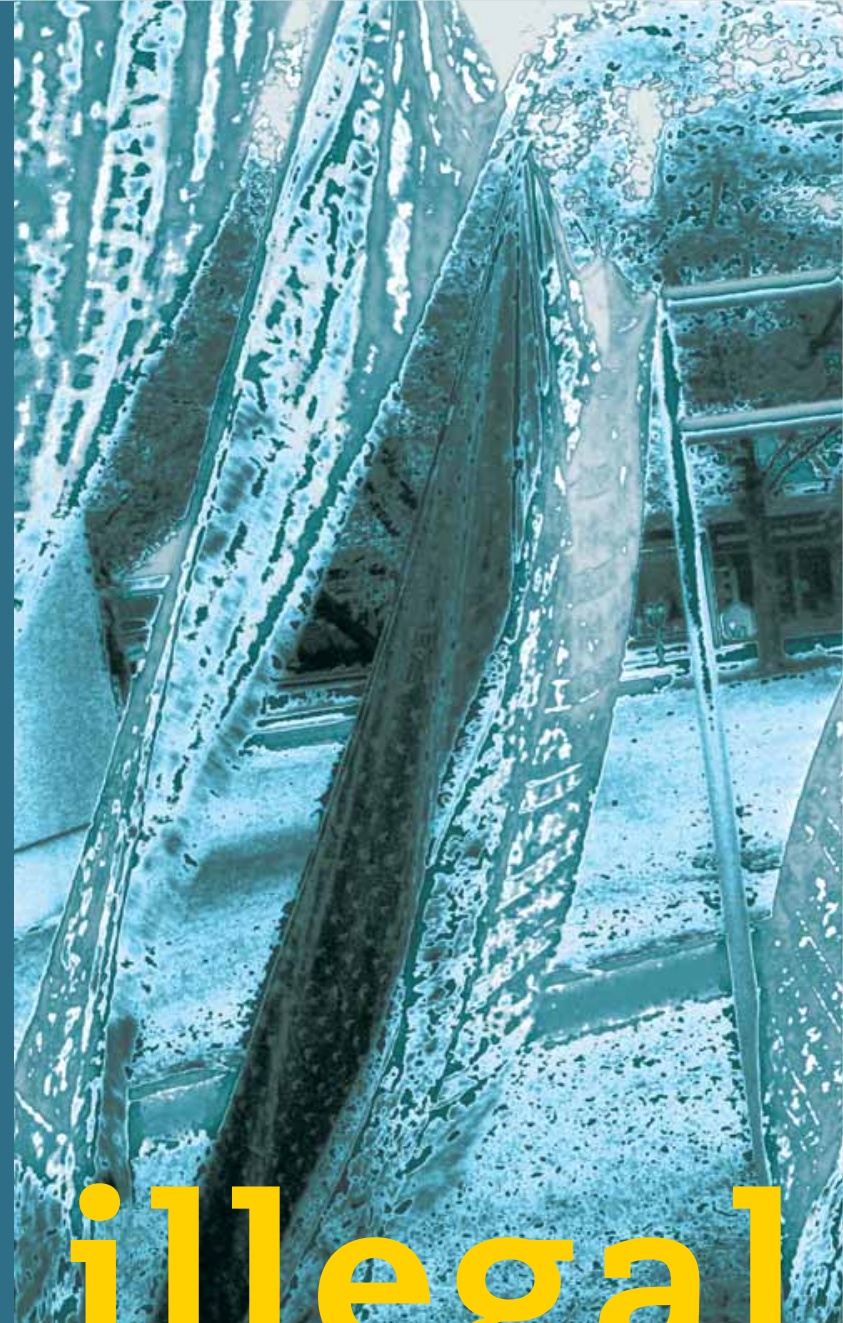




This brochure is available in the following languages: German, English, French, Portuguese, Serbo-Croatian, Slovakian and Spanish. It can be obtained from the Information Centre for Women

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**Domestic workers
without valid residence permits
in the region of Zurich**



**illegal
indispensable**

**The Network of Solidarity
with Illegalised Women**

illegal indispensable

**Domestic workers
without valid residence permits
in the region of Zurich**

Masthead

Text: Marianne Schertenleib, Annette Hug
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1. Introduction

«Yes. I'm very happy and glad that I was able to stay here, that people accepted me. But I've had enough. Everything must come to an end. I didn't find a partner here, because I didn't look for one, I've found one in Slovakia. I've reached my goal and I can go home now.»

For Erika, her four-year stay in Switzerland was a success. As a baby-sitter she saved enough money to go back home with good feelings. She was lucky. Of the 20 women introduced in Isabel Bartal and Denise Hafner's study «Illegalised Domestic Workers in the Region of Zurich» only very few could take positive stock.

In the region of Zurich there is a demand for domestic workers and all-day child carers, which cannot be met by the legal labour market. For foreign, especially non-European domestic workers, it is legally impossible to obtain residence permits. This is one reason why some households employ women illegally. It is almost impossible for domestic workers without a residence permit to claim labour rights, and they are not protected by insurance, which in the case of illness and accident can have catastrophic consequences. They have to live in constant fear of being discovered, and are relegated to the bottom rung of Swiss society, where human rights are not protected by the state. This unprotected status is another reason why some households employ women illegally: illegalised labour forces will work for employers who are unwilling or unable to pay just wages. Illegalised domestic workers are invisible in

«Nobody is Illegal.» An explanation of the term

We agree with Nobel Prize winner Elie Wiesel that no human being is illegal. We use the term «illegalised domestic workers» to indicate linguistically that the illegal status of a person is the result of certain policies. It is the state that legalises some people and illegalises others.

The study «Illegalised Domestic Workers in the Region of Zurich» by Isabel Bartal and Denise Hafner

The Network of Solidarity with Illegalised Women is an amalgamation of women and women's organisations that fight for the rights of illegalised women. On the 8th March 1998 the network went public on the occasion of an event involving the issue of domestic workers. Following this, the decision was taken to gather more detailed information on the working conditions and perspectives of such women in the framework of a socio-scientific study. The sociologists Isabel Bartal and Denise Hafner have carried out an explorative study «Illegalised Domestic Workers in the Region of Zurich» (Illegalisierte Hausangestellte in der Region Zürich) supported by the following organisations: FIZ – Women's Information Centre; Christian Movement for Peace – Women's desk for peace work

three ways: firstly, in every-day life where they have to hide from the authorities in order not to get deported. Secondly, if they hide successfully they do not appear in any migration and employment statistics, and therefore are not part of the picture that political decision makers have of Swiss society. Thirdly, domestic work is a traditional field of work for women. In the household and care industry the majority of the work is done without pay. If, however, the work is paid, it often moves in a grey zone between money and barter economies. Thus domestic workers are on the margins of what is considered economically relevant by prevailing economic theory and policy.

«The Network of Solidarity with Illegalised Women» aims, with this brochure, to publicise the lawless situation of illegalised domestic workers and their potential for being blackmailed. A presentation of the daily life of the women interviewed is followed by the network's demands for improvement, addressed to legislative authorities, unions and social institutions. The appendices contain practical information for women who find themselves illegalised and for all those who would like to give support to women in this situation. In order to achieve a situation where Erika's experience is no longer an exception, a great deal must change in Switzerland: in the first instance, it must be made possible for foreign women to obtain work permits for employment in the domestic sector.

Background

(cfd-Frauenstelle für Friedensarbeit), Zurich women's refuge (Frauenhaus Zürich), Us Women (Nosotras-Wir Frauen), Catholic Women's Union (Katholischer Frauenbund). The research was carried out between April 1999 and July 2000. Women from the network saw the research project through that time.

The study is based on half-standardised, short written surveys of 64 socially active organisations in the canton of Zurich, on an oral survey of eight representatives of bodies and organisations, which are confronted with illegalised women as part of their work, and on narrative

interviews with a total of 20 illegalised domestic workers from eight different nations (10 individual interviews and two group interviews with seven women and three women respectively). Besides this, socio-scientific and legal literature was included in the analysis, as well as legal regulations and statistical material. The study was financed through financial aids in accordance with the equality law, granted by the Federal Office for Equality of Women and Men. The present brochure compiles the most important findings of the study.

Background

Information about the Women Interviewed*

Nationality		Working Circumstances*	
Argentina	1 woman	Domestic work with accommodation	2 women
Bosnia/Croatia	3 women	Domestic work without accommodation	2 women
Brazil	8 women	Hourly cleaning work	6 women
Ivory Coast	1 woman	Illegalised au-pairs	2 women
Ecuador	2 women	Cleaning + babysitting + prostitution	8 women
Mexico	1 woman		
Portugal	1 woman		
Slovakia	3 women		
Family circumstances*		Accommodation*	
No children	12 women	Own flat	2 women
Child(ren) with them	6 women	Lodger	2 women
Child(ren) not with them	2 women	With friends	2 women
Single	12 women	In the employer's household	4 women
Married to a Swiss national	5 women	No permanent lodging	3 women
Divorced	3 women	No information	7 women
Education		Duration of the Illegal Stay	
No education	3 women	A few months	2 women
Primary school to the age of 16	1 woman	1–2 years	2 women
Professional apprenticeship	1 woman	2–5 years	3 women
Secondary school to the age of 18	9 women	> 5 years	3 women
University Degree	3 women	No information	9 women
No information	3 women		

* This information refers to the date of the interview. Five women are now married to Swiss nationals. In their cases the information given refers to their work situations, accommodation and duration of illegality during the period when they had no valid residence documents. These women were counted as not having children during the period of illegal stay although some of them gave birth after their legalisation.

Demand is Not Met

The company census of 1996 showed the following development of household-oriented services for the period of 1985 to 1995:

- The number of employees increased by 20 percent;
- The proportion of female employees from abroad increased by 10 percent. The number of men working in this sector also increased;
- The number of Swiss men increased, that of Swiss women however decreased. Swiss men are mostly found in executive posts in cleaning companies.

These figures however do not include private households as employers, and employees with less than 6 working hours a week. A representative of the

Cantonal Working Group for Home Economics Education and Professional matters (KAG), interviewed in the framework of the network study, indicated that employers keep «moaning» about the fact that it is so difficult to find cleaning ladies.

Figures about the real demand are not available. The general development of the market indicates that the demand for domestic workers cannot be met by employees with permits, a fact reiterated by the statements of employment agencies and the women interviewed. It is also open to question how many illegal employment situations could, in fact, be legalised, since they only came into existence because of low wages and long working hours.

2. A Dream Goal: A Life without Distress

«I will need about another 10000 Francs in order to start something on my own, I could start a small business with someone else.»

Emira knows that she is not going to be able to work legally either here or in Bosnia. Here, she doesn't have the right documents and in Bosnia she is too old. During the war she came here with her three children as a refugee but was deported again. Her husband got together with another woman. Emira found herself in a situation where she had to place her children with various relatives and go back to Switzerland to earn money for her family. Before the war she had worked for a bank and an import/export business. In a few years, she hopes, she will be able to start her own small business in Bosnia.

Maria B. came here from Brazil in order to work as a babysitter for a friend. She linked this journey to her dream of going abroad to learn languages and to get some training. After many humiliating experiences in Switzerland she said:

«My dream is to have a child who I could enable to have all the things I didn't have: culture, education and the opportunity to do many things. Hopefully he or she will want all this too. I hope to have this child by the end of next year. I'm already over thirty, so I say to myself, I cannot wait any longer.

If only I could get some professional training, even if it's just to be a shop assistant, I don't know whether this is possible or not, but I want to do it.»

Some are hoping for a life without economic distress, others are fleeing from violence and war. Some are the wives of seasonal workers who live here, even though only their husbands have permits, and others are driven abroad by their personal wish for change; women travel to Switzerland for work for different reasons. Their plans for the future are equally different. However, if they do not receive work permits, all have at least one common problem; they are all confronted with a reality that holds very few possibilities.

3. The Battle for Privacy and a Just Wage: Working Conditions and Accommodation

The women interviewed in the framework of the network study were living either in their employers' homes or they were living privately and working as cleaning staff and child carers. Accommodation with an employer carries various problems. Privacy and work are not clearly separated. A frequent consequence of this is extensively long working hours.

Louise from the Ivory Coast ended up in Switzerland because she had had to end her training as a tailor in France. Her father could not longer pay her school fees because of the depreciation in Ivory Coast currency. Being the eldest daughter, Louise did not want to return home without having completed her training and live at the expense of her family. That is why she decided to look for work in Germany and in Switzerland. She experienced how difficult it was when employers almost become part of your own family:

«In the end you no longer want to put your heart into your work, since you think it may only be for two or three months. For the children it was also difficult, but as for the parents, I don't know whether they think of how it affects their children. It was often heartbreaking. I had one child that was like my own son because he was a baby. That was with the family I stayed with for one and a half years, and after the second baby was born, they wanted to pay me only seven francs an hour to look after two children and to do the cleaning. I said no. It was a pity, because he was like my own child. We

Domestic Workers as Buffers in the Gender Conflict

In the region of Zurich there are too few day-care facilities for children. Gainful employment for mothers still means that they have to be extremely good at organising and face great costs. This is due to the following reasons:

1. Part-time work for men is still rare. Many women no longer want to, or are able to, restrict themselves to household work.
2. In Switzerland, neither state nor companies feel responsible for the provision of child-care facilities.
3. In the lower wage classes («working poor») both parents must work 100% in order to maintain the family.

Badly paid, illegalised domestic workers are a possible solution to such problems. However, this is to the disadvantage of the domestic workers. It allows employers to postpone social conflicts; conflicts between men and women about the redistribution of unpaid care work, conflicts about the (financial) responsibilities of the state, and conflicts about wages and working hours that allow employees to meet family needs.

often went for walks, we did a lot together, and from one day to the next, it was all over. That hurt a lot. We are illegal but we have a heart too.»

Gerde from Portugal is also an eldest daughter. She had worked as a domestic worker since the age of eleven. Following the death of her mother she came to Switzerland as an au-pair, in order to earn money for her four younger siblings. By now, she herself has a five-year old child. Her longstanding domestic work in Switzerland enabled her to buy a flat in Portugal. She hopes to be back there in time for her son to start school. Today she and her boy live in a converted basement, which is unofficially rented to her as a one-room flat for 800 francs a month. Gerde prefers this situation to accommodation at her employers, as it allows her privacy:

«They always wanted to know everything. At the weekend I occasionally went out, they wanted to know all about it: what I did, what I didn't do, what I had for lunch, what I had for dinner ... I could no longer stand their interrogations.»

The monthly wages of the women interviewed ranged from 300 to 2400 francs, and most are in between. The hourly wages ranged between 10 and 25 francs. Although illegalised domestic workers don't have residence permits, the canton Zurich standard work contract for domestic workers, NAV, would also apply to them. This regulates clear working and resting hours. Moreover, the Working Group for Home Economics Education and Professional Matters, (Arbeitsgemeinschaft für hauswirtschaftliche Bildungs- und Berufsfragen, KAG) issues guidelines for minimum wages applicable in the canton of Zurich.

Theoretically, illegalised women can also claim labour rights before a labour tribunal. However, hardly any of them dares to do so: firstly, they often don't know the applicable laws and regulations; secondly, they are far too frightened of being discovered by the *Fremdenpolizei* (alien's police or immigrants' registration) through the court proceedings. The only way to defend themselves is often to change jobs.

Dolores from Ecuador experienced that even this is not always without danger. At her first job she had to look after a child. She earned 450 francs a month plus board and lodgings, she had a small room and her own television. It very much hurt her feelings to be called «servant» by her employer. When her employer lent the house to a friend for a party, and Dolores was expected to clean up afterwards, it became too much and she left. Some time later the police appeared at one of her girl friends' houses with a picture of her and an anonymous letter of accusation. Dolores is convinced that it was a revengeful act by her former employer.

Women who live in their own accommodation have less money available. They also have to live with the constant insecurity that they may not find enough work. Nevertheless many prefer this instability to taking accommodation at their employers. The lost security in terms of wages is made up for by increased privacy and mobility. However, it is not easy to rent a flat without legal registration. Esperanza from Ecuador could not find a permanent place to stay:



«I've had to knock on several of my friends' doors but so far I've never had to sleep in a phone box or at the main station as was the case with others. However, every day, when I go to bed I think about the next day. Where am I going to sleep?»

Economic Policy: What Counts?

Switzerland officially assigns annual quotas for new immigrant, foreign labour forces. Those most desirable are experts that are needed by the Swiss economy at the time. The assessment of who forms part of that group, of course, depends on what is meant by the «economy». Statistically domestic work is badly recorded, and the borders between money and barter economies are fluid. The yardstick, which is used to measure the official economy, is money and official statistics. This pushes the care economy

out of sight, even though it is the public utility industry that enables the pure money economy in the first place. (What manager could do his work without being cooked for at home and away, as well as being provided with fresh washing?) The fact that public utilities are not part of economic and political considerations has serious consequences for illegalised domestic workers: domestic and cleaning work is not considered in the assignment of quotas.

4. The Fluid Borders of the Monetary Economy

Whether you are considered legal or illegal according to Fremdenpolizei, the borders between waged work, occasional services and private relationships are fluid in domestic work.

Many employers of legal domestic workers and many cleaning ladies often do not declare their work, and no social insurance contributions are paid. It is traditionally a female work area mostly entailing precarious working conditions. Therefore it is not surprising that illegalised women struggle through with different mixtures of personal and business relationships.

Emira, for instance, solved her accommodation problem by living with a female student for free while keeping her house. Seraina from Brazil tells us the story about her employer:

«I was at the bus stop, he was in the car and he called to me. He asked me whether I wanted to do 'it' today. 'No' I said. 'No, I'm looking for a new job.' And he gave me work at his house. His house is 30 or 40 kilometres away from here. I go to his house three times a week. And he always gives me chocolate and roses.»

Permits: The new law for foreign nationals (AuG) does not improve the situation for women from beyond the EU

The «Dual Model», introduced by the federal policy for foreigners, which has been in practice since October 1998, differentiates between citizens of the EU and the EFTA states, and all other nationalities:

- Workers from the EU and EFTA states obtain priority access. Within the bilateral agreements with the EU, a gradual introduction of freedom of movement is planned. Women from EU countries can already obtain au-pair permits to work in the domestic sector. However, these are temporary and cannot be extended into a one-year residence permit.
- Currently it is impossible for women of other states to obtain a work permit in Switzer-

land. The only exception is the so-called dancer permit for employees of bars and nightclubs, which is precarious and limited to short periods. For women who will not be considered as asylum seekers, because the reasons for fleeing their country do not meet legal criteria, or for women who are not internationally sought professionals, the only way to obtain a residence permit is through marriage.

The law concerning foreign nationals is currently being revised. The new law for foreign nationals (AuG) increases the current tendency to limit immigration to highly qualified experts only. This way entire sectors of the economy are left out.

5. Status: The Fear of Being Discovered

For women who are not from Western Europe it is impossible to obtain a work permit and a residence permit as domestic workers.

Having an illegal status has many consequences: it is impossible to get health and social security. Every contact with the authorities is linked to the fear of being discovered and deported. Illegalised women are constantly open to blackmail by acquaintances, employers or lovers, because they can be denounced.

«And the legal situation is the biggest burden, isn't it? I can tell you, in my country I also knew difficult situations ... but this feeling is new. I experience huge stress just by seeing a policeman», said Dolores.

One way to circumnavigate their illegalised status is to hide it. Since many employers are not familiar with the formalities of employment, it is not difficult for illegalised women not to mention their status. However, it can rarely be hushed up in the long-term.

When Louise was still illegalised – by now she is married – she took precautions. One part of her money she transferred to an account in the Ivory Coast. She wanted to be sure that the police could not take that money from her if she got caught. She remembered:

«I hardly ever went out in the evenings. Only occasionally I went to the cinema and straight home again

Background

Within the money-saving discourse of the state, unqualified workers are defined as a cost-inducing factor only, and are considered problematic in terms of integration. They are seen as superfluous. As part of the unqualified sector, however, they make an indispensable contribution in ensuring the functioning of the economy. Women are disadvantaged by such elitist admission practice. Worldwide their access to education and income is impeded due to discriminating structures. Regardless of this, an in-

creasing number of women do migrate in search of a source of income to sustain themselves and their families. Furthermore, within the new law for foreign nationals (AuG) there is an increased stand against «illegal Immigration». However a policy of intimidation will not reduce the number of illegalised domestic workers but will aggravate their living conditions. The fewer possibilities there are to obtain legal residency, the sooner migrants will be forced to accept their illegalisation.

afterwards. Actually, I never went out dancing or anything. If you are in this kind of situation, you have to be clever about it, otherwise it's all in vain, and it can all be over so fast. I knew that I had no insurance, no decent work, and no legal documents. I had to be very inconspicuous, very small in everything. And I did, I was small. I worked, I stayed at home, I like cooking, I always cooked at home, but I was often lonely, I read a lot.»



Children's Rights

If the father does not stand by his child, it is not possible for an illegalised mother to obtain a residence permit for herself or her child. This is the case even if the father is Swiss or a foreigner with a residence permit. Paternity suits take a long time and in turn the women are in danger of being reported by the accused for being illegal residents. Pending proceedings do not prevent deportation, and maintenance fees are hard to claim from abroad. In the reverse case of the mother being Swiss and the father being without residence status, the child involved is automatically given Swiss citizenship and can grow up here with his or her mother. Additionally, the foreign father of a Swiss citizen has some chance of obtaining a resident status.

This legal situation contradicts the UN Convention of the Rights of the Child (CRC), which was ratified by Switzerland, and also contravenes the equal rights clause guaranteed by the Swiss constitution. Article 2, CRC, requests that all signatory states respect and ensure that no child is discriminated against on the basis of his or her parents' race, colour, sex, language, religion, political or other affiliations, national, ethnic or social origin, property, disability, birth or other status. Swiss law does not meet this regulation, since legal equality of children of married and unmarried parents is still not realised with regard to citizenship and allocation of family name. Article 9, CRC, protects child-parent relationships, and requests all signatory states to respect the rights of a child who

6. Health: A Life without Insurance Cover

Illegalised women have no insurance cover. With high doctor's fees and hospital costs in Switzerland illness soon turns into a catastrophe. Gerde's son had serious bronchitis:

«I have to take my child to the doctor nearly every month. I've spent a lot of money on him because we haven't got any health insurance. I'm very fortunate that I've never been struck by really bad luck, but it has been terrible for him. One time he fell and I had to take him to hospital. The problem is that his upper teeth became dark, because a nerve had died. If I had had health insurance at the time, I would be insured, and he'd be able to get new teeth. Maybe he'll have problems later, if so, I'll have to pay for it myself.»

Pregnancies are particularly risky for illegalised women. Some assume that they will receive a permit if the expected child has a Swiss father. Giving birth, in fact, often means the end of the stay. Even though social security will pay for the birth, afterwards the mother and child are deported and are frequently prohibited from re-entry. This nearly happened to Louise:

«I had to go to the police to tell them about my presence in Switzerland in order to register at the hospital. I was not married at that time. I told them, I was expecting a child from a Swiss man, but that my child and I are not Swiss. I was told I had to go back within one

Background

is separated from one or both parents to maintain personal relations and direct contact with both parents. Swiss law protects father-child relationships

of children born out of wedlock unsatisfactorily.

Illegality in Figures: People Who Do Not Exist

Hardly any statistical data is available on illegalised men and women. The only figures available are on arrests upon illegal entry and on deportations. In those statistics where the figures give information on the sex of the people involved, men make up for the vast majority. According to information from the cantonal Fremdenpolizei, Zurich, unlike in the area of prostitution, it is often only by

chance that illegal gainful employment in the domestic sector becomes known, and often it cannot be proven. The fact that more men than women are recorded as having illegal status does not suggest that more men than women live here in an illegalised way. The figures and the information above only confirm that more illegalised men come into conflict with the authorities.

month. It is a terrible thing, I'm sure a lot of men play around with women when a child is under way. The Fremdenpolizei don't care. The father is Swiss, but as soon as the child's here, it goes back with its mother. When my daughter was born, she had my family name. I was told that she had to come with me, never mind that her father was Swiss. This is not natural. The child has no rights. If I haven't got any rights, that's my problem, but that a child is born and has no rights, that is incredible.»

It was only when the father had visited his child in hospital, and after Louise had informed his sister about her situation, that he decided to marry her. That way Louise and the baby were able to legally stay in Switzerland.

«How are women treated here? Foreign women? If a Swiss woman has a child with a foreigner, the child automatically becomes a Swiss citizen. She receives social benefits and so on, but if a foreign woman has a child, she gets nothing.»

7. The Potential for Blackmail: The Power of Employers

The story of Maria M. from Mexico shows the power employers can have over illegalised women.

In Mexico, Maria M. had studied educational psychology. She came to Switzerland, in order to live and work with a family. She had hoped that she could support her family financially and improve her chances of finding work back in Mexico through acquiring foreign language skills.

«It was not long before my first wage was not paid. When I asked what had happened to my wage, the woman became very cross, as if I had offended her. She yelled at me and verbally abused me. She said, of course she would pay, and who did I think I was. I then received only half of my wage, and she told me that I would receive the other half later, since my trip over to Switzerland caused her great expense. This had never been agreed. That meant that I was only going to receive half of my wage, and she wanted to keep the other half to pay for my travel expenses. I told her that I didn't agree with this, and that I wanted to go back to Mexico. After that she started to openly exploit me. First of all, she took my documents from me: my passport and birth certificate, as well as the school reports that I had with me. She took it all. I no longer had any form of identification. I didn't have any money either,

since she no longer gave me any. The small amount that I had had, I had spent on essential living cost.»

Neighbours became aware of Maria M. and started asking questions about her residence status. For this reason her employers arranged for her to marry a Swiss citizen.

«She beat me, the children beat me, and the husband beat me. It was terrible. Work never stopped, never. I was supposed to have a one-hour rest per day but I was never allowed any rest. She started to count the minutes that I was allowed to sit down during a meal. For lunch I had 10 minutes, checked by the clock. For breakfast I only had time if I got up early. For dinner, I was only allowed in the kitchen to look for food, when the children were asleep, not earlier. I had no rights at all.»

Finally Maria M. succeeded in establishing contact with one of the children's nursery school teachers. That's where she was able to live for a while after she fled her employers' house.

8. Staying Despite of it

Not all women told stories of slave-like conditions. Some stressed that there are also good employers who are helpful and supportive. However, due to their illegal status employees cannot claim minimum standards or sue exploitative employers.

Nevertheless, most of the women interviewed wanted to stay on (at least in the short term). Some bear financial responsibility for their families back home. For some, the local conditions are the lesser evil, as was the case for Hamela from Bosnia:

«I was terrified of what was awaiting me. However, if I thought of all the misery in Bosnia – and those memories were still very fresh – this gave me new strength to fight, and to take on work, no matter what.»

Many stayed in Switzerland because compared to wages in their own country, wages in Switzerland allowed them to save for the future. Returning often also suggests that the great plans they had built around migration had failed. It is difficult to give up the dream of living in affluence, especially since they have struggled so much up to that point.

9. Escape Routes

Some of the women interviewed formed a group, and all reported that they had found «a new life», because they have created a wide network of friends. It helped them to know that they were not completely on their own.

However, not all dare to find women who share their fate. Louise didn't trust other illegalised people not to inform on her. Several women also remarked that women compatriots who had achieved legal status, no longer wanted to know about their past and were afraid of keeping contacts with illegalised men and women.

In the interviews the desire for a legal permit was expressed again and again. As for example by Dolores:

«My future? How I see it? Difficult, rather difficult, if this situation carries on. However, if I manage to change it, I think I will be able to have a good future. Unlike now. (...) I would like to stay here and obtain a permit. (...) I don't know, a permit that would allow me to be a human being. A permit with which I can do something ... with which I can be free ... without psychological stress ... I would just like to be able to act normally. I would like to be a person like any other ... I'd like to carry on working without being exploited. That's what I'd like to achieve, if possible ... a permit ... And then, after a while return to my country ... why not? I would like that ... And come back here again, actually I like it here ... I like Switzerland.»



10. Demands and Proposals for Action

Demand 1:

It must be made possible for foreign domestic workers to obtain residence and work permits. The domestic sector must be given the same status as the building and catering industry with regard to permit allocation.

The quotas determining how many new immigrants are admitted must reflect the demand for employees in the domestic sector. The car economy is at least equally as important for the survival and quality of life in Switzerland as the building and catering industries. As is the case with the building and catering industries, domestic workers ought to be entitled to at least short-stay permits. (The new law for foreign nationals, AuG foresees the creation of this type of permit.

The legislator will have to create a residence permit which:

- includes the option to change it into a yearly permit, and after a legally determined time into a permanent residence permit.
- allows employees to change their work place and sector.

It must be made possible for women who currently work here without residence permits to legalise their status.

**Demand 2:
Migrants from beyond Europe should also have access to the Swiss labour market.**

Migration from countries with war or economic distress is equally as real as the demand for foreign workers here. A migration policy that is limited to the freedom of movement of persons from the EU states, and to admitting only highly qualified specialists, is out of line with the reality of the public utility industry and migration movements. Such a policy can only be instated by repressing illegalised migrants and violating their human rights.

**Demand 3:
Nobody is illegal – illegalised domestic workers must be able to claim their rights and need to be supported by appropriate aid institutions.**

As long as there are national borders and admission policies, there will also be illegalised people. In the domestic sector there will always be an illegal area, even if legalisation is made possible. One of the reasons for this is that illegality leads to wage dumping, as well as a deprivation of human rights, and creates advantages for employers. However a democratic state governed by the rule of law cannot justify depriving a group of people of all their rights and denying them any protection. Theoretically illegalised women and men can sue, for

example in the case of a violation of labour rights. In order for them to make use of this right, the following improvements must be introduced:

- The judicial authorities must introduce a system of legal protection for plaintiffs in the labour courts. Plaintiffs must, in particular, be protected from being denounced to Fremdenpolizei.
- The Cantonal Working Group for Home Economics Education and Professional Matters (KAG) is requested to draw peoples' attention to the existing standard work contract for domestic workers, by means of information and awareness campaigns, and to provide advice explicitly to illegalised women.
- There is a need for an active group of lawyers who are willing to advise illegalised women on legal matters and to represent them in proceedings.
- The unions are requested to organise illegalised employees. Advisory institutions should develop specialised and easily accessible facilities.

Illegalised employees are only a threat to their native and foreign colleagues with permits if wages are undercut and labour rights are disrespected. The strategy forward however, is not intensified repression against those who are exploited, but safeguarding of labour rights for all. As soon as illegalised employees find that it is possible to legally fight for their rights and just wages, they will cease to be cheap competition.

Further demands to safeguard human rights and to meet the aims of the Convention on the Rights of the Child are:

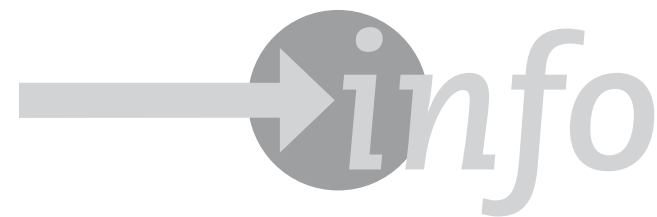
- Social organisations and unions are to create a structure which allows illegalised people to get health insurance without proof of fixed abodes and valid work permits.
- Social security cover, i.e. state pensions (AHV), disability (IV), unemployment (ALV) and accident (UVG), must not be denied to people without a residence permit. Information about people insured must not be passed on to any authorities related to Fremdenpolizei.
- Illegalised women, who claim to be expecting a child from a Swiss or a foreign national with a residence permit should at least be granted a permit for a limited period, so that they can give birth in Switzerland, and settle paternity and maintenance fees.
- Churches, social institutions and housing cooperatives are requested to find solutions for supporting illegalised people who have nowhere to live.
- Legal protection programmes must also be applied in cases of exorbitant rents and other forms of exploitation through lessors, as well as for criminal offences (e.g. sexual exploitation).

Demand 4:
The status of paid domestic work must be enhanced.

The working conditions of domestic workers and the level of respect they receive do not reflect the central importance that this sector has for the quality of life in

general. In order to reverse this devaluation of domestic work the following efforts will be needed:

- The organisation of employees in the domestic sector into unions must be developed further.
- Employment situations must be protected by a collective labour agreement, and its application must be supervised by a committee of employees and employers.
- Unions or the state should establish an ombuds body which will mediate in situations of conflict and where there are problems between employer and employee, and which will develop criteria and guidelines for the assessment of employers.
- The founding of cooperatives that provide services to the domestic sector is to be developed further. They allow employees to speak out collectively against employers, and reduce their dependency on individual employers.
- The offer of part-time training and further education leading to trade certificates and diplomas for employees in the domestic and childcare sector, which will allow them to continue with their paid work, must be expanded. Special courses are required, combining specialised training with intensive German tuition. These courses should also be open to illegalised women.



Practical Information

1

Possibilities within the labour law for illegalised domestic workers

The «Geneva Forum for Philippine Concerns» published a brochure with the title «Know Your Rights» in 1988. Edited by lawyer, Jean-Pierre Garbade, it is available in English, Spanish and French. It contains a special insert for illegalised domestic workers. The forum has existed for nearly 10 years and united Philippine domestic workers, who are employed mainly by diplomats. Women without residence or work permits can defend themselves against exploitation in the workplace by authorising a lawyer to sue their employers in the labour court. The computers of the courts are not (yet) connected to those of the police, meaning that the latter do not automatically receive information about the opening of court proceedings. As an additional safety measure, an application for a humanitarian residence permit can be made. In this way, the Geneva Forum was successful in the labour courts on several occasions. The right of action is valid for up to five years

after the end of the work relationship. For proceedings, all written evidence is essential: agreements, evidence of money transfers etc. Before filing a lawsuit, it is recommendable to seek advice from an advisory body or a union.

2

The canton Zurich standard work contract for domestic workers (NAV) and the directives for minimum wages in the canton of Zurich

The NAV includes the following regulations:

- The total hours of work, if employed full-time, is 43 hours a week.
- Social security contributions: state pensions (AHV), disability (IV), income substitute for absences due to military service or political obligations etc. (EO), and unemployment (ALV) are 13.1 % of the gross wage, of which half is paid by the employer and half by the employee.
- According to federal law concerning occupational laws, the employer is obliged to insure the employee against work and non-work related accidents, as well as against occupational illnesses.
- The employer must insure the employee for daily allowances during sickness, at least half of whose premiums must also be paid by the employer. He or she must also periodically check that the employee is covered by health insurance. In cases where this is

not done, the employer is liable for uncovered costs in the case of illness.

- Source tax: the employer is responsible for deducting source tax from the wages of full- or part-time employees who have no permanent residence permit.
- The employer is obliged to issue wage slips.
- Holidays: the employee is entitled to four weeks holiday between the ages of 20 and 50, or 8.33 percent in addition to the hourly wage; five weeks up to the age of 20 and above 50, or 10.64 percent in addition to the hourly wage. During the holiday, the employee is entitled to receive a cash wage and compensation for wages in kind not received, according to AHV tariffs.
- Working hours exceeding the normal number of hours will have to be compensated for, in agreement with the employer, by time off of the same duration, or be paid at an additional 25 percent an hour; for these calculations a month is to be counted as four weeks.
- The employee is entitled to two days off a week. One whole day must be granted each week; the remaining day can also be taken as half days.
- Food must be healthy and sufficient. The employee is entitled to her own lockable room that meets health requirements, is comfortably furnished, well lit and well heated.
- After the trial period has elapsed (the first month after starting work) employment can be ended, in writing or verbally, at the end of a month by observing a notice period of one month.

The Cantonal Working Group for Home Economics Education and Professional Matters (KAG) issues the following directives for minimum wages:

- Depending on age and degree of responsibility, the monthly gross wage for domestic workers ranges between 2000 and 3600 francs. The following wage in kind is included:

Breakfast	30 days at Fr. 4.–	Fr. 120.–
Lunch	30 days at Fr. 8.–	Fr. 240.–
Dinner	30 days at Fr. 6.–	Fr. 180.–
Accommodation		Fr. 270.–
Total		Fr. 810.–

If the employee has board and lodging, the employer may deduct the wage in kind from the gross wage.

- The hourly wage of part-time employees depends on age and degree of responsibility and is between 18 and 25 francs gross.

Advisory and Information Agencies for Women Migrants

FIZ

Information Centre for women from Asia, Africa, Latin America and Eastern Europe
Private association, advisory and information centre for migrants, advice independent of residence status
Badenerstrasse 134, 8004 Zürich, Tel. 044 240 44 22

Infodona

City of Zurich Information and advice centre for women migrants and their families.
Langstrasse 21, 8004 Zürich, Tel. 044 271 35 00

Katpakam

Meeting point and advisory centre for Tamil women.
Grütlistrasse 4, 8002 Zürich, Tel. 044 201 32 08
Friday from 9 – 12 a.m. and from 1.30 to 5.30 p.m.

SPAZ – Anlaufstelle für Sans Papiers Zürich

Information Centre for people without valid residence permits in Zurich
Volkshaus, 2. Stock (2nd floor)
Stauffacherstrasse 60, 8004 Zürich, Tel. 043 243 95 78
Tuesday: 9 a.m. – 1 p.m. and Thursday: 3– 7 p.m.

Colectivo Sin Papeles Zurich

Collective for people without a valid residence permit of Zurich
Postfach, 8032 Zürich
colectivosinpapeleszurich@yahoo.es

Legal Advice Facilities

DFA – Dienststelle für Arbeitslose

Badenerstrasse 41, 8004 Zürich, Tel. 044 298 60 80
Advice for questions relating to labour law and to the law of unemployment insurance (Beratung zu arbeitsrechtlichen und arbeitslosenversicherungrechtlichen Fragen)

KAG

Rechtsberatungsstelle der Kantonalen Arbeitsgemeinschaft für hauswirtschaftliche Bildungs- und Berufsfragen
Information office for questions concerning labour law
Florastrasse 48, 8008 Zürich, Tel. 044 383 53 22

Arbeitsgericht der Stadt Zürich (Labour court of the City of Zurich)

Zweierstr. 25, Postfach, 8026 Zürich, Tel. 044 248 20 62
Advice free of charge for questions relating to labour law, without appointment
Mo, We, Fr: 8.30 to 11 a.m. and 1.30 to 4 p.m.,
Tel. 044 248 28 45, Wengistrasse 30, 8004 Zürich

Assistance Provided and its Limits

The information bodies, which also give advice to illegalised women, are all in the city of Zurich. It is advisable to make an appointment by telephone before the first meeting. The advisory and information centres give information about rights and availability regarding problems with health, employers, relationships or Fremdenpolizei. Together various strategies for action are sought and discussed. These services are not able to assist financially with payment of hospital and doctor's bills. At the moment there are no institutions that can help to find housing.

Further Reading

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