

THE VALUE OF DOMESTIC WORK

THE ECONOMIC AND SOCIAL ROLE OF EMPLOYER FAMILIES



The national collective bargaining Agreement (CCNL) on the branch of domestic work and its future prospects



Firmataria del C.C.N.L. sulla disciplina del rapporto di lavoro domestico

THE VALUE OF DOMESTIC WORK

THE ECONOMIC AND SOCIAL ROLE OF EMPLOYER FAMILIES

Dossier 2

**The national collective bargaining Agreement
(CCNL) on the branch of domestic work and its
future prospects**

Scientific director

(DOMINA – National association of domestic work employer families)

Lawyer Massimo De Luca

Work group (FONDAZIONE LEONE MORESSA)

Prof. Stefano Solari

Dott.ssa Chiara Tronchin

Dott. Enrico Di Pasquale



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Introduction

by Lorenzo Gasparini, Secretary-general of DOMINA



The National Collective domestic work agreement (CCNL) on the branch of domestic work is synonymous of safeguard and security, and today we can confirm that it is one of the most used in Italy and represents an undeniable instrument for all the domestic work employer families. The first version of the national collective bargaining agreement dates in fact to 22 May 1974. Over time it has been modified and revised eight times with the goal of better safeguarding employers and domestic workers, always staying up to date with the legislation and social context in which it works.

Every renewal has brought with it changes, the most relevant came about in 1992 with the extension of the contract application to all domestic workers, instead of only non-health home helps. Then in 2001, with the redefinition of placement levels and expected duties for every domestic worker. It was changed again in 2013 with the introduction of table "G".

The experience of spokesperson for domestic work employers leads me to consider that the vicinity to and listening to the families is vital for DOMINA and it represents an intrinsic characteristic; a detail which over time is translated in a detailed presence in the Italian territory. Our operational points are an essential support for families in the contract's application and they establish themselves as an "observatory" for all the dynamics of domestic work. For this exact reason, within the research project, we have asked them to share their expert opinion of the current CCNL.

Examining in detail the CCNL; the research also draws our attention to the public economic resources dedicated to family services. The cost almost completely falls on the Italian families who can count, in a limited way, on public help such as accompaniment allowance; currently insufficient to cover the salary of the assistant for dependent people because it is less than the minimum contractual salary, and the "partial" bonuses for the care at home programme *Home Care Premium*.

The national collective bargaining agreement is, therefore, in continual evolution. The social parties, paying up most attention to the needs of employers and workers, work by means of proposals of contract modifications or by means of the bilateral bodies. Their changes reflect social and economic dynamics of the country influencing them to return. Also, every modification of CCNL comes from the needs and problems that are met at its application and it has effects on all the other parts of the domestic work sector. In this scenario, the CCNL represents a true, exact compass which points, determines and qualifies the institutes of domestic work relationships in every location.

DOSSIER 2

Does the National Agreement (CCNL) meet families' needs?

EXPERTS' OPINION

89,7% SI 10,3% NO

BENEFITS OF CCNL 2013

75,0% BOTH FAMILIES AND WORKERS
 11,1% MAINLY FAMILIES
 10,2% MAINLY WORKERS
 3,7% NOBODY

MAIN CHANGES



ART.15 C.9 (RECRUITMENT FOR SUBSTITUTION)
 ADMINISTRATIVE CLARIFICATIONS
 MATERNITY, ILLNESS, WORKING CONDITIONS
 REGULARISATION OF PERMITS AND WEEKLY REST
 CONTRACT TERM AND NOTICE

PUBLIC GRANTS

15,7% ADEQUATE
 84,3% NOT ADEQUATE



CCNL 2013 IMPACT FOR FAMILIES

76,6% POSITIVE
 Relations with workers improved
 23,4% NEGATIVE
 More charge; Bureaucracy

PERSPECTIVES

Demographic aging and social dynamics will increase the need for home care.



Who will have more expenditures?



Objectives and methodology

The world of domestic work is, almost for antonomasia, characterised by a strong informality. This is mainly owed to the fact that the employers are physical people who are not always experts in administrative and bureaucratic fulfilments, and that the meeting between application and offer was almost always trusted to a direct personal relationship. The difficulty is raised by the condition of necessity which pushes, from one side, a family to take on a domestic worker and, from the other side, the worker to give themselves to serving a family (often living with the work employer)

The national collective bargaining agreement on the domestic work branch (from now on CCNL) stipulated to the work ministry on 20 February 2014 with the effective date of 1 July 2013, has caused some important modifications in the sector. These modifications concern the management of increased safeguards, both for the worker and the employer, in a sector that involves a total of almost 3 million people between workers (home help, carers, babysitter), employers and their relatives and other situations that aren't legalised.

In this dossier the main CCNL institutes will be analysed; evaluating the effects of them for both parties, with particular attention to those effects that interest employer families.

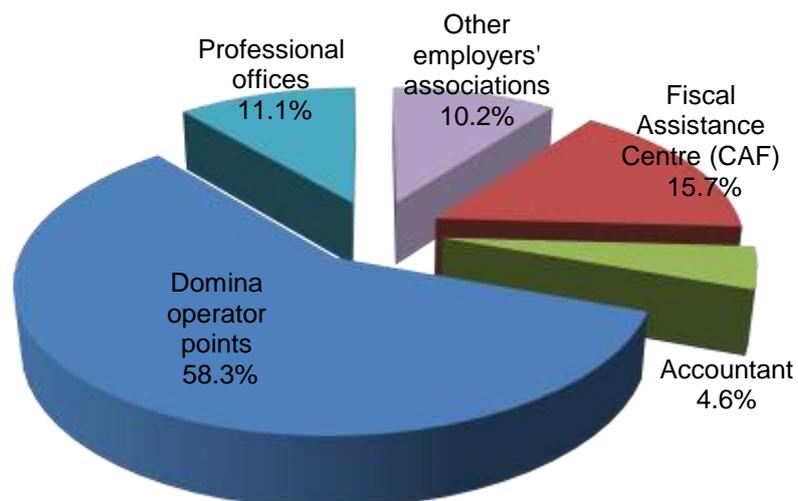
The instrument used to analyse these dynamics is a questionnaire distributed to the sector workers, through which it was possible to understand what the significant developments are; both from a regulatory and practical point of view.

The present report, therefore, gathers the feedback of workers in the sector, highlighting the main problems and evolution of the phenomenon. Finally, the main proposals put forward by the sector workers are summarised to simplify the application of CCNL and to assist the relationship between workers and employer families. The sample of professionals interviewed includes around 200 sector workers, on a national level. Analysing the sample by professional category (Fig 1), the most relevant component is made up of the DOMINA operational point workers (58.3%) present in all the national territory. Such offices carry out, on a daily basis, an assistance and safeguarding service for domestic work employers in the

management of employment relationships with their family collaborators and assistants (home help, carer, babysitter, governess, driver, etc.), accompanying them towards a correct application of the legislative and contractual rules (CCNL 1 July 2013).

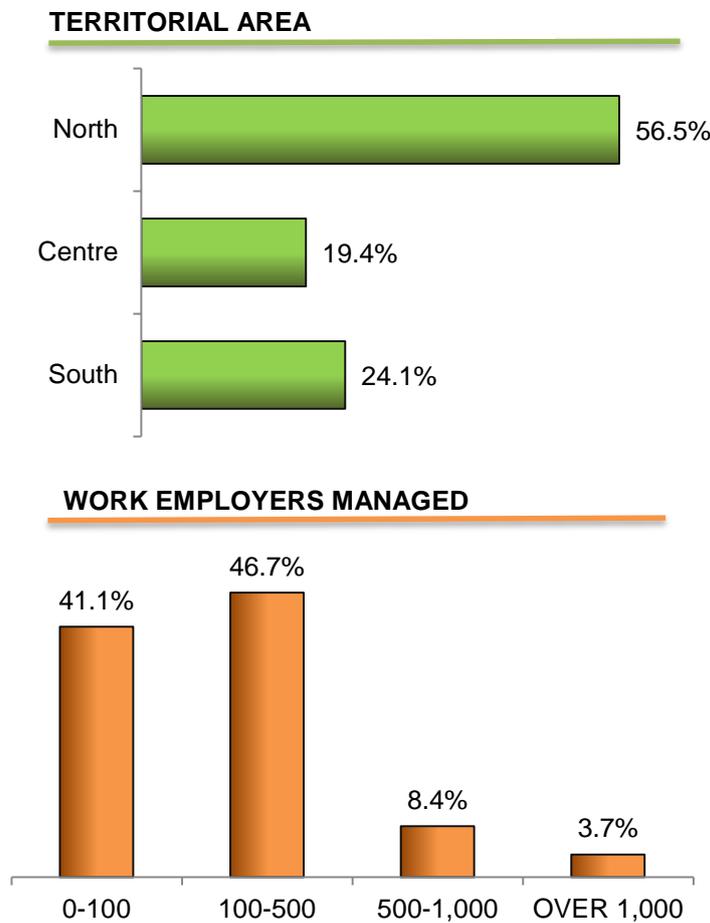
The remaining part of the sample is subdivided between CAF centre workers (15.7%), professional offices (11.1%), other employer associations (10.2%) and accountants (4.6%). Figure 2 reports other characteristics of the sample interviewed. More than half work in the North (56.5%), while little under a quarter work in the South (24.1%) and about a fifth work in Central Italy (19.4%). It predominantly concerns small and medium size centres: 41.1% annually manage less than 100 employers, 55% manage less than 1000. In the big urban centres, the workers interviewed manage more than 1000 employment relationships per year. As far as years of experience, the sample is predominantly made up of workers with different years of experience: three quarters of the sample have over 5 years' experience. There is also a number with over 8 years' experience, which is more than 45% of the whole sample.

Fig 1. Types of workers involved in domestic work management



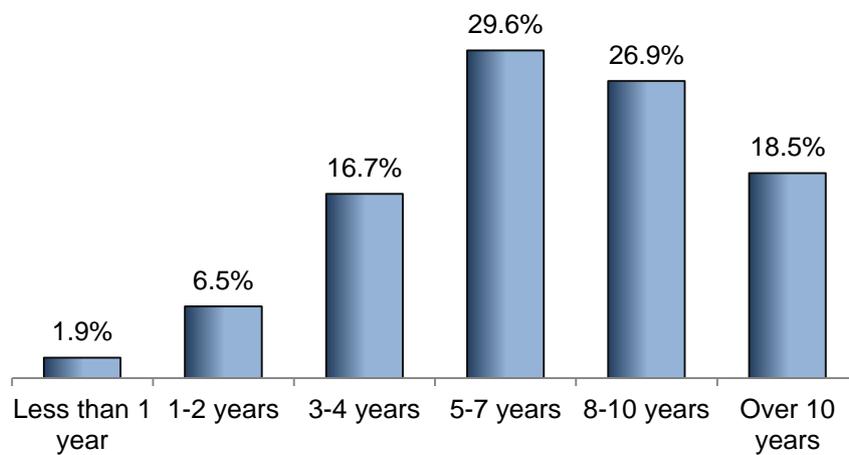
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Fig 2. Characteristics of the workers involved in managing the domestic work relationship



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Fig 3. Workers' experience in managing the domestic work relationship



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The National Collective bargaining agreement (CCNL)

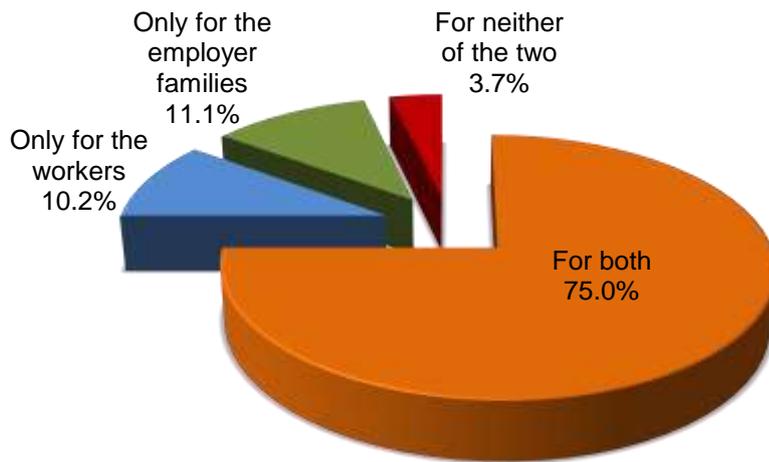
The CCNL contract currently in force on the branch of domestic work was stipulated to the ministry of employment by DOMINA, Fidaldo, Filcams CGIL, Fisascat CISL, UilTucs and Federcolf in February 2014, after the official signature happened in July 2013 (called, by agreement, CCNL on 1st July 2013). According to the observers and workers in the sector, the contract between the social parties represents a significant step in fully recognising the title of care within welfare services; guaranteeing higher safeguards for workers and for the families.

The contract has, without doubt, a “social” function, which is a privileged instrument of bargaining counterbalance of power relationships between worker and employer.

On the practical side; it rules the economic conditions and the legislation of subordinate employment relationships, assuring the interest of mutual rights and obligations. For example, some workers’ rights are safeguarded, such as maternity or sickness, and formation and ability validation courses are promoted. Amongst the main changes we find the so called “supply workers”, work safety legislation and second level negotiations.

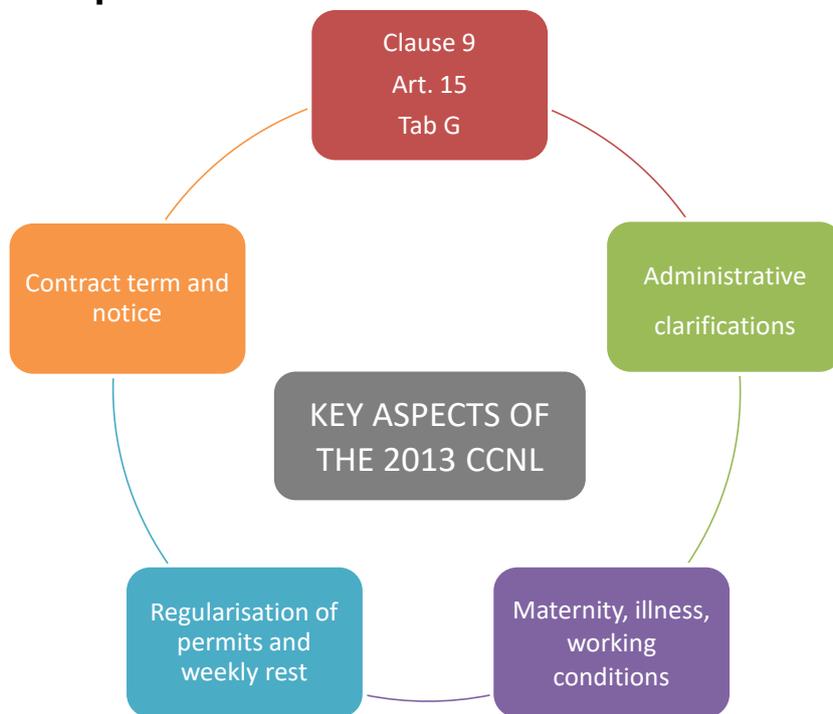
According to 88.9% of those interviewed, in 2013 the CCNL brought modifications relevant to the domestic work sector (Fig. 4). Three out of four workers (75%) sustain that in 2013 the new CCNL introduced positive changes for both parties (workers and employers); whilst only 3.7% feel that there weren’t any benefits for either party. The remaining 20% feel that the benefits are only for one party, with an almost impartial division between employers and workers.

Fig 4. The changes to CCNL of 2013 have brought a benefit



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Fig 5. Workers' opinions about the main modifications of CCNL in 2013



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The overall change considered the most important involves the insertion of clause 9, article 15, with its relative salary table G (for 23.1% of the sample).

This clause, in particular, involves the hiring of a "supply" domestic worker, for example to cover the days off of the "regular" worker. The text of the article follows:

9. A employer who requires the service of one or more full-time assistance worker placed in levels CS or DS for the care of dependent people can hire one or more workers, cohabitant or not, to be placed within levels CS or DS with limited services to cover the days off of the regular assistant worker. These services will be paid based on table "G", including the expected increases.

In other words, to meet the needs of the family and to ensure that security continues for dependent people, without having to apply the predicted higher rates of 60% for work carried out on Sunday and holidays, the new table G was introduced. This table shows a rate with only a 10% increase, compared to the minimum rate, which applies to the "supply" worker in the following conditions:

- Specifically employed to cover the days off of "regular" assistant workers;
- when the principle employment relationship is the assistance of dependent people;
- when the "regular" worker is placed in categories CS or DS and carries out the employment relationship full-time;

The "supply" worker is, in reality, a regular worker in all effects of their work contract and isn't co-obliged to work the full week. They can be live-in or live-out; they will be placed in level CS or DS and will receive the following hourly rate: Table G: CS €7.21/DS €8.69 and all the expected increases of the various CCNL institutes, including the board and lodging benefit.

After 3 years of the application of this clause, DOMINA workers confirm the validity. They have noted how, in front of the same need and considering the low increase applied to hourly pay, some employers have preferred to legalise the supply worker who until that moment worked illegally.

Another significant part (according to 21.9% of the respondents) involves some bureaucratic clarification.

In the hiring letter (Art. 6 clause 1) the insertion of the letter "o" was expected. The objective was to clarify to the parties that, as well as the indicated conditions in the approved contract, there are also other institutes expected in the CCNL that have to be applied. This clarification could seem apparently neoplastic if we talk to an "entrepreneur" employer involved with their own business of reaching a profit. We haven't to lose sight that the CCNL on the domestic work branch addresses itself to the families that become employers due to a need and not for profit. The domestic work employer is not an entrepreneur, but rather a mere "salary supplier". The case that creates more difficulty in domestic work, because it's a little known instrument, is the contractual assistance contributions.

Art. 52 – Contractual assistance contributions

For the practical fulfilment of that which is expected in articles 43, 44, 45, 46, 47 and 49 of the present contract and for the function of joint organisms at the service of the workers and domestic work employers, the organisations and associations stipulated by the CCNLL proceed with the collection of contractual assistance taxes by means of INPS. Under the law of 4 June 1973, no. 311 and together with the payment of MAV for the payment of compulsory social security contributions.

As illustrated in CCNL, the contractual assistance contribution has the objective of sustaining the activity of social parties and the bilateral bodies; which are Cas.sa.Colf and EbinColf. With this bilateralism, the social parties give themselves the objective of providing instruments, performances and services as well as training to guarantee and improve the professionalism and service of the world of domestic collaboration. For this; all those who apply the national collective bargaining agreement to their employment relationships, as every other contractual institute, the contribution of Art. 52 is compulsory and is to be paid by inserting the code "F2" in the social security MAV. Inserting the letter "o" in Art. 6 of the CCNL has produced the effect of an exponential increase in distributed services, with over one million annual reimbursements for medical services as well as the realisation of the training platform shared by social parties; which is committed to promoting free training courses for those working in the domestic sector.

For 21.3% of those interviewed; during the contract renewal phase, it was important to face the topic of maternity for domestic workers. Even recognising the validity and necessity of safeguards for working mothers, the social parties agreed that it wasn't possible to get rid of the limitations indicated in the CCNL, adapting the legislation to the national one which applies to all working mothers. However; other than inserting a series of verbal declarations, the union associations and the employer organisations, in article 24, intervened on the contractual institutions of the "notice period". They revised the terms of communication for contract dissolution for a working mother that has to return to work at the end of the third month after the birth date (Art. 39). Specifically, in the case in which the employer fires the working mother the following month (from the 1st to the 31st day) at the end of the compulsory leave; the end of the notice period must be doubled (i.e. 15 to 30 days for less than 5 years long-term service). Therefore domestic workers can be fired within a year of the baby's birth, only for the sake of the expected end of the compulsory maternity leave (5 months) and not for discretion (even if the Italian OIL 189 convention would prevent a discrimination of the treatment between domestic workers and other categories of employed work).

CCNL also pays attention to the area of sickness (Art. 26), increasing by 50% in 2013 the period of saving the work place in the case oncological illnesses documented by an ASL expert. Attention was also paid to the safeguarding of working conditions (Art. 27), in which an article about the prevention of injuries and work place security is introduced. The workers right to a safe and healthy working environment is confirmed, foreseeing the employer's responsibility of:

- guaranteeing the presence of an electric system with appropriate differential switch (the "lifesaver");

- informing the home help of potential risks that exist in the work environment, relative also to the use of the equipment and exposure to particular chemical, physical or biological agents.

Such information has to be made known at the point of identifying the duties or at the point in which these duties change, through the specific document that will be elaborated and diffused by the sector's bilateral body – "Ebincolf". DOMINA raises, in merit of the topic, all the perplexities that derive from the difficulty, on the part of

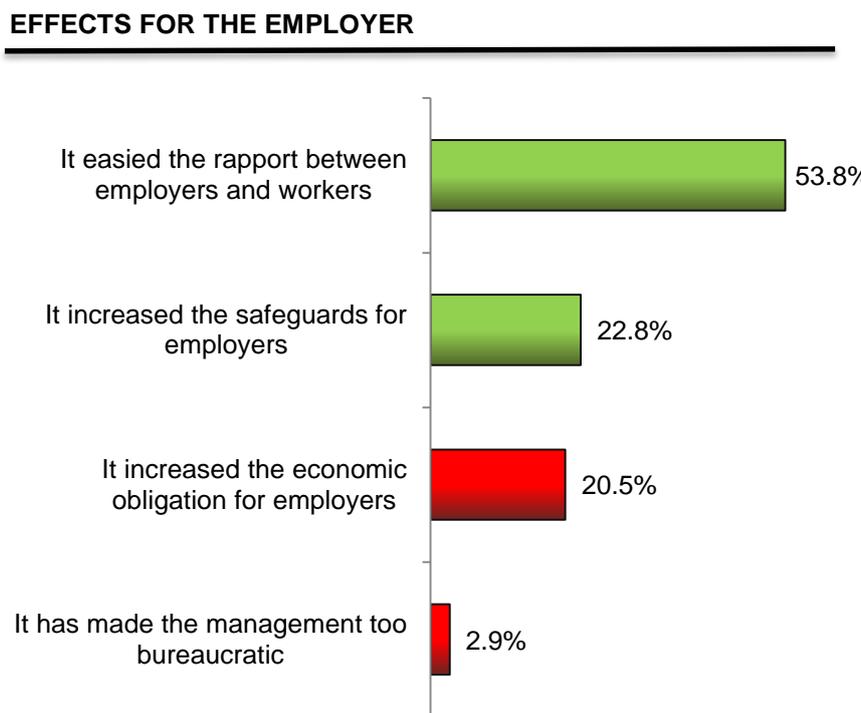
the domestic work employer, in being able to assure correct legislation application of the prevention and safety given the peculiarity of the work place: private home.

According to the workers, the changes of 2013 concerning the regulation of permissions and the clarification in the area of days off, national and midweek holidays, holidays and unpaid breaks; which make the management of the employment relationship more fluid, are significant. The "a-random" is introduced, in other words the absence of a clause for the signature of a permanent contract. As far as permissions are concerned; Art. 9, which regulates permissions for professional training, increases the possibility of being able to use the total paid permission hours (40 hours) also for possible training activity expected by legislation and the need to renew the residence permit. Also, always in the CCNL, it is expected that the employer supports the workers' attendance at specific courses run by public bodies, in other words courses organised and recognised by bilateral bodies also aimed at renewing the residence permit. The article guarantees the employer the necessary documentation demonstrating the actual training activity taken part in, stating the impossibility of multi-year accumulation of this time of permit. The extension of marriage leave is also introduced as is the possibility for the worker, for serious and documented needs, to be able to ask for the suspension of extra-holiday periods without maturing any salary for a maximum period of 12 months. There are also instructions to the employer to issue a certificate showing the total amount of days taken in the working year; at least 30 days before the expiry of the deadline for the submission of tax returns or at the termination of employment. It is also worth paying attention to the information given in Art. 46 concerning the possibility of conciliation, before legal procedures, ex art. 410 and the following c.c.p. Art. 48; which also brought with it, in 2013, a wind of innovation. The social parties define that the negotiations at second level can only involve board and lodgings allowance and permission for study and/or professional training hours. Agreements made under this article will remain registered, for the sake of their effectiveness, with the bilateral body Ebincolf.

Over 75% of the workers today agree on the fact that the application of the changes caused in 2013 in the CCNL have produced positive effects also for the employer, thanks to the simplification of the contractual text; over half (53.8%) confirm that

CCNL has eased the relationship between worker and employer. Only 22.8% think that the employer safeguards have increased. A quarter of the respondents express though a negative opinion; 20.5% feel that economic obligations for the employer have increased and 2.9% complain of excessive bureaucracy (Fig. 6).

Fig 6. Effects of the changes to CCNL in 2013



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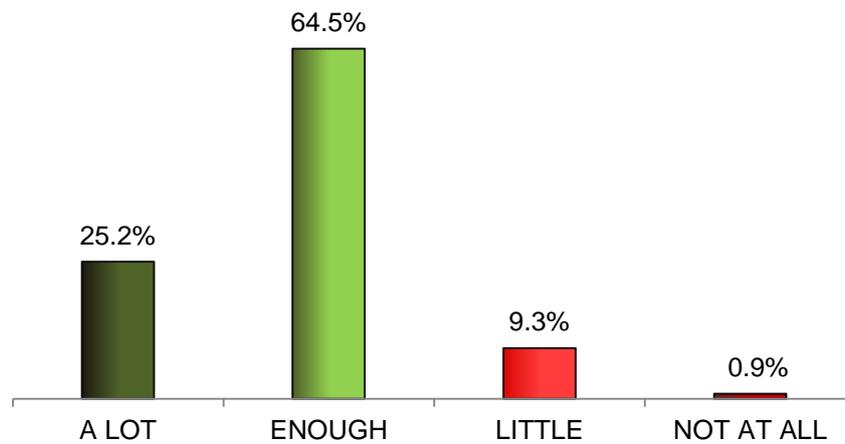
The positive opinions grow to almost 90% though in front of the direct question: 25.2% of the sample confirm that the CCNL responds "a lot" to the actual needs of the employer families, whilst 64.5% feel that it satisfies them "enough". Rather, little more than 10% feel that such needs are still not satisfied.

The positive opinion expressed is above all due to the possibility for the employer to hire and break the work relationship with great ease, since the employer can fire *ad nutum*: We mean in the case in which the employer fires the worker without giving

any motivation and without a just reason but with the only bond of respecting the notice period.

This possibility allows the employer family to more peacefully manage the work relationship, considering the fundamental trust element for both parties.

Fig 7. "How much the current CCNL, on the branch of domestic, work meets current social and economic needs of employers"



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Public economic resources for family services

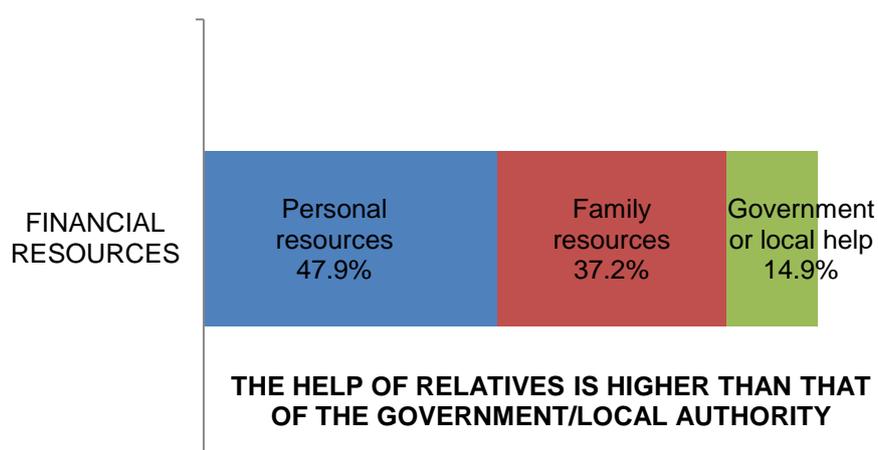
It is interesting to observe the economic nature of the resources used by the families for the relative cost of domestic workers. The majority of workers interviewed (84%) affirm that public help (government, regional or council) cover less than 30% of the cost of domestic work.

On the whole, according to the workers, less than 15% of the cost is covered by this help, while the majority of the cost is the responsibility of the assisted person (47%) or their family (37.2%).

Amongst the help which benefits families; the main ones are accompaniment allowance, legal invalidity pension and tax deductions. Less relevant are the care allowance (regional and council) and the home care premium.

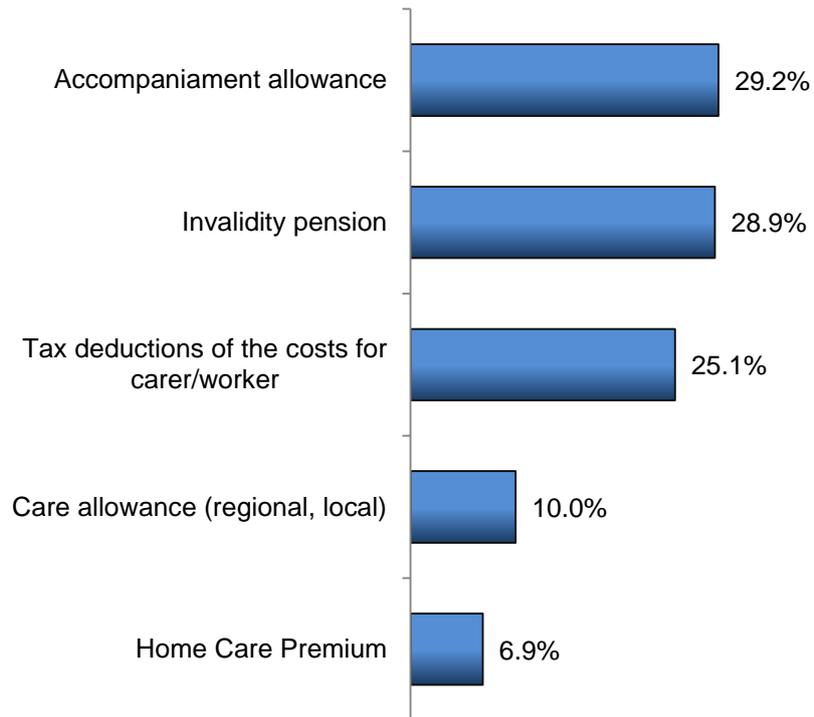
As a natural consequence of what we have examined so far, the worker's opinion with regards to public help is essentially negative: more than 8 out of 10 consider it little or not at all adequate. Only 15.7% feel that it is adequate enough, while nobody considers it fully adequate.

Fig 8. Economic resources for family assistants/domestic collaborators



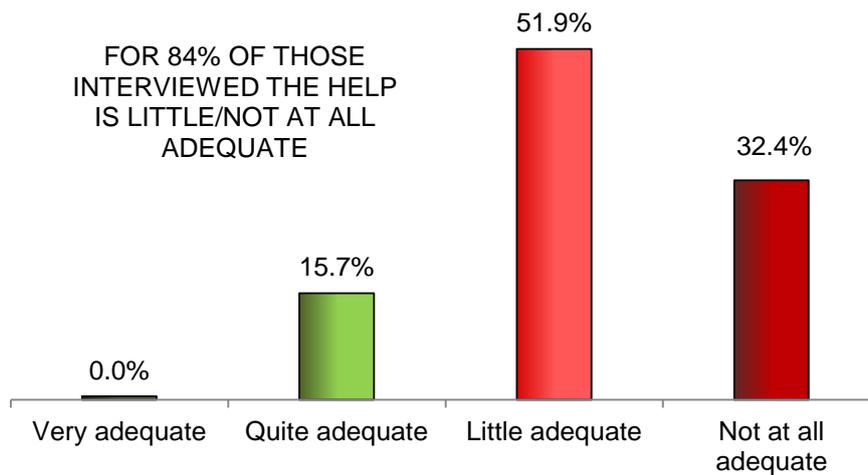
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Fig 9. The main public economic help used by families



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Fig 10. How adequate public help (Government/local bodies) to the employer families

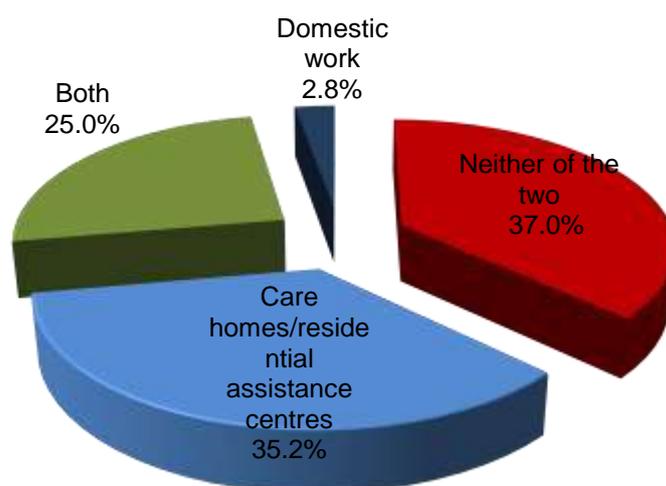


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Speaking of family assistance for dependent people (usually elderly), very often we ask ourselves if it is more suitable to turn to a family assistant or to put the assisted person into a residential centre. Beyond the ethical implications and family dynamics (vicinity of children, home management etc.) sector workers were asked, considering the public subsidies, what the more “suitable” solution for the employer families is from an economic point of view. The issue is complex, albeit that the general opinion confirms that public help favours care homes (35.2%). Only 2.8% maintain that current public help favours the domestic solution (2.8%) helping families in the care of their loved ones. To point out in any case, that 37% maintain that the subsidies don’t favour either of the two solutions.

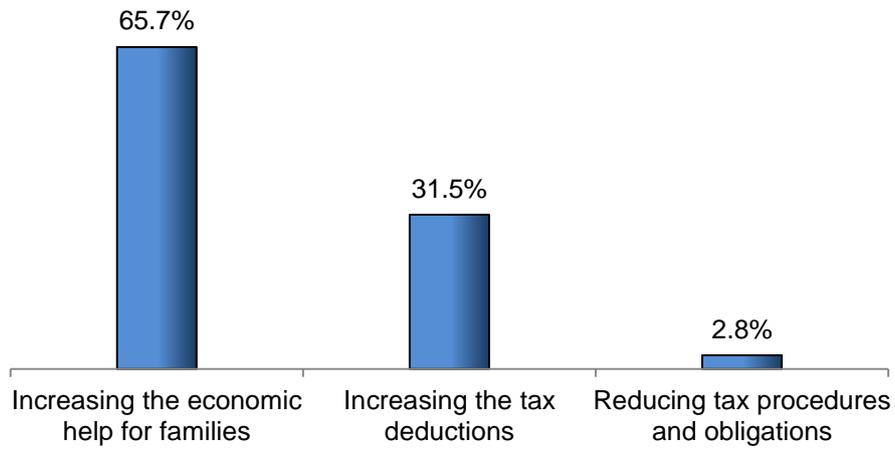
Figure 12 collects an important element for public decision making, in other words; the proposals that workers consider to be the most urgent for supporting the families in the domestic work sector. The overwhelming majority identifies the economic nature: for 65.7% the most urgent factor would be the increase of economic help from the part of the government and local bodies. 31.5% support the urgency of a rise in tax deduction, in favour of the families. Only 2.8% point out the streamlining of procedures as a priority measure.

Fig 11. Public help (Government/local bodies) which solution do they favour?



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Fig 12. What Government/local bodies should do to help families ?



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Economic tax exemption policies

Speaking of domestic work is a greatly important topic involving the surfacing of illegal work. If the “annulments” have, in many cases, favoured the legalisation of home helps and carers, it is undeniable that the phenomenon remains largely diffused; especially with workers like babysitters or cleaners, who work few hours. This is a phenomenon that also has an impact on the community, in terms of a lack of tax revenue and lesser safeguards for both parties.

According to the experts’ opinion, the crisis of the last years has brought about an increase in illegal work; provoking many workers to carry out illegal duties (Fig. 13). The so-called “grey zone”, or legal workers that carry out various hours illegally, is also greatly increasing.

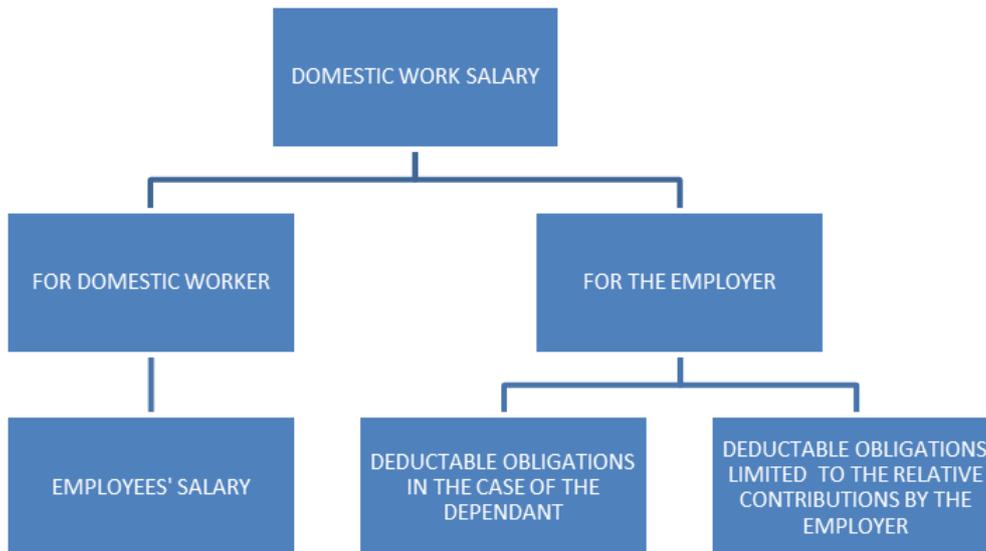
Public help for the families, who ironically would need them more, has also decreased with the crisis. Only 8.6% of those interviewed feel that the crisis hasn’t had a significant impact.

Always according to the experts’ responses, illegal work has a bearing on 54% on total domestic work. This means that, to the over 800 thousand legal domestic workers in Italy, we would need to add likewise in those not yet legalised¹.

Also in this case, the sector professionals identify the most appropriate solution to contrast the phenomenon in the economic measure. Almost all respondents put forward proposals of an economic or tax nature, while only 2.9% feel that more flexible contractual forms are needed (Fig. 14).

It reminds us that in domestic work, under art. 23 of Presidential Decree no. 600/1973, the employer isn’t a tax substitute and therefore isn’t obliged to fulfil what is expected by the law of such a figure (withhold and deposit tax reductions).

¹ Cf. Dossier 1 “The profile of domestic work employers in Italy. Dimensions of the phenomenon, population trends, economic and social impact”



Having taken into account the replies of the domestic sector workers, it is necessary to be clear about the current legislations in force regarding deductions and deduction of the expenses incurred in relation to the employment relationship. The legislation of reference, other than the various Inland Revenue newsletters, is TUIR in the following articles:

Art.15, clause 1, TUIR provides for the deductibility of the expenses incurred in carrying out daily life activities for those who are responsible for the personal care in the case of the dependant.

Article 10, clause 2, TUIR provides for the deductibility of social security contributions paid by the employer for those responsible for domestic services and personal or family assistance.

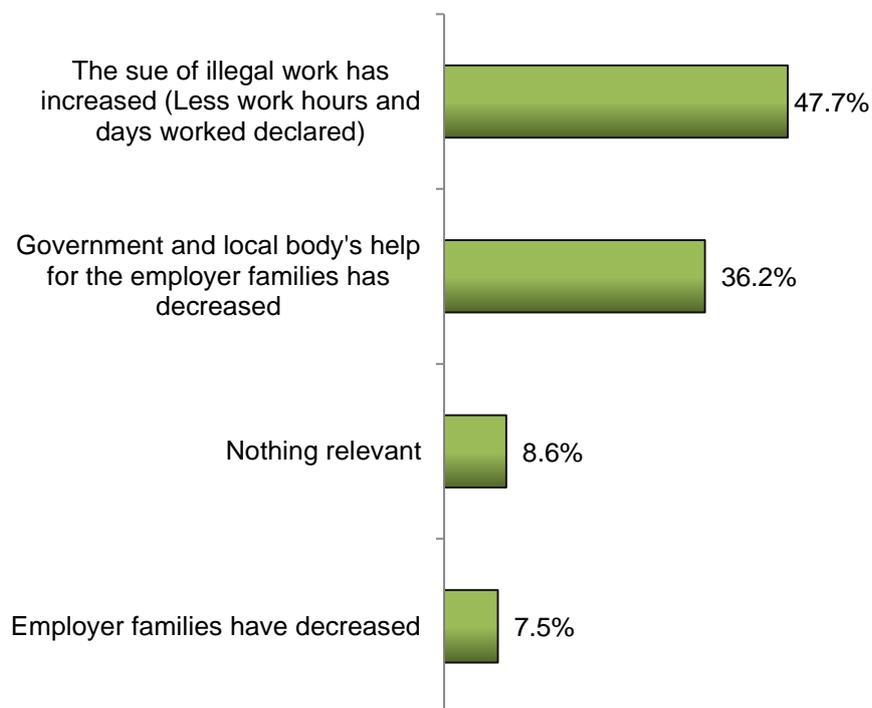
As a matter of fact, legislation predicts the deductibility: for those responsible for domestic services, that means those who give a continuative work activity exclusively for the needs of the family life of the employer (multipurpose collaborators, babysitters, drivers, gardeners, governesses, etc.); for those reasonable for personal or family assistance, that means those who provide for the

care of the people in the family nucleus (assistance for self-sufficient and dependent).

The employer may deduct only the part of the contributions within their authority and up to a maximum of €1549.37. If this contribution fee isn't held back in the payslip paid by the collaborator, the employer may deduct only the part of their own authority.

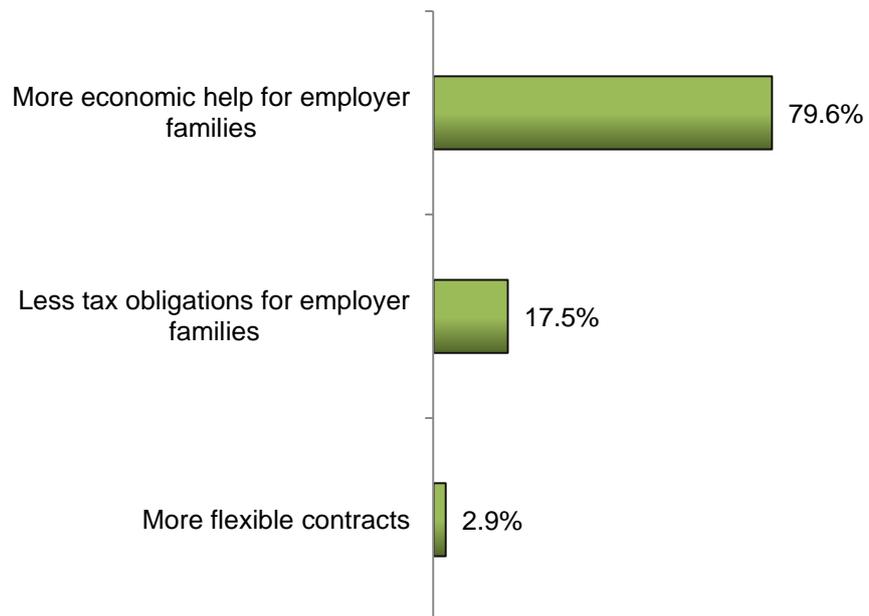
Since an accrual basis is applied, only the amounts paid in the tax year are to be considered: as a rule, the contributions of the last trimester of the last year and the first three of the current year are added together to form the declarations. When we speak of tax deductions; we mean, for example, social security contributions and compulsory and voluntary assistance. With regards to the detractions; those who are disabled or those indicated in art. 443 c.c., in the cases of those who are self-sufficient in carrying out daily tasks and pay for personal assistants (carers), they have the right to detract the costs incurred to the value of 19% calculable to a total amount no higher than €2100 as long as the taxpayer's earnings aren't more than €40,000.

Fig 13. Impact of the economic crisis in Italy on the domestic work sector



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Fig 14. Measures to obstruct ILLEGAL WORK



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Prospects for the future

According to almost all the experts in the sector, the basic needs of domestic work are destined to grow in the next years.

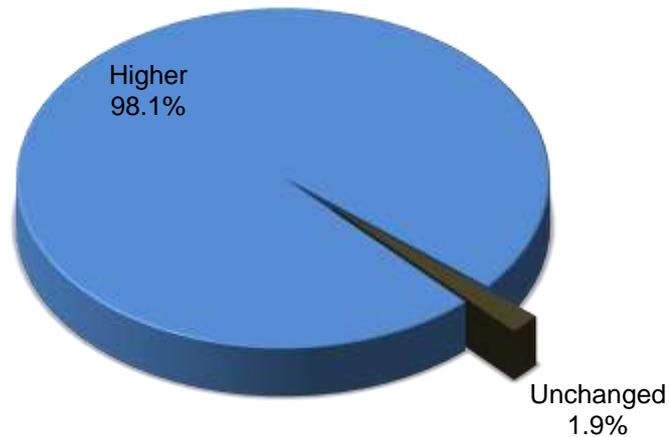
There are multiple motivations, all facing the same direction: The ageing of the population, the growing female participation in the work market and the progressive recession of public welfare in favour of families.

To give an example: according to a recent study by the Leone Moressa foundation on Eurostat data, with the hypothesis of an absence of any migratory variant. In other words, considering the component of international migration as zero – in 2030 the EU population would decrease by 1.9%, falling under 500 million. Even more drastic the population fall in Germany (-7%, from 81 to 75 million) and in Italy (-5%, from 60 to 57 million). To better understand the impact of this (hypothetic) scenario, we can analyse the population evolution subdivided by age range. The working age range (15-64 years) that currently represents 65.5% of the EU population would fall to 60.8% (in other words, 30 million less people in that age range). For Italy this would mean a loss of 4.3 million people of working age. This would be even worse in Germany (-9 million).

In the same way a lowering of the age range 0-14 years would be recorded (from the current 15.6%, to 14.3%) with a net decrease of almost 8 million people.

On the contrary, the ageing of the population would bring about an average increase of 6 percentage points in the over 65 range (+28 million). In Italy the over 60 age range would increase by 2.6 million, passing from 21.7% to 27.5%.

Fig 15. The basic needs of domestic work in 20 years, will be



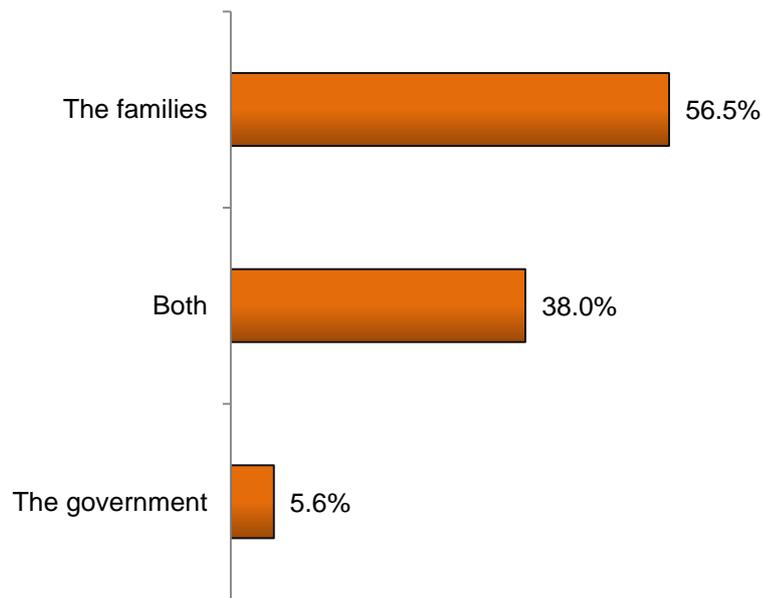
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For the same reasons given above, according to workers; the largest management burden will be on households (56.5%). Only 5.6% feel that it will be the government to take on this cost.

This figure represents a significant element in the national welfare scene. If it is true that today the Italian public cost is already strongly centred on pensions and the health service, with always less resources designated to supporting families and those who aren't self-sufficient, the asymmetry between the families' responsibility and the public contribution is clear.

If one of the accessible roads to increase tax revenue is the contrast of irregularity and illegal work, this can prove effective only in the presence of convenient alternatives for the families, in other words incentives and subsidies for making work legal.

Fig 17. Who will have the higher obligations in managing the elderly population



Fondazione Leone Moressa elaborations on sector workers' survey

Conclusions

by Massimo De Luca, lawyer for DOMINA association

From an accurate analysis of the CCNL national collective bargaining agreement used in this dossier, it is interesting to note how the changes to the contract in 2013 have brought with them benefits both for the employer and workers. We can, nonetheless, confirm that DOMINA's objective and that of all sector workers is to increase the perception of contractual benefits on the part of both interested categories.

For this reason, after years of consultation on the theme of domestic work law and in the light of experience gained in regional work relations committees at the inter-regional work management, I realise that today the simplification and clarity of the regulatory text surely represents one of the priorities in the changes of the CCNL on the branch of domestic work. Considering that it is also used without intermediary professionals by about two million families. It is important then to simplify that text's language, verbal notes and to get rid of articles already revoked with national laws; like for example the "shared work" (art. 8), or those which are no longer consistent with the development of existing legislation.

Dealing with the CCNL; a first difficulty is met when contractually defining the difference that exists between the different placement levels CS and DS. From merely reading the texts, the difference between the two levels is pointed out by the training; therefore at the hiring phase the problem doesn't exist, but other matters remain open. How do we need to behave when, during or at the conclusion of an employment relationship, a worker tells the employer that they have a title recognised by the Italian government and which is adequate to allow them to increase their level ? Such particular cases have often happened. Does the promotion of level need to be automatically recognised ? Can simply being in possession of a recognised training title mark a difference ? How is it possible to understand if we are in front of an abuse of the employer or an attempt to ask, by surprise, paid differences ? If the employer doesn't need a trained worker, in the case of hiring, will they be subject to a request for a difference in pay ? There are many cases of this type that end up at a court hearing. The atypical nature of the

workplace and the receipt of assistance services increase the uncertainty in managing the work. As a matter of fact it isn't easy to define when a person is self-sufficient or not, when they only need accompaniment help or professional assistance. Also, the phenomenon could take on exponential dimensions in the future if we consider that Ebincolf and the bilateral body of the national collective bargaining agreement are preparing to begin national training of domestic workers with the objective of validating the training path. Therefore I think it is appropriate for the social parties, in the next CCNL renewals, to ask themselves questions about the issue; trying to predict at least the integration of the request of professional titles with the hiring letter or at least to better clarify that the transition from one level to another isn't automatic. Another difficulty is encountered in framing babysitters, since the families already ask themselves about the difference between levels AS, BS and CS.

But let's go on with in order.

The person who carries out the duty of babysitter can be hired with level BS or CS, based on the self-sufficiency of the child. Level AS is reserved for personnel who carry out duties occasionally and /or irregular child supervision in the absence of family members, with the exclusion of any care services. The difference between levels AS and BS/CS is in the occasional and irregular nature of the service given and care of the person. Personally, following the duties of level AS, I find it difficult to understand how a worker can supervise a child without taking care of them. Also, I'm of the idea of eliminating the terms occasional and irregular from the work duties of level AS, considering that there no longer exists any legislation regarding it. In this way we can take on, at level AS, all people with the duties of babysitting, without asking ourselves the self-sufficiency of the child and nearing ourselves to the minimum salaries which are lower compared to other levels.

As referred by the sector workers interviewed for the research, another intervention is appropriate to clarify the discipline relative to the "supply" worker, in other words for those who cover the days off of the full-time "regular" worker (art.15, clause 9). The definition of working hours to indicate in the contract is still unclear in case of cohabitation or not; how to pay board and lodgings and the application process for other contractual institutes. For example, which table is used in the case in which we

ask a supply worker to work during the holidays or during sick days of the regular worker ?

On the same line, it is equally as important to identify formal working hours in order to fulfill the social security contribution obligation for the discontinuous night services for the care of the person and for the service exclusively for waiting (art. 11 and 12). A constant discussion with the families concerns the trial period (art.13), considered too short for the prefixed scope. In fact the families complain about the difficulty in valuating, in 8 working days, if the person is suitable for the requested duties. Bigger difficulties are encountered if the assisted person is dependent or is disabled. This problem, according to the families, could have been overcome with the use of vouchers for the worker's first month of work. Now, considered that on 22 April 2017 in the "Gazzetta Ufficiale no. 94, law decree 17 March 2017 no. 25, converted by the law of 20th April no. 49, there was published "Urgent provisions for the annulment of provisions relating to occasional work and for the amendment of the provisions on joint procurement responsibility", which completely surprised all the occasional work institutes (so called vouchers). How will domestic work employers who use this instrument of payment need to act ? A partial solution to the problem could be the increase of calendar days for the trial period.

A reflection regarding article 15, clause 2 on the topic of part-time work: today it is possible only in the case of cohabitant workers placed in levels C, B and B super, as well as students between 16 and 40 years who attend courses that lead to state-recognised titles, in other words public bodies, and with a timetable of up to 30 hours a week. This clause excludes the possibility to apply part-time to a worker placed with a level of CS or DS, assistant to a dependent person. Let's imagine a typical family problem, in which we have a dependent person to attend to and a child who works only half day. The latter, outside their working hours, could take care of their parent without being obliged to take on a full-time live-in carer. The current law though doesn't allow them to do it. Such limitation of part-time, in my opinion, has no logical-legal foundation in addition to not responding to any social character need.

A further precision is towards weekly days off (art. 14, clause 4). With Legislative Decree 8 April 2003, no. 66, we have fulfilled directives 93/104/CE and 2000/34/CE

concerning certain aspects of the organisation of working hours. Chapter III, article 9 establishes that: "The worker has a right, every week, to a period of rest of at least 24 consecutive hours; normally coinciding with Sunday and to be cumulated with daily rest hours". The day off could coincide with Sunday but not for this reason does it have to be Sunday. Also, the same legislative text waives to the national agreement the possibility to establish different arrangements, in respect of the conditions indicated in article 17, clause 4 of the Decree and by doing away with all rights and safeguards that carry with them the institutes. The issue is legitimised by the fact that assistance to people, in particular the dependent/disabled, can't be broken on Saturday and then restarted on Monday. Under the economic aspect, to legally hire a worker on Sunday, outside the case of article 15, clause 9 because it doesn't have any legal assumptions, implies a higher salary of 60% of the base pay. Also, limiting the contractual variations of days off with another day; unless the worker professes a religious faith whose solemnisation is a day other than Sunday is, in my opinion, an out of date interference which reduces parties' freedom as well as harming the right to equality in the event that the family professes a different belief.

THE VALUE OF DOMESTIC WORK

THE ECONOMIC AND SOCIAL ROLE OF EMPLOYER FAMILIES

Research report by **DOMINA**

(National association of domestic work employer families)

Work group: **Fondazione Leone Moressa**

- DOSSIER 1.** Profile of domestic work employers in Italy. Dimensions of the phenomenon, population trends, economic and social impact
- DOSSIER 2.** The National Collective Bargaining Agreement on Domestic work and its future prospects.
- DOSSIER 3.** The socio-economic impact of domestic work on the family.
- DOSSIER 4.** Domestic work policies concerning the ILO Convention n. 189/2011. The Italian situation and international comparison.
- DOSSIER 5.** Welfare policies in support of employers' households: European comparison.
- DOSSIER 6.** Care economy: domestic employers as economic actors.
- DOSSIER 7.** Criminal offenses in domestic work.
- DOSSIER 8.** Domestic work and disability.
- DOSSIER 9.** Domestic work in Italy: regional deepening.
- DOSSIER 10.** Disputes in domestic work: balance between legality and necessity.

THE VALUE OF DOMESTIC WORK

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Dossier 2

The National Collective Bargaining Agreement (CCNL) on the branch of domestic work and its future prospects



Firmataria del C.C.N.L. sulla disciplina del rapporto di lavoro domestico

DOMINA - National association of domestic work employer families, signatory of the National Collective Bargaining Agreement on the discipline of the domestic employment relationship. Safeguarding and assisting Italian families who, by taking on a domestic collaborator or a family assistant, become employers.

The Association is active throughout the country with its Operational Points in support of domestic work employers.

NATIONAL OFFICE

Viale Pasteur n. 77 – 00144 Roma

TEL. 06 50797673

FAX 06 5071124

segreteria@colfdomina.it

www.associazionedomina.it

