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Migration and Care Labour

Theory, Policy and Politics

Edited by

Bridget Anderson

Centre on Migration, Policy and Society (COMPAS), University of Oxford, UK

and

Isabel Shutes

Department of Social Policy, London School of Economics and Political Science, UK

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The Global Governance of Domestic Work

Guy Mundlak and Hila Shannir

Regulating domestic work: from national regulation to global governance

Paid domestic and care-related work in the household – the provision of in-home household services such as cleaning and taking care of dependent children, disabled family members, or the elderly – has long been an unregulated form of labour in most countries. Domestic workers, mostly women, often migrants and from racial or ethnic minorities, have been excluded from some or all employment and labour legislation and social security schemes, and are mostly not covered by collective agreements. Domestic work around the globe is characterized by low levels of regulation, low wages, long working hours and difficult working conditions (ILO, 2013).

The exclusion of domestic workers from national regulation has several sources. Domestic work takes place in the household, a setting that is difficult to regulate and that has been understood in liberal theory as a space that should be free from state 'intervention' (Anderson, 2000). Due to the gendered household division of labour domestic work is treated as women's responsibility and a 'labour of love' rather than work requiring regulation and worthy of full remuneration (Jones, 2010). Anxiety that regulation and commodification might contaminate care with materialistic considerations also contributes to the occupation's exclusion from legal regulation (Zelizer, 2005). Finally, racial and ethnic hierarchies and the legacy of slavery and indenture create policies of minimal regulation and poor enforcement of workers' rights (Jones, 2010; Hondagneu-Sotelo, 2001).

Economists explain the exclusion of commodified domestic work from regulation by reference to the 'cost disease' – alluding to the

productivity of personal services that inherently lags behind the production of goods (Baumol, 1967; Esping-Andersen, 1999). Since technological and other forms of innovation cannot raise productivity in domestic work, cost reduction is achieved by reducing the cost of labour. Numerous measures can be utilized toward that end, including employers' infringements of rights, obstructing access to justice and enforcement, permitting atypical and precarious employment arrangements and excluding domestic workers from certain employment standards.

Another, interrelated, method of cost-reduction is the turn to migrant labour, often characterized by restrictive immigration regimes and limited employment protection (Shannir, 2010). In the last two decades advanced economies, and gradually also the affluent population in emerging economies, have become increasingly dependent on documented and undocumented migrants working in private households (Chang, 2000). This reduces costs because migrant workers' vulnerable status makes them less likely to be covered by, or insist on, protective workers' rights (Anderson and Jayaweera, 2008). Even if these workers are not formally excluded from legislation, guest-worker visa regimes often limit their bargaining power by tying legal status to employment with a specific employer (a 'binding arrangement'), or to a specific sector (Shutes, 2011). The situation of migrant domestic workers also affects that of non-migrant domestic workers (Mundlak, 2012).

Suppression of labour costs serves diverse national interests. With the increase in women's paid employment and concurrent changes in women's social status and opportunities, *families* lack time for one-on-one intimate care to dependent family members. In their search for care solutions, they tend to prefer in-home, 24/7 care that offers maximum flexibility, akin to the work of the housewife. Yet, such care provision must be affordable, preferably costing less than one of the income-earners' (usually the wife's) wages (Simonnazi, 2009). *Employers* in the formal labour market, structuring their workplace around 'ideal workers' – free to spend long days at the workplace, unburdened by day-to-day care obligations (Williams, 2001) – also have an interest in the availability of cheap, round-the-clock care solutions. *Trade unions* traditionally have not unionized domestic workers. To the extent that their voice is relevant, they may tend to support the interests of workers in the primary labour market, where union density is higher (Boris and Klein, 2006). While the interests of families and employers could be met by welfare state provision of care services or care subsidies, in an era of welfare state retrenchment *governments* in many countries appear to be

opting for private care solutions and policies that suppress the cost of domestic work instead (van Hooren, 2011; Mundlak, 2012).

The coalition of interests at the national level creates an intentional regulatory deficit for domestic workers. Consequently, various agents that recognize the problems associated with domestic work have avoided national resistance by focusing on the international level. This may seem surprising because the international sphere is considered somewhat weak in the context of labour protection, and even weaker when it comes to labour migration (Gordon, 2010); but the characteristics that make national regulation of domestic work so challenging also make it suitable for experimentation in development of international labour governance.

Why might that be the case? Domestic work is positioned at the intersection of class, migration, gender and race concerns. Some international institutions are more open than national settings to advancing the rights of subordinated groups. With respect to the regulation of domestic work, the international arena is promising precisely because it is removed from national interests. Moreover, the employers of migrant domestic workers may have influence on national politics, but they do not exert the international influence of multinational corporations and traditional industrial sectors.

Beginning with the powerful 'women's rights are human rights' campaign at the 1995 Beijing Women's Conference, the feminist movement successfully pursued international agendas that failed in national settings (Otto, 2012). International feminist activism has been important in focusing attention on domestic workers as exceptionally vulnerable, exposed to gendered violence and exploitation. Such a framing made its regulation seem more an issue of human rights than of social, economic and labour rights, possibly reducing resistance to the introduction of global governance (Shamir, 2012).

The crisis of trade unionism has also contributed to the interest in regulating domestic work. Responding to declining levels of membership and searching for new sources of legitimacy, some unions have turned to unionizing the non-traditional workforce. In many countries migrants and women are important components of this workforce, and an opportunity has emerged for alliances between labour, the feminist movement and advocates of migrant workers' rights (Schwenken, 2012). In some cases, old rivalries gradually gave way to experiments in cooperation.

However, the international arena is constrained. International agencies and feminist organizations are staffed and headed by global nomads

who rely on domestic work. Nevertheless, in comparing the hermetic coalition of national interests and the multiplicity of incongruent international interests, we hypothesize that the confluence of elements at the international level makes domestic work, and more specifically migrant domestic work, a relatively suitable 'laboratory' for developing the wider global governance of labour and migration.

In mapping the international norm on domestic work, it is tempting to focus on the *ILO's Convention 189 Concerning Decent Work for Domestic Workers* (ILO DW Convention), acclaimed as the central achievement in international law for domestic workers. While we accept this as a point of departure, we suggest that the ILO DW Convention was accepted when the international arena was relatively ripe for it, and it should therefore be analysed as part of a multifaceted and multi-tiered engagement with domestic work.

In the following sections we consider the developing polycentric body of international regulation of domestic work. Examining the components of the international norm on domestic work reveals they often overlap, sometimes diverge, and are only partially coordinated, frequently addressing and constituting different agents. Following Thomas (2011), we trace the convergence and divergence of the international norm and ask whether this is another instance of what has been designated in international migration law as 'substance without architecture' (Aleinikoff, 2007), or can we identify, with respect to domestic work, the creation of a more effective and cohesive international norm?

Despite the proliferation of instruments dealing with domestic work, we raise questions about their actual effects. We ask whether the international norm acts as a countervailing force against the strong national interests in containing employers' and public costs of domestic work at the expense of workers. Expecting the international arena to fill the regulatory deficit with respect to migrant labour in general, and migrant domestic work in particular, is a far from trivial matter.

The emerging global governance of domestic work

The most visible and direct attempt to forge an international norm on domestic work is the 2011 ILO DW Convention (Albin and Mantavallou, 2012).¹ The convention entered into force in 2013, two years after its ratification by the first two states – Uruguay and the Philippines. Data on previous ILO conventions indicates a patchy and slow process of ratification (Hyde, 2009) so its low level of ratification is not unusual. Despite the DW Convention's prominence and importance, it is not

a discrete development in the global governance of domestic work. A survey of international norms relating to domestic work suggests that it is an important part of an evolving polycentric body of international instruments.

In the ILO itself, various inferences with respect to domestic workers can be drawn from past documents (Blackett, 2011). These include general principles that have a particular impact on domestic workers, such as the principle of equal treatment for migrant workers,² principles regarding the fusion of work with the private household as featured in the Convention on Home Work,³ protective measures for those employed by private employment agencies⁴ and the principles of the ILO's Declaration on Fundamental Principles and Rights at Work, linking some employment standards with fundamental human rights.⁵ The annual reports submitted under the follow-up mechanism to this Declaration revealed the difficulty of translating general norms into practice, and the ILO's awareness of domestic workers' exclusion from general employment protections, particularly freedom of association.⁶ The importance of the ILO DW Convention lies in its attempt to create an international norm that distinctly applies to domestic workers. Yet this targeted treatment might also be its weakness, because it forges a narrow political clientele that risks undermining its political clout, an outcome that may inadvertently make it easier to exclude domestic workers and legitimate their exclusion from national regulation (Mundlak and Shamir, 2011).

Previous international norms applicable to domestic workers can be identified outside the ILO, reflecting the multiple vulnerabilities of domestic workers. The vulnerability associated with gender was addressed by the UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) in a 2008 General Recommendation on Women Migrant Workers.⁷ To a much lesser extent, the racial dimension of domestic workers' vulnerability is addressed in a 2002 General Recommendation on Discrimination Against Non-Citizens, issued by the UN Committee on the Elimination of Racial Discrimination (CERD), which briefly mentions domestic work.⁸ In 2011, at approximately the same time the ILO passed its DW Convention, the UN Committee on Migrant Workers and their Families issued a General Comment on Migrant Workers.⁹ A decade earlier, in 2000, the UN Committee on Drugs and Crimes adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (TP).¹⁰ The Protocol does not mention domestic work directly, but among other

sectors, it focused international attention on the plight of domestic workers who are seen as prone to trafficking (Vlieger, 2012).

Before we expand on these five instruments, it is worth noting that the international norm surpasses their boundaries. Human rights conventions, such as the International Covenant on Civil and Political Rights¹¹ (which includes the prohibition on slavery)¹² and the International Covenant on Economic, Social and Cultural Rights¹³ (particularly Articles 6–8 on the right to work, rights at work and the freedom of association, but also rights to a family, housing and adequate standard of living), are general and do not make particular reference to domestic workers, but may still be relevant to these workers. While these general instruments offer some weak compliance mechanisms that may be utilized for domestic work, thus far they have not proved sufficient to improve their situation. Moreover, relying on such general protections may dilute the particular challenges experienced by domestic workers.

The IOM is another institution that is involved in the governance of domestic labour. The IOM does not author its own conventions, but it is responsible for encouraging compliance with conventions and coordinates agencies, including the Office of the High Commissioner for Human Rights at the United Nations, ILO, UNESCO and civil society. It also works with the monitoring bodies of the main conventions. A major part of its task is project-oriented, advancing an extra-legal effort to foster global and bilateral dialogue and focused expertise (Newland, 2010).

The multiplicity of norms and institutions forms a polycentric structure in which various international bodies approach the problem encountered by domestic workers from multiple perspectives. Hereon we will focus on the five instruments that regulate domestic work directly, referring to this body of instruments as *'the international norms'* governing domestic work.

The instruments that compose the international norm converge around a common core and diverge beyond it. The closer we approach the centre of the 'domestic worker problem', the thicker the web of norms becomes, meshing together into a generally comprehensive statement. In a nutshell, its core is the following: domestic workers, migrants and residents should be treated like other workers and should not be disadvantaged by occupation, gender race or status; the migration status of domestic workers should have no bearing on their rights qua workers; their social, economic and civil rights should be respected, protected and fulfilled; child labour and indebted servitude are prohibited; active measures must be taken to prevent and remedy instances

of coercion, violence and abuse; and domestic workers should be free to change employers. Various aspects of freedom of movement are particularly important. The norm prohibits the confiscation of travel documents, excessive restrictions on leaving the household in which they work (in the case of live-in workers) and arrangements that place them at risk of being undocumented. This core is strengthened by repetitions and cross-references between instruments. For example, the CMW Comment refers to the ILO's definition of domestic work but at the same time shares CEDAW's and the TP's more expansive treatment of the domestic worker problem as one that involves both treatment in the destination state and reintegration in the country of origin.

Other aspects of the international norm rely on less consensual foundations. Often, matters outside the core do not contradict it, but offer greater detail on contested issues (such as a path to citizenship; criminalization of exploitative behaviour), or contextualize specific regulation (adaptation of common standards like overtime; concern with families left behind in sending states) or extend additional or stronger protections (coverage of migrant domestic workers by all social security measures). Some rights, notably social and economic rights, are protected to differing extent, whereby the standards range from a guarantee of just and favourable conditions, to a norm of equal protection to the rights of nationals and workers in other sectors.

The origins of divergence can be traced to the framing each instrument uses to explain the difficulties experienced by domestic workers. CEDAW and CERD include them within the categories of women and racial minorities, respectively, the CMW focuses on migrants, the TP focuses exclusively on exploitation and victimhood, while the ILO extends protection to workers in general and foregrounds class. The international norm's emphasis on migration may neglect the experience of non-migrant domestic workers who may not be captured by some of these conventions. Conversely, the phenomenon of 'mail-order brides, often masking a form of coercive domestic work (Altnik, 1995), may not be covered by the focus on the employment relationship but will be addressed by instruments that emphasize the crossing of national borders.

The conceptual divergence is then translated into the particular details of the conventions. Divergence is best depicted by the differing scope and reach across borders (Thomas, 2011). While the ILO's focus is from the recruitment stage to the termination of the employment relationship, with a strong emphasis on working conditions, the CMW and CEDAW also refer to transit stages and return to the source country,

while the TP refers only to the pre- and post-employment period and does not include obligations for the duration of employment (Shamir, 2012). The difference can be accounted for by the distinction between the regulation of work, whereby work is deemed to be a territorial matter and the regulation of movement and migration across borders that is not focused on employment conditions.

Similar explanations can be applied to other divergences. The CMW and CEDAW emphasize the intersectionality of migration and gender, while the CERD mostly deals with ethnic and racial subordination and discrimination. The projects advancing gender and racial equality are qualitatively different (Ridgeway, 2011, 11–12). There is a more elaborate regulatory scheme within the gender framework, whereas the framework of racial equality is narrower and emphasizes equality before the law.

The starkest contrast lies in the framing of issues by the ILO and the TP. The ILO emphasizes equal treatment of domestic and other types of work, while the TP places emphasis on the criminalization of trafficking to prevent forced labour and severe forms of exploitation. The former seeks to normalize the atypical and achieve a standard of decent work, while the latter seeks to abolish harsh practices altogether. As a result, some groups attempting to protect domestic workers using the TP may emphasize domestic workers' vulnerability to extreme violence and sexual abuse, portraying them as victims of criminal activity. Others more focused on domestic workers' agency may use the ILO DW Convention and find the TP's victims' framework problematic. A polycentric norm may create divisions between different groups, all supposedly pursuing domestic workers' interests.

The multiple sources and institutions that feed into the international norm's substance also shape its translation into action. The instruments surveyed here are of varying strength, but they all lie within the framework of international law that is characterized by weak implementation and enforcement mechanisms.

When examining implementation, two types of compliance mechanisms are commonly distinguished. First, the instruments themselves may require the ratifying states to act by creating obligations on them to establish accessible complaint mechanisms, thoroughly investigate and prosecute cases, ensure access to courts and tribunals, and aid victims. This baseline appears in various ILO instruments. The CMW adds other procedural requirements such as duties to monitor and regulate labour brokers and intermediaries, to monitor working conditions, to delegate an ombudsperson and to negotiate bilateral agreements. In accordance

with the transnational framing of the problem by the CMW, it also calls for interstate governance mechanisms, such as bilateral agreements. While the TP lacks reporting requirements, the US Trafficking Victims Protection Act of 2000 (TVPA)¹⁴ created an international monitoring scheme with financial sanctions against countries that fail to meet standards for the elimination of 'severe forms of trafficking'.¹⁵

The second type of compliance mechanism facilitates individuals, groups and states filing communications, complaints and inquiries with international agencies. Such procedures can be found either in organizations' constitutions or bylaws, or in the relevant conventions themselves. While the ILO has some formal possibilities for enforcement in its constitution (most notably Article 33), they are weak, rarely used, and have been seen as a sign of the ILO's weakness as a (hard) governing body (Hyde, 2009). The other agencies and institutions that compose the international norm have weak mechanisms and most commonly rely on periodical reporting as the major form of persuasion.¹⁶ Under some instruments other measures – such as inquiries initiated by international organizations, or reactive decisions in response to complaints – are possible for member-states that have accepted them. While thus far they have not been used to engage international institutions in the issue of domestic work, they can serve as a platform for future action.¹⁷

Within this relatively weak legal framework, most of the instruments related specifically to domestic work are not obligatory. The General Recommendations and Comments issued by the CEDAW, CERD and the Committee on Migrant Workers, as their title suggests, are not binding and are considered 'soft law'. Even seemingly harder measures are not necessarily enforceable. When implementation is considered, the patchwork nature of the international norm becomes even more evident. By 2013, the ILO DW Convention was ratified by only eight member states, and while the Trafficking Protocol enjoys wide ratification, its binding language does not include labour-related standards.

Consequently, the most troubling aspect of the emerging governance scheme is its weak enforcement mechanisms. The major international instruments are directed at states not at individual employers; they provide no obvious recourse for individual enforcement of rights; their efficacy depends on states' cooperation at all stages – from ratification of the convention through full cooperation with reporting requirements to full compliance with the agencies' recommendations. Yet, as we argued in the opening section, states have strong incentives against such compliance. Why, then, would the development of the international norm matter?

Despite the international norm's soft nature, it can have a significant effect (Shaffer and Pollack, 2009). First, the norm has an expressive function. It can inspire, assist and guide policymakers, legislators, judges, social activists and other agents who seek to aid domestic workers, even within an unsupportive regime. It can serve as a moral compass for decision makers, and as a source of legitimization for actors working on behalf of domestic workers, who need to normatively ground their claims.

Second, the norm serves as a model for other forms of transnational, regional and local governance, as described in the following section. Instruments and institutions can draw on existing achievements, thickening the international norm's core by cross-references and mutual institutional reliance.

Third, the norm constitutes communities of reference. Its impact depends on how local agents – NGOs, unions, legislatures, policymakers and judges – utilize it to legitimize and ground national normative claims (Goodman, Jinks and Woods, 2012). Here, the polycentric nature of the international norm is of particular importance. The plight of domestic workers is of concern to organizations engaged with workers', women's, minorities' and migrants' rights. The diverse organizations and reference groups engaged in the issue may sometimes coalesce, and on occasion come into conflict. The international norm does not sort claims in an orderly fashion. It may divide organizations working for domestic workers' rights, or in other contexts, it may serve as a bridge joining them together, and linking them to public and private agents that can aid in transformation, cross the boundaries of nation-states and accommodate joint action (Slaughter, 2004).

De-centering the international norm

Despite the potential impact of the international norm, it remains far-removed from the countervailing pressures to preserve the status quo exerted over policymakers at the national level. The distance between the daily experiences of domestic workers and reporting schemes to UN committees may be too far to bridge. While some of these international instruments were developed with the active participation of domestic workers (most notably through structured participation in the ILO), there is a significant gap between the workers and their 'representatives'. This is not an organized workforce that elects its representatives thereby enabling an active, albeit vicarious, sense of participation in the development of the international norm. Domestic workers are typically

not in the position to engage in the advancement of rights or in community-building and mobilization. However, between the international arena and the households in which domestic workers labour, there is a growing body of institutions that utilize the international norm and may be able to bridge the distance between the two.

One way to bridge the gap between the international norm and the local practice is through regional norms. Because there is a stronger sense of shared interests at the regional level, these can be more detailed and practical, with more effective monitoring and enforcement mechanisms. The clearest example is that of the European Union, the strongest regional regulatory body.

Originally in the EU, references to working conditions as human rights were limited and emphasized the prohibition of slavery and forced labour.¹⁸ Similar prohibitions can also be found in the European Convention on Human Rights.¹⁹ The prohibition of slavery was interpreted to cover situations in which legal ownership over a person was implicated, as well as 'lesser evils' such as servitude. This interpretation was used by the European Court of Human Rights (ECHR) to emphasize the vulnerabilities of domestic work, characterized by long working hours, isolation, low wages, denial of access to personal documents (passports) and severe restrictions on time and freedom. Member states could be held responsible for failing to prevent and rectify these problems (Mantouvalou, 2012; FRA, 2011).²⁰ The general prohibition on forced labour and slavery was complemented by a set of recommendations related directly to domestic work and were used by the ECHR to ground decisions that extended protections to domestic workers.²¹

Regional institutions in other parts of the world have similar norms and instruments at varying levels of generality (but without particular reference to domestic work). For example, the Inter-American Committee of Human Rights,²² and the African Union's Charter on Human and Peoples' Rights: both make reference, *inter alia*, to the right to work under equitable and satisfactory conditions.²³

With such interplay between general and particular arrangements, plus the intersection of regulations of different types, the regional arena might seem to be merely a replica of the global. What renders the regional a somewhat more promising site of development is the existence of institutions entrusted with ensuring effective compliance, such as the ECHR. The ECHR's case-law illustrates how courts and other agents may use the multi-layered normative structure to bring change in the regulation of domestic work (Mullally and Murphy, 2014). By contrast, the American and African instruments mentioned above have

yet to yield more detailed regional jurisprudence, suggesting that European developments remain exceptional.

Bilateral agreements are another potential bridge between the international and the local. These tend to provide more specific and detailed arrangements than regional human rights instruments and are tailored to fit the interests of the contracting states. Sometimes titled a memorandum of understanding (MOU), they are more general and declarative rather than action oriented (Agunias and Aghazam, 2011; Bobeva and Garson, 2004). Some address migrants in all sectors, some exclude domestic workers, others target domestic workers and still others refer to domestic workers as part of other frameworks (such as the Thailand-Cambodia agreement on combating trafficking in persons). These agreements tend to repeat general principles of international law, such as the right of migrant workers to enjoy the rights and bear the duties of the state in which they work.²⁴ Some, particularly those signed more recently, are more detailed and 'harder' in their intentions regarding implementation. Areas often covered in the more developed bilateral agreements include arrangements in the source country (recruitment processes and certification, rights upon return), in the destination country (visas, quotas, permitted duration of stay, conditions of work, social security benefits) and institutions that make bilateral cooperation possible and effective (dispute settlement, processing of information and review boards).²⁵

Bilateral arrangements, in whatever form, allow experimentation, development of 'best international practices' and contextual solutions emerging from parties' joint interests. Such incentives are potentially more effective than the weak threat of international fiat. At the same time, such agreements may also legitimize derogations from the international norm, offering less, or concealing ill-treatment of workers. Studies indicate that while agreements may appear at the vanguard of the international norm, the standards they set are often lower (Varia, 2011). Their weakness can be attributed to unequal bargaining power between the contracting states and to the discrepancy of interests between sending and destination states and the workers themselves.

Consequently, while the international norm is complemented by regional arrangements and bilateral agreements, these will not necessarily impact day-to-day practices without the mobilization of local agents. Their work fills the general international and regional norms with more specific content. Although local agents are often required for effective implementation, they also take part in authoring the norms themselves. Unlike the international norm's image as fixed and universal, the

content of the norms developed 'on the ground' depends on mobilization strategies. Consequently, the content and detail provided to the international norm by different local agents may be inconsistent and even contradictory (Schwenken, 2005).

Trade unions are one such category of local agents. They are influenced by the ILO's emphasis on the need for active local associations for the protection and fulfilment of rights, and by the ILO's targeted campaign for decent work for domestic workers, which extends beyond rights into areas of awareness, technical cooperation, coordination and targeted projects.²⁶ They are prodded into action by a labour-oriented framework more than by feminist or migration frameworks that have traditionally been foreign to their ethos (Cobble, 2005; Fine, 2006). National trade unions have been uneven in their responses to migrant labour generally and to domestic workers in particular. At the political level, their membership-based activity often favours long-term residents and citizens over temporary migrants; at the economic level, toward promoting the interests of the median member. Often they embrace strategies directed at helping middle-class families reliant on low-waged domestic work, rather than domestic workers. Organizing domestic workers is an onerous task and the traditional instrument of collective bargaining is often ill-adapted to their employment circumstances (Mundlak and Shamir, forthcoming 2014; Rhee and Zabih, 2009; Delp and Quan, 2002).

Despite this unfavourable starting point, the international norm encourages trade union activity at the national and transnational level. In Italy for example a collective agreement was concluded for domestic and care workers in 2007. This was a rare achievement, but the rights secured were inferior to those of workers in most other sectors. The trade union was willing to compromise for pragmatic reasons, as van Hooren (2011: 78) explains, because 'if the employment conditions were to improve further ... this would discourage families from regulating their domestic workers'.

An example of trade union involvement at the international level is the ILO-IPEC's (International Programme on the Elimination of Child Labour) interregional workshop on child domestic labour and trade unions, held in 2006.²⁷ The event exposed the roles of tripartite structures at the national and international levels in identifying locations of exploitation, and in documenting and researching instances of violation of the principles of decent work. The workshop's findings encouraged best practices in the field. Many recommendations made by ILO-IPEC cite the need to locate the treatment of child domestic labour in

programmes and institutional structures addressing larger populations, such as adult domestic workers, and in general systems of enforcement that address violations of fundamental labour standards and improve access to education and social security. These emphases reflect the strength of the international norm's interweaving of targeted and universal means to address the problems confronting domestic workers.

Trade unions also seek alliances with trade unions in other countries that are part of the same 'global care chain' (Hochschild, 2000). There are trade unions in sending and destination countries that succeeded in negotiating a bilateral MOU. GEFONT, a Nepalese trade union, has forged alliances with trade unions in countries that host Nepalese domestic workers, including Kuwait, Bahrain and Malaysia, to pursue improvements in their working conditions and migratory status.²⁸ Such agreements are no substitute for the formal state channels articulated in bilateral inter-state agreements but complement them and facilitate greater involvement of the social partners.

NGOs have also played an invaluable role in this process, ranging from small local initiatives to coordination among numerous organizations, for example, the International Domestic Workers' Network (IDWN).²⁹ CARAM Asia,³⁰ or RESPECT in Europe.³¹ While some are focused on domestic workers, others are human rights organizations whose work with domestic workers is part of their mission to advance social justice.³² The actions and statements of these organizations rely heavily on the international norm. Their campaigns, training kits, political lobbying and social mobilization help translate it into solutions for day-to-day problems.

The multiplicity of agents in civil society and national and international institutions, require partnerships as a basis for transformative action. They can be viewed as part of an ever-growing, complex system of governance (Kunz et al., 2011). Their reasons for success are difficult to generalize. The international norm provides a shared grammar, a focal point for otherwise discrete agendas and a sense of joint mission; but there is no indication that the international norm provides a clear guideline for action.

Partnerships are mainly confined to the nation-state, or smaller territorial units, such as an urban area or a district. For example, organizing migrant domestic workers in the United Kingdom involved a combination of self-organization, trade-union support and political lobbying that entailed the exposure of domestic workers to community and state agencies (Anderson, 2000: 86–107; Schwenken, 2003). The agents and strategies deviated from traditional collective bargaining, operating instead

by disseminating information, individual representation, advocacy and political voice. Similar European studies point to partnerships that combine the organization of workers qua union members, establishment of work centres that provide individual advice and support, encouragement and support of grassroots associations of domestic workers, and development of public awareness and political campaigns (Carls, 2012).

In a very different setting, the Allied Workers Union of Tanzania (CHODAWU) worked with NGOs and local authorities to reach out to child domestic workers in remote areas. They sought to locate and aid child domestic workers, identify the reasons they were sent to work (usually dire economic family circumstances) and address both root causes and daily needs of children and their families, leading to preventive and redemptive strategies (Silpha, 2008).

The local nature of these partnerships enables them to address multiple dimensions of domestic work. The best-case descriptions in the literature emphasize the strong integration of multiple participants and complementary strategies in the community. However, their advantage remains localized. The international norm is interrelated with localized action, but they do not simply mirror one another.

Conclusion

The analysis in this chapter suggests that the recent ILO DW convention is an exceptional leap in the progress of the global governance of domestic work. Very few labour sectors and occupations have received such sustained attention. However, the ILO DW Convention is not the sole attempt to regulate domestic work internationally. It followed earlier instruments and was made possible by the work of the last decade to promote the domestic workers' rights nationally and internationally (Schwenken, 2012; Blackett, 2011). Despite different instruments' shared normative core, the diverse international bodies engaged in its regulation offer divergent approaches and emphasize different aspects of domestic work. The various approaches are both reflective and constitutive of the stakeholders that take part in the creation and implementation of that normative core.

Despite the impressive development in the global governance of domestic work, it is too early to celebrate. The creation of an international norm does not easily translate into positive changes on the ground. However, although international norms are generally characterized by weak enforcement mechanisms, there are mechanisms (such as lodging complaints and inquiries with international agencies) yet to be utilized, suggesting options for future action. Furthermore, other instruments

and institutions – such as the WTO and the regulation of transnational provisions of services (GATS Mode 4)³³ – are still at an embryonic stage of development but may offer possibilities in the future.

Households struggling to make ends meet, policymakers budgeting a shrinking welfare state, unions representing mostly primary market workers, and primary market employers – all have a strong interest in keeping domestic workers' wages low, and hours long. While we are hopeful about the potential for the international norm to empower local groups and individuals advocating on behalf of domestic workers, we are aware that alone it cannot counter local vested interest in maintaining the status quo. More careful research on the ground is required to determine whether the working conditions of domestic workers is improving *as a result of* international developments, whether progressive local groups benefit from the international norm; the extent to which the international norm creates new avenues of action; and how it affects the harsh outcomes of restrictive employment and immigration policies. Recent research in the UK, for example, highlights the contingency and instability of the progress made at the international level and shows it was insufficient to circumvent the introduction of a visa regime enshrining precarious migration status for migrant domestic workers (Mullally and Murphy, 2014).

Future research studying the relationship between the international norm and transformative strategies needs to be sensitive to two axes that have been highlighted in this chapter. First, it is important to consider the two interdependent causal directions involved. On the one hand, the international norm has evolved from the lobbying and involvement of different stakeholders, who shaped its current polycentric and diverse content. On the other, some of the same stakeholders draw on the international norm they created to bring about change at the national level. This dual role of the international norm, which is both reflective and constitutive makes it necessary to consider simultaneously the development of its content and the strengthening of local agents and institutions. Second, this chapter has identified the dialectics of general and targeted norms that together compose the full scope of the international norm. The international norm goes well beyond the direct provisions addressing domestic workers, and the benefits as well as shortcomings of different measures need to be learned.

Notes

1. ILO Convention No. 189 on Decent Work for Domestic Workers: ILO Recommendation No. 201 on Decent Work for Domestic Workers (100th ILC session, Geneva, 16 June 2011).

2. ILO Convention No. 97 on Migration for Employment (Revised) (32nd ILC session, Geneva, 1 July 1949).
3. ILO Convention No. 177 on Home Work (83rd ILC session, Geneva, 20 June 1996).
4. ILO Convention No. 181 on Private Employment Agencies (85th ILC session, Geneva, 19 June 1997).
5. ILO Declaration on Fundamental Principles and Rights at Work (86th ILC session, Geneva, 18 June 1998; Annex revised 15 June 2010), including the prohibition on forced and child labour, freedom of association and elimination of discrimination in respect of employment and occupation.
6. ILO, Review of annual reports under the follow up to the ILO Declaration on Fundamental Principles and Rights at Work (available at <http://www.ilo.org/declaration/follow-up/annualreview/>) – see for example: Review (2010), section 44; Review (2008), section 37; 194, Review (2006) section 150. Also see the periodic reports following the Declaration (available at <http://www.ilo.org/declaration/info/publications/>), for example – Equality at Work: The Continuing Challenge (2011), section 64; The Cost of Coercion (2009), sections 139–144; Equality at Work: Tackling the Challenges (2007), sections 30, 70, 428–448.
7. UN Committee for the Elimination of All Forms of Discrimination Against Women (CEDAW), CEDAW General Recommendation No. 26 on Women Migrant Workers, 5 December 2008, CEDAW/C/2009/WP.1/R.
8. UN Committee on the Elimination of Racial Discrimination (CERD), CERD General Recommendation XXX on Discrimination against Non Citizens, 1 October 2002, paragraph 34.
9. Committee on the Protection of the Rights of all Migrant Workers and Members of Their Families (CMW), General Comment No. 1 on Migrant Domestic Workers, 23 February 2011, CMW/C/GC/1 (2011).
10. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, opened for signature 12 December 2000, S. TREATY DOC. NO. 108–16, 2237 U.N.T.S. 319 (entered into force 25 December 2003).
11. UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.
12. Article 8 of the Covenant on Civil and Political Rights, *Ibid.* There are ancillary documents touching on these issues, including the League of Nations Slavery Convention 1926. The conventions abolishing slavery, over and above those issued by the ILO, can serve as a transformative text as demonstrated by Mantouvalou (2012).
13. UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3.
14. Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, div. A, 114 Stat. 1466 (codified as amended in scattered sections of 8, 18 & 22 USC), *amended by* Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875 (codified at 8, 18 & 22 USC), Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, 119 Stat. 3558 (codified in various sections of 18, 22 & 42 USC), *and* William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5044 (codified in scattered sections of 6, 8, 18 & 22 USC).
15. 22 USC §§ 7102(8), 7106, 7107(d)(1)(A)(i) (2006).
16. To demonstrate reporting requirements, see, for example: CEDAW's Completion of Guidelines on the Form and Content of Reports to be Submitted by State Parties to the International Human Rights Treaties HR/GEN/2/Rev.1/Add.2 5 May 2003. The strength of the reporting process is based, *inter alia*, on the opportunity given to NGOs to file shadow reports. See, for example, International Women's Rights Action Watch, Producing Shadow Reports to the CEDAW Committee: A Procedural Guide (2009; available at <http://www1.umn.edu/humants/jwraw/proceduralguide-08.html>). Similar documents exist with regard to the other conventions surveyed here.
17. See generally: <http://www2.ohchr.org/english/bodies/petitions/>. The most commonly used mechanisms are those that derive their jurisdiction from the First Optional Protocol to the International Covenant on Civil and Political Rights. <http://www2.ohchr.org/english/bodies/hrc/procedure.htm>. These procedures also serve as the model for other instruments. Consider, for example, CEDAW's Optional Protocol, and the list of the first inquiry and decisions on individual communications submitted to the commission, at <http://www.un.org/womenwatch/daw/cedaw/protocol/dec-views.htm>; Individual complaints under Article 14 of CERD, and decisions of the committee <http://www2.ohchr.org/english/bodies/jurisprudence.htm>.
18. For the current position in European human rights law, see Charter of Fundamental Rights of the European Union, 7 December 2000, Official Journal of the European Communities, 18 December 2000 (OJ C 364/01).
19. Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5.
20. Council of Europe: European Court of Human Rights (ECHR) 73316/01 *Sihadin v. France* (26.7.2005). Later decisions of the ECHR further emphasized the states' obligations to prevent situations of servitude, particularly in the context of domestic work. See 25965/04 *Rantsev v. Cyprus and Russia* (7.1.2010); 67724/09 *CN and V. v. France* (11.12.2012); 4239/08 *CN v. The United Kingdom* (13.11.2012).
21. Council of Europe Recommendation 1523 on Domestic Slavery (18th Sitting, 26 June 2001); Recommendation 1663 Domestic Slavery: Servitude, Au Pairs and Mail-Order Brides (19th Sitting, 22 June 2004). Another regional normative source is the Council of Europe Convention on Action against Trafficking in Human Beings, opened for signature on 16 May 2005. Inter-American Commission on Human Rights, Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (18th session of the General Assembly, 17 November 1988). This document does not include a reference to domestic workers, but scattered references appear in the various *Rapports*, particularly in the context of migration.
22. Organization of African Unity, African Charter on Human and Peoples' Rights ('Banjul Charter'), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).
23. See, for example, the Memorandums of Agreement Relating to the Mobilization of Manpower and Transmigration, signed between the

- Philippines and various receiving countries, starting with the Republic of Iran (1982), Taipei and Indonesia (2003), Jordan (2012) and others (available at <http://www.poea.gov.ph/>).
25. ILO Recommendation No. 86 (1949), A Model Agreement on Temporary and Permanent Migration for Employment, Including the Migration of Refugees and Displaced Persons.
26. <http://www.ilo.org/global/topics/domestic-workers/>.
27. <http://www.ilo.org/ipccinfo/product/view/Product.do?productId=4627>.
28. The MOUs are published at the Nepalese trade union's site – www.getfont.com.
29. www.IDWN.info/.
30. www.caramasia.org/.
31. www.resepectnetwork.eu.org/.
32. See SOLIDAR (www.solidar.org) and Human Rights Watch (www.hrw.org).
33. GATS: General Agreement on Trade in Services, 15 April 1994.

Bibliography

- Agunias, D. and Aghazarm, C. (2011) *Labor Migration from Colombo Process Countries: Good Practices, Challenges and Ways Forward* (Geneva: IOM Publishing).
- Albin, E. and Mantavallou, V. (2012) 'The ILO Convention on Domestic Workers: From the Shadows to the Light', *Industrial Law Journal*, 41, 67–78.
- Aleinikoff, T. (2007) 'International Legal Norms on Migration: Substance Without Architecture', in Cholewinski, R., Perruchoud, R. and Macdonald, E. (eds) *International Migration Law: Developing Paradigms and Challenges* (Cambridge: Cambridge University Press).
- Althuk, A. (1995) *Stolen Lives: Trading Women into Sex and Slavery* (London: Scarlet Press).
- Anderson, B. (2000) *Doing the Dirty Work? The Global Politics of Domestic Labour* (London and New York: Zed Books).
- Anderson, B. and Jayaweera, H. (2008) *Migrant Workers and Vulnerable Employment: A Review of Existing Data* (United Kingdom: TUC Commission on Vulnerable Employment) available at: <http://www.vulnerableworkers.org.uk/wp-content/uploads/2008/08/analysis-of-migrant-worker-data-final.pdf>.
- Baumol, W. (1967) 'The Macroeconomics of Unbalanced Growth', *American Economic Review*, 57(3), 415–426.
- Blackett, A. (2011) 'Introduction: Regulating Decent Work for Domestic Workers', *Canadian Journal of Women and the Law*, 23(1), 1–45.
- Bobeva, D. and Garson, J. (2004) 'Overview of Bilateral Agreements and Other Forms of Labour Recruitment', in *Migration for Employment: Bilateral Agreements at a Crossroads* (Paris: OECD Publishing).
- Boris, E. and Klein, J. (2006) 'Organizing Home Care: Low-Waged Workers in the Welfare State', *Politics & Society*, 34(1), 81–107.
- Carls, K. (2012) *Decent Work for Domestic Workers: The State of Labour Rights, Social Protection and Trade Union Initiatives in Europe* (ACTRAV/ITC-ILO Report).
- Chang, G. (2000) *Disposable Domestic: Immigrant Women Workers in the Global Economy* (Cambridge, Massachusetts: South End Press).
- Cobble, D. (2005) *The Other Women's Movement: Workplace Justice and Social Rights in Modern America* (Princeton: Princeton University Press).
- Delp, L. and Quan K. (2002) 'Homecare Worker Organizing in California: An Analysis of a Successful Strategy', *Labor Studies Journal*, 27(1), 1–23.
- Esping-Andersen, G. (1999) *Social Foundations of Postindustrial Economies* (Oxford: Oxford University Press).
- European Union Agency for Fundamental Rights (FRA) (2011) *Migrants in an Irregular Situation Employed in Domestic Work: Fundamental Rights, Challenges for the European Union and Its Member States* (Luxembourg: Publication Office of the EU).
- Fine, J. (2006) *Worker Centers: Organizing Communities at the Edge of the Dream* (Ithaca: Cornell University Press ILR division).
- Gallagher, A. (2001) 'Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis', *Human Rights Quarterly*, 23(4), 975–1004.
- Goodman, R., Jinks, D., and Woods, A. (2012) 'Social Science and Human Rights', in Goodman, R., Jinks, D., and Woods, A. (eds) *Understanding Social Action, Promoting Human Rights* (Oxford: Oxford University Press).
- Gordon, J. (2010) 'People Are Not Bananas: How Immigration Differs from Trade', *Northwestern University Law Review*, 100(4), 1109–1045.
- Hochschild, A. (2000) 'Global Care Chains and Emotional Surplus Value', in Hutton, W. and Giddens, A. (eds) *On the Edge: Living with Global Capitalism* (London: Jonathan Cape).
- Hondagneu-Soetelo, P. (2001) *Domestica: Immigrant Workers Cleaning and Caring in the Shadows of Affluence* (Berkeley and Los Angeles: University of California Press).
- Hyde, A. (2009) 'The International Labor Organization in the Stag Hunt for Global Labor Rights', *Law & Ethics of Human Rights*, 3(2), 155–179.
- International Labour Organization (2013) *Domestic Workers across the World: Global and Regional Statistics and the Extent of Legal Protection* (Geneva: ILO).
- Jones, J. (2010) *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family, from Slavery to the Present* (New York: Basic Books).
- Kunz, R., Lavenex, S. and Panizzon, M. (2011) 'Governance Through Partnerships in International Migration', in Kunz, R. et al. (eds) *Multilayered Migration Governance: The Promise of Partnership* (Abingdon, Oxon, UK: Routledge).
- Mantouvalou, V. (2012) 'The Many Faces of Slavery: The Example of Domestic Work', *Global Dialogue* 14 available at <http://www.worlddialogue.org/content.php?id=536>.
- Mullally, S. and Murphy, C. (2013) Forthcoming 2014) 'Migrant Domestic Workers: Exclusions, Exemptions and Rights', *Human Rights Quarterly*, 26(2).
- Mundlak, G. (2012) 'The Wages of Care Workers: From Structure to Agency', in Fudge, J. et al. (eds) *Challenging the Legal Boundaries of Work Regulation* (Oxford: Hart Publishing).
- Mundlak, G. and Shami, H. (2011) 'Bringing Together or Drifting Apart? Targeting Domestic Work as "Work Like no Other"', *Canadian Journal of Women and the Law*, 23(1), 289–308.
- Mundlak, G. and Shami, H. (Forthcoming 2014) 'Organizing Migrant Care Workers: Industrial Citizenship and the Trade Union Option', *International Labour Review*, 153(1).

- Newland, K. (2010) 'The Governance of International Migration: Mechanisms, Processes, and Institutions', *Global Governance: A Review of Multilateralism and International Organizations*, 16, 331–343.
- Otto, D. (2012) 'Gender Issues and International Human Rights: An Overview', in S. Joseph (ed.), *Human Rights Law Series* (Cheltenham: Edward Elgar Publishing).
- Rhee, N. and Zabin, C. (2009) 'Aggregating Dispersed Workers: Union Organizing in the "Care" Industries', *Geoforum*, 40(6), 969–979.
- Ridgeway, C. (2011) *Framed by Gender: How Gender Inequality Persists in the Modern World* (NY: Oxford University Press).
- Schwenken, H. (2003) 'RESPECT for All: The Political Self-Organization of Female Migrant Domestic Workers in the European Union', *Refuge*, 21(1), 45–52.
- Schwenken, H. (2005) "'Domestic Slavery" Versus "Workers Rights": Political Mobilizations of Migrant Domestic Workers in the European Union' *Working Paper No. 116* (University of California San Diego: Center for Comparative Immigration Studies).
- Schwenken, H. (2012) 'From Maid to Worker', *Queries*, 1(7), 14–22.
- Shaffer, G. and Pollack, M. (2009) 'Hard vs. Soft Law: Alternatives, Complements, and Antagonists in International Governance', *Minnesota Law Review*, 94(3), 706–799.
- Shamir, H. (2010) 'Between Home and Work: Assessing the Distributive Effects of Employment Law in Markets of Care', *Berkeley Journal of Employment and Labor Law*, 30(2), 404–460.
- Shamir, H. (2012) 'A Labor Paradigm for Human Trafficking', *UCLA Law Review*, 60(1), 76–136.
- Shutes, I. (2011) 'The Employment of Migrant Workers in Long-Term Care: Dynamics of Choice and Control', *Journal of Social Policy*, 41(1), 43–59.
- Silpha, K. (2008) *From Enclosed Domestic Labour to Training Centers: Challenges of the Union and the NGOs in Organizing Paid Child Domestic Workers in Tanzania* (Johannesburg: Witwatersrand University).
- Simomazi, A. (2009) 'Care Regimes and National Employment Models', *Cambridge Journal of Economics*, 33(2), 211–232.
- Slaughter, A.-M. (2004) *A New World Order* (Princeton: Princeton University Press).
- Thomas, C. (2011) 'Convergences and Divergences in International Legal Norms on Migrant Labor', *Comparative Labor Law & Policy Journal*, 32(4), 405–441.
- Van Hooren, F. (2011) *Caring Migrants in European Welfare Regimes: The Politics and Practice of Migrant Labor Filling the Gaps in Social Care* (Doctoral Dissertation submitted for the Political and Social Science Department of the European University Institute, Florence).
- Varia, N. (2011) "'Sweeping Changes?" A Review of Recent Reforms on Protections for Migrant Domestic Workers in Asia and the Middle East', *Canadian Journal of Women and the Law*, 23(1), 265–287.
- Vlueger, A. (2012) 'Domestic Workers in Saudi Arabia and the Emirates: Trafficking Victims?' *International Migration*, 50, 180–194.
- Williams, J. (2001) *Unbending Gender: Why Family and Work Conflict and What To Do About It* (Oxford: Oxford University Press).
- Zelizer, V. (2005) *The Purchase of Intimacy* (Princeton: Princeton University Press).

Conclusion

Bridget Anderson and Isabel Shutes

This volume has brought together theory, policy and practice: the analysis of the relation between care and migration requires all these components. Thus while chapters can be read alone, there is an added value in bringing them together, and reading one piece can bring new insights to another. Of course each reader will bring their own knowledge and analysis, but in this conclusion we start to map out some of the connections that we think merit further exploration, connections across and within theory, policy and politics. Some of these connections are not specific to migrants; indeed, we start from the position that to understand the situation of migrant care workers, we must begin by analysing not migration but the relations of care, and this will enable us to better understand why it is that in so many countries migrants are such an important part of the care workforce. Equally, attention to the conditions experienced by migrants working in the provision of care can reveal some of the more general tensions that arise when care is commodified. We will concentrate, therefore, on three sorts of connections, which are themselves interrelated: the connection between paid and unpaid care work; the connections between different types of care work and other sectors of the labour market; and the connection between immigration and employment.

Making connections between paid and unpaid care work

The work of care cannot avoid making connections. Care is not simply about performing tasks that can get checked off against a list – as the recent criticisms directed against the care provided within NHS' hospitals in the UK vividly demonstrate – it is about 'caring', building relations between two or more people within the context of broader social relations. Certain