



Contemporary forms of slavery in the informal economy: undeclared work as a domestic caregiver (*bandante*) in Italy¹

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About us

The Rights Lab at the University of Nottingham is the first large-scale research platform for ending slavery, bringing together the largest group of modern slavery scholars in the world to tackle a key challenge of global development and one of the great human rights issues of our time. The Rights Lab works to support the wider antislavery movement with an advanced research agenda. More information about the Rights Lab is available at: <http://www.nottingham.ac.uk/rights-lab>

Overview

Domestic work is a sector demonstrating significant risk of exploitation and contemporary forms of slavery. ILO and Walk Free estimates show that 24% of forced labour exploitation cases where work type is known were cases of forced labour in domestic work.² This makes domestic work the type of work with the largest share of forced labour cases imposed by private actors, estimated to represent approximately 3.8 million people globally. Domestic work is also highly unregulated and often informal work. Domestic workers are often excluded from labour protections, making them more vulnerable to abuses, including non-payment of wages, lack of overtime pay, long hours, heavy workloads, inadequate rest periods, lack of healthcare and maternity leave, poor living conditions, and lack of contractual and termination protections.³

This submission is based on research investigating risks of modern slavery in domestic work by those who provide care for others in their own homes and government responses to this phenomenon. The study uses a case study design to investigate the approaches taken by local authorities to the prevention, detection, and remediation of domestic servitude risk in countries across Europe, Australia, and Canada. This submission focuses in particular on risks of contemporary forms of slavery amongst those in undeclared work as domestic caregivers (*bandante*) in Italy.

¹ Emberson, C. (2021). How do we reduce domestic servitude risk in the developed world? <<https://blogs.nottingham.ac.uk/business/2021/12/10/how-do-we-reduce-domestic-servitude-risk-in-the-developed-world/>> accessed 01 March 2022.

² ILO and Walk Free, 'Global Estimates of Modern Slavery' (Geneva 2017) <https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf> accessed 14 March 2022, p 32.

³ Ibid, p 33.



Contemporary slavery in undeclared domestic caregiving in Italy

1. *What is your understanding of the term “informal economy”?*

To me, informal economy describes that part of the labour market served by workers engaging in casual work that is paid cash in hand and from which it is consequently not possible to make deductions to pay for social insurance benefits or for taxation purposes.

2. *What are examples of informal employment in your country?*

My research in Italy revealed examples of domestic care work carried out in the home for private employers by workers without a formal contract.

3. *In which sectors (e.g., domestic work, agriculture, manufacturing, street vending, rubbish collection, among others) does labour exploitation take place? Please provide details on the nature and extent of such exploitation, including forced/bonded labour, domestic servitude and child labour, including its worst forms)?*

Up to 1,250,000 domestic workers are believed to be currently engaged in undeclared work. While my informants reported that abuse, coercion, violence, or sexual abuse in legal domestic employment was all within the normal parameters of Italian society, those domestic workers engaged in undeclared work were felt to be most at risk of exploitation—including severe forms of labour exploitation such as domestic servitude. Such undeclared employment relationships are reported throughout Italy but are believed to be particularly prevalent in the south of the country. Some domestic caregivers had worked in undeclared relationships for many years and faced retirement without social benefits in either Italy or their home country. I have been unable to find statistics to quantify the extent of exploitation.

4. *What percentage of the workforce is in the informal sector/economy in your country?*

Undeclared workers are estimated to account for around 60% of all domestic workers in Italy.

5. *Who is employed in the informal sector in your country? Please provide details with regard to gender, sexual orientation, race, ethnicity, age, nationality, as well as social and/or economic status. Are some categories of workers affected by contemporary forms of slavery more than others? If so, please explain.*

In the Alto Adige municipality I studied, the average age of legal domestic workers is 51 years old. As many as 95% of domestic care workers are female. There are believed to be around 700,000 of undeclared migrant domestic workers, some eastern European EU citizens, some non-EU migrants from Moldova and Ukraine, and 500,000 undeclared Italian workers. Migrant workers are believed to be more vulnerable to exploitation because, unlike Italians, they do not have a social or family network to protect them. They are also more likely to be employed as ‘live-in’ caregivers, a role that exposes them to greater risk of exploitative practices such as excessive working hours due to inadequate leave, rest breaks and pay.

6. *What are the main factors in the informal economy which push workers into these practices (e.g., a lack of employment contract, access to employment benefits and protection, complaints mechanisms, and wider regulation/protection by States)?*



The drivers of informality are believed to be primarily financial, with complementarities existing between the position of family members, who are faced with the financial burden of providing care for elderly and disabled residents without adequate state support, and workers who, in order to find paid work, are prepared to take on positions without a contract or the benefits of social security. The family saves on welfare contributions and may pay the worker a lower salary than that stipulated in the national collective bargaining agreement. Although the worker receives a lower salary, they do not have to pay tax.

7. Are contemporary forms of slavery in the informal economy more prevalent in rural or urban areas? Please provide details.

There was no evidence in my research of a distinction between rural and urban areas.

8. What legislative and other measures are in place to address the informality of employment in your country?

There is a National Collective Agreement (CCNL) for contracted workers, which entered into force on 1 October 2021, which includes protection against violence of any type. From this date, new conditions apply to those who hire domestic workers, such as caregivers. The CCNL has also modified the wage tables and the expected minimum wage with effect from 1 January 2021.⁴

The CCNL classifies domestic workers into one of four distinct levels (A, B, C, D). Notably, both “Super Level C” and “Super Level D” concern family assistants for non-self-sufficient people. However, whereas the former level regards domestic workers who lack specific training and experience, the latter concerns workers with training and experience.⁵ The collective agreement establishes an average monthly increase of approximately €12 gross for Super Level B and re-proportions wages at all other levels. The new minimum wage has therefore been increased. Nevertheless, a distinction is made between cohabiting domestic workers and non-cohabiting domestic workers. The recompense for cohabiting workers stands at €997.61 euros for the “Super Level C” and €1,232.33 plus €173.55 of indemnity for the “Super Level D”. For non-cohabiting workers, the hourly retribution stands at €6.93 euros for the “Super Level C” and €8.33 for the “Super Level D”.⁶ In addition to the ordinary monthly payments, an additional thirteenth is paid in December. The contractual minimum remuneration is subject to periodic annual updating, based on changes in the cost of living for families of blue-collar and white-collar workers recorded by ISTAT on 30 November of each year. For every two years of service with the same employer, domestic workers are also granted a 4% increase in the minimum contractual wage. The employer is obliged to provide food and reserved and dignified accommodation for the worker. In the absence of room and board, the family is required to pay a specific substitute allowance. There is now time off for women who are survivors of sexual abuse.

The CCNL expressly regulates working hours and rest breaks. Working hours may be agreed between the parties but are limited to a maximum of 10 hours per day and a total of 54 hours per

⁴ Remuneration tables with effect from 1 January 2021 <<https://assindatcolf.it/informazioni-tecniche/tabelle-retributive/>> accessed 14 September 2021.

⁵ Art 9 National Collective Agreement for Colf and Caregivers

⁶ Remuneration tables with effect from 1 January 2021 <<https://assindatcolf.it/informazioni-tecniche/tabelle-retributive/>> accessed 14 September 2021.



week for cohabiting workers and 8 hours per day for a total of 40 hours per week, spread over 5 or 6 days, for non-cohabiting workers.⁷

To reduce the numbers of, particularly domestic, undeclared workers working without a contract, Article 103 n. 1 of Law Decree No. 34 of 18 May 2020 (Decreto Rilancio in Italian) established a procedure for employers to regularise irregular work relationships without sanction.⁸ The procedures covered three groups of workers. Firstly, employment relationships could be established between Italian and EU citizens and activated through the INPS (National Social Security Institute, Istituto Nazionale Previdenza Sociale in Italian). Secondly, for non-EU workers without a regular residence permit, the employer could apply to the Single Desk for Immigration. Third, the working relationship could be regularised if the employee's residence permit had expired.⁹ The regularisation concerned not only foreign workers but also Italians who had an active irregular employment relationship. Furthermore, the rule allows the stipulation of a subordinate employment contract with foreign citizens present on the national territory but without a residence permit for work reasons. It also gave non-EU citizens, with an expired residence permit, which has not been renewed or converted into another residence permit, the possibility of requesting a temporary residence permit, valid only in the national territory, lasting six months from the presentation of the application.

A total of 207,542 regularisation applications were received through the Ministry of the Interior's portal. 85% of the total number of applications submitted (176,848) came from employers of domestic workers and personal assistants. Out of these 176,848 employers, 136,138 were of Italian nationality. Workers from Ukraine, Bangladesh and Pakistan represented the three largest nationalities of domestic worker and personal assistant employees.¹⁰

9. What kind of complaint/grievance mechanisms exist for informal workers to address violations of their human rights, including contemporary forms of slavery?

Control mechanisms are widely considered to be deficient and almost all checks that do take place do so as a result of direct reporting of the irregularity to the labour inspectorate by the domestic caregiver.

10. Is the labour inspectorate in your country mandated to inspect the informal sector and to take action in case abuse/labour exploitation is detected?

Despite labour inspectorate responsibility for monitoring irregular domestic caregivers, inspectors face significant challenges in accessing private homes and interviewing witnesses.¹¹ Presidential

⁷ Art 14 National Collective Agreement for Colf and Caregivers

⁸ Law Decree No. 34 of 19 May 2020, Article 103 <<https://www.gazzettaufficiale.it/eli/id/2020/05/19/20G00052/sq>> accessed 15 September 2021.

⁹ Roberto Camera, 'Braccianti, Colf e Badanti: Procedure di emersione a 3 vie' <<https://www.ipsoa.it/documents/lavoro-e-previdenza/amministrazione-del-personale/quotidiano/2020/06/09/braccianti-colf-badanti-procedure-emersione-3-vie>> accessed 15 September 2021.

¹⁰ Ministero dell'Interno, 'Emersione dei Rapporti di Lavoro: presentate più di 207mila domande' <<https://www.interno.gov.it/it/notizie/emersione-dei-rapporti-lavoro-presentate-piu-207mila-domande>> accessed 15 September 2021.

¹¹ Vita Assistance, 'L'Italia delle badanti in nero: pochi controlli e tanti rischi' (October 2018) <<https://www.vitassistence.it/news/379-l-italia-delle-badanti-in-nero-pochi-controlli-e-tanti-rischi.html>> accessed 26 October 2021.



Decree No. 520 enacted in 1955 stipulates the sites at which inspections may be carried out and private homes are excluded from this provision.

11. What kind of financial, legal or other assistance exists for victims/survivors of contemporary forms of slavery in the informal economy?

Italy has some regulatory instruments and a system of interventions for the protection of trafficked persons. Notably, Article 13 of Law 228/2003 concerning “Measures against trafficking in persons” establishes a special assistance programme that guarantees, on a transitional basis, adequate conditions of accommodation, food, and health assistance for victims.¹² Article 18 of the Legislative Decree 286/1998 concerns the “Consolidated Law on Immigration” which establishes a stay for social protective reasons. Specifically, when a situation of violence or serious exploitation against a foreigner is ascertained, and concrete dangers emerge for his or her safety, a special residence permit is issued to allow them to escape the violence and conditioning of the criminal organisation and to participate in a program of assistance and social integration.¹³

12. What role, if any, do civil society organisations and trade unions play in preventing informal workers from being subjected to contemporary forms of slavery in your country? Please provide examples.

These legal and regulatory instruments have led to a network of projects which, since 2000, have provided services and assistance measures to a considerable number of victims who leave the cycle of exploitation.¹⁴ Projects are co-financed by the Department for Equal Opportunities and implemented by local authorities and accredited private bodies. They are active throughout Italy, albeit with different levels of capacity and structure. Approximately 83% of entities belong to local, multi-agency, networks, made up of representatives of various institutions and agencies, including trade unions, training agencies, and employers' associations. Services are provided by significant numbers of professionals and volunteers, with diverse and complementary skill profiles to meet the multifaceted needs of those requiring assistance.¹⁵

Informants from the civil society organisation Acli-colf described their national programme to support the professionalisation of domestic caregivers. Albeit on a small scale, the training they provided included a module on domestic care workers' employment rights.

¹² Article 13 Law 11 August 2003 No. 228 <<https://www.gazzettaufficiale.it/eli/id/2003/08/23/003G0248/sg>> accessed 20 October 2021.

¹³ Article 18 Legislative Decree 25 July 1998 No. 286 <[https://www.google.com/search?client=safari&rls=en&q=art.+18+del+Testo+Unico+sull%E2%80%99Immigrazione+\(d.lgs.+286/98&ie=UTF-8&oe=UTF-8\)](https://www.google.com/search?client=safari&rls=en&q=art.+18+del+Testo+Unico+sull%E2%80%99Immigrazione+(d.lgs.+286/98&ie=UTF-8&oe=UTF-8))> accessed 20 October 2021.

¹⁴ Caritas Italiana, 'Punto e a capo sulla tratta: presentazione del 1° Rapporto di ricerca sulla tratta di persone e il grave sfruttamento' (October 2013) <https://www.caritas.it/caritasitaliana/allegati/3430/SINTESI_Rapporto_Tratta2013.pdf> accessed 20 October 2021

¹⁵ Caritas Italiana, 'Punto e a capo sulla tratta: presentazione del 1° Rapporto di ricerca sulla tratta di persone e il grave sfruttamento' (October 2013) <https://www.caritas.it/caritasitaliana/allegati/3430/SINTESI_Rapporto_Tratta2013.pdf> accessed 20 October 2021