

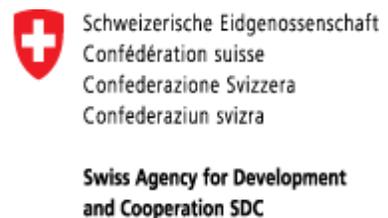


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# The Influence of Labor Market Policies on Gender and Migration in Belgium: The Case of Domestic Work

Beatriz Camargo Magalhães

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# The Influence of Labor Market Policies on Gender and Migration in Belgium: The Case of Domestic Work\*

Beatriz Camargo Magalhães†

## Abstract

Domestic work in Western Europe is mainly provided by migrant women. In 2010, Belgium had 202,800 people working as domestic and related helpers, cleaners, and launderers in the formal market, of which 73.2 percent were women and a majority were foreign born (both non-Belgians and migrants who acquired Belgian nationality). These figures do not include domestic workers in the informal sector, mostly composed of undocumented immigrants. In this context, labor market policies lead to specific outcomes with regard to migration and gender in the Belgian domestic work sector. For instance, domestic work is not among the occupations that provide eligibility for a labor migration visa, and workers cannot regularize their migratory situation on the basis of domestic employment. Moreover, work permits link the residence permit to the worker's contract, increasing their dependency on the employer. These restrictions interplay with other policy measures such as free circulation of EU workers, migration regulations regarding newer member states, and free circulation of services. These policy intersections primarily affect migrant women because they are overrepresented in the domestic work—still considered low skilled and feminine. Women are then differently affected by the structure of opportunities and constraints resulting from policies and context, according to their migratory status. The analysis focuses on the Belgian domestic work market but can be generalized for other countries. The article suggests several recommendations linked to the policy analysis that would increase protection of migrant domestic workers, such as withdrawing migration-control functions from social inspectors. On the migration policy sphere, modifying the current work permit system and ensuring paths to regularization of undocumented migrants could certainly contribute to lessen labor exploitation in the sector.

Key words: domestic work, migrant domestic workers, migrant women, Belgium, migration policy, labor policy, work formalization, voucher

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† Beatriz Camargo Magalhães is Associate member at the Group for research on Ethnic Relations Migrations and Equality - GERME, at the Université Libre de Bruxelles (ULB), Belgium. The author can be contacted at [bcamargo@ulb.ac.be](mailto:bcamargo@ulb.ac.be).

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## Introduction

There are about 4 million domestic workers<sup>1</sup> in Northern, Southern, and Western Europe, of which 2.8 million are women and 2.2 million are migrants, according to the latest estimates, dating from 2013, by the International Labor Organization (2015, 16). In 2010, about 202,800 domestic and related helpers, cleaners, and launderers worked in the formal market in Belgium, a rate representing slightly more than 2 percent of total employment in Belgium and of which 73.2 percent were women (Abrantes 2014, 233). The majority of these workers are documented migrant women or nationals with a foreign background<sup>2</sup> (SPF Emploi and CECLR 2015, 69). Within the voucher system, which represents a significant part of the formal domestic work market, Belgians with Belgian background accounted for less than 1 percent in the Brussels-Capital Region (which has a higher concentration of migrants than the rest of the country).

However, official European and Belgian figures may underestimate the real size of the phenomenon because they exclude domestic work performed in the informal sector or in precarious contexts, a common challenge when it comes to research on employment and migration issues (Abrantes 2014, 224). Official figures hide the “invisible” migration of undocumented workers who work within the domestic work sector. There are no reliable figures on the extent of the informal domestic work market<sup>3</sup> (Gutiérrez and Craenen 2010; Michielsen et al. 2013).

Migrant women in the domestic work sector are among the most vulnerable workers. Their vulnerability is characterized by the lack of migratory status or precarious temporary residence permits for those in the formal market.<sup>4</sup> This vulnerability is magnified by the peculiar situation of employment in private households, where workers are less protected from abuse because of difficult access of controls to private housing and the invisibility of the work performed within the household. Moreover, intimate direct contact can lead to blurred relationships between employment and family-like feelings (Lutz 2011).

Upon their arrival in Belgium, non-European Union (EU) migrant women entering domestic work are prevented from working in the formal market as they lack a residence permit. Indeed, the domestic work sector is not considered to be suffering from a labor shortage, and, except for diplomatic staff and other very specific situations, workers are not eligible for labor migration visas.

On the other hand, migratory status regularization (family reunification, one-shot regularization campaigns<sup>5</sup>) brought many previously informal domestic workers into the formal labor market. In Brussels and other highly urbanized areas in Belgium, where the migrant presence is strong, the formal

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<sup>1</sup> In this paper, domestic work refers to paid and outsourced domestic work, and might include care work.

<sup>2</sup> A migrant is any person who is born in one country and lives in another, independent of their migratory status (documented or undocumented). Some migrants become Belgian citizens and are assimilated as nationals. When ethnic statistics are produced, they are “Belgian with a foreign background” together with people who are born in Belgium and have one or two parents born abroad. For more precision, see Myria’s 2016 annual report.

<sup>3</sup> The adjectives “informal” and “undeclared” are used interchangeably in this paper and mean work under the table, for which tax or social security contributions are not paid.

<sup>4</sup> Documented migrants are those who benefit from a regular migratory status, meaning a residence permit (permanent or temporary).

<sup>5</sup> The two more recent regularization campaigns in Belgium took place in 2000 and 2009.

domestic work market mirrors the characteristics of the informal domestic work sector: workers are mainly women and either migrants or Belgians with a foreign background (SPF Emploi and CECLR 2015).

Belgium is an interesting case because it has been able to bring a significant portion of informal domestic work into the formal economy by establishing a labor market policy using a voucher service policy subsidized by the state. Launched in 2001, the voucher service policy allows households to purchase weekly cleaning services from authorized companies at a very competitive price compared with average prices in the informal market for domestic work.

Against this backdrop, this paper intends to demonstrate the influence of labor market policies on migration and gender in Belgium, focusing on the domestic work sector in Brussels. More precisely, it addresses three main questions: (1) *What labor market policies affect migrant women in the domestic work sector?* (2) *Who are the migrant domestic workers in Belgium and Brussels?* (3) *What are the consequences of the voucher service policy for documented as well as undocumented migrant women in the domestic work sector?* These questions are intended to guide the analysis of beneficial practices and negative impacts on migrant women in the domestic work sector, suggesting recommendations for a more gender-oriented approach in Belgian labor migration policy, possibly resulting in full respect of migrant domestic workers' human rights.

This paper is based on the author's own qualitative research on women migrant domestic workers (Camargo 2010, 2015, 2016, 2017).<sup>6</sup> It describes the Belgian situation but mainly focuses on the Brussels-Capital Region because of data availability and the fact that migrant domestic work is a phenomenon more important in large urban settings (Abrantes 2014, 224).

Although many policies analyzed in this paper certainly affect both migrant women and men, the analysis is women-oriented mainly because women constitute the vast majority of domestic workers in the formal and informal sectors in Belgium. The term "migrant domestic workers" refers to women; references to male domestic workers are explicitly stated. Men and women will be compared whenever data are available.

To address the questions above, the paper begins by presenting the Belgian context of migration patterns and policies, focusing mainly on migrant women. It then offers a brief literature review of migrant domestic work issues in the Global North. The following section explores the types of domestic work status existing in Belgium and the possibility that migrant women can obtain them. Then the paper briefly profiles migrant women in the domestic sector, focusing on Brussels. The subsequent section analyzes voucher consequences for documented migrant domestic workers. The paper then discusses the impacts of this same policy on undocumented migrant domestic workers and their lack of

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<sup>6</sup> The doctoral study (Camargo 2016), the most recent and significant of the author's studies, was based on about 80 interviews conducted mainly with actors in the informal labor market and within the triangulated scheme introduced by the voucher system (workers, purchasing households, and authorized agencies). Nearly all of the 30 domestic workers participating in the research were first-generation migrants, 3 of whom were Belgian nationals with a foreign background, 9 EU nationals, 19 documented migrants from non-EU countries, and 2 undocumented migrants. Interviews were complemented by analysis of quantitative data based on the Regional Ministry of Employment of the Brussels-Capital Region and the National Employment Office (ONEM), as well as the assessment of the voucher service policy, published by Idea Consult (2014).

protection. Finally, the paper presents policy recommendations linked to the three questions the paper discusses.

### **1. Migration of Women to Belgium: Policy and Patterns**

As a destination country, Belgium has a slight tendency toward feminization of the foreign population, according to Vanduynslager and Wets (2015, 39). Among other reasons, the high feminization is explained by the shift of the foreign labor force from industrial activities to the services sector (Rea 2015, 48). Women make up 54 percent of the migrant population stock, a rate that varies depending on the country of origin and that is also an outcome of some highly feminized migration flows. In this vein, Filipina women represent 75 percent of their community regularly settled in Belgium, while Brazilian women account for 61 percent, Ecuadorian women 60 percent, Colombian women 59 percent, and Bolivian women 56 percent (Vanduynslager and Wets 2015, 39). Other migrant communities are less feminized.

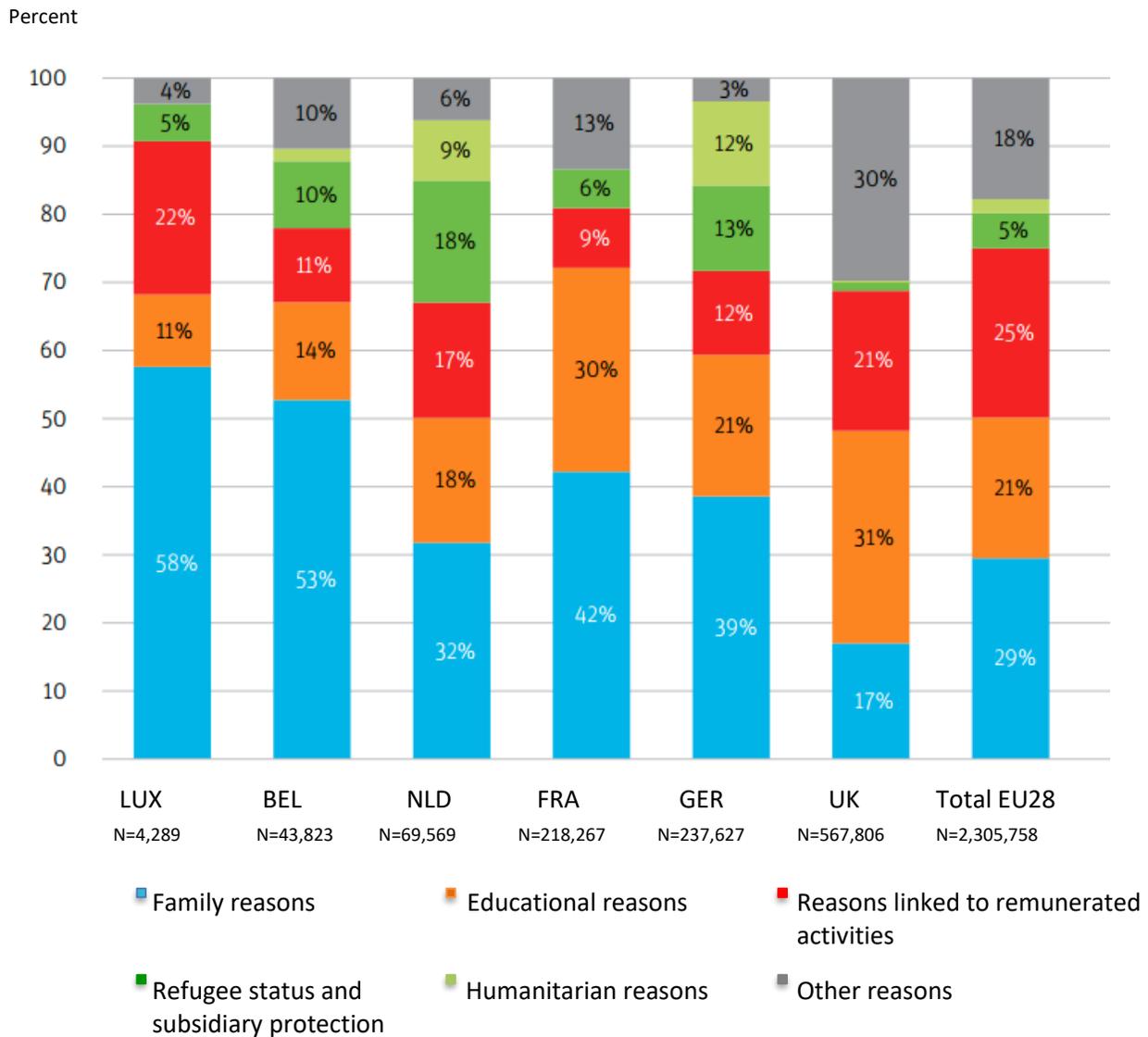
Yet feminization does not necessarily imply diversification in the migration profile. For the most part, regular non-EU migration in Belgium is composed of family migration<sup>7</sup>, in which women are overrepresented comparing to men. Although its migratory pattern is similar to those of its neighbors France, the Netherlands, and Germany, Belgium has, on average, less labor and study migration, as well as a higher rate of migration for family reasons, as shown in figure 1, which is based on Myria's report (2016, 87).

Belgian labor migration policy has evolved from the guest worker model of the 1950s to the current family-reunification and work permit system. The bilateral agreements Belgium established with European and non-European countries (mainly for workers from Italy, then Morocco and Turkey) favored men to work in coal mines and heavy industry. Family reunification was initially refused, but the rules were changed to make Belgium more competitive with the higher wages paid in Germany, where family migration was banned (Rea 1999). Spouses and daughters who were reunited with migrant workers often worked informally in the Belgian domestic work sector (Morelli 2001). The economic crisis of the 1970s reduced workforce demand and bilateral agreements ceased. From then on, family reunification has been the main point of entry, along with irregular migration of men and women (Rea 1999).

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<sup>7</sup> This permit includes family formation (marriage) or family reunification, including newborn and adopted children.

**Figure 1. Share of First Residence Permits Delivered to Foreign Nationals According to Reason for Permit Delivered, for Belgium and Neighboring Countries, 2014 (N=number of permits)**



Source: Myria (2016, 87), using data from Eurostat and the Belgian Immigration Office.

In 1999, Belgium established the work permit system. Regions<sup>8</sup> are able to grant permits to fill professions suffering from labor shortages. Prospective employers can apply for work permits at the regional administration for a specific foreign worker and a specific job, sector, and company. If the job is not part of the region’s list of professions suffering from a labor shortage, a “labor market analysis” verifies whether a person in the regional labor market can perform the job. In practice, only very specific professions can be accepted out of the labor shortage list and work permits applications in this case are very rarely accepted. Regional lists differ, but have historically shortlisted a majority of male-dominated

<sup>8</sup> Belgium’s three regions are Flanders, Wallonia, and Brussels.

professions in industry (engineers, various technicians, electricians), construction (masons and floorers, plumbers, draftsmen), and services (accountants), together with health professions such as nursing that specifically attract women (Rea 2015, 55). The shortage in technical sectors favored migrant men, while migrant women occupied health professions and were largely employed in the informal economy, notably in domestic work.

The work permit, that is, a permit allowing migrants to enter the country under a specific work contract, is only one of the forms that migrants' work might take, but available data make it more easily observed. As noted by Rea (2015, 49), "labor migration can assume different forms articulating the status of labor with that of the foreigner: seasonal work, labor exempt of work permit (EU-nationals and immigrants with a permanent residence permit), labor that is regulated by the policy of work permits (EU nationals subjected to transitional measures and non-EU nationals), the status of self-employed (true or bogus), foreign student's work, the work of asylum seekers, the posting of workers and undocumented workers." Undocumented migrants include people who have entered the country clandestinely, failed asylum seekers and "overstayers" of their tourist or work permits – as in the case of *au pairs*, which permits are of one year only.

Rea's (2015, 54) analysis of delivered work permits shows a tendency toward feminization through the 2000s: women comprised 22.9 percent of applicants in 2000, and 33.4 percent in 2011, a difference mainly explained by the entrance of Poland into the EU and its transitional period. Between 2004 and 2009, Polish citizens had to submit to transitional measures before they could fully join the European common labor market; they were then allowed to apply for work permits without labor-shortage evaluations of the regional labor market, or to apply for a work permit without sector restriction if their spouse was self-employed.<sup>9</sup>

Official statistics on regular labor migration versus family migration conceal the extent of undocumented migrant workers' presence in Belgium. Although there are no official estimates, annual labor inspection statistics provide an idea of the numbers of undocumented migrant workers in the informal labor market: in 2011, labor inspections found 27,161 third-country nationals in an irregular migratory situation, according to the Department of Foreign Affairs (Michielsen et al. 2013, 11). By comparison, as of January 1, 2012, Belgium had 1,169,064 third-country nationals registered as residents (CECLR 2013, 28). In labor inspections, the majority of migrants caught are men because women mostly work in less exposed workplaces, such as private houses (Camargo 2010). According to Michielsen et. al (2013, 11), "it is argued that most irregular migrants are working in the informal market (in construction, agriculture, hotels, food service, cleaning and domestic work) because it forms one of the only options to earn an income for surviving." However, the authors observe that workers without regular residence

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<sup>9</sup> This transitional period was later used in Belgium for Romanians and Bulgarians between 2007 and January 2014. Each EU member state decided whether to apply a transitional period for access to their national labor market by new Europeans. They also determined the criteria for such access to the labor market and on the length of the transitional period. There were no restrictions on services provision, which is what allowed nationals of new member states to work as self-employed. More details on the transitional period can be found at [http://europa.eu/rapid/press-release MEMO-11-259\\_en.htm](http://europa.eu/rapid/press-release_MEMO-11-259_en.htm).

status make up only a small portion of informal workers—the majority of informal workers are Belgian citizens (Michielsen et al. 2013, 11).

There is a remarkable difference between EU women migrants and non-EU women migrants when it comes to migratory opportunities (Timmerman et al. 2015, 238). Despite their frequently high educational level compared with the national average (Parreñas 2001; Lutz 2011), non-EU migrant women must take on lower-paid jobs, such as domestic work, because of their irregular status or difficulties with validating their professional experience. Language is also a barrier to work for both EU and third-country migrants, even though it is not a barrier to migration. Scholars have shown that language is a key tool for finding a job once in the host country, even within the informal domestic work market (Hondagneu-Sotelo 2007; Lutz 2011; Michielsen et al. 2013; Camargo 2016).

Studies on migrant domestic work demonstrate the similarity of migrant women's experiences despite different national contexts and workers' individual characteristics. Or, as Parreñas (2001) puts it, "different settings, parallel lives" (2001, 243–44).

Thus, because of the meager labor migration possibilities, the only path currently left for undocumented migrants' regularization is family reunification, which is becoming increasingly difficult because of income requirements placed on the person applying for the right to reunite.<sup>10</sup> Theoretically, humanitarian regularization based on individual case analysis is still possible, but in practice, the "exceptional conditions" that prevent an individual from asking for a visa in his or her country of origin are almost impossible to prove.<sup>11</sup> Regularization for medical reasons also exists but is hard to obtain, and the permit granted is precarious (it is subject to political decisions as they influence bilateral relations and must be renewed periodically).<sup>12</sup>

Opportunities for undocumented workers to regularize their migratory status became available during regularization campaigns in 2000 and 2009. In an analysis of the gendered aspects of the regularization campaign of 2000, Godin and Rea (2010) show that mainly undocumented women benefited from *weak ties* (Granovetter 1983), meaning ties with groups that are not "theirs" (employers, institutions, colleagues, as opposed to *strong ties* with family and close friends). Godin and Rea (2010) show that women were more able than men to gather information and find opportunities to acquire a regular migratory status for two reasons: they were more in contact with children's schools and other institutions than men; and their jobs mainly in the domestic work sector helped them establish ties with employers who were willing to help them, while men were mainly in the construction sector and worked among co-workers with the same circumstances. Networking is thus also gendered (Godin and Rea

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<sup>10</sup> Indeed, since 2011, the family reunification rules were reformed such that the person making the request must prove "sufficient and stable means of subsistence," and the threshold is currently €1,387.84 net income per month (as of June 2017), corresponding to 120 percent of the amount of the "social integration allowance" (Source: [https://dofi.ibz.be/sites/dvzoe/FR/Guidedesprocedures/Pages/Regroupement\\_familial/Les%20moyens%20de%20subsistance%20stables,%20r%C3%A9guliers%20et%20suffisants.aspx](https://dofi.ibz.be/sites/dvzoe/FR/Guidedesprocedures/Pages/Regroupement_familial/Les%20moyens%20de%20subsistance%20stables,%20r%C3%A9guliers%20et%20suffisants.aspx)).

<sup>11</sup> People most often get a declaration of "inadmissibility."

<sup>12</sup> More information on medical reasons' regularization and its dysfunctions in the federal ombudsman's report (French):[http://mediateurfederal.be/sites/1070.b.fedimbo.belgium.be/files/regularisation\\_medicale\\_9ter\\_-\\_2016.pdf](http://mediateurfederal.be/sites/1070.b.fedimbo.belgium.be/files/regularisation_medicale_9ter_-_2016.pdf).

2010) and is a crucial tool for migrants, mainly for those who are undocumented and who cannot access official social assistance (Adam et al. 2002). Connections in workplaces, public transport, churches, and informal community gatherings also disseminate information on work and regularization opportunities, as well as work conditions in the domestic work sector (Hondagneu-Sotelo 2007).

Specific outcomes of these regularization campaigns are discussed in further sections.

## **2. Literature Review: Female Migration and Domestic Work**

The literature on migrant domestic work in the Global North is multifaceted. Although the goal of this paper is not to present a full literature review on the subject, three converging aspects of recent studies, which are in the background of this paper's analysis, are summarized here below.

First, studies on domestic work are mainly based on feminist thought; they emphasize the need to question gender roles and specifically the hierarchical division between "productive work" (valued, public, men's sphere) and "reproductive work" (devalued, private, women's sphere) (Kergoat 2010). Whereas productive work has become less associated with masculine aptitudes, reproductive work is still understood to be a feminine domain and suffers from lack of recognition (Lutz 2011). As Lutz (2011, 6) notes, integration of women into the labor market, which coincides with demands of the feminist movement, "cannot be realized in the absence of clarification as to who will take charge of the care work that was previously performed on an unpaid basis. Resolving this issue tends not to be accepted as a public task in many countries but is left as a problem to be solved individually."

Second, these studies very often combine domestic work and immigration to the Global North, notably in the West European and North American context. As shown in the beginning of the paper, more than half of domestic workers in Europe are migrants; therefore, migration policies are highly important for the domestic work sector. Welfare and labor market policies also influence migrant domestic work issues in that they can increase or decrease the demand for outsourcing domestic work, as well as define the protection from which migrant domestic workers can benefit.

In the past few years, studies on migrant domestic work have shown increased interest in migrant domestic workers' collective forms of organization and struggle for rights and visibility (Anderson 2000; Hondagneu-Sotelo 2007; Schwenken 2011). According to Hondagneu-Sotelo (2007, 241), "validating migrant domestic work requires formalizing its exchange, followed by reinforcing formal employment rules, and publicly recognizing and collectively organizing domestic work." Although her research refers to a migrant domestic workers' movement in the Los Angeles area (United States) in the 1990s, the situation of migrant domestic workers in Belgium, especially Brussels, corresponds closely to Hondagneu-Sotelo's findings (Camargo 2016).

The most recent addition to domestic workers' struggles is mobilization for approval of ILO Convention 189 on domestic workers, in effect in Belgium since June 2016. At the moment, only 24 states have ratified the convention (as of June 2017), but many, such as Brazil and Spain, are drafting legislation to prepare for ratification. Although the binding text rarely mentions documented migrant domestic workers (articles 8 and 15) and there is no mention of undocumented migrant domestic workers, the text is the first international instrument addressing the sector. To facilitate approval of C189,

negotiators strategically chose to overlook the polemical question of undocumented migrant workers (Schwenken 2011, 127).

Finally, predominantly since the 2000s, studies on domestic work consider it a transnational market that is intrinsically linked to the global economy (Parreñas 2001; Ehrenreich and Hochschild 2004; Lutz 2011). The so-called *global care chains* concept, coined by Hochschild (2000, 131), refers to “a series of personal links between people across the globe based on the paid or unpaid work of caring,” or what Pareñas (2001) has called *international division of reproductive labor*: middle-class-women in the Global North entering paid work outsource their “reproductive duties” to migrant women who have themselves turned over their “reproductive duties” to other women of the family or have hired a local domestic worker—who may also be a migrant. Ehrenreich and Hochschild (2004, 12) note that “a division of labor feminists critiqued when it was ‘local’ has now, metaphorically speaking, gone global.”

The global care chains concept is an important idea for the comprehension of a transnational labor market for domestic work. Although the concept has been thought of as global, it has been criticized for being considered too closely related to the North-American context (Williams and Gavanas 2008, 14). Other authors have criticized its victimizing approach, in which migrant women are seen as oppressed, and their agency and the heterogeneity of their migratory paths are overlooked (Martiniello, Mazzocchetti, and Rea 2013, 11).

This brief literature overview is necessary for understanding the following sections. In a context of global care chains, migrant women enter the domestic work market in Belgium, primarily Brussels, the global city-region<sup>13</sup> where the majority of them are located. Their situation intersects with the local structure of opportunities and constraints (Martiniello and Rea 2014) concerning migration and labor market policies, as well as the very feminine conception of domestic work. Migrant women in domestic work will then be affected by this two-sided situation: the same labor market policy has positive effects for those achieving migratory status regularization, while those who remain undocumented bear the negative consequences of the policy intended to formalize domestic work. In addition, even for those in the regular domestic work market, the sector still suffers from lack of social recognition and poor working conditions.

### **3. Politics of Migrant Domestic Work in Belgium and Brussels**

In the Belgian care regime, child and elderly care services are provided by the State, notably to certain vulnerable categories of the population, such as the frail elderly or social assistance clients. These services are needs-based and their cost is, as for public childcare, calculated proportionally to household income. There is, even though, a marketization trend through the development of private for-profit health insurance schemes, the arrival of for-profit providers with the service voucher scheme and a strong rise in the number of private for-profit rest homes in Wallonia (Degavre and Nyssens, 2012, 49), as well of private childcare providers, mostly in Brussels Region.

Care and domestic work are considered as an important source of employment in Belgium, particularly for “low-skilled” workers (Degavre & Nyssens, 2012, 61). Formal domestic work professions are thus

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<sup>13</sup> See Sassen (2001) for the concept of global city.

addressed toward low-educated and long-term unemployed workers. Though, the profile of “available workers” does not often correspond to families’ requirements, the formal system having in consequence bad reputation among some households (Gutiérrez & Craenen, 2010, 40; Safuta, 2017): employers might then turn to the informal labor market to hire motivated, flexible and relatively high-skilled migrants as domestic workers.

In addition, workers in the formal domestic and care work sector might be Belgian nationals or migrants with permanent residence permit. Indeed, as with many European countries, Belgium does not provide a special work permit for migrant domestic workers other than one for domestic diplomatic employees and *au pairs*—officially not considered workers but rather as participating in a cultural exchange.

Belgian authorities do not consider domestic work to be a sector suffering from a labor shortage (Interview SPF Emploi 2011), and work permit requests in the domestic work sector are rarely accepted. When professions are categorized as low-skilled or do not require a degree or certificate to be performed—domestic work, for example—authorities tend to simply look at unemployment rates and conclude that local job seekers can fill the demand.<sup>14</sup> Therefore, formal opportunities for migrants to come to Belgium as domestic workers barely exist, as well as a way to regularize their migratory status based on a domestic work employment. Considering that domestic work is a significant gateway to the labor market for migrant women, these policies affect particularly this group and reinforce their vulnerability. The discussion below explores the respective types of formal domestic work status of Belgian policy.

“Domestic employee” is the oldest traditional work status for domestic workers. Created in the 1970s, it was conceived of for full-time employees, and persisted as the only official status for domestic workers until the early 2000s. The domestic employee status is still relevant today and applies to both live-in and live-out domestic work. From 1986 on, domestic work employers offering food and shelter could directly deduct these costs from the live-in worker’s wages. This salary deduction can reach up to 50 percent of the gross payment if the worker is provided with full board and lodging.<sup>15</sup> Until 2014, employers were also able to bypass social security contributions if a live-out worker worked fewer than 4 hours a day or 24 hours per week (in one or several households).

Despite these advantages to employers, historically, few households have chosen to employ workers formally under the domestic employee status provision: in 2015 there were 1,119 employees under the professional joint committee n°323 for domestic employees and managers of an apartment building (*concierge*).<sup>16</sup> The main reason employers prefer other arrangements is that they consider the status too bureaucratic and expensive in terms of legal rights to be accorded and taxes and social charges, even with the previously mentioned deductions. This situation is also due to employers’ lack of information

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<sup>14</sup> The rare cases where live-in domestic workers were accepted under a work permit were a result of the argumentation of employers introducing the request, on the basis of the particularity of the employee.

<sup>15</sup> Source: [www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fr&la=F&cn=1965041204&table\\_name=loi](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1965041204&table_name=loi).

<sup>16</sup> In Belgium, a part from general labor law defining minimum standards, work collective agreements gathering representatives of workers, employers and the government decide on work conditions and wages of the sectors divided in joint committees (Source: [www.emploi.belgique.be/defaultTab.aspx?id=497](http://www.emploi.belgique.be/defaultTab.aspx?id=497)).

on their duties as domestic work employers. Moreover, under a domestic employment contract, the family is the direct employer by law, which many households consider burdensome.

Informal labor arrangements, whether with nationals or migrant workers (documented or undocumented), did and may still persist. The prevalence of informal domestic work in Belgium is also consistent with the widespread acceptance of undeclared work in the country (Haigner et al. 2010), not simply restricted to the domestic work sector. Estimates of the contribution of Belgian informal economy in the GDP oscillate between 3-4 percent up to 20 percent, all estimates using different methodologies and being published by recognized institutions such as the European Union and the European Central Bank (Pacolet *et al.* 2008, 437). According to Schneider (2013, 3), for instance, Belgium is in 18th position in a European ranking, of the “informality rate”: better than new EU member states, Southern European countries, and Turkey, but worse than Northern European countries.

In 2001, this informality picture changed slightly with the arrival of the service voucher policy.<sup>17</sup> In a context of high unemployment along with informality in the domestic work sector during the late 1990s, some European countries began to develop ways to formalize domestic work and other personal services (Camargo 2016). The Belgian service voucher policy has three goals: to promote a formal live-out domestic work market, eliminating informality; to create new jobs, especially among long-term job seekers; and to support work-life balance in dual-income couples. In the system, authorized companies are the employers of the workers, who provide cleaning services at clients’ households for some hours a week. Workers have work contracts and are covered in case of accident or illness, while enjoying public holidays and accessing social rights.

The voucher policy offers according to the federal government a good work-life balance to both workers and clients, both mainly women. For voucher employees composed by 97.4% of women as for 2013 (Idea Consult 2014, 37), the flexibility of working hours should help them conciliating both spheres. Although workers can indeed negotiate to build a schedule fitting them the best, they do not always have the choice of their working hours. Moreover, the sector’s low wages often oblige them to work full-time and, when including urban travel to and between work places (not reimbursed as working hours), some employees have more than a full-time job (Brolis and Nyssens 2014). Concerning households’ work-life balance, the policy is successful in giving middle and upper classes a formal solution to the gender imbalance and lack of time mostly experienced by female householders. Indeed, if men gendered roles have evolved in Belgian society, domestic chores share is still far from equity among couples, as women continue to spend much more time in domestic chores even though many of them work full-time (Glorieux and Vantienoven, 2016). They are often the ones at the initiative of outsourcing housework in the couple (Devetter and Rousseau, 2011; Camargo 2016).

The government, both through the offer and through tax deductions, heavily subsidizes the vouchers. Of the full cost €22.04 for an hour of work (wages and social security contributions), clients pay €9 per voucher for one hour to authorized companies, while the government spends €13.04 (as of 2017). On the workers side, average gross hourly wage is €11.06 (Idea Consult 2014, 49). In addition, until 2014 clients benefited from a tax deduction of 30 percent or a tax credit on the amount of a voucher’s value,

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<sup>17</sup> Details on the policy may be found at [www.titres-services-onem.be](http://www.titres-services-onem.be) (French).

thereby lowering the price to the client to €6.30/hour. In January 2015, the system became regional, meaning regions can change policy rules and subsidies, and Wallonia and Brussels lowered the ceiling for tax deductions to, respectively, 10 percent and 15 percent.

By providing subsidies to encourage former domestic work employers to switch to the service voucher, the voucher policy was successful in fostering formal housework (Camargo 2016). As of 2014, Belgium had 149,782 voucher employees and a penetration rate of 11 percent, with an average of 2.5 hours purchased per week per client (Idea Consult 2014, 9-13).<sup>18</sup> The informal market has certainly shrunk, but persists, however, mainly because it is impossible for undocumented domestic workers to work formally: to be employed by an authorized agency they must be nationals or have regular residence permits. Some households unlawfully use the voucher system to employ full-time and live-in domestic workers (Camargo 2016).<sup>19</sup>

Another type of status in the domestic work sector, strictly speaking a residence status, is that of *au pair*. The *au pair* system, structured around young adults participating in cultural exchange, has in many cases become a way to hire cheap full-time, live-in domestic work (Gallotti 2009; Gutiérrez and Craenen 2010; FRA 2011). In 2014, regions granted about 380 work permits: 331 for Flanders and 46 for Wallonia; information for Brussels is not available.<sup>20</sup> There are no reliable figures concerning *au pairs* which are EU citizens, as they are often officially registered as students or economically inactive EU citizens. National law establishes that *au pairs* must be between 18 and 26 years of age and may work no more than 4 hours a day and 20 hours a week, taking care of children and doing “light domestic chores” in exchange of pocket money.<sup>21</sup> *Au pairs* residence permit lasts for only one year. Some stay beyond this period, thus becoming undocumented domestic workers (Camargo 2016, 309).

This status is mainly an option for two-income households who are looking for a private child minder and cannot find this service elsewhere: domestic employee contracts may be expensive for some families, voucher service does not allow for childcare, and official baby-sitter systems are intended to be used only occasionally (Gutiérrez and Craenen 2010, 17). Theoretically, public childcare is available and accessible, but in practice there is a lack of places in public crèches and private ones are not always affordable.<sup>22</sup> Home carers (especially if living in) are moreover much more flexible than institutional childcare.

The lack of regulatory inspection and the concept that the *au pair* system is not for work but for cultural exchange make it difficult to monitor employers’ compliance with the law and to prevent abuses

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<sup>18</sup> Client figures refer to the number of persons using the system, not necessarily on a regular basis. The minimum length of time of the service is 3 hours, which means that households, on average, do not regularly outsource many hours a week (Idea Consult 2014, 17). Many households outsource 3 hours of housework every two weeks, for instance (Camargo 2016).

<sup>19</sup> The maximum outsourced hours allowed is 1,000 vouchers per year for a household, or about 20–22 hours a week.

<sup>20</sup> Source: Work permit division of each region. The Brussels-Capital Region did not publish its figures on its website.

<sup>21</sup> Regulations on *au pairs* in Belgium (French): [www.emploi.belgique.be/defaultTab.aspx?id=4890](http://www.emploi.belgique.be/defaultTab.aspx?id=4890).

<sup>22</sup> In public crèches, prices vary according to household income, but prices are fixed in private crèches.

(Gutiérrez and Craenen 2010). Contradictorily, families employing *au pairs* must request a work permit and might contract for domestic employees' insurance.

In addition to the domestic employee, the voucher service employee, and *au pairs*, a fourth situation for domestic workers in Belgium is diplomatic staff status, the only legitimate path to receiving a residence permit based on domestic work employment. According to the Organization for Security and Co-operation in Europe (OSCE 2014, 64), Brussels has 203 diplomatic foreign missions and 109 international organizations, of which the EU and the North Atlantic Treaty Organization (NATO) are the largest. The estimated number of these diplomatic domestic workers is about 600 a year as of 2010 (Gutiérrez and Craenen 2010, 8).

The Protocol Service at the Federal Public Department of Foreign Affairs delivers to these diplomatic domestic workers a "Special card" (S card). The Protocol Service is also responsible for informing workers of their employment rights and work contract, which is signed at the Protocol Service by both employer and employee. The S card offers diplomatic domestic workers a residence permit and they are entitled to the same rights as workers under the domestic employee status. From 2015, however, they are no longer able to register in national social security system and must be covered by the country of origin's social security or by a private health insurance paid by the employer.<sup>23</sup> In practice, most of the diplomatic workers pay themselves for a private health insurance, as employers are rarely willing to pay it.<sup>24</sup> Moreover, the residence permit cannot be extended to family members (no right to family reunification) and may be renewed annually, as in the work permit system. If the diplomatic employer leaves Belgium, domestic workers can either follow the employer, look for another diplomat willing to hire them, or return to their country of origin.

In 2013, Belgian trade unions and the Social Inspectorate<sup>25</sup> united to create a Commission for Good Offices, with the goal of mediating conflicts and addressing loopholes regarding workers' protection in the context of diplomatic missions.<sup>26</sup> Despite this effort and increased attention by the Protocol Service, for structural reasons diplomatic domestic workers are still vulnerable. To keep their job or to be sure of obtaining positive recommendations for future employment arrangements, these workers do not dare report abuse (Gutiérrez and Craenen 2010, 30). Another difficulty with diplomatic employment is that employers may benefit from diplomatic immunity from national justice.<sup>27</sup>

To summarize, except for domestic workers in diplomats' households who can access special work permits, Belgium's federal migration policies and regional labor market policies do not encourage

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<sup>23</sup> See Protocol Service's Circular "Conditions for granting special identity cards to private servants" (31/08/2015).

<sup>24</sup> Interview with OR.C.A 2017.

<sup>25</sup> Social Inspectorate in Belgium refers to labor inspection (inspection of employment conditions and pay). Inspections mainly refer to the Social Criminal Code.

<sup>26</sup> The Commission for Good Offices dealt with the category of diplomatic employees who do not belong to any joint committee.

<sup>27</sup> In principle, diplomats, like other employers, are subject to Belgian labor law. Nevertheless, diplomatic immunity is an obstacle to legal procedures and, in practice, deters workers from registering complaints. Although Belgium could in theory lift diplomatic immunity in cases of labor law violation, this procedure is very rare. What often happens is that the country of origin recalls their "problematic" diplomats.

migration for domestic work, despite unsatisfied demand for full-time migrant domestic workers (predominantly live in) (Gutiérrez and Craenen 2010; Interview OR.C.A. 2015). Certainly, *au pairs* do not have true work status, and domestic employees and voucher workers are statuses reserved for nationals or regular migrants in Belgium, while domestic work does not qualify for work permits (except in very rare cases, as explained). In practice, regardless of status, workers perform the same chores, but benefit from different levels of protection according to their employment and migratory situation. This incoherence is considered to be discriminatory under the newly ratified ILO Convention on domestic workers (C189), a problem Belgium should address (Interview with OR.C.A. 2015). Although the voucher policy has contributed significantly to sector formalization and to better protecting domestic workers in the system, it does not cover full-time or live-in situations. There is thus a gap in domestic service policy, leaving demand unaddressed. In the hope of expanding the voucher policy to cover other arrangements but with lesser subsidies, migrant organizations and experts question the high cost of public support provided for a comfort service (for those using it as full-time home help) (Gutiérrez and Craenen 2010). In 2013, the gross cost of the voucher policy to the Belgian government was €1,930.9 million.<sup>28</sup>

#### **4. Domestic Workers' Profile in Brussels: EU and Non-EU Migrant Women**

Voucher system figures provide an idea of the general landscape of migrant domestic work<sup>29</sup>: while this formal sector was assessed annually between early 2000s and 2014, estimates of other sectors lack precision, and the extent of the informal sector is hardly calculable. For instance, the foreign nationalities found in the formal domestic work market may be representative of the informal one, but their proportions may vary within each market.

According to the “Socioeconomic Monitoring” report (SPF Emploi and CECLR 2015), which analyzes workers in the Belgian labor market by their migratory background, Europeans from new EU member states are a majority among the migrant voucher workers or nationals with a foreign background in the voucher service sector. Their figures have quadrupled from 4,190 in 2008 to 16,930 in 2012, when they constituted 16 percent of voucher employees in Belgium (SPF Emploi and CECLR 2015, 93). Within this group, Polish is the most represented nationality.

In addition to Eastern Europeans, non-EU newly arrived migrants who acquired migratory status, whether from family reunification or regularization campaigns, also joined the voucher system. The participation of some nationalities, such as Filipinas, Brazilians, and Ecuadorians, has progressed rapidly, mainly in the Brussels-Capital Region, where their shares in 2013 were, respectively, 1.8 percent, 3.5 percent, and 3.5 percent, as shown in table 1.

The Brussels-Capital Region offers as a global city-region a specific frame in respect to its domestic labor market. As shown in table 2, 28.1 percent of voucher workers in Belgium are non-Belgians, but in Brussels 77.1 percent of voucher workers are non-Belgians. If one looks at the ethnic statistics in the “Socioeconomic Monitoring” report, Belgians with Belgian family heritage make up less than 1 percent

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<sup>28</sup> This amount includes the public intervention on the direct subsidy of the offer (€1,637 million), the policy framing (€15.6 million), and allowed tax deductions (€278.2 million) (Idea Consult 2014, 68).

<sup>29</sup> Impacts of the voucher service policy for documented and undocumented migrant women is discussed in later sections.

of service voucher workers in the Brussels-Capital Region (SPF Emploi and CECLR 2015, 94). While domestic workers are overwhelmingly migrants, domestic work purchasers also count a high level of highly skilled migrants in the global city-region of Brussels (Camargo 2016).

Table 1 illustrates the presence of migrant workers in the voucher system in 2013 in the Brussels-Capital Region. In contrast to the “Socioeconomic Monitoring” report, which presents data by citizens’ migratory backgrounds, table 2 does not take into account Belgian nationals with a foreign background but only reports the official citizenship of workers.

**Table 1. Participation of Main Nationalities in the Voucher Service System in the Brussels-Capital Region, 2013**

	<b>Number of workers</b>	<b>Proportion (%)</b>
<b>Belgian</b>	4,644	22.9
<b>Non-Belgian</b>	15,639	77.1
<b>Brazil</b>	711	3.5
<b>Bulgaria</b>	362	1.8
<b>Ecuador</b>	711	3.5
<b>Italy</b>	242	1.2
<b>Morocco</b>	781	3.9
<b>Philippines</b>	367	1.8
<b>Poland</b>	6,515	32.1
<b>Portugal</b>	1,793	8.8
<b>Romania</b>	1,793	7.7
<b>Spain</b>	607	3.0
<b>Total workers</b>	20,283	100

*Source:* Data from the National Employment Office (Idea Consult 2014, 88).

**Table 2. Proportion of Belgians and Migrants from the EU and non-EU in the Voucher Service System in 2013, per Region of Residence of the Worker (N=number of voucher service workers)**

	<b>Belgium (N=149,782)</b>	<b>Brussels (N=20,304)</b>	<b>Flanders (N=89,770)</b>	<b>Wallonia (N=38,708)</b>
<b>Belgian citizens</b>	71.9%	22.9%	77.7%	85.3%
<b>EU27 (except BE) citizens</b>	20.1%	56.4%	15.3%	10.9%
<b>Non-EU27 citizens</b>	8%	20.7%	7.1%	3.8%

Source: Idea Consult (2014, 37).

Note: BE = Belgians. According to an annual assessment (Idea Consult 2014, 37) another 1,000 workers live outside of Belgium (probably neighboring countries): 19.7 percent have Belgian nationality, 79.4 percent are from the EU27, and 0.9 percent are non-EU27.

In sum, combining the formal and informal labor markets, the domestic work sector in Brussels is composed overwhelmingly of migrant women. When undocumented, these women are mostly concerned about their ability to enter the country as domestic workers or regularize their situations once in Belgium. According to migration organizations, the lack of legal admission categories for domestic workers, mostly concerning live-in arrangements, may contribute to undeclared arrangements and migrant domestic workers' irregularity (Interview with OR.C.A. 2015). Most cases of human trafficking for labor exploitation in the domestic work sector—about one or two confirmed cases a year— are live-in arrangements in the informal sector with victims usually being undocumented migrant women (Camargo 2015; 2017).

Documented migrants' main concerns are with the lack of protection of their existing working status. The logic underlying the work permit or the S card for diplomatic domestic workers increases workers' dependence on employers, in practice becoming an obstacle to enjoying access to justice and labor protection (FRA 2011). Another consequence affecting women with an S card—mainly due to gender roles assigning women to be the family caregiver—is that family reunification is not allowed. Women can thus accumulate several years of diplomatic contracts without the possibility of reuniting with their children or spouses or for applying for another migratory status.

The next sections explore consequences of the voucher system on migrant domestic workers.

## **5. Voucher Service Policy Impacts for Regularized Migrant Women in Brussels**

As discussed, the voucher service implemented a formal domestic work market in Belgium and, even though this labor market policy was politically oriented to create jobs for nationals, in the Brussels-Capital Region the sector is predominantly occupied by migrant women (regular non-EU migrants or EU migrants enjoying free movement). The increasing shift of migrant women previously in the informal domestic work sector to the voucher service sector, despite a very restrictive migrant policy, is due to the intersection of the voucher policy, the specific context of Brussels as a global city-region, and definite gaps in migration policy.

The voucher became applicable in 2004,<sup>30</sup> but the system's "boom" occurred between 2007 and 2010, when many workers and clients began to take advantage of it. This period coincides with two important opportunities that led to particular impacts for EU and non-EU migrants: the opening of the Belgian labor market to Poland (section 5.a) and the regularization campaign of 2009 (section 5.b). Regular migrant domestic workers' perceptions of this change to formal work are also variable according to their migratory path (section 5.c).

#### **a. EU Labor Market Opening and the Situation of EU Migrant Domestic Workers**

The transitional policy for Poland, between 2004 and 2009, was not gender neutral and mainly favored men. Although the policy restricted the employment of new EU nationals, no restrictions were made for the circulation of services and entrepreneurship. This situation favored a labor insertion mainly through self-employed workers more common in male-dominated sectors such as plumbing or construction.<sup>31</sup> Polish women were able to apply for a work permit during the transitional period only if their spouse had self-employed status ("independent"), through family reunification. There is therefore a gendered consequence for women migrating alone, who had no "entry door" to the labor market. At the same time, many women previously in the informal domestic work market—those with more economic and/or cultural capital—opened companies as self-employed, mostly service voucher companies. Even though no data are available on the number of authorized voucher companies opened by Polish women, several interviews with voucher company managers in Brussels confirm this phenomenon. One of the author's interviewees among company managers was a former Polish domestic worker herself (Camargo 2016, 173).

Today, employment rates in Belgium among new EU citizens are about 64% for men and 54% for women (SPF Emploi and CECLR, 2015, 54). This insertion is, concerning women and particularly Polish nationals, largely due to the participation in the formal domestic work market, possible during and after the transitional policy. Poland is currently the main newly-arrived-EU nationality in the domestic work sector in Belgium, be it formal or informal (Safuta, 2017). They account for 8.8 percent of voucher workers in Belgium and 32.1 percent in the Brussels-Capital Region (Idea Consult 2014, 37). Their position is a result of established ethnic networks, relative geographical proximity to their country of origin, and free movement as European citizens. Polish domestic workers also benefit from positive stereotypes as "good cleaners" and "hard workers" (Kuźma 2012). Notably, as put by Safuta (2017), compared with migrants from other countries, Polish female migrants' success also has its origins in structural privileges, such as whiteness and Catholicism.

The history of Polish migration to Belgium begins before the Second World War with the arrival of coal miners, and trends increased during the 1990s after the fall of the Berlin Wall (Kuźma 2012). Well before Poland joined the EU, Polish women were the main nationality in the informal housecleaning market in Brussels and its outskirts, and since the late 1990s in the Brussels-Capital Region "Polish woman" connoted "cleaning lady" (Kuźma 2012).

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<sup>30</sup> The system officially began in 2001, but was not implemented in Brussels and Wallonia until 2004 because of disagreements among social actors about the tasks covered by the vouchers.

<sup>31</sup> This analysis can be in many ways extended to other new EU nationalities that entered Belgian labor market afterwards following the same transitional policy.

Therefore, the entrance of Polish workers into the voucher service sector, whether between 2004 and 2009 with a work permit or after 2009, represents an important opportunity for joining the formal labor market for those already in the informal sector. Aside from the low wages offered, the voucher sector remains attractive because of its indirect wages (sick leave, paid holidays, parental leave). This is mostly true for workers who are aging and start to value indirect wages and the possibility of contributing to retirement funds. Many workers also choose to partially switch to formality while keeping some clients in the informal market (Camargo 2016).

From 2010 on, the financial crisis in Southern European countries motivated many Portuguese and Spanish women to migrate and try to work in the voucher market in Belgium, mostly in Brussels. Many of them are EU nationals with a foreign background (Brazilians, Colombians, Ecuadorians, and others). The current influx of Portuguese workers into Belgium is however less of a new shift, reflecting historical work migration trends (Camargo 2016, 210).

Considering mobility opportunities for Polish and other EU migrants within the EU, the demand for live-out domestic workers in Belgium, and the lack of training prerequisites, amid the context of financial crisis in 2009, Belgian authorities began to consider the sector a “pull factor” for EU migration to Belgium. Facing a growing EU presence (a significant portion of which was already there informally before the voucher policy), in 2012 the Belgian government implemented the “60 percent rule,” establishing that per trimester a minimum 60 percent of new hiring should be composed of long-term job seekers or social allowance beneficiaries. On the one hand, this measure brings the policy closer to its original social goal of reducing long-term unemployment. On the other hand, the rule disregards the reality in Brussels’s domestic work market, historically dominated by migrants. In the other two regions, the measure was more easily followed, but since 2015 Flanders has even though abrogated the 60 percent rule.<sup>32</sup>

Consequences of the 60 percent rule do not only affect EU migrants arriving from abroad. Any worker previously in the informal market who decides to convert to formality will find it difficult to be hired because authorized voucher companies need to comply with the rule that 60 percent of new hires must be long-term job seekers or social allowance beneficiaries. It will also be hard for undocumented domestic workers who obtain regularization to get a voucher contract, even though they often bring their clientele from the informal market.

#### **b. “Double” Regularization for Non-EU Migrant Domestic Workers**

During its regularisation campaign, from 2009 to 2012, the Belgian Immigration Office received 64,787 regularization applications for humanitarian reasons (article 9bis) and 32,476 applications for medical reasons (9ter). About one-third, or 33,009 applicants, received a positive response.<sup>33</sup> No detailed explanation was given on this regularization rate; grassroots NGOs in the migration field recall that many

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<sup>32</sup> As explained in section 3, beginning in January 2015 Belgian regions had the autonomy to decide on the voucher service policy, and just as Wallonia and Brussels reduced their ceiling for tax deductions, Flanders abrogated the 60 percent rule.

<sup>33</sup> Source: Official data of the Belgian Immigration Office ([https://dofi.ibz.be/sites/dvzoe/FR/Statistiques/Pages/Autorisations\\_de\\_sejour\\_humanitaire.aspx](https://dofi.ibz.be/sites/dvzoe/FR/Statistiques/Pages/Autorisations_de_sejour_humanitaire.aspx)).

regularization files were considered as having insufficient proof of continued residence and/or integration. While the government considered the proportion rather high, migrant organizations argued that it relegated a significant proportion of undocumented migrants to precarious conditions of work and life.

Many of those who benefited from the regularization campaign were undocumented migrant domestic workers, even though there are no data on the profile of regularized migrants. These workers were allowed to simultaneously acquire a migratory status and switch to formal domestic work under the voucher service system.

The opportunity that was introduced in 2009 of applying for regularization under the criterion “regularization through work contract”, without precedent in Belgian migration policy, clearly shows the interaction between labor market and migration policies for domestic work. This criterion generated a specific opportunity for undocumented migrant domestic workers in 2009: migrants could show proofs of a shorter settlement in Belgium if they presented a work-contract-type (engagement of future employment in the models of a work permit). Not only did many apply with a voucher service contract using their clientele obtained in the informal market, but they also represented a majority among this kind of work permit application. In total figures, however, the “regularization through work contract” represents a minute percentage of global regularization statistics of the 2009 campaign: about 3,062 permits were granted, a majority of them in the Brussels-Capital Region. This is not to say that migrant women granted long-term permits (under the first criterion based on long term settlement) are not working as domestic workers. On the contrary, regularization of both criteria contributed to the “boom” of the voucher service in 2009-2010 with the arrival of new workers (Camargo 2016).

Although deemed statistically insignificant, the “regularization through work contract” nevertheless helped to regularize groups from new migratory influxes. Indeed, they were often settled in Belgium for fewer than five years or were unable to prove their settlement (first criterion). Traditional migration groups in which newly arrivals continue to happen, such as Moroccans, are also well represented among the nationalities granted “regularization through work contract.”

A gendered analysis of the work permit introduced in the context of “regularization through work contract” at the Regional Ministry of Employment of the Brussels-Capital Region (Camargo 2016, 139–145)<sup>34</sup> shows that the voucher service sector represents 34 percent of first applications and 46 percent of renewals in the Brussels-Capital Region. The second biggest sector is trade (professional joint committees n°201 and n°202), with 15 percent of first applications and 14 percent of renewals; other joint committees represent less than 10 percent of applications granted. Sectors with significant migrant presence, such as construction and the catering and hotel business, are, for instance, much less represented among work permits granted, with first applications comprising, respectively, 9 percent and 4 percent.

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<sup>34</sup> First work permit applications (2009 and 2010) and renewal applications (2010–13) were analyzed by gender and joint committee (according to official data from the Ministry of Employment of Brussels-Capital). For methodology see Camargo (2016, 418).

Men were the primary beneficiaries of the “regularization through work contract”: only 39 percent of first applicants were women. There is no data on the applicants’ profile, but the presence of more young male undocumented migrants living in Belgium could contribute to explain this figure. Renewal applicants, however, were evenly balanced among men and women. This can be explained by, among other reasons, the stability of the labor sector in which women were major applicants: the voucher service and the sector of domestic employees and *concierges*. Men have also submitted applications in these sectors: they benefited from 15 percent of first work permits granted within the voucher service, and 18 percent of first work permits granted within the domestic employee and *concierges* sector. Some of them were already in the informal domestic work sector, while others considered an application within these two sectors surest than other unstable “migrant jobs” such as construction. Undeniably, the construction sector offers a more sporadic work, making the formal employment more expensive: sector’s workers are often (true or bogus) self-employed and European detached workers (Rea 2015). Moreover, although there is no official data, interviews show that some men might have chosen to “switch” to the voucher or domestic employees and *concierges* sectors at the renewal period, to enter a more stable sector (Camargo 2016).

Although men were granted residence and work permits under the “regularization through work contract” for the domestic work sectors, they are still a minority: they count for only 2.6 percent of the total voucher workforce nationally, 4.5 percent in Brussels Region, as for 2013 (Idea Consult 2014, 37). Domestic work in Belgium, as well as in other countries, remains a gendered and migrantized work, but, as shown by Näre (2013, 610), “gender is a stronger stratifying factor [than migration]”.

In qualitative terms, the male migrant minority in domestic work sectors may have a hard time gaining acceptance, regardless of the kind of work or migratory status, and are often discriminated against in their community (Camargo 2016, 144). Simultaneously, other studies demonstrate that men in women’s sectors achieve better positions and enjoy better employment conditions, as shown by Awumbila, Teye, and Yaro (2016) for domestic workers in Accra, Ghana, and by Lebeer and Martinez (2012) for the professional cleaning sector in Belgium. Even in low-paid and low-social recognition sectors, men may hold better positions.

### **c. Job Quality and Migrant Domestic Workers’ Perceptions of the Change to Formality**

Employment conditions in the voucher system are superior to those in the informal market, but far beneath the standards set forth by the International Labor Office (ILO) as “decent work.”<sup>35</sup> Based on the indicators used to estimate the quality of employment, the voucher service appears to be poorly paid, precarious, and offering few possibilities of moving to other jobs in other professional sectors of the formal labor market. In other words, the sector has very low “employability,” as Brolis and Nyssens (2014, 6) note in their study on the quality of employment of the voucher sector. These conclusions join other domestic work authors that defined domestic work as a “dead-end job” (Triandafyllidou, 2013, 2).

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<sup>35</sup> According to the ILO, decent work “sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.” (Source: <http://ilo.org/global/topics/decent-work/lang--en/index.htm>).

When it comes to wages, Brolis and Nyssens (2014, 5) estimate average gross monthly earnings to be about €1,070, observing that the net amount would be by consequence inferior to the national poverty line, established at €1,083 net for one person alone.<sup>36</sup> Moreover, the authors state that workers' income should not only be estimated based on the hourly or monthly wages but should also take into account actual working hours given that many workers are part time. In 2013, 64.2 percent of the sector's workforce was employed for less than half time, 24.6 percent worked between half time and full-time, and only 11.2 percent worked full-time (38 hours a week in Belgium) (Idea Consult 2014, 51).

Working hours in the sector also have different trends according to gender: more men than women work full-time, respectively, 25.3 percent and 10.8 percent (Idea Consult 2014, 50). In this vein, Matus and Prokovas (2014, 12) observe (for the voucher service in France) that the "choice" of a professional activity that allows a worker to handle work-life balance and be available for the children often falls on women.

There may also be different perceptions of the advantages of formal domestic work according to migrant women's profiles. Some have strong cultural capital and previous skills, and may leave the sector if they are given the opportunity. For these women, entering the voucher sector at their regularization (whether through the entrance of their country into the EU or regularization granted by a family-reunification or regularization campaign) is mostly seen as a temporary solution to counter the lack of employment opportunities in other sectors and the difficulty of valuing their degrees or previous professional experience. Their passage to formal work is therefore marked by downward mobility, notably when they enter into formal work without experiencing a long period as undocumented migrants. The "choice" of a job in the voucher service, or more globally in the domestic work sector, is equally an outcome of a migrant's lack of knowledge of national languages (French or Dutch).

At the other extreme, there are migrant women with low educational levels, a profile closer to that of national voucher workers, who would face difficulties getting out of the sector. The system itself makes vocational rehabilitation difficult, and their acquired skills would likely not be recognized elsewhere. For these women, the voucher system is an opportunity to work in a declared job while being paid more than in their country of origin.

Voucher workers who acquire migratory status through the "regularization through work contract" are trapped within the sector because to renew their permit for an additional year, they must prove they have honored all their contract hours and cannot change sector (or must duly justify). Only after three renewals are they allowed to submit a request for permanent residence not linked to work.

Overall, migrant domestic workers' perceptions of their passage to formal work are positive. They do not report major changes in their daily work, given that the majority kept the same clients and continued performing the same chores, even though some of those chores are not allowed (care work, external tasks). Many of them feel recognized in their daily work by their employers or clients, although they also recall a lack of social recognition (Camargo, 2016).

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<sup>36</sup> Source: Public Federal Service Economy (ministry) – SILC (Study on Income and Living Conditions) <http://statbel.fgov.be/fr/statistiques/chiffres/travailvie/eu-silc/pauvrete/>.

For migrant women who experience “double regularization”, perceptions of the change to formal work are overwhelmingly positive, influenced by acquisition of migratory status. They recount deep life changes: for those living as undocumented for many years, acquiring migratory status is a relief. Workers are finally able to enjoy their rights without fear; they are more self confident and therefore dare to say “no” to their employers or clients. The pragmatic, symbolic, and identity dimensions of their migratory status are of major importance for these workers, influencing their perceptions of their situation within the formal labor market and their plans for the future. In migrant women’s discourse, perceptions of the passage from informal to formal work mix with their overall impressions of major changes in their daily life and in their perception of their migration and selves (Camargo 2016). Indeed, in the words of a trade unionist at the Women Brussels section at the Christian Trade Unions Confederation (CSC), access to a regular migratory status is the “door opening all others” (Interview CSC Women Brussels 2015).

To summarize, both the opening of the labor market to Poland and the 2009 regularization campaign have contributed to the acquisition of migratory status by many migrant women and, consequently, to their entry into declared work. A significant part of migrant women newly regularized (or newly EU citizen) work in the domestic work sector, mainly within the voucher system. This switch from informal to formal work accompanies, for non-EU migrant women who had possibly bared many years as undocumented migrants, more deep and empowering changes linked to their migratory status change. For those who already had regular migratory status, switch to formal domestic work did not mean huge changes. Indirectly, this movement towards work formalization also brought many households, which previously employed undocumented migrant domestic workers or EU citizens in the informal market, to the official and declared domestic work policy of voucher service.

## **6. Voucher Policy Impacts on Undocumented Migrant Women in Brussels**

Undocumented migrant domestic workers who were not able to benefit from the regularization campaign or other regularization opportunities and remained in the informal domestic work market have seen some of their employers wave goodbye to them and move to the voucher service system, mainly attracted by its competitive prices and tax advantages. Those who kept their employers in the informal market count on their loyalty, but are under pressure to solve their “migratory situation” so the household can move toward the voucher system. Other undocumented workers accept payment in vouchers that they later sell on the black market to voucher agencies or workers willing to complete their schedules.<sup>37</sup>

As explained above, possibilities for obtaining migratory status are very constrained: apart from family reunification, workers can only await possible future regularization campaigns, as it happened in 2000

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<sup>37</sup> This is possible because vouchers are dated and signed by the client and the worker. Workers or agencies can then exchange vouchers, pretending that another worker did the cleaning hours at the client’s house, as the only official bond is between workers and their agencies that are their official employers (some agencies do, however, have service contracts with clients). The interest of workers when buying vouchers is, for instance, to reach 35 hours a week, the minimum to renew one’s work permit for those who acquired migratory status through the “regularization through work contract.” Unlawful practices do not seem to be the norm, but they exist (see more in Camargo 2016, 219, 229–32).

and 2009. However, the influx of EU workers migrating from new member states and Southern Europe, as well as the refugee reception crisis<sup>38</sup>, makes the political environment unfavorable for such regularization campaigns.

From the employers' point of view, aside from domestic employee status, there are no alternatives other than to hire full-time domestic employees from the informal domestic work market or unlawfully in the *au pair* program or voucher system (neither of which lawfully enable full-time domestic work). In addition, some employers value task diffusion, and therefore prefer to hire informally (Safuta, 2017).

For undocumented migrant women trapped in informal work, the available jobs are mostly live-in domestic work, still a niche for newly arrived migrants who can easily start working and saving money without having to pay rent while learning the language through contact with the family. Also remain the neglected informal live-out jobs, which are often too far away, too much work, poorly paid, with "maniac" employers, and other negative attributes. Moreover, regarding payment, domestic workers in the informal market, with some exceptions, cannot expect to receive more than the hourly price of the voucher (€9 in 2017).

Theoretically, undocumented migrant domestic workers, like all workers in Belgium, would have the right to protection of their fundamental rights and to receive pay for their work. The 2009 EU "Employers' Sanctions Directive" potentially presents an avenue for law enforcement and increased access to justice for undocumented migrants. The directive's evaluation performed by the Platform for International Cooperation on Undocumented Migrants (PICUM 2015) shows it is in fact very hard to put these protections into practice, mainly because of the conflict between migration law and migrant workers' protection. Indeed, the police, who have the responsibility to check residence permits, accompany labor inspections for security reasons. As civil servants, inspectors are also bound to report crimes and therefore must report all persons found without regular residence status to the immigration authorities (PICUM 2015, 6).

The lack of information and fear of discriminatory situations or deportation also influence the behavior of undocumented migrants, including not calling the police when in danger, or not contacting the Social Inspectorate when subjected to labor exploitation. There is thus a consequence for undocumented women's integrity, as they are even more vulnerable to crimes such as gender-based violence. Although undocumented men and women often practice these so-called *avoidance strategies* (Adam et al. 2002, 204), women have more contacts with Belgian employers and institutions as shown by Godin and Rea (2010), through their job as domestic workers and their gendered role as mothers—with children's school, for instance.

In this context of unreceptive institutions, mediation might be the best way to achieve an agreement between workers and employers in cases of conflict. In contrast with other sectors in which labor exploitation of migrant workers occurs, domestic work mediation is facilitated by the fact that employers are families and not "professional employers", often preferring to solve the disagreement rather than being called in front of a judge. On the other hand, in the case of full-time domestic work—a more common situation in which conflict arises—workers have significant intimate information to

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<sup>38</sup> See Myria (2016).

disclose on householders, which reinforces the predisposition toward finding an agreement (Interview OR.C.A. 2015; Interview CSC Women Brussels 2015).<sup>39</sup> Simultaneously, OR.C.A.’s experience shows that when workers get to know their rights and that work abuse is not extensive, they are often able to directly negotiate changes with their employers and stay at the job.

However, the peculiar situation of employment in private households makes domestic work more invisible to labor control and more broadly to social control than other employment situations—a situation intensified by live-in arrangements. Invisibility, associated with policy and law frameworks that create vulnerability among undocumented domestic workers, favors or allows for labor exploitation (Camargo 2015; 2017). Often, emotional bonds between workers and employing families also hide the perception of an exploitative situation (Camargo 2017).

To conclude, despite the existence of legal protections for undocumented domestic workers, they are, in practice, very vulnerable and float in twilight zones between formality and informality. Paradoxically, the shaping of a formal live-out domestic work market with the voucher system – which brought better working conditions and recognition to the sector– has had the pernicious effect of creating a “cut-priced market” for undocumented domestic workers who are henceforth inclined to accept more precarious conditions of work and pay (Camargo 2016, 316).

## **7. The Way Forward: Policy Recommendations**

As this paper shows, the situation of migrant domestic workers in Belgium results from the specific interplay between the labor market regime and migration policies, including non-EU and EU migration frameworks: no labor migration for domestic work, no regular path to migratory status except family reunification (itself under increasing restrictions), free circulation of EU workers, restrictions on migrants from the newer member states, and free circulation of services. This intersection has gendered consequences, primarily affecting migrant women because they are overrepresented in the sector—still considered low skilled and feminine. Women are then differently affected by the structure of opportunities and constraints resulting from policies and context, according to their migratory status.

First, migration patterns to Belgium do not advantage those in domestic work, a main point of entrance for migrant women into the labor market in a global context of increasingly feminized migration (Fleury 2016).

Second, the transitional policy for new EU member states has favored the migration of men in technical sectors while East-West (irregular) migration in Europe was historically feminized. Above all, the policy benefited self-employed men enjoying the free movement of services, while women were mainly in informal domestic work (although some, as shown above, opened their own voucher service companies or could be employed through their spouse’s status).

Third, analysis of the “regularization through work contract” has shown that, although men and women benefited equally from this policy (renewals of work permits were evenly split between men and

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<sup>39</sup> Although mediation awards workers their back wages or indemnities, it does not allow access to a residence permit. Residence permits are only given in cases of trafficking in human beings for labor exploitation (Camargo 2015).

women), some sectors, mainly the voucher service, were overrepresented among delivered permits, and women were overrepresented within them (Camargo 2016, 139–45).

The voucher policy was successful in fostering formal housework, an important step in the process of upgrading domestic work as a profession. Undocumented domestic workers are, nevertheless, still excluded from formal domestic work, and there is no regularization path by which to change their situation. The analysis of the path of migrant domestic workers experiencing both a change in migratory regularization and work formalization highlights the importance of acquiring migratory status (Camargo 2016). Although these two experiences are mixed in regularized domestic workers' own narratives, they reveal the opening of new paths in life through migratory regularization.

The political goal of Belgian government's 60% Rule, to favor socially vulnerable profiles (long-term unemployed women, beneficiaries from social allowance), can be considered as legitimate, although it may have harmful side effects for some domestic workers willing to enter formal labor market, as exposed. Nevertheless, the sector is profoundly migrantized and filled mainly by newly arrived migrants (mostly in Brussels), which are generally more qualified and motivated than Belgian long-term job seekers. Moreover, this measure sends a symbolic message of a low-skilled job that can be filled by any person without previous qualification—the opposite of what many scholars have proved, showing the complex and multiple skills needed in domestic work (Lutz 2011). In the long term, this measure cannot contribute to value domestic work socially: domestic work will then remain a migrantized and devalued sector. Recognizing, as domestic workers have claimed during the ILO C189 convention, that “domestic work is work!” (Schwenken 2011) is perhaps the first step for a real change in the way of valuing reproductive work.

The following policy recommendations are based on previous research and policy analysis. They refer to the previous sections of this paper, which mainly discuss existing migration and labor market policies that apply to domestic work, and analyze the impacts of the intersection of these policies on migrant women domestic workers in Belgium, specifically Brussels.

### **Labor Policy**

- **Ratify international treaties applying to migrant domestic workers.** In addition to ILO Domestic Workers Convention No. 189 (effective June 2016), other international instruments, such as the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, could increase migrant domestic workers' protections in Belgium.<sup>40</sup> Moreover, ratified conventions should receive due attention in the implementation phase—the watchdog role played by NGOs should be fully supported.
- **Improve knowledge on the domestic work sector.** As this paper shows, the voucher system is only part of the domestic work sector. To better design future policies, the government should provide more qualitative information on the informal domestic work market, as well as systematize existing statistics on *au pairs*, domestic employees, and domestic employees

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<sup>40</sup> To date, the convention remains unsigned by any EU member state (June 2017). See full text and state of ratifications at the UN website: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-13&chapter=4&lang=en&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4&lang=en&clang=en).

working in diplomatic households. Public hearings that include civil society could also help identify gaps, weaknesses, and the deleterious effects of the overall migrant domestic work policy in a gender-sensitive approach.

- **Harmonize the types of domestic work status.** As this paper shows, domestic workers often perform similar tasks accessing different rights and protection according to their migratory and work status. Some organizations propose unifying all professions in which the job is performed in a private house, with the creation of a third party similar to the model of the voucher service policy that would mediate relationships among all kinds of domestic workers and the clientele (without the same subsidies). See OR.C.A. (2016).
- In this sense, the OR.C.A. organization proposes the abolition of the *au pair* system and its replacement by a cultural exchange program allowing youngsters to learn a language in Belgium without any commitment to domestic tasks. See OR.C.A. (2016).
- **Reinforce migrant domestic workers' rights in the informal sector.** When undocumented workers are found in informal employment, employers instead of workers should be sanctioned. For this to be implemented in practice, it is key that social inspectors (and police agents) should not have both protection *and* migration-control functions, to guarantee true protection of undocumented workers. Moreover, social inspectors should have easier access to private houses that are also workplaces for domestic workers. A good practice that comes from the Brazilian social inspectorate is that employers who are caught employing informally are obliged to immediately officially employ workers (except if the worker wants to leave) as well as pay back wages and social contributions according to wages in the sector.

### **Migration Policy**

- **Allow migration for domestic work.** The current system holds the view that job seekers can fill “low-skilled” positions. In practice, however, even high unemployment rates do not make nationals turn to domestic work, especially in Brussels or the major urban areas in Belgium. Domestic work should be managed as a sector that suffers from labor shortages and be opened to migrants, whether EU or non-EU nationals.
- **Ensure paths to regularization of undocumented migrants.** Undocumented migrant domestic workers have no possibility of regularizing their migratory status except by family reunification, which is also increasingly restrictive. This vulnerability of the migratory status is one of the main factors that allow labor exploitation in domestic work (Camargo 2017). When it supports migration and labor regularization, the government receives more tax contributions, facilitates employers' control, and increases workers' protection. There should be a regularization path for people already living and working in the country.
- **Modify work permit system.** As argued in this paper and previously maintained by other authors (Michielsen et al. 2013; OR.C.A. 2016), the current work permit model links the right to work to the right to residence, placing workers in a position of dependency on their employer. Another model that allows workers the possibility of changing employers and denouncing abuses without losing their residence permit should be implemented.

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