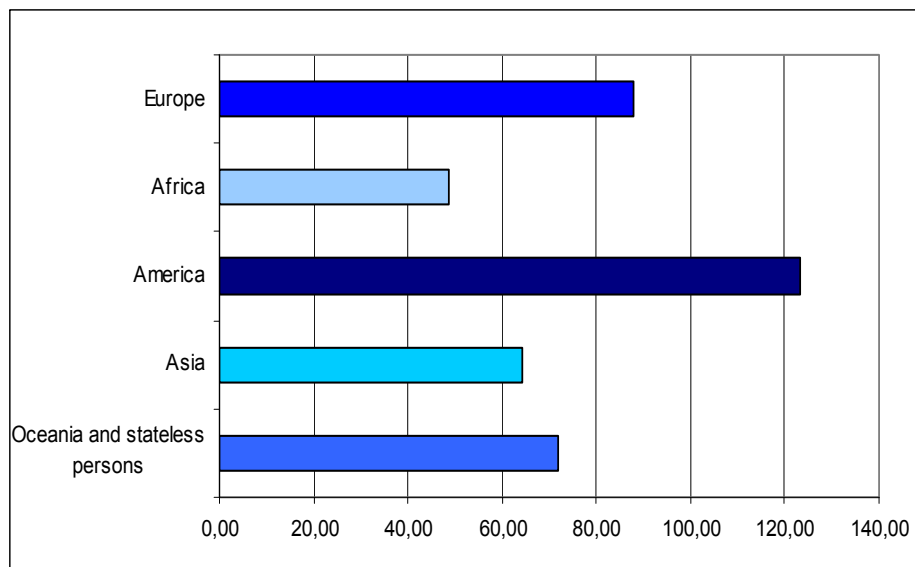
- There is a remarkable heterogeneity among immigrant women and Latin America has been the origin of the most important flows. These women have made up a greater proportion of employment-related migration, whereas earlier female migration to Spain was via family reunion.
- This can be interpreted in terms of the acquisition by women of a certain level of freedom to move and of the fact that their migration is a result of previous and more permanent crises.
- There has been a special preference in the hiring of Latin American women by Spanish households as a consequence of the use of a common language and because they are considered attentive, careful, loving and passive women, as reflected in the analysis of the discourses that appeal to the cultural affinity between Latin Americans and Spaniards.



Economic expansion in Spain and the immigrant women

- The high level of feminization is reached by the inflows from Paraguay, Brazil and Dominican Republic; a secondary level have the flows from Colombia, Bolivia, Cuba and Peru and a more balanced share in the cases of Ecuador (predominant family pattern), Chile and Argentina, (countries with a higher level of income and a more heterogeneous emigrant population).

Number of women per 100 men
(inflows 1998-2007 EVR)



Number of women for every 100 men
(inflows 1998-2007 EVR)

| | |
|--------------------|--------|
| Paraguay | 182,97 |
| Brazil | 173,52 |
| Dominican Republic | 156,05 |
| Colombia | 137,40 |
| Bolivia | 129,65 |
| Cuba | 121,79 |
| Peru | 120,94 |
| Ecuador | 103,95 |
| Chile | 102,88 |
| Argentina | 98,63 |

The profile of Latin American immigrants in the domestic service during the expansion phase of the economic cycle

- In the National Immigrants Survey (2007) 3,652 Latin American women were interviewed. 722 of them were engaged in domestic work during the survey reference week, 30.7 per cent of those who had a job (2,351).
 - 1,024 of them had the household as its first occupation in Spain, and only 206 were previously employed as domestic workers in their country of origin.
 - Those whose first occupation was a job in household services and continued working in this sector numbered 320 (44 per cent), whereas the remaining 402 had changed jobs, finding employment in the hotel industry (145), in the commercial sector (73), in the real estate sector (74) in health care or in the social services (51).
 - Conversely, those who started off in a different sector (808) and had later taken up employment in the domestic work sector only amounted to 9 per cent of the former.
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The profile of Latin American immigrants in the domestic service during the expansion phase of the economic cycle

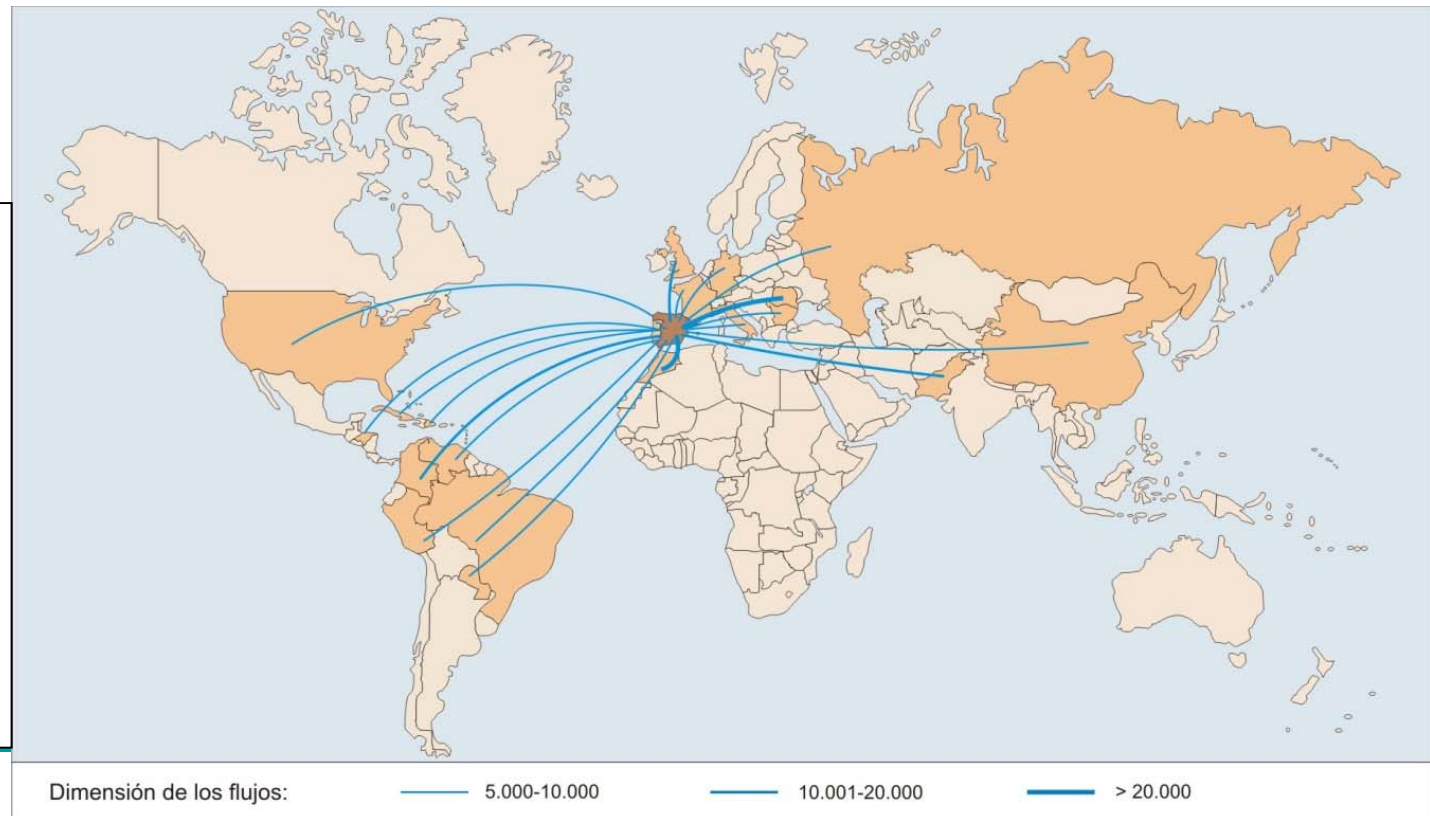
- Most of the 722 women mentioned had been born in Bolivia, Ecuador or Colombia.
 - Their average age was high, 42, and their average level of educational attainment secondary schooling.
 - Only 31 women in this group claimed to have arrived in Spain with a job contract; the others did not take long to find a job, as 374 of them said that they had found work within a month.
 - Regarding contract duration, the numbers of fixed term and open-ended contracts are practically the same but the number of working hours varies enormously. Differences that reflects the wide range of situations in this sector (live-in domestic workers, contracts for few hours, different kinds of employers, etc.)
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The contraction phase in the Spanish economy and the immigrant women

- Immigration flows have dropped remarkably following the onset of recession in Spain and the number of foreign emigrants – most of them returnees – has increased.

Flows of immigrants in 2011 by countries of origin

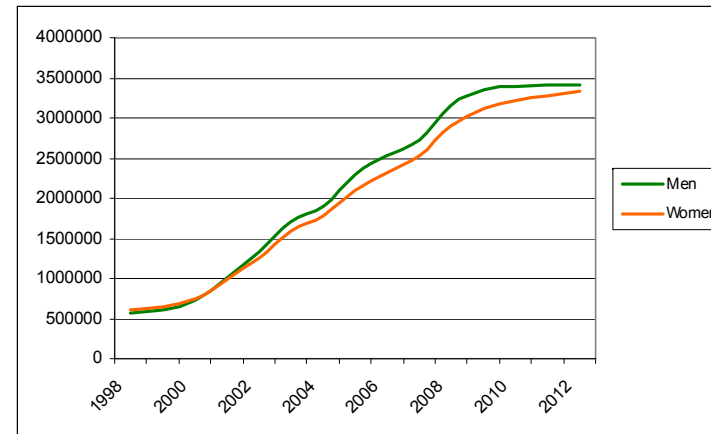
Source: EVR



The contraction phase in the Spanish economy and the immigrant women

- The length of the stage, family connections and the role of different networks have contributed to forming a moving landscape.
- The transformation of many migrants into trans-migrants has brought about lived experiences that transcend the boundaries of nation-states, giving rise to multiple relationships –family, organizational, social, economic, religious and political.
- Consequently, during the downturn, the linkages built up during the previous economic stage tend to condition migratory decisions.

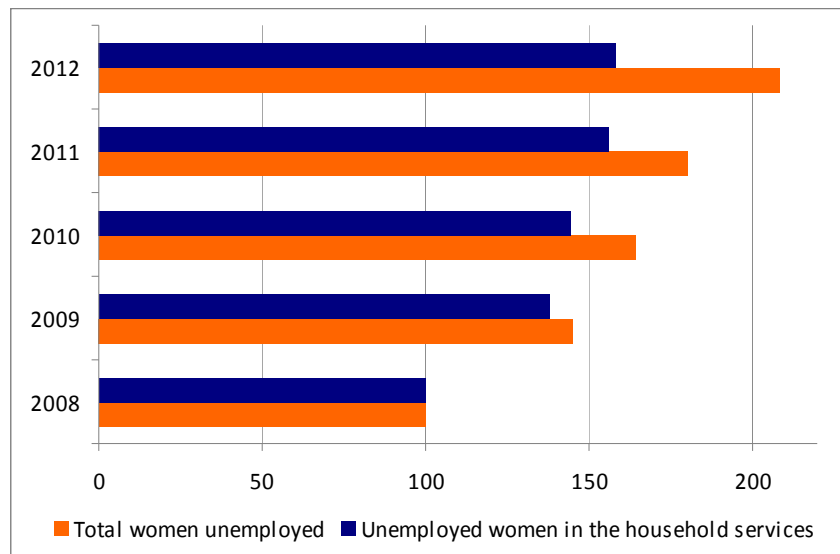
Stock of residents born abroad



- The evolution of immigrant stocks shows a little difference in favour of women in the last few years.
- Stronger ties with the physical location and closer family relationships have probably favoured a greater flexibility of women's mobility during the crisis.

The resilience of household services in times of economic downturn

Indexed evolution of unemployed women
(Active Population Survey)

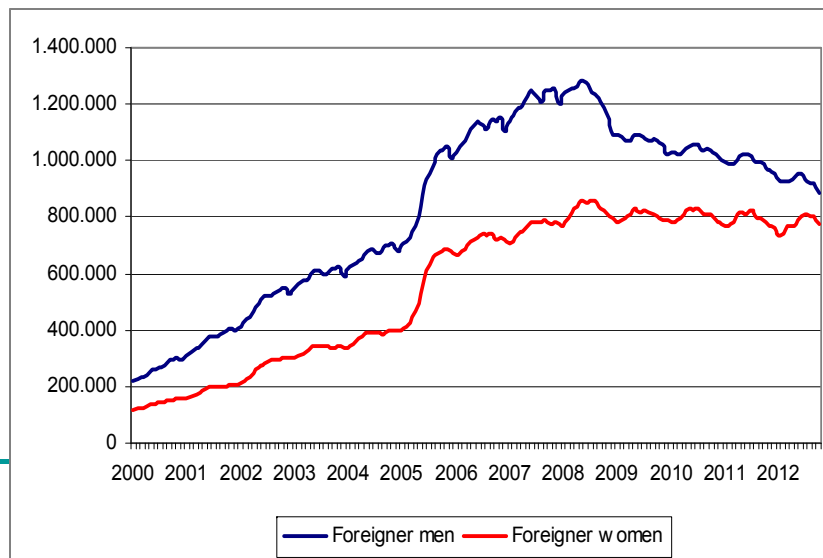


- According to the Active Population Survey, in 2012 the figure of people employed in household services represented 3.6 per cent of the total active population and 7.7 per cent of active women, both figures the highest in the Eurozone.
- From the point of view of women employed in this sector, the evolution is negative but the employment destruction is less intense than in other segments of the labour market.

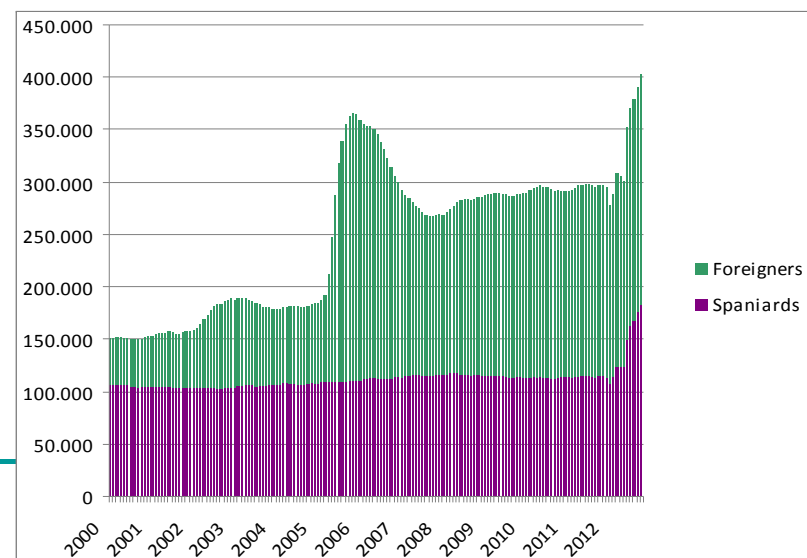
The resilience of household services in times of economic downturn

- According to the Social Security data, in the last few years foreigners and especially Latin American nationals have displayed significant declines in their registrations with the Spanish Social Security.
- But despite the crisis, net employment in the household services has not decreased, but, there has been an increase in the supply of migrant men and of Spanish women willing to take on these jobs.

Foreigner workers registered with Spanish Social Security



Household workers registered with Spanish Social Security



The resilience of household services in times of economic downturn

- Although foreign women represent 47.0 per cent of the total immigrants, the level of registration in the household services has been close to 90.0 per cent as opposed to 10.0 per cent of foreign men.
 - It's possible that the crisis has brought about a certain empowering of working women, for some immigrant families now depend exclusively on their income.
 - However, at the same time, job insecurity, overcrowding in housing, the separation of families, and the paralysis of the migration plans of other family members create a sense of “starting over again” in many of them.
 - For example, for Ecuadorian migrants in Spain, it is as if the migratory process had become a circular experience, rather than one ensuring intergenerational social mobility, as it was presumed to be just a few years ago.
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THE LEGAL FRAMEWORK OF MIGRATION AND HOUSEHOLD SERVICES

- *Norms that offer preferential treatment to foreigners and their impact on the ethno-stratification of immigration*
 - *Legislation that facilitates family reunification and its impact on the migration of women*
 - *Legalization of immigrants without authorization to work and settle in Spain and its impact on the migration of non-skilled workers*
 - *Labour legislation, its half-hearted implementation and its impact on the migration of women to household services*
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Norms that offer preferential treatment to foreigners and their impact on the ethno-stratification of immigration

- There is a range of legislation that offers preferential treatment to the flows from diaspora and former colonies (policy of preference for a shared cultural identity):
 - Article 17 of Law 36/2002 of the Civil Code facilitates an easier path to citizenship to descendants of Spanish emigrants. Further modifications in 2002 (Law 36/2002 of the Civil Code) and in 2006 (Law 40/2006 of the Statute of Spanish Citizenship in Foreign Jurisdictions) have extended this privilege to grandchildren of Spaniards too.
 - Article 22 of Law 36/2002 of the Civil Code reduces the 10-year period of legal residence required in Spain for naturalization to only two years in the case of nationalities with historical linkages with Spain.
 - Finally, the possibility of acquiring Spanish nationality for reasons of exile, as reflected in Law 52/2007 (known as Law of “Historical Memory”), has had a great impact on Latin American communities, especially among Cubans.
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Legislation that facilitates family reunification and its impact on the migration of women

- Article 17 of Organic Law 8/2000, on Foreigners' Rights and Freedoms in Spain and their social integration, partially amended by Law 2/2011 regarding the reunification of relatives in the ascending line states that foreign residents have the right to regroup close relatives with them in Spain, such as spouses, their own children and the children of their spouse, dependents and family members in the ascending line over 65 years of age.
 - Many reunification processes in the case of Latin American foreigners have been led by women as heads of household.
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Legalization of immigrants without authorization to work and settle in Spain and its impact on the migration of non-skilled workers

- The most recent decrees to legalize immigrants were developed in 2000, 2001 and 2005. Following the first of them 280,000 permits were granted. In the second case, 240,000 immigrants legalized their situation (family reunification or long-term residence).
 - The implementation of Royal Decree on the rights and freedoms of foreigners in Spain (2005) opened up new opportunity for foreign workers to obtain legal status. During the process known as “normalization”, 610,000 applications were granted and it favoured Latin American residents and especially domestic workers.
 - However, this process covered up an underhand legalization of workers in other sectors of activity or of inactive persons, especially women, who presented fictitious contracts declaring that they had been hired to do household work.
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Labour legislation, its half-hearted implementation and its impact on the migration of women to household services

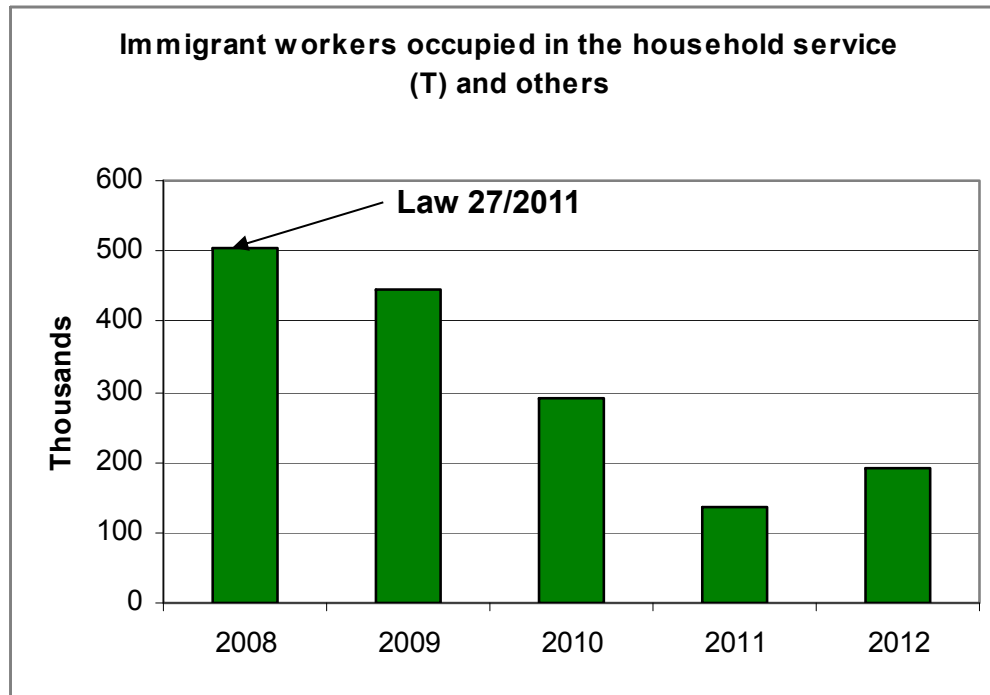
- The most relevant legislation to this study concerns work permit quotas and specific legislation regulating household services.
 - The quota is a process of individual authorization open to non communitarian foreigners that it is approved by the government whose purpose is to guarantee the meeting of the demand for labour not met by Spanish workers.
 - In the first quarter of 2008 the list contained 2,300 available jobs. One and a half years later the figure dropped to 160 jobs and in the last quarter of 2012, with the exception of certain specialized jobs in the merchant navy sector and other sport-related jobs authorized through an agreement with the State Secretary for Sport, the demand was only for eight jobs. At the same time, since the second quarter of 2008 the household services disappear as occupations in demand.
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Labour legislation, its half-hearted implementation and its impact on the migration of women to household services

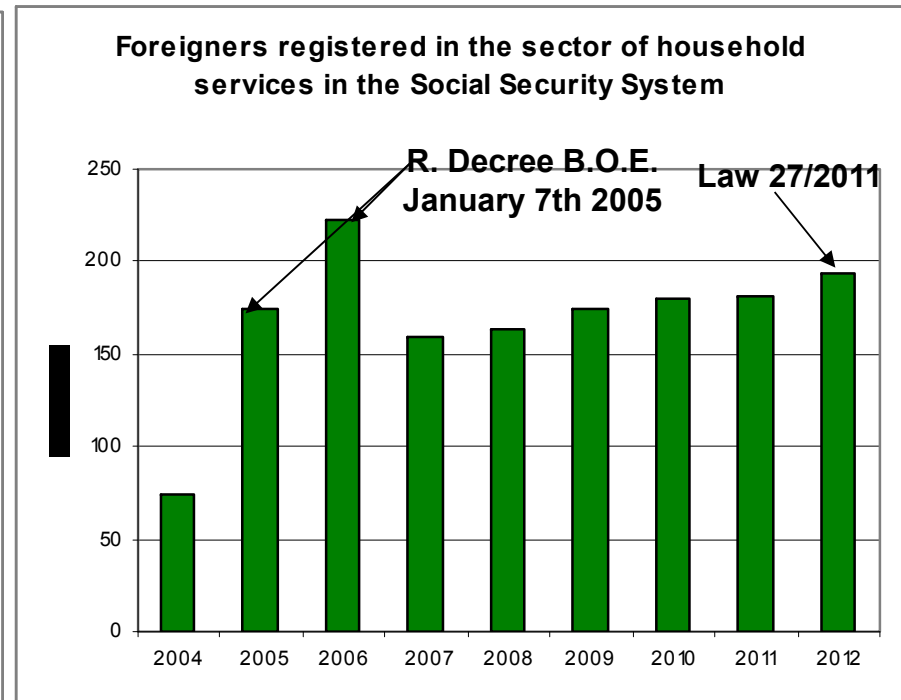
- From 1 January 2012, the category of Household Workers was integrated into the General Workers category, in compliance with Law 27/2011, which updated, adapted and modernized the Spanish Social Security System in line with the Domestic Workers Convention, 2011 and the accompanying Recommendation of the International Labour Conference (100th Session).
 - Its implementation during 2012 threw up some anomalies, as the revenue collected in social security contributions dropped even though the number of contributors rose. This suggests that the obligation to pay per hour worked led to an increase in the number of paying workers, while few working hours surfaced as well (or were at least registered as such).
 - The government has introduced new legal modifications in order to prevent further Social Security contribution revenue losses (Royal Legislative Decree 29/2012). Now, in the case of workers hired to work for less than 60 hours a month per employer, the workers themselves are responsible for their registration with the Social Security and for communicating any relevant changes in their working status.
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The impact of crisis from a quantitative perspective, a summary

Active Population Survey



Social Security System



The niche of household services in Spain is characterized by a high level of illegal employment

SUMMING-UP

- Structural factors, such as immigration legislation, population ageing, the lesser development of social services and patriarchal family values, favour the externalization of reproductive work in Spain.
 - Despite the current crisis, it can be recognized a persistence of female foreign workers in the labour niche of household services, particularly from Latin America (ethnization).
 - At the same time, there is a greater job precariousness. The immigrant women have been pushed into occupying the worse labour market segments, as live-in workers with no contracts, or having to do more work in less time, or for lower pay.
 - Many of them who took up jobs as domestic workers as a stepping stone to better prospects have seen their hopes of upward mobility fade away.
 - The economic crisis has slowed down the development of legislation, further testing the system's limitations. Per-hour contracts, the oral stipulation of specific working conditions and so on, tend to heighten the degree of informality that is facilitating the employment of immigrant women.
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Gender, migration and household services in Spain: the role of economic and legal frameworks

Thanks very much for your attention



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