

HISTORICAL LEGACIES: POSTSOCIALISM, TRADE UNIONS, AND ORGANIZING DOMESTIC WORKERS IN THE CZECH REPUBLIC

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After the adoption in 2011 of ILO Convention 189 on Decent Work for Domestic Workers, national campaigns for ratification took different organizational forms in different countries. While in some cases trade unions organized domestic workers, in others domestic workers were represented by NGOs, and in yet others alliances between different organizational forms developed. Based on Shireen Ally's classifications of domestic worker organizing, this article defines the case of the Czech Republic as following an associational model. The article explains the lack of union involvement in demanding ratification by referring to the postsocialist legacies of trade union organizing, but also by the fact that domestic workers do not feel that trade unions can represent their rights. This is not only because of a lack of knowledge about trade unions or of not seeing trade unions as being able to represent self-employed or informal workers, but because their identity aligns better with organizing based on migration status and gender than on class.

Keywords: Domestic Work; Representation; Organizing; Czech Republic; Migration; Postsocialism; Trade Unions

After several years of campaigning by domestic workers and their organizations at a transnational level (Schwenken 2006, 2016), on June 16, 2011, the International Labor Organization (ILO) in Geneva adopted the Decent Work for Domestic Workers Convention with a significant majority of the votes (396 in favor, 16 against, 63 abstentions), also known as ILO Convention 189. The transnational campaign that accompanied the negotiations at the ILO had to continue at the national level after the adoption of C189 in order to convince ILO member states to ratify the Convention and to implement it domestically. However, mobilization around the Convention and campaigns for ratification took very different forms in different

countries. So far, 22 countries have ratified the Convention, but not the Czech Republic.

Because of the specific characteristics of their field of work, domestic workers often encounter problems enforcing their labor rights. Common rights violations include workdays of more than eight hours (Anderson 2004), no days off, being on call even at night, not having clear work hours, and insufficient pay (Piper 2005:101). As domestic workers are isolated in private households, they can fall victim to physical and sexual abuse and exploitation (Anderson 2004). Because of the informal character of much domestic work (Bonner and Spooner 2011), domestic workers often are not part of existing social security schemes and not covered by regulations regarding maternity protection and paid holidays. Claiming existing labor rights can be difficult due to the emotional character of the work as well as the relationship of dependency between employer and employee (Piper 2005:101). Undocumented domestic workers, for fear of legal consequences or because they are dependent on their income, cannot always demand existing rights either (Heimeshoff and Schwenken 2013). Because the private household is often conceptualized as being separated from the public, domestic work has not been regulated to the same degree as other kinds of work by labor laws (Günther 2011:4), depriving domestic workers, in many cases, of the rights enjoyed by other workers. Due to these issues, the Domestic Workers Convention aims to ensure basic labor rights for domestic workers, many of them migrants, and to grant them the same labor standards as other workers.

This article looks at the Czech Republic as a postsocialist country and investigates the role that different types of organizations have played in advancing demands for ratification of the Convention. It discusses why trade unions have remained minimally involved in supporting demands for domestic workers' rights, whereas a nongovernmental organization, *Sdružení pro integraci a migraci* (SIMI, Association for Integration and Migration), has been vocal in calling for the ratification of ILO Convention 189 in the Czech Republic. I argue that the position of the trade unions within a postsocialist, corporatist setting plays a significant role in explaining their lack of involvement in the domestic ratification procedure. Additionally, domestic workers' ideas about trade unions and their own identities correspond better to the framings advanced by NGOs.

This article is based on a total of 12 interviews conducted with domestic workers, civil society organizations such as the trade union federation and migrant organizations, and academic experts in the Czech Republic in 2010–2011. These interviews were conducted within the framework of several research projects at the International Center for Development and Decent Work (ICDD) at the University of Kassel on the organizing of domestic workers worldwide. The research was focused on understanding the role of unions and NGOs in organizing domestic workers. Interviews took place with domestic workers and NGOs in Prague and some small towns in Bohemia. After the completion of fieldwork in 2010–2011, the ratification process of Convention 189 was followed through observational research in the Czech Republic.¹

¹ I would like to thank the domestic workers and all the other interviewees willing to contribute to my research.

First, I give a short introduction to Convention 189 and present an overview of the literature on the domestic work sector in the Czech Republic in order to contextualize my analysis of the representation of domestic workers in a postsocialist environment. Then, I present two models of organizing and locate the Czech Republic within this framework by describing the representation and organizing taking place in that country. I then explain the absence of union organizing and representation of domestic workers as a result of ideas about trade unions under postsocialism as well as the ideas domestic workers have about trade union organizing in the Czech Republic.

"DECENT WORK FOR DOMESTIC WORKERS"—A CONVENTION FOR MARGINALIZED WORKERS

ILO Convention 189 on Decent Work for Domestic Workers, later renamed the Domestic Workers Convention, was adopted June 16, 2011, at the 100th International Labor Conference. Twelve months after an ILO Convention is ratified by two countries, the Convention enters into force. After the ratification of ILO Convention 189 by Uruguay and the Philippines, therefore, the Convention came into effect on September 5, 2013.

Convention 189's adoption was preceded by a transnational movement of domestic workers' organizations and their allies, such as women's rights organizations and trade unions, promoting the development of international legal protections for domestic workers (Schwenken 2010). Helen Schwenken (2016) has described domestic worker organizing and its outcome as "the emergence of an impossible movement," because of the lack of resources for domestic workers but also because trade unions, who represent workers at the ILO level, initially were not interested in this topic and had to be convinced to carry domestic workers' demands to the ILO.

Convention 189 enshrines several basic rights for domestic workers, such as a minimum of 24 hours of rest per week (Article 10(2)) and a minimum wage "where such coverage exists" (Article 11). Domestic workers are supposed to be "informed of their terms and conditions of employment" (Article 7). According to the Convention, member states have to realize the rights of domestic workers to freedom of association and collective bargaining, as well as to work against forced labor, child labor, discrimination, and abuse of domestic workers (Articles 3 and 5). Article 17 calls for workplace inspections in the field of domestic work, an issue that has been controversial both on the transnational level and in the ratification processes in several countries due to the potential conflict between the protection of the private household and the protection of labor rights. The Convention expects governments to regulate employment agencies recruiting and placing domestic workers (Article 15). Importantly, the Convention explicitly refers to the rights of migrant domestic workers, wanting to prevent their exploitation (Article 8). It also defines the terms "domestic work" and "domestic worker," requiring an employment relationship for the Convention to be applicable (Article 2). Throughout the Convention, the ILO establishes that labor rights protections for domestic workers have to be equal to the protections enjoyed by other workers.

As many domestic workers in the Czech Republic work informally or are self-employed, Convention 189 as such does not necessarily apply to them. But the implications of the Convention go beyond a pure legal understanding: labor rights are now being conferred to an often-invisible sector of work that takes place in the private sphere of the household. Domestic work, which has often been essentialized as part of women's obligation and their natural role in society, stripping it of its characteristics as labor, is now publicly conferred the status of work by including it under the framework of international labor law. While in many countries domestic workers do not enjoy the same rights as other workers and are not covered by the labor rights established by ILO Convention 189, considering the existing labor rights in the Czech Republic and other European Union countries, there the labor rights protection of the Convention does not go much further than existing labor laws—an argument put forward by trade unions in the Czech Republic to justify their reluctance in supporting ratification of the Convention. Some provisions of the Convention, however, were debated in the Czech Republic as potentially contradictory to Czech labor law, such as workplace inspections and recognition of time spent on call as work time (Heřmanová and Redlová 2012). Enforcement of international laws such as ILO Conventions and access to these labor rights are not easy for workers either, putting into question the usefulness and significance of the Convention, particularly in the European context. However, it is insufficient to limit analysis of Convention 189 solely to its legal efficacy. During the negotiations, domestic worker organizations were already discussing it as an organizing tool (Prügl 2009, quoted in Schwenken 2010:195), influencing discourses on domestic work by giving the topic publicity and framing it within a labor rights context. In this way, it can serve as a reference point for legitimizing domestic workers' claims irrespective of their formal work status, as well as a legal document around which organizing takes place—for example, to promote ratification, mobilize domestic workers in the ILO member states, and build up new and strengthen existing organizations demanding labor rights for domestic workers (Schwenken 2010:208). As in the international sphere,² the ratification process could serve to develop new alliances between NGOs, trade unions, and domestic workers. In the Czech Republic, however, this was not the case: while an NGO campaigned for ratification, the trade unions remained reluctant to pledge their support.

Before I go into the approaches taken towards representing domestic workers' interests in the Czech Republic, I will give an overview of the domestic work sector in the Czech Republic based on the existing literature on domestic work and on interviews I conducted during my fieldwork.

² Unlike other United Nations bodies, the ILO is a tripartite organization, where governments, workers, and employers are represented and discuss international social and labor standards. Worker representation in the ILO is based on national trade union organizations. Therefore, in order for the ILO Convention to be negotiated and adopted, domestic workers, their organizations, and allies had to convince trade unions to promote labor rights for domestic workers at the ILO.

DOMESTIC WORK: A GENDERED AND RACIALIZED FIELD OF WORK IN THE CZECH REPUBLIC AND WORLDWIDE

Research on domestic work is still a nascent field in the Czech Republic. Some studies have emerged, especially in the fields of anthropology, gender, and migration studies, looking at the distribution of reproductive work, the role of women in society, and female identity that considers the societal role of domestic work in the Czech Republic. Many studies conducted on domestic work in Western Europe see the countries of Central and Eastern Europe as “sending” countries of domestic workers; fewer studies analyze these countries’ own sector of domestic work. The Czech Republic is, however, interesting in that it is simultaneously a country from which domestic workers emigrate to the richer countries to the South and West *and* a country to which people immigrate for work in private households (Ezzeddine and Semerák 2014:26).

The processes leading to the expansion of the domestic work sector, the positioning of the country in the global market of care work, and the problems associated with commodification of emotional labor have all become visible in the Czech Republic. Women have entered the labor force, while at the same time care and domestic work is now sold on the market (Uhde 2012:12). The commodification of domestic work (Anderson 2004; Bosniak 2009; Apitzsch and Schmidbauer 2010; Uhde 2014) is characterized by the transformation of domestic work, previously performed unpaid in the private sphere mostly by women, “into objects of economic exchange” (Redlová 2013:191), becoming subject to market norms (Uhde 2016). All over the world, paid domestic work is one way of enabling middle-class women to pursue a career and alleviate the burdens of reproductive work, often without challenging the unequal distribution of reproductive work within families, such as household chores and childcare (Young 2001:318–319; Anderson 2004). In the Czech Republic “the market for a domestic worker, who cleans just once per week, it is more and more common. There are also more and more agencies. This is a sign that something is changing. A lot of people have somebody, but it is informal work” (D., academic expert). Particularly in the postsocialist societies of Central and Eastern Europe, where domestic work (in the sense of cleaning and similar services in the private household) has not been externalized to the same degree as in Western countries over the past decades, the commodification process involves agencies brokering domestic work services and reductions to welfare provisions (Redlová 2013).

One aspect of domestic work—childcare—was externalized in socialist societies, removed from the private sphere and provided by the state in order to integrate women into the labor market (Uhde 2016:4). Societal changes, such as urbanization, which lead to families not being able to rely as much on extended family members for childcare, and a rise in the number of single parents contribute to the growing demand for domestic workers (Ezzeddine and Pavelková 2014), as did the cutbacks to government provision of childcare after 1989. The Czech Republic currently does not provide sufficient places for children in daycare, particularly for children under the age of three, and in 2009 there were only 1,419 spots in 46 daycare centers (*jesle*) for this age group (Vláda České republiky 2011). By contrast, in 1990 1,043 daycare centers existed in the territory of today’s Czech Republic, with places for 39,829 children

(Formánková 2010; Jiříčka 2014). The postsocialist transition has led to a significant proportion of public daycare centers being shut down because with the abolishment of mandatory employment daycare for children under the age of three lost its legitimacy (Formánková 2010). By reducing public childcare, Lenka Formánková argues, the Czech government indirectly supported the ideal of the stay-at-home mother for small children (2010:82). With the welfare state in crisis and childcare privatized, in order for middle-class women to work, they must hire domestic workers (Young 2001:318), often from abroad. In the Czech Republic, around 1–2 percent of the population “seek[s] individual private child care” (Souralová 2013:257). As daycare for young children is so limited, many women opt to stay at home. In 2008 the Czech Republic had the EU’s lowest rate of labor market participation of women of the childbearing age (29–45 years) with children under the age of six (Formánková 2010:24). Women who want or need to work in order to provide an income for their family have to rely on relatives, friends, or paid nannies to ensure childcare during working hours. As the majority of households need a second income but also cannot afford to hire a nanny, the commodification of childcare and the dismantling of the welfare state put parents in a bind. While in postsocialist Central European countries the commodification of domestic work takes place both in the field of childcare and in other fields of paid domestic work (such as cleaning and other household work) and all of it is covered by ILO Convention 189, the empirical research for this article has been limited to non-childcare-oriented domestic work, such as cleaning, ironing, and organizing the household.

In the Czech Republic, as in many other countries, domestic work is a sphere in which many foreigners are employed, including Filipina, Ukrainian, and Slovakian migrants (Ezzeddine 2011; Redlová 2013; Ezzeddine and Semerák 2014). With debates on globalization in the 1990s–2000s, analysis of the relationship between migration and domestic work sharpened. In the process of globalization, reproductive work has been redistributed among women globally, with care work extracted from less developed countries by the global North (Ehrenreich and Hochschild 2004; Hochschild 2004; Bosniak 2009; Apitzsch and Schmidbauer 2010). While equality between some women and some men in the global North is progressing, inequality *among* women is increasing along lines of class and ethnicity—between the “professional woman” and the “maid” who is often an undocumented migrant woman (Young 2001). Zuzana Uhde calls this a “distorted emancipation” of women, because it reproduces cleavages among women (2012:13). Contra the demands of critical feminists, under global capitalism “the personal has not become public” but has instead been incorporated into the market economy, although within the private sphere (Uhde 2016:2–3). This goes along with the feminization of migration, as the percentage of women migrants has increased, in part due to the high global demand for domestic workers (Lutz 2008). To female migrants from less developed and less wealthy countries, sometimes without papers, often without recognized educational credentials, within a gendered labor market jobs as domestic workers are all that is offered (Bosniak 2009). Previous studies on the employment of migrants in the Czech Republic have often overlooked domestic work (e.g.,

Rákoczyová et al. 2007). However, one study by the nongovernmental organization La Strada, researching the role of agencies in exploitation, forced labor, and trafficking, addresses the situation of Russian-speaking domestic workers and describes their working conditions, providing important insights into the domestic work sector in the Czech Republic (Aleinik 2010:65ff.).

In domestic work, an ethnic hierarchy has been observed; domestic workers from the Philippines are often hired for status reasons and earn more than migrant domestic workers from other places (Anderson 2004). Racist ideas about Filipina and Ukrainian domestic workers are in evidence in the Czech Republic (Brabcová 2014; H., academic expert). Katia, who is originally from Ukraine, owner of an agency and a domestic worker herself, talks about her experiences with Czech employers:

It is this way, they give the foreigners the work that is really the worst. The behavior towards people, they don't have the same level as Czech citizens [to them] or other citizens. With respect to Slovaks, it is something different. There it [the behavior] is normal. If it is a Pole, it is something different [from treating Ukrainians] as well. It is probably related to that being the EU and that Ukraine ... I'd want the Czechs to behave differently, not "You are here, so you will work hard."

Her quote illustrates the hierarchization of different countries of origin in the eyes of employers. This hierarchization is interwoven not just with ethnicized ideas of who makes a good domestic worker—an English-speaking, "exotic" Filipina or a Ukrainian—but also includes feelings of entitlement by Czechs and differential othering of immigrants according to their origin. In this hierarchy of migrant workers, Ukrainian domestic workers are at the bottom and experience prejudice and disrespect. Another Ukrainian worker interviewed explains that many employers choose to hire domestic workers from Ukraine because they will not quit when problems appear, while Czech domestic workers change employers frequently (Ania, domestic worker). In this, she hints at the larger dependency of migrant domestic workers on their jobs and their exploitability; Ania also commented that when she did not get paid and complained, the employer threatened to have her deported.

Migrant domestic workers in the Czech Republic who have left their children in their country of origin often experience feelings of guilt, as also described in the literature on transnational motherhood, for not fulfilling expectations of mothers (Ezzeddine 2012). Fifty-five percent of Ukrainian female migrants, many of them domestic workers, live in the Czech Republic without their children; they develop practices, such as building houses in their home country and buying expensive presents for their children, to help cope with these feelings (Ezzeddine 2012:24). The politics of race, ethnicity, and migration are intertwined with the current welfare regime, alongside the politics of gender and class (Günther 2011:5) in the Czech Republic as well.

In the following section, I give an overview of the domestic work sector in the Czech Republic, where it is a growing field of employment as in other postsocialist countries (Fassmann 2008:69). While contrary to myth, domestic work did exist un-

der socialist rule, with emerging class differences after 1989³ paid domestic work has grown. Data indicates that there were 2,500–3,000 domestic workers in 2008 (Heimeshoff 2011:52; ILO 2013). If one compares these statistics to neighboring Austria, with a slightly smaller population and 11,800 persons employed in private households (Heimeshoff 2011:51), one notices that domestic work, according to official statistics, is not as widespread in the Czech Republic. However, there are estimates of at least 17,000 undocumented migrant workers in the Czech Republic (Drbohlav and Medová 2009:24), and Magda Faltová, head of an NGO for migrants (SIMI) working with domestic workers, argues that almost every female migrant worker works in private households for some time after arriving in the Czech Republic (Česká televize 2012). Pavla Redlová suggests there are least 50 and as many as 120 Filipina domestic workers in the Czech Republic (2013:190; Česká televize 2012). Nevertheless, the Czech minister of labor claims that there are exactly 49 (!) foreign domestic workers in the Czech Republic (Redlová 2013:190); of these, 15 are EU citizens (Česká televize 2012). Considering the number of both registered and undocumented migrants, the number of migrant domestic workers is likely to be much higher than the estimate of the Czech government. Immigrants from developed countries, often working as managers in corporations in the Czech Republic, have helped increase the domestic work sector (H., academic expert). From experiences in their home countries, they may be already accustomed to hiring domestic workers. They have a comparatively high income and can make use of the wage gap. The domestic workers interviewed by Maryna Aleinik talk about employers from the Czech Republic but also from Russia, Hungary, Germany, and Italy (2010:65). In an interview, Martina, a Czech nonmigrant domestic worker, described the beginning of her job as a domestic worker:

There are many foreigners here. They come, stay for a certain time, and leave again. In the meantime, they say, “Martina, I have a friend for you, who’ll be here”.... Today I almost have no foreigners [as clients] anymore, because most have moved away. And the ones who were connected to me want a domestic worker for the whole day, every day. That’s not for me, because I already have agreements for the future.

Here, it becomes clear that foreign employers’ expectations have been changing, but also that there are now more Czech clients for domestic workers as well.

The domestic work sector in the Czech Republic comprises a heterogeneous group of workers and employment situations. In one interview, a full-time domestic worker said: “Here a lot of retirees are doing it. They earn something on the side. Well, they clean the household, watch children ... Many students watch children or clean” (Martina). Domestic work is, in this respect also, a way to compliment the meager government benefits to students, mothers, and retirees (H., academic expert). Adéla Souralová (2015) analyzes how Czech retirees work as nannies. While in

³ According to the Organization for Economic Cooperation and Development, the Czech Republic is among countries where income disparity has increased the most since the 1980s (OECD 2011:66).

many Western countries (e.g., the United States and Germany), domestic work is performed almost exclusively by an immigrant workforce, in the Czech Republic both migrants and nonmigrants are employed in private households. Some domestic workers, such as my interviewee Martina, work full-time, others only part-time, like interviewee Elayna, a former asylum seeker. In the case of many domestic workers, domestic work is a temporary and often part-time job. These women, therefore, often do not identify themselves as domestic workers, which negatively influences their interest in organizing as domestic workers (I will discuss this more below). While domestic workers are a very diverse group in the Czech Republic—and one of my interviewees was a former asylum seeker—this is not the norm.

I know that in the past a few clients from asylum seekers' homes found such work. I know that that might be because there are foreigners here who got Czech citizenship and because they came from the same country [gave them this work], maybe it was also to help the people from the asylum seekers' homes. I think that it is rather an exception [for asylum seekers to have this job]. (R., charity worker)

Domestic work in the Czech Republic is characterized by the existence of different types of work relationships. Domestic workers are sometimes self-employed with a business license (*živnostenský list*),⁴ which is easy to apply for; there are also many agencies that connect domestic workers with employers, and sometimes in these cases the domestic workers hold a business license as well. One employee from a public migration counseling office explains: "The Czech women, when they are working, they work for themselves. When you meet people who are not employed, they are self-employed ... The foreigners tend to work with agencies" (M., employee, public migration counseling office). Instead of having regular formal employment, domestic workers are often employed informally. Ania complains that many migrant domestic workers work informally and cheaply, suppressing the average wage; however, she too usually enters into verbal agreements with employers when she is not working through an agency.

CHALLENGES FOR DOMESTIC WORKER ORGANIZING

Historically, organizing within trade unions has been a way for workers to claim their rights, but the domestic work sector has been difficult to organize. Michele Ford (2004) has famously referred to domestic workers as "unorganizable." Reasons for the difficulties in organizing domestic workers include the fact that their workplaces are located in private households and the informal nature of the work. Many domestic workers are migrants and work with short-term contracts or no con-

⁴ For some time, migrant domestic workers from third countries could enter the labor market through obtaining a business license and work formally with one. Recently, however, the Czech Republic has tightened migration legislation, making access to employment for migrant domestic workers more difficult and their employment status, in cases of disagreement with their employers, more precarious (Uhde 2014).

tracts at all (see Ford 2004:101). From the resource mobilization perspective (see McCarthy and Zald 1977; McAdam, McCarthy, and Zald 1996), these workers, who are often female and undocumented migrants in a low-wage sector, have limited resources, which has been suggested as a reason for their limited participation in labor unions (Smith 2000; Schwenken 2003, 2016; Günther 2011). Problems with collecting membership fees or union dues from domestic workers can hamper organizing as well (Fish 2006:121). Domestic work is also not always recognized as work, making organizing based on a worker identity and on a labor-movement identity sometimes difficult. This is especially true if it is only performed as a side job or when domestic work is undertaken as a temporary solution until the worker can find a better job.

Despite these challenges in organizing domestic workers, some examples of successful organizing attempts exist: by trade unions in the Netherlands (Günther 2011), South Africa (Fish 2006), and the United Kingdom (Anderson 2000; Schwenken 2003:50), and by civil society organizations in the United States (Boris and Nadasen 2008). On the transnational level, domestic workers in the International Domestic Workers Network (IDWN), now International Domestic Workers Federation (IDWF), supported by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF) and WIEGO (Women in Informal Employment: Globalizing and Organizing), lobbied successfully for a Convention, enshrining labor rights for domestic workers (Schwenken 2012, 2016).

Explanations for why these instances of organizing succeeded—at least for some time—in bringing domestic workers together and campaigning for their rights have noted that organizing based on class and ethnicity or work and migration status, sometimes interrelated with gender and family, seems to be fruitful (Boris and Nadasen 2008:415; Günther 2011). In the successful case of the Netherlands, the trade union defined its task broadly, including providing services specifically to migrant domestic workers, such as giving out ID cards and calling for migrants' rights (Günther 2011:24–26). Workers' centers and community organizing have been important in the United States for organizing domestic workers because they are rooted in neighborhoods and not workplaces, which can change quite often for domestic workers. As hiring is often a racialized process structured by ethnicity, organizing in cases where migration and work are closely intertwined has to take ethnicity into account as well (Boris and Nadasen 2008:426).

Strategies that were successful in organizing domestic workers often included forms of social movement organizing, even when organizing took place in a trade union frame—for example, hiring a migrant organizer (Günther 2011). Framing approaches that focused on a rights perspective for workers instead of emphasizing the victimization of domestic workers through a trafficking frame have been part of the campaign in the RESPECT network across the European Union (Schwenken 2003); the transnational campaign for the ILO Convention also spoke of “rights” and did not frame domestic workers as victims. In the following section, I present Shireen Ally's (2005) model of domestic worker organizing.

TWO MODELS OF ORGANIZING: THE UNION MODEL AND ASSOCIATION MODEL

In her analysis of the organizing of domestic workers, Shireen Ally distinguishes between the association model and the union model as a “bipolar structure of representation” (2005:186; see also Schwenken 2011, 2012:15, 2016; Heimeshoff 2014). The association model, on the one hand, “recognises and utilises transnationalism’s re-formulation of the calculus of race and gender, and has pursued a new politics of identity around migrancy. On the other hand, a ‘union model’ has attempted to recover the traditional mobilising identity of class, reconfigured to recognise the significance to the labour movement of gendered care work under globalisation” (Ally 2005:187). Domestic worker organizing is, accordingly, based on different identities: a class identity in the case of union organizing, whereas the association model is based on other identities, such as gender, origin, migratory experience, and ethnicity. Additionally, the differing strategies of the two models, not included initially in the distinction between the union model and the association model, can complement our understanding of the bipolar structure of representation suggested by Ally. Linked to different identities, different forms of organizing and strategies can be identified. Traditional forms of organizing and mobilizing in the union model are strikes and collective bargaining. On the other hand, associations often focus on alternative strategies of organizing, such as community organizing. Some trade unions in the field of domestic work (for example in the Netherlands) have tried to combine some of the strategies of the association model and engage in what has been termed “social movement unionism” (for an outline of the concept see von Holdt 2002).

Both in research and in the political organizing of domestic workers, opinion varies on which model to follow. Some organized representatives of domestic workers demand that the organizing be done by unions in order to strengthen organizing based on labor rights, whereas others see advantages to organizing in associations (Ally 2005; Schwenken et al. 2011). The advantages of trade union organizing are that in many countries trade unions have access to governmental decision-making structures and can provide trade union resources. Associations, in contrast, offer independence from an often patriarchally constituted trade union, in which domestic workers, as women, migrants, and low-income members, have a weak position. Additionally, the strategies commonly pursued by trade unions, such as strikes and collective bargaining, are difficult to carry out in a sector like domestic work, where, due to individualized workplaces, a strike is not as visible and results of collective bargaining are easy to undercut.⁵ On the other hand, the founding of an association or an informal group does not require as many prerequisites as the founding and the development of a more formal organization such as a union. At the same time, organizing through the association model can be a basis for future organizing by unions and strengthen the role of trade unions. However, Ally also warns that organizing in the form of the association model can lead to a replacement of unionization, because

⁵ For instance, in Germany a collective-bargaining agreement exists in the field of domestic work, but employers and domestic workers often do not know about it. Informal workers are usually paid less and do not receive the benefits outlined in the collective-bargaining agreement.

organizing that is based on a gender and immigrant identity can reproduce the idea of domestic work as a task for women and migrants (2005:188, 197).

Some criticism of the association model also applies to organizing by trade unions. Although trade unions in industrialized countries may take up organizing migrant workers and other marginalized workers, their involvement is often based on a service-oriented dimension: they provide counseling services for undocumented workers, but participation and unionization remains difficult (Heimeshoff and Schwenken 2013). While an understanding of domestic workers as “unorganizable” is widespread, some unions have realized that they can mobilize additional members and thus increase their membership by including domestic workers (Ally 2005:199; Schwenken et al. 2011:441). For instance, in Brazil and Chile domestic workers have been part of union organizing for quite some time (Schwenken 2012); as mentioned above, in South Africa and the Netherlands domestic workers have also been included in trade unions. Nevertheless, domestic workers continue to be organized mostly outside of trade unions, in associations (Ally 2005).

THE CZECH REPUBLIC: A MIGRANT NGO DEMANDS RATIFICATION

While in some countries trade unions advanced the demand for ratification (for example, in Germany the trade unions, supported by NGOs, took on this task), in the Czech Republic, a postsocialist country, an NGO working with migrants, SIMI, represented domestic workers’ demands for rights and the ratification of the Convention. Many of SIMI’s clients are migrant domestic workers. After the adoption of the Convention in Geneva in June 2011, SIMI, in a press statement, explained the problems that their domestic worker clients were facing and demanded ratification of the Convention in the Czech Republic.⁶ Immediately after the adoption, SIMI started a project informing domestic workers about their rights (SIMI Press Release, June 30, 2011). In the relevant Senate committee, representatives of the NGO, supported by academics, demanded ratification of the Convention, albeit unsuccessfully (Heřmanová and Redlová 2012). The argument of the Czech government against ratification was the supposed lack of significance of domestic work in the Czech labor market that could not justify the changes to Czech labor law required for it to conform to the ILO Convention (Heřmanová and Redlová 2012). As mentioned above, the Czech government claimed that only 49 migrants were employed as domestic workers in the Czech Republic; however, other estimates of the number of domestic workers are significantly higher (Česká televize 2012; Redlová 2013; Ezzeddine 2014, Uhde 2014).

Aside from its activity in the discussion about the Convention with the Czech government, SIMI also campaigned⁷ for the rights of domestic workers by various

⁶ In a different text, I describe this as a successful downscaling of organizing from the transnational scale, as SIMI picked up the topic from the international debate (Heimeshoff 2014).

⁷ Campaign website: <http://www.migrace.com/cs/pracovni-migrace/kampan-domaci-pracovnice>.

means. For instance, they produced a TV spot⁸ that aired in 2012, aimed at raising awareness of the rights of domestic workers. The organization prepared leaflets and handouts in different languages that listed the rights of domestic workers and advertised counseling services. In 2013 SIMI led a campaign that focused on the precarious working conditions of domestic workers and the dangers of ethnic stereotyping. As part of the campaign, SIMI set up a website of a fake employment agency for domestic workers, which a famous Czech moderator promoted. The agency advertised fake domestic workers and working conditions that violated Czech labor laws. Despite this, over 150 interested employers wanted to hire a domestic worker via this agency. At the official launch of the agency, the NGO revealed that it was part of a campaign for domestic workers' rights. While SIMI does address government institutions with its campaign for ratification, the campaign is interesting in that SIMI does not limit its target to the government. While in some other countries, such as Germany, the campaign focus (in that case by trade unions) was mainly the government, which is responsible for ratification, SIMI's campaign specifically targets employers as well. Not only did the organization innovatively present a fake employment agency to raise awareness of working conditions and ethnic stereotyping, it also published "Ten Commandments of a Fair Employer" (Uhde 2014).⁹ In those "Ten Commandments," SIMI explains labor rights, referring also to the key theme of the ILO Convention 189 that "domestic work is work like any other," demanding respectful treatment of domestic workers and pushing for formal employment.

For SIMI, in keeping with the association model, organizing is based on issues such as migration and ethnicity. With the association model, migrant identity takes precedence over class identity. SIMI of course refers to the legal framework and labor laws in their demands for improvements of domestic workers but defines itself as a human rights organization with a focus on migrants: "We are a nonprofit human rights organization defending the rights of foreigners in the Czech Republic," as it says on their website.¹⁰ SIMI limits its advocacy to a specific subsection of domestic workers—migrant domestic workers—in their campaigns. By doing so, it reduces the difficulties associated with organizing a heterogeneous groups of workers that trade unions would be faced with in this sector. I will later discuss the challenges that organizing migrants have posed for trade unions.

SIMI also uses strategies associated with new kinds of campaigns and social movements. Raising awareness in an innovative way by setting up a fake domestic work agency is not a strategy one might imagine a trade union doing—it is associated more with NGO approaches. The following section explains why in the Czech Republic the main actor demanding domestic workers' rights was an NGO in coopera-

⁸ "Víte, kdo Vám doma uklízí?" (http://www.migrace.com/cs/podpora/media/video/6_vite-kdo-vam-doma-uklizi).

⁹ <http://www.pracovnicevdomacnosti.cz/en/en/for-female-migrants/news/ten-commandments-of-a-fair-employer.html>.

¹⁰ "Jsme lidskoprávní nezisková organizace hájící práva cizinců v České republice" (<http://www.migrace.com/cs/organizace/o-nas>).

tion with researchers interested in gender and migration, with the trade unions fairly absent from the campaign. It has to be noted that SIMI is not organized by domestic workers themselves, but it tries to involve domestic workers actively in their projects and to represent their interests.

TRADE UNION ORGANIZING IN THE CZECH REPUBLIC

The organizing of domestic workers in the Czech Republic is based on the association model instead of the union model. I argue that understanding the position of trade unions in postsocialism is necessary in order to explain their reservations about supporting the passing of the Convention. In this section, I will first give some insight into trade unions in the Czech Republic and then present some results from my interviews on domestic workers' ideas about trade union organizing to shed light on the lack of union involvement in the ratification process of C189.

TRADE UNIONS IN POSTSOCIALISM AND MIGRATION

Postsocialism refers to the countries with a previous state socialist system (Verdery 1996; Hann 2002), but it is more than just a time "after" socialism. The concept takes into consideration historical legacies, path dependencies, and the sociocultural impacts of socialism. Postsocialism assumes that there are commonalities among countries that experienced state socialism, and indeed some experiences—such as issues around trust in and legitimacy of institutions—seem common to the whole region. Common experiences in the transformation process of postsocialist countries include liberalization of the economy, property changes via privatization and restitution, legal transformations, changes to norms, and new ideas about ethnicity and identity.

Unions in postsocialist countries are generally considered weak and voiceless compared to their counterparts in Western Europe (Ost 2000; Kideckel 2002; Crowley 2004:395), although varieties of corporatism have been identified in postsocialist corporatism (Avdagic 2006). The newly introduced corporatism was an instrument for the legitimization of capitalism after 1989 and only symbolically integrated trade unions (Ost 2000). In her theorization of the power and policy interests of trade unions and governments, Anke Hassel argues that postsocialist trade unions are interested in power resources, in other words, in the preservation of their resources and existing members; they are therefore most concerned with maintaining institutional security and not so much with the representation of policy interests such as wage increases and labor rights (2009:12). This is because of the organizational capacity of unions—referring to a resource mobilization perspective on corporatism and union organizing—but also because of the position of the government (9). The legitimacy of trade unions was in many cases compromised after 1989 due to their association with the socialist system, resulting in low unionization rates and in some instances in the founding of new unions and union pluralism (Hassel 2009).

In comparison with some other postsocialist countries, trade unions in the Czech Republic are considered more successful, because some strikes and labor strug-

gles have taken place (Stark and Bruszt 1998; Avdagic 2006) and they are less fragmented than in other postsocialist countries (Mansfeldová 2012:764). Although the Bohemian-Moravian Confederation of Trade Unions (Českomoravská konfederace odborových svazů, ČMKOS) can mobilize workers for large demonstrations and the union federation is not under pressure due to competition with other federations to the same degree as in other postsocialist countries (Valterová 2008:248; Císař, Navrátil, and Vráblíková 2011), trade union membership in the past 20 years has nevertheless declined significantly (Tholen et al. 2003; Bauerová 2011:5). Above all, the legitimacy of unions is low (Valterová 2008:248). David Ost argues that the socialist past resulted in “labor’s weak class identity, procapitalist predilections, and a consequent undermining conception of self” (2000:505). This can be explained by the role of trade unions under socialism, because socialist trade unions did not represent workers’ interests and tripartism did not mediate between the interests of workers and the interests of employers—unions were incorporated into the socialist state, being responsible for the socializing of their members, recruitment for political offices, management of recreation, leisure, and holidays of workers, and providing services, as was the case in socialist Czechoslovakia (Tholen et al. 2003:35; Mansfeldová 2012:755). In this Soviet model of “trade unionism,” trade unions did not have the right to strike and bargain for workers’ rights either (Mansfeldová 2012:763). With transformation, trade unions lost their proximity to the state and many of their powers (see Tholen et al 2003:35). Dorothee Bohle and Béla Greskovits (2007) show that the neoliberal orientation of the transformation after 1989 has contributed to the weakening of Central and Eastern European trade unions and, in effect, to their loss of legitimacy as well. These aspects suggest an inherent weakness, especially a discursive weakness, of trade unions in postsocialist Czech Republic. Not only have procapitalist attitudes and employer-friendly positions existed in the trade unions since the end of socialism, but also in the larger society trade unions are seen as an unnecessary leftover associated with the previous regime (Mansfeldová 2012:763). Public confidence in unions is rather low (Vašková, Kroupa, and Hála 2005:135), and workers often see no reason for joining them (Myant 2007). The unions are therefore located in an antiunion discourse that denies them legitimacy as representatives of workers’ interests, which limits their scope of action (Crowley 2004).

A representative of the Trade Union Federation ČMKOS described in an interview the situation of the trade unions in the Czech Republic as follows:

We win over neither the employees nor the companies, for union organization to work within those companies. This proves to be very problematic, let alone convincing people in private households.... But I would say that the question is what our possibilities even are. As unions, we are currently in a very difficult situation, in which we just have a very strong right-wing government that is socially very noticeable in our opinion. It [the government] is preparing steps in the area of pension reform, health care reform, and so on. It limits the social sector, is amending the labor law, which limits the rights of employees, limits the right of trade unions. We are now really in a situation in which we are struggling for survival.

Additionally, the interviewee from ČMKOS mentioned as challenges for trade union organizing of domestic workers “that image, that people do not know anything about us, not [even] that the possibility [that trade unions] even exist. Or it is too far away, and if they wanted to, nobody is addressing them. And they also do not know by themselves how to do that.” Here he addresses several issues: The “image” of trade unions among “people” prevents trade union organizing and demonstrates ignorance of what trade unions are about. He argues that the unions are in a position that makes expanding trade union activity and organizing challenging. Organizing domestic workers who work in private households is understood by the trade union official as being more difficult than including company workers with a specific workplace—and even the latter, which is considered a central task for a trade union, is rarely successful in the Czech Republic. Among the causes of this situation, the interviewee sees the policies the (at that time) right-wing government had implemented and the activities the trade union was undertaking to prevent cuts to social welfare. The trade unions see these government approaches as a more immediate threat to trade unions “struggling for survival” than the difficult expansion of their membership to domestic workers. The organizing of domestic workers in private households he sees as outside of the realm of “possibility” considering the resources needed and the trade unions’ precarious position.

Applying Hassel’s (2009) model to this, one can say that the loss of resources, such as the declining membership and low legitimacy in the postsocialist system, makes it difficult for Czech trade unions to go beyond their power interest and raise additional demands or use new strategies, such as organizing approaches, which in the literature have been described as successful in organizing domestic workers (Günther 2011). Their strategy is therefore to maintain the status quo. The trade union position in a postsocialist environment adds an extra layer of difficulty to organizing an already difficult-to-organize workforce.

When organizing domestic workers, trade unions face an additional dilemma at the national level. Trade unions ideologically refer to international workers’ solidarity and class identity, but are then organized nationally and often limit their focus to the interests of national workers; workers often fear migrants as competitors for jobs (Günther 2011:7; Čaněk 2012, 2016). If migrants are included in trade unions, unions have to decide whether to treat them the same as nonmigrant workers or differently (Günther 2011:8; see also Penninx and Roosblad 2000). This might be achieved by providing different services to them that they need as migrants, have migrant representation within the union, or include them not as migrant workers but as members with the same services and procedures as for nonmigrants. Including migrants can be an extra financial and personnel burden and might require additional resources, especially in the initial organizing; for example, in the Netherlands a migrant organizer was hired for migrant domestic workers (Günther 2011). For these reasons, trade unions have had a very ambivalent stance on organizing migrants for a long time (see Penninx and Roosblad 2000; Günther 2011). This is a barrier to union organizing of domestic workers.¹¹

¹¹ The precedence that the international labor identity takes over the national labor market protection idea at the international level might be a reason the organizing of domestic workers for Convention 189 was so successful at the ILO.

In the Czech Republic trade unions give priority to ensuring labor standards for local workers, favoring restrictive migration policies for third-country nationals and larger controls on informal labor (Čaněk 2012:4–6). Trade unions have even taken the side of the state in fighting against undocumented migration, calling informal migrants “scammers” (8). This position affects exactly the sphere in which domestic work takes place. Czech trade unions therefore do not take a global union perspective based on an international labor-movement identity. Ethnic divisions are more important to trade unions than the class division within society, in contrast to Western European countries, according to Marek Čaněk, where the focus of trade unions is to ensure equal working condition but not to critique immigration as such (5–6). For domestic workers’ organizing, it has been shown that combining aspects of migration and class by trade unions is beneficial for organizing (Günther 2011). In the case of the Czech Republic, because trade unions are against migration, trade union organizing seems utopian.

As the relationship between trade unions and domestic workers is not a one-sided process, I will refer in the following section to the perspectives of domestic workers on trade unions.

TRADE UNION ORGANIZING FROM THE PERSPECTIVE OF DOMESTIC WORKERS

While trade unions did not try to represent domestic workers’ rights during the debates around ratification, domestic workers in the Czech Republic in my interviews did not express interest in unionization either. In this section, I will present domestic workers’ explanations for their hesitancy about trade union organizing. Based on my interviews, I can identify three reasons: lack of knowledge, the perception that trade unions do not represent self-employed and informal employees, and migrant identity.

Asked about her opinion on domestic worker organizing within a trade union, Katia, domestic worker and agency owner, replied: “My personal opinion is that no organization, no trade union, can clean for somebody.... An organization wouldn’t change anything.... Something like that we don’t have. That doesn’t pay off. One can go to the normal employment office if one doesn’t have work.” Katia, in general, does not believe in the organizing of domestic workers. For her, the main objective is to do her job, which takes precedence over additional aspects like having an organization responsible for domestic worker representation and demanding labor rights. It becomes clear from this interview excerpt that she does not know about the mandate of trade unions. She assumes its purpose is to connect unemployed domestic workers with employers, as indicated by her statement that “[o]ne can go to the normal employment office.” A trade union would, in her understanding, just duplicate an existing institution. Another Ukrainian worker, Ania, explains that the only thing that could help domestic workers would be legal counsel, a contract, or good acquaintances—knowing the right people, as she claims that employers with access to lawyers have threatened her. In contrast to Katia, Ania, who works mostly informally, stresses the need for support for domes-

tic workers and their rights; however, she does not believe trade unions to be good providers of legal support or advocates for a contract. While she names some services, such as legal counsel, that trade unions actually perform, she does not see this as a function of trade unions.

Here another aspect comes in: the status of domestic workers who are often working informally or are self-employed. The daughter of domestic worker Elayna translated her mother's words from Mongolian: "Mom worked for a private person, so she had no contract, nothing. If she was told 'come,' she came. It is not tied to any law or any policy." Because of the informality and insecurity of her work situation, the domestic worker in this case does not consider the trade union as an organization to turn to but sees her situation as being outside of legal and political institutions. She accepts this status. Another domestic worker explains, "I would say that unions are good for the public sector ... I cannot imagine that I as a self-employed person would go to the trade unions and would ask for something. I cannot imagine how it would look" (Martina). Here the argument against turning to trade unions is not that the work is informal, but also the character of the work relationship is important; in this case, it is one's status as a self-employed person.

Apart from the lack of knowledge about trade unions and the employment status of many domestic workers, the migrant identity of many domestic workers seems to play a role in preventing trade union organizing. Ania, a migrant domestic worker from Ukraine, says that domestic worker organizing "does not make sense" either, because few actually want to stay for a longer period of time (as a migrant) in the Czech Republic and most will at some point want to work for a company (and leave domestic work). Domestic work, according to Ania, is never the goal of migrant domestic workers. She highlights that she—and many others like her—has a university degree in economics that is not recognized in the Czech Republic. Domestic work is, for many, only a stopgap measure until they can make use of their education and find a better job. Here she addresses an important issue: in order for organizing to be effective, domestic workers need to have a shared identity as workers. This worker identity is missing in most cases; therefore, organizing with a focus on this identity, which the trade union model is based upon (Ally 2005), is likely to be unsuccessful.

Asked about the possibility of self-organizing as domestic workers beyond unions and ethnic networks, interviewee Katia responds:

To support domestic workers? That's more like—that it is the cheapest work there is. Domestic work is the cheapest. And if there is an organization, that would also not be logical, because they really have the minimum as a salary. Anyone who wants to have an organization has to have resources.

In this way, she hints at the problem of low resources in domestic worker organizing, even outside of trade unions, questioning the viability of other types of organizations as well. Overall, trade unions in the Czech Republic have a poor image and little legitimacy among domestic workers.

The character of domestic work and the nonstandard work relationship that makes trade union organizing difficult become visible in these statements by domestic workers. As domestic work is often carried out by self-employed people or informally, sometimes for multiple employers with different employment statuses, trade union organizing remains difficult, especially given a general lack of knowledge about trade unions and their mandate.

CONCLUSION

The domestic work sector in the Czech Republic displays many features common to other countries worldwide. It stands out, however, when compared to many Western countries, in that domestic workers are such a heterogeneous workforce with different types of work relationships. There are migrant and nonmigrant domestic workers; self-employed, informal, and employee work relationships; and part-time and full-time domestic work arrangements. This heterogeneity makes organizing difficult.

In this article I gave an overview of the domestic work sector in the Czech Republic and the organizing of domestic workers specifically in order to understand how domestic workers are represented and what barriers to organizing exist that contribute to an absence of union involvement in demands for ratification of Convention 189. Instead, an NGO active in the migration sector lobbies for the rights of domestic worker.

In order to understand the absence of trade union interest in the issue of domestic work, one has to take into account several issues. For the Czech Republic the postsocialist perspective on trade unions is one factor that helps explain the lack of trade union organizing. Trade unions are under pressure due to a lack of legitimacy as an institution; they lack resources and are focused on defending their own interests and maintaining their minimal power base (Hassel 2009). Trade unions in the Czech Republic are not opening up to migrants because they focus on protecting the labor market for Czech workers. In this way, they avoid broader ideals of international worker solidarity. Nor do domestic workers see unions as representing their labor rights—both due to a lack of knowledge and not seeing trade union organizing as fitting their status as self-employed or informal workers but also because their identity is not based on class and work status. In that sense, representation and possibly organizing by a migrant NGO like SIMI better fits their identity if one refers to the bipolar model of representation outlined above (Ally 2005). SIMI's campaign was built upon a combination of organizing based on migrant identity, women's rights, and labor rights demands, employing strategies of organizing and representation associated with social movement organizing—for example, the innovative public launch of a fake domestic work agency. While demands for labor rights obviously refer to all workers, as an organization working on the migration issue, SIMI also focused on one group of workers: migrant domestic workers. Nevertheless, SIMI filled a gap in the representation of domestic workers' rights, as trade unions remained quiet on the issue of Convention 189 and its ratification.

INTERVIEWS (PSEUDONYMS)

- Ania, domestic worker from Ukraine; Prague, Czech Republic, March 9, 2011
 Elayna, domestic worker from Mongolia; small town, Czech Republic, January 11, 2011
 Katia from Ukraine, agency owner and domestic worker; small town, Czech Republic, January 10, 2011
 Martina, domestic worker from the Czech Republic; Prague, Czech Republic, December 3, 2010
 ČMKOS, trade union federation; Prague, Czech Republic, February 22, 2011
 D., academic expert; Brno, Czech Republic, February 21, 2011
 H., academic expert; Prague, Czech Republic, February 22, 2011
 M., employee, public migration counseling office; small town, Czech Republic, January 10, 2011
 R., migration charity worker; small town, Czech Republic, January 11, 2011

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ВЛИЯНИЕ ИСТОРИИ: ПОСТСОЦИАЛИЗМ, ПРОФСОЮЗЫ И ДРУГИЕ ТИПЫ ОРГАНИЗАЦИИ ДОМАШНИХ РАБОТНИКОВ В ЧЕШСКОЙ РЕСПУБЛИКЕ

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Исследования, использованные при написании этой статьи, финансировались Международным центром развития и достойной работы Кассельского университета в Германии.

После принятия в 2011 году Международной организацией труда Конвенции № 189 «О достойном труде домашних работников» национальные кампании по ее ратификации в разных странах принимали разные организационные формы. В одних случаях домашних работников организовывали профсоюзы, в других их представляли неправительственные ассоциации, в третьих были образованы альянсы между группами, имеющими разнообразные организационные формы. Исходя из классификации моделей организации домашних работников, предложенной Ширин Элли, автор статьи определяет принятую в Чешской Республике модель как ассоциационную. Статья объясняет неучастие чешских профсоюзов в принятии Конвенции постсоциалистическим наследием профсоюзной организации, а также тем, что домашние работники не считают профсоюзы способными адекватно представлять их права и интересы. Это объясняется прежде всего не недостаточностью их знаний о профсоюзах и неверием в то, что профсоюзы могут защищать интересы индивидуальных предпринимателей или работников неформального сектора, а тем, что самоидентификация домашних работников побуждает их объединяться скорее на основе миграционного опыта и гендерных характеристик, нежели классовой принадлежности.

Ключевые слова: домашний труд; представительство; организация; Чешская Республика; миграция; постсоциализм; профсоюзы