

# **Intersecting social divisions and the politics of differentiation: Understanding exclusionary domestic work policy in the Netherlands**

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## **Abstract**

A special employment regulation excludes domestic workers in the Netherlands from most social and employment protection. Using a process tracing method, this article assesses why such an exclusionary policy has persisted in an otherwise inclusive welfare state. Going beyond the narrow class-based focus of dualization research, the article develops a framework for understanding the politics of differentiation by taking into account how intersecting social divisions based on class, gender and citizenship shape political representation and ideas about legitimate inequalities. These intersecting social divisions explain why even potential political allies have not given priority to improving domestic workers' rights.

## **Keywords**

Domestic work policy; gender; intersectionality; dualization; politics of differentiation

## Introduction

In the past decades, inequality has been on the rise in most European welfare states. Differences in working conditions, remunerations and social protection are some sources of this growing inequality. While the majority of workers is in stable, long-term employment, a growing minority finds itself in insecure, flexible and low-paid jobs with little opportunity for upward mobility (Standing 2011). These growing inequalities between workers are partly the consequence of structural drivers such as globalization and de-industrialization, but they are also directly shaped by government policies, when social and employment policies privilege some groups while they exclude others from their protective coverage. The process by which policies increasingly differentiate rights and entitlements of different groups has been called *dualization* (Emmenegger et al. 2012, 10).

One growing sector in which workers, among whom many women and migrants, often face poor working conditions is domestic work (ILO 2013), here understood as work that takes place within the private household including activities such as cleaning, household maintenance, cooking and caring. While research on domestic work initially concentrated on how globalization and global care chains shaped the precarious position of (migrant) workers (Anderson 2000; Lutz 2002; Parreñas 2001), scholars have increasingly acknowledged that public policies also directly affect domestic workers' socio-economic position (Carbonnier and Morel 2015; Hellgren 2015; Léon 2010). Less is still known about the political reasons behind such policies. Why do governments enact or maintain policies that exclude domestic workers from some of the welfare state's protective coverage?

To address this question, this article presents a case study of Dutch domestic work policy as an extreme case of workers' exclusion. A special employment regulation has excluded all domestic workers that are directly employed by households on a part-time base from most of the social and employment protection that covers other workers. The regulation affects at least 150,000 domestic workers in the Netherlands (FNV Bondgenoten and Abvakabo FNV 2012). This exclusionary policy

becomes all the more striking when we consider that the Netherlands has otherwise been a frontrunner in bringing the employment and social rights of part-time workers in line with the rights of full-time employed (Visser et al. 2004). Why does the Netherlands nevertheless have such an exclusionary regulation for domestic workers? This question is addressed through a theory guided process tracing analysis (Falleti 2016).

The aim of this article is twofold. First, the study of the exclusionary Dutch domestic work policy contributes to the growing literature on the politics of domestic work (Estévez-Abe and Hobson 2015; Guiraudon and Ledoux 2015; Kvist and Peterson 2010; Morel 2015; Shire 2015), by systematically scrutinizing how political divisions, policy legacies and ideas have contributed to a distinct policy outcome. The results point at the ambivalent role of trade unions and left wing political parties who favored more inclusionary policies yet failed to achieve this outcome.

Second, this study contributes to a broader understanding of the politics of dualization. Previous studies, it will be argued, have focused too narrowly on class-based inequalities in political representation. By drawing on insights from feminist research on intersectionality and on the role of ideas in social politics, I show how social divisions related to class, gender and citizenship play an important role in what I will call the politics of differentiation. While intersecting social divisions affect political representation, ideas about the social roles of women, lower classes and migrants shape which forms of inequalities are found desirable or acceptable by political actors. They affect which forms of inequality are problematized and politicized and which are silently legitimized and accepted.

Hereafter, I proceed by setting out a theoretical framework for studying the politics of differentiation. Subsequently, after a short elaboration on the study's research design, I sketch the European context of domestic work policies to show that Dutch domestic work policy is an extreme case of exclusion. After an in depth process tracing of the politics of domestic work in the Netherlands, the European context is briefly revisited to assess to what extent the explanations

found for Dutch developments can also be applied to other cases. The concluding section draws out the implications of this study for our understanding of the politics of domestic work and dualization.

### **The politics of differentiation**

Dualization is the process by which 'policies increasingly differentiate rights, entitlements, and services provided to different categories of recipients' (Emmenegger et al. 2012, 10). Following this definition, the exclusion of domestic workers from social and employment protection could be seen as a clear case of dualization. However, the binary distinction between insiders and outsiders that is entailed in the concept of dualization is problematic for a study of domestic work policies for two reasons. First, as the case of domestic work in the Netherlands clearly shows, some groups in society (i.e. domestic workers) can be excluded more and in different ways than other groups (i.e. other part-time or temporary employed workers). A society as a whole can be characterized by limited dualization, while specific groups can be highly excluded. By categorizing all those who are in permanent full-time employment as insiders and all those in or risking unemployment or atypical employment as outsiders (Häusermann and Schwander 2012), one loses nuances needed to understand and account for the variation in inclusion and exclusion across social groups.

Second, the binary categorization of insiders versus outsiders has resulted in a similarly binary class-based analysis of the politics of dualization. Dualizing policies, it is argued, are the consequence of an attempt of the politically stronger insider workers to protect their position at the expense of the politically weaker outsiders (Emmenegger 2014; Emmenegger et al. 2012; Palier and Thelen 2012). In times of welfare state retrenchment, the theory goes, insider workers are represented by the most powerful trade unions and by center-left political parties. These strike deals with employers and the government to protect their position at the expense of the outsiders. By pointing at the potential class based conflicts between groups of workers, this account of dualization has provided a valuable critique of the power resource explanation of welfare state expansion, which essentially held that trade unions and social democratic parties have been the driving force behind the expansion of social

rights for the working class as a whole (Korpi 1983). However, the class-based explanation of dualization is insufficient to account for within and cross-country variations in the way and the extent to which different social groups have been excluded.

Feminist scholars have pointed out that we should expand our studies of stratification to understand how multiple social divisions based on class, gender, ethnicity, citizenship, etc. are constructed and intersect in inclusionary or exclusionary dynamics (Yuval-Davis 2006). Studies of domestic and care work have long demonstrated the need to understand how gender, class, ethnicity or citizenship jointly shaped domestic workers' societal positions and experiences (e.g. Williams 2012; Lutz 2002). Following these important insights, I argue that we should aim to study the politics of *differentiation* rather than dualization and apply an intersectional lens to study the processes by which policies differentiate rights and entitlements to include or exclude social groups.

An intersectional lens to study the politics of differentiation highlights first of all the multiple ways in which groups may face inequalities in political representation. In her analysis of the politics of domestic work in Latin America, Blofield emphasized that domestic workers, being mostly lower class women often of ethnic minority or migrant background, faced difficulties to achieve representation in various interest groups that could be seen as their natural allies (Blofield 2009). For example, while trade unions focused on male workers and did initially not consider domestic work as real work, feminist organizations were more concerned about the needs of high-skilled women. To understand the politics of differentiation, we have to empirically study how and to what extent social groups achieve political representation.

Second, another key insight from feminist social policy research is the important role of ideational processes (Béland 2009; Padamsee 2009). For decades, feminist scholars have shown that cultural understandings of gender relations historically shaped social policies, resulting for example in variation in the extent to which welfare states excluded women from the labor market or from social protection coverage (see e.g. Lewis 1992; Orloff 1993). Cultural meanings shape 'the conditions

under which policy actors perceive a need for change, and inform the path of policy discussion' (Padamsee 2009, 418). Cultural meanings affect how political actors understand and feel about social groups. If conservative ideas about the appropriate role of women prevail, policy makers will not perceive the need to enact inclusionary social protection policies for women. If racist ideas about ethnic minorities prevail, there will be less political support for inclusionary policies targeting ethnic minorities.

Of course, such cultural meanings do not exist in a vacuum. As Padamsee points out, 'causal stories that account fully for policy development must include careful analyses of the ways ideational and non-ideational dynamics are fundamentally interdependent' (Padamsee 2009, 438). Due to inequalities in political representation, some social groups are better positioned to construct or change cultural meaning than others. Meanwhile, an appeal to a dominant cultural understanding may facilitate the building of political alliances. In that sense, ideas can be seen as a form of power resources which political actors can use or which may prevent them from mobilizing on a particular issue (Hobson and Lindholm 1997).

Lastly, we need to take into account the institutional context within which the politics of differentiation occurs, for 'current political dynamics are profoundly shaped by the legacy of policy choices' (Thelen 2014, 153), which affect political actors' interests as well as their political representation (Pierson 1993). For the sector of domestic work, a specific point of attention is the extent to which previous policies have given incentives to trade unions and employers' organizations to get involved in the policy making process (Guiraudon and Ledoux 2015).

In conclusion, to understand the politics of differentiation, this article looks beyond a narrow class-based account of interest representation. It studies how intersecting social divisions shape inequalities in representation, how ideational processes affect what policy makers find appropriate and desirable and how policy legacies affect both interest representation and ideational processes.

As will be explained hereafter, a theory-guided process tracing method is particularly suitable to reconstruct how these interest-based, institutional and ideational dynamics interact.

### **Research design**

This study relies on the intensive study of a single case using a theory-guided process tracing method. As is demonstrated in the next section, Dutch domestic work policy can be seen as an extreme case of the exclusion of workers from social and employment protection within the context of generous continental and Northern European welfare states. Studying an extreme case is suitable for an exploratory analysis searching for possible causes of a given outcome (Seawright and Gerring 2008). By definition, an extreme case is not representative for a broader set of units. Therefore, at the end of this article, the Dutch case is placed within a comparative perspective, to assess to what extent discovered causal mechanisms also seem to apply to other cases.

Process tracing is understood as ‘a style of analysis used to reconstruct a causal process that has occurred within a single case’ (Gerring 2007, 216). In theory-guided process tracing, theory is not used deductively to derive testable hypotheses, but more loosely ‘to know in advance where to look for causal mechanisms’ (Trampusch and Palier 2016, 442; Falletti 2016). The aim of the analysis is then to understand the causal process in its given context and to subsequently theorize on its broader implications.

The analysis of the Dutch case focuses on the years between 1994 – when a new coalition government took office that would enact a first important change in domestic work policy – and 2016. The analysis relies on a variety of data sources, including policy document and records of parliamentary debates, interest group reports and petitions, a systematic analysis of news items and semi-structured interviews with involved civil servants and interest group representatives that were conducted in 2008 and in 2016. In addition to the contextual and temporal focus of the process tracing analysis, data sources were coded thematically to enable comparisons of actors’ positions and arguments over time.

## **Dutch domestic work policy in comparative perspective: an extreme case of differentiation**

By their nature, generous welfare states with regulated labor markets constrain the development of a market for personal services (Esping-Andersen 1999; Iversen and Wren 1998). Due to a compressed wage structure, net household income does usually not suffice to employ someone to provide personal services. As a consequence, a market for personal services can only develop formally with direct support from the state, or it can develop as an informal market. In this context, in various Nordic and continental European welfare states, governments have introduced measures to actively stimulate the development of a market for personal services (Morel and Carbonnier 2015, 2).

This article focusses on policies that regulate services for households that do not have special care needs, i.e. consisting primarily of house cleaning. However, different policies may or may not include other activities such as cooking, house repairs, or child care (Morel and Carbonnier 2015, 19)<sup>1</sup>. France was among the first countries to stimulate growth in the domestic services sector (Guiraudon and Ledoux 2015). Other Northern and Western European countries followed suit in the mid-1990s and early 2000s. While most countries choose to stimulate the domestic services sector via tax deductions for households using the services, some also subsidized agencies that provide domestic services to households, and others again introduced special employment regulations to simplify and encourage the employment of domestic workers directly by households (Morel and Carbonnier 2015: 2).

Table 1 shows an overview of stimulation policies and their implications for domestic workers' employment conditions<sup>2</sup>. A distinction is made between policies that encourage direct employment of domestic workers by households and those that encourage employment by a (non-) profit agency. Second, the table indicates whether or not formally employed domestic workers are legally covered by the same social protection that covers other workers in the country, such as protection from dismissal, coverage by unemployment and disability insurance, old age pensions, et cetera.



**Table 1: Overview of tax deductions and subsidies for household services in Continental and Northern Europe, by type of subsidized employment and workers' social protection coverage**

	<b>Full social protection coverage</b>	<b>Reduced social protection coverage</b>
<b>Only agency-based employment</b>	Belgium: service voucher system and household tax deduction	
	Denmark (1996-2004): subsidies for agencies	
	Netherlands (1998-2005): subsidies for agencies	
	Sweden: household tax deduction	
<b>Both direct and agency-based employment</b>	Finland: household tax deduction	Germany: household tax deduction and special employment regulations
	France: household tax deduction	
<b>Only direct employment</b>		Austria: service voucher scheme and special employment regulations
		Netherlands (> 2007): special employment regulations

Sources: Morel and Carbonnier 2015; Shire 2015; Kvist, Carbin, and Harjunen 2009.

As table 1 illustrates, in all cases in which public policy stimulates only the agency-based employment of domestic workers (Sweden, Belgium, and previously in Denmark and the Netherlands), these workers have been legally covered by the same social protection that covers other workers. The latter also applies to Finland, where agency-based employment is encouraged by a higher tax deduction than direct employment, and to France, where tax deductions are available for both direct employment and agency based services.

In Germany and Austria, by contrast, domestic workers are covered by a special version of the mini jobs scheme (for part-time marginal employment) which reduces their social insurance coverage (Shire 2015, 196). Since 2007 the Netherlands has had a special employment regulation (*Regeling Dienstverlening Aan Huis*) for directly employed domestic workers that may engage in a range of activities, including cleaning, cooking, gardening, and personal care for children or other care-dependents. Households directly employing a domestic worker for up to three days per week are exempted from paying taxes and social security contributions and do not have to register the employment relationship. Consequently, even though domestic workers' income is taxable, they are

excluded from social insurance coverage, including unemployment, disability and old age pensions, and they are entitled only to a reduced period of paid sick-leave (Van Walsum 2011). Notably, contrary to Germany and Austria, the special employment policy does not place a restriction on the number of hours worked in total by a domestic worker. As long as a domestic worker works for different households, she can work forty or more hours per week, yet be completely covered by the special employment regulations and hence be exempted from social protection.

It can be concluded that of all examples discussed, the Dutch policy goes furthest in legally excluding domestic workers from social and employment protection. It should be noticed that the article focuses on legal exclusion. Further exclusion may occur in practice, for example through the absence of collective agreements or through practices of self-employment (Hellgren 2015; Morel and Carbonnier 2015).

### **Characteristics of domestic work in the Netherlands**

While domestic work was a major occupation in the late 19<sup>th</sup> and early 20<sup>th</sup> century, employing an estimated forty-four percent of female workers in the Netherlands in 1899, the occupation had all but disappeared by the 1980s (Pott-Buter and Tijdens 1998). After that, households' outsourcing of domestic workers increased again. While some six percent of non-elderly households reported to use paid domestic help in 1980 (De Ruijter 2004), this had increased to thirteen percent by 2005<sup>3</sup> and has seemingly stayed at that level since (Panteia 2014: 22).

According to a 2013 government-committed survey (Panteia 2014), the majority of outsourcing households directly employ a domestic worker (9.4% or over 700,000 households).<sup>4</sup> They mostly employ a domestic worker for a few hours per week (2.8 hours on average), primarily for cleaning activities (Panteia 2014). Consequently, most domestic workers in the Netherlands are covered by the special employment regulation, while they are not covered by any collective agreement. Following the special employment regulation, employers are exempted from registering the employment relationship and from paying taxes or social security contributions, while the workers

are legally excluded from social insurances. The employer does have to pay at least minimum wage, and offer paid holiday leave and six weeks of sickness pay. The 2013 survey suggests, however, that in practice, three quarters of employers are not aware of these obligations and only one in ten households complies fully (Panteia 2014, 45, 50-52).

Because of the absence of a registration requirement, little is known about the numbers and characteristics of domestic workers in the Netherlands. Trade unions estimate that some 150,000 are directly employed to clean for households. Research institute Panteia (2014) distinguishes two types of domestic workers. A first group would consist primarily of Dutch citizens (including second generation immigrants), almost uniquely women, who work part-time, usually less than 20 hours per week. A second group would consist of migrants, often undocumented, mostly women but also men, who work many hours a week, usually for many different households. According to several qualitative studies, these migrant domestic workers come from across the world, including from the Philippines, Indonesia, Ghana, Nigeria, and various Latin American and Eastern European countries (Botman 2010; Marchetti 2010; Van Walsum 2011). While numbers are unknown, migrant workers seem to dominate the market for domestic services in the biggest Dutch cities, especially in Amsterdam.

## **The politics of domestic work in the Netherlands**

### *Historical context*

Starting with a brief historical context, this section presents the results of the case study of Dutch domestic work policy. The Dutch welfare state was historically built upon the ideal of a breadwinner-housewife division of labor. Generous unemployment, sickness, disability and old-age pension benefits, mostly administered by the 'social partners' (trade unions and employers), had to ensure that a breadwinner could provide for his family, even in case of temporary illness or unemployment.

It was considered a blessing that women could stay home and be financially supported by their husbands (Bussemaker and Van Kersbergen 1994). In the decades after World War II, Dutch women's labor market participation was among the lowest in Europe (Van Hooren and Becker 2012).

Within this conservative social protection system developed by governing coalitions dominated by Christian-democratic parties in close consultation with trade unions and employers' organizations, domestic workers were excluded from the outset (Botman 2010; Van Walsum 2011, 144). For example, when child labor was prohibited in 1874, an exception was made for children working as domestic servants. When working time legislation was introduced in 1911, this did not apply to domestic servants. When sickness and unemployment insurances were introduced subsequently, these again excluded domestic servants. The justification was that domestic work should not be seen as 'normal' work, that it was not as demanding as factory employment and that the state should not intervene in the regulation of private household affairs (Botman 2010, 36–37).

In the 1960s, in a period of rapid welfare state expansion, domestic workers that worked for at least three days a week for one household were brought within the coverage of social and employment protection. By that time, however, full time domestic servants had become very rare and were seen as a remnant from the past (Van Walsum 2011, 144). Meanwhile, domestic workers that worked for up to two days per household continued to be excluded from social and employment protection. Politicians saw this exclusion as justifiable because 'it was held that domestic workers were merely supplementing the income of their breadwinning husbands and, hence, had no need for protection against loss of income as a result of illness or dismissal' (Van Walsum 2011, 145).

The highly conservative gender model as blueprint for social and employment policies started to erode very gradually after the 1970s. It took until the 1990s before a series of policies was enacted to encourage women's employment participation, including policies to stimulate childcare provision (Van Hooren and Becker 2012) and policies that granted equal rights to part-time employed workers (Visser et al. 2004). It is also in this time that we see an important change in domestic work policy.

*An intermezzo of publicly subsidized employment, 1994-2005*

Between 1998 and 2005, the Netherlands had a publicly subsidized employment scheme that facilitated formal company-based employment in household services. Contrary to what preceded and followed, the subsidized employment scheme provided domestic workers with employment that was covered by the same social and employment protection that covered other workers. This temporary policy was, I will argue, not the result of a deliberate effort to improve domestic workers' rights, but rather a side-effect of a broader governmental focus on employment creation.

In 1994, for the first time in almost eighty years, a coalition government without Christian democratic parties took office. The Labor/Conservative-Liberal government<sup>5</sup> had as its motto: 'work, work, and more work'. After decades of low employment rates and increasing benefit dependencies, activation and job creation – subsidized if necessary – were the absolute priority of the new government. It was in this context that household services came on the government agenda. The idea to introduce a form of publicly subsidized employment in household services emerged in the media after the publication of the European Commission White Paper on Growth, Competitiveness and Employment in 1993 and again after a publication on the topic in a Dutch socio-economic journal in 1994<sup>6</sup>. One of the main employers' confederations then placed the idea on the agenda of a regular tripartite consultation between the government, employers and trade unions<sup>7</sup>. Though the trade unions were initially skeptical about the idea, the Labor party Minister of Social Affairs and Employment was immediately enthusiastic.

In spring 1995, the Minister announced an experiment with publicly subsidized employment. Private sector companies that offered cleaning services to private households were to receive a subsidy provided that they employed a registered job seeker who had been unemployed in the preceding twelve months.<sup>8</sup> When designing the subsidized scheme, the Ministry extensively reviewed examples from abroad, including the Belgian predecessor of the service voucher system and French tax deductions (TK 1994-1995, H33-2332)<sup>9</sup>. Eventually, the Danish 'Home Service Scheme' formed the

main inspiration (TK 1997-1998, 25633, 1)<sup>10</sup>. The Minister considered the experiments to be a success and a general policy, called the Regulation for Cleaning Services for Households (*Regeling Schoonmaakdiensten Particulieren*) was introduced in 1998.<sup>11</sup>

Contrary to the preceding and still existing regulation that excluded directly employed domestic workers from social and employment protection, the new subsidized scheme fully included domestic workers within the protective coverage of the welfare state. Yet the main aim of the scheme, as was emphasized in policy documents and media coverage, was to contribute to employment growth. Meanwhile, according to the Minister, the better legal status of the employee also 'plays a role' (TK 1997-1998, 25633, 1: 2). The trade unions did contribute to domestic workers' inclusion by insisting that normal employment regulations had to apply to the newly created jobs.

The new policy was broadly supported by most parties in Parliament, including the Christian Democrats in opposition (TK 1997-1998, 25633: 2). Objections only came from opposition parties on the left of the political spectrum. An MP from the Socialist Party (SP) pointed at the potentially regressive effect of the policy, questioning whether it was desirable that: 'the government enables richer <<madams>> to employ a publicly subsidized cleaning lady for a minimum payment' (TK 1997-1998, KVR5672)<sup>12</sup>. In response, the Minister emphasized once again the intended employment creation effect. An MP belonging to the Greens (GL) instead pointed at the limited attractiveness of the created jobs: women would have to work many hours to get above the social assistance level. It would be hard work of low quality, he argued, and the women would have to do the same work again at home. The minister responded in a rather patronizing way that he could think of 'other activities that were a lot more noisy, dusty and otherwise more unpleasant than these cleaning activities' (TK 1997-1998, 25633, 2, author's translation). He also emphasized that the work could be done part-time, which he thought would be desirable for women with young children (Ibid.). This exchange is one of the few instances in which the gendered implications of the new policy were discussed explicitly. It reveals that it was commonly assumed that the created employment would be

taken up by low-skilled women and that these women would prefer part-time work. This assumption would be persistent also in subsequent years.

Already when the subsidized employment scheme was introduced, there were concerns about potential difficulties finding enough previously unemployed people – as the policy prescribed – who would be willing to work in the sector. This concern would prove to be justified. Instead of the envisioned creation of 5000 jobs, by 2004 still only 1235 workers were employed through the scheme (Homburg and Renooy 2007). While there were enough households that wanted to make use of the offered services, the policy eventually failed because of a lack of labor supply. Rather than modifying the policy to address this problem, the scheme was abolished in 2005.

#### *Back to exclusion, the long shadow of conservative ideas, 2005-2010*

After the abolishment of the subsidized employment scheme, the Dutch government decided to expand the still existing exclusion of directly employed domestic workers from social and employment protection. This policy, as I will show, was the preferred choice of the center-right government, due to its simplicity and low costs. Moreover, it was the consequence of a lack of political representation of the workers involved in combination with the prevalence of conservative ideas that legitimated the exclusion of low-educated women from social protection.

Between 2003 and 2006 the Netherlands was governed by a center-right Christian/Conservative-Liberal coalition<sup>13</sup> which had as its aim ‘more work and fewer rules’. One of the ‘rules’ that was to be abolished was the subsidized domestic work scheme. Due to its lack of success, opposition against the abolition of the scheme was limited. The involved employers’ organization had already given up on the scheme and trade unions hardly expressed an interest. Yet parliamentarians did urge the government to search for good alternatives. Therefore, the government asked various organizations for advice on further development of a market for domestic services (CPB 2005; RWI 2005; SEOR 2004). Most influential in the subsequent debate would be the recommendation by the Council for Work and Income (RWI), a tripartite organization with members representing trade unions,

employers' organizations and local governments. This Council proposed a French-style tax break for households that regularly employed a domestic worker covered by social protection. Despite broad support for the Council's proposal in Parliament, the government rejected it as too expensive and too administratively complicated (TK 2005-2006, 29544, 62).

Instead, in June 2006, the government proposed an expansion of the still existing exclusion of directly employed domestic workers from social and employment protection through a new special employment regulation (*Regeling Dienstverlening Aan Huis*). The policy, which was subsequently enacted as part of the government's yearly tax bill, extended the group excluded from social and employment protection to all directly employed domestic workers working up to three days per week per household.

Both the policy proposal and the subsequent debate reveal a clear left-right division. While parties on the left advocated more inclusion for domestic workers, parties on the right consistently prioritized the interests of household employers. Consequently, the center-right government's policy proposal emphasized the need to keep administrative burdens for employers ('clients') limited, while it contained not a single reference to employment conditions and protection of the workers involved (TK 2005-2006, 29544, 620). Two left opposition parties unsuccessfully proposed a resolution to cancel the proposed policy, objecting against the fact that it created a group of workers that 'has none of the rights to which other workers are entitled' (TK 2006-2007, 30804, 14, author's translation).

This left-right division, however, did not appear equally clearly in the subsequent debate on the policy proposal in the Senate, the upper house of Dutch parliament. Out of the three left-wing parties that had voiced strong concerns about the special employment policy in the Lower House, only the Socialist Party Senator repeated that 'It is not acceptable to deny these people access to our system of social provisions' (EK, 2006, H13-524, author's translation). By contrast, the Greens



Senator expressed that he was 'positive in principle' and the Labor Senator ignored the topic all together.

Overall, domestic work policy never became a priority for parties on the left or the right. In fact, elections were held in November 2006, right in the middle of the discussions about the exclusionary policy, yet not a single party made any reference to the issue in their party manifestos or election campaigns. Moreover, the new center-left Christian Democrat/Labor government that took office in 2007 did not make any attempt to change the exclusionary policy (TK 2007-2008, 29544, 128 & 142) and after the onset of the 2008 financial crisis the topic disappeared from the political agenda all together.

How can we explain the low political priority and lack of politicization of domestic work policy? First of all, it suggests that Dutch households employing domestic workers were on average sufficiently satisfied with the exclusionary policy that essentially tolerated informal employment by relieving household employers from any obligation to pay taxes or social security contributions. Second, it reflects how intersecting inequalities contributed to limited political representation of the low-educated female workers involved. The trade unions, which still generally underrepresented women, migrants and private sector workers (Visser 2015), barely had any domestic worker members and remained largely silent in the political debate<sup>14</sup>. Though some female trade union leaders were concerned about the issue of domestic work, their expressed interest was the need to 'alleviate the busy lives of young dual earners'<sup>15</sup>, rather than the need to improve domestic workers' working conditions.

Third, there is an ideational explanation for the fact that excluding domestic workers from social protection was broadly perceived as acceptable. In a parliamentary debate, an MP from the Socialist Party asked why domestic workers were, contrary to other employees, not entitled to unemployment, sickness and disability insurances (TK 2006-2007, 30804, 7). In response, the

Conservative-Liberal Finance Minister argued that the workers in question would not need such protection, because:

*'A job as personal service provider will usually not yield the only (family) income. In practice, this work is often done by persons whose partner is also engaged in paid labor' (TK 2006-2007, 30804, 8)*

In an interview, a civil servant put it even more bluntly:

*'[T]he people who offer these services are often partners of working people, often women who just want to do something extra for one morning' (Interview Ministry of Social Affairs and Employment, March 2008).*

In the rest of the parliamentary debate, neither the validity of these claims – whether domestic workers could indeed rely on their partners' income – nor the desirability of such a situation was questioned. That the minister's statement did not raise more discussion is an indication of the pervasiveness of these conservative ideas that legitimated the exclusion of low-educated women from social protection for political actors across the political spectrum.

#### *Workers' mobilization without effect, 2010-2016*

In 2010, one of the biggest Dutch trade union started to actively campaign for better social and employment rights for domestic workers. In this section I show that the campaign did not result in policy change because it could not raise support for the needs of undocumented migrant workers, while it failed to challenge the persistent idea of part-time working domestic workers not needing social protection.

After years of self-organizing by migrant domestic workers in nationality-based associations, in 2006 a group of mostly undocumented migrant domestic workers joined the public sector union Abvakabo FNV (Günther 2011). The domestic workers deliberately sought access to the union because they hoped it would increase their political influence (Van Hooren, Eleveld, and Günther 2016). The public

sector trade union had difficulties dealing with this unprecedented membership of undocumented migrants and, due to mutual dissatisfaction, in 2009 the migrant domestic workers transferred to the biggest private sector trade union FNV Bondgenoten (Günther 2011). This union, which was at that time in the middle of an activist and radical campaign in the cleaning sector, was more capable and willing to engage in a political campaign on behalf of the migrant domestic workers (Van Hooren, Eleveld, and Günther 2016; Kraamwinkel 2016).

As a first step, the trade union joined an international campaign targeting the International Labor Organization. In June 2011 this campaign resulted in the adoption of ILO Convention 189 on “Decent Work for Domestic Workers” (Boris and Fish 2014), which prescribed that domestic workers should have the same fundamental rights and be covered by the same social protection as other workers.

At this time, the Netherlands was governed by a Conservative-Liberal/Christian minority coalition supported by the populist right-wing Party for Freedom (PVV). The main aim of the government was to rebalance the public budget in the aftermath of the 2008 financial crisis, if necessary by making substantial cutbacks in social policy (Starke, Kaasch, and Van Hooren 2014). Together with a women’s rights NGO (Vereniging voor Vrouw en Richt, VVR; see Bijleveld & Cremers 2010), the trade union FNV Bondgenoten lobbied this government to sign ILO Convention 189<sup>16</sup>, which the Dutch government eventually grudgingly did (TK 2010-2011, 29427, 72). Yet despite further lobbying activities and some media attention for the excluded position of domestic workers<sup>17</sup>, the government refused to proceed by ratifying or implementing the convention (TK 2010-2011, 29544, 281).

In line with the discourse that had become typical for Dutch right-wing parties, the Conservative-Liberal minister in charge stressed that he wanted to prevent more administrative or financial obligations for household employers. Workers, he argued, had to be satisfied that there was employment at all. Their excluded position was not a problem because, as a Conservative-Liberal MP argued: ‘People choose this deliberately’ (TK 2010-2011, 29544, 334). About ILO Convention 189 the Minister paternalistically maintained that while this Convention was very important for other

countries (e.g. in the 'Far East'), it was unnecessary for the Netherlands, which had 'a neat regulation in a neat country' (TK 2011-2012, 29427, 87: 12, author's translation).

More sympathetic responses to the trade union campaign came from left opposition parties (TK 2011-2012, 29427, 87; TK 2011-2012, AvH 3353 & 3354). More than in previous periods they referred to the unacceptable inequalities inherent in the existing policy. A Socialist Party MP, for example, stated that:

*'These are 95% women [...] who do not enjoy workers' rights like others. I think about unemployment benefits and old age pensions. If they get ill, they have nothing. That puts them in an unequal position vis-à-vis other workers. From an emancipatory point of view, that's undesirable'* (TK 2010-2011, 29544, 334).

New opportunities for policy change seemed to arrive in 2012, after the Party for Freedom had withdrawn its support for the minority government and new elections were held. A new Conservative-Liberal/Labor coalition, taking office in November, set out to improve the government's relations with the trade unions, which had deteriorated under the preceding government. Meanwhile, the trade union FNV Bondgenoten had convinced an employers' organization for cleaning companies of their mutual interest in abolishing the exclusionary domestic work policy (FNV and OSB 2013). Together these organizations managed to place the topic on the political agenda again in 2013.

The new Labor Party Minister of Social Affairs set up a committee of experts (Committee Kalsbeek) to investigate the options for improving the position of domestic workers and for ratification of ILO Convention 189 (TK 2012-2013, 29544, 448). Against the hopes of the trade union, the Committee recommended not to abolish the special employment regulation for domestic workers but only to exempt workers providing publicly financed care services from the regulation's coverage (TK 2013-2014, 29544, 507). The latter recommendation should be understood within the context of a series of cutbacks and reforms in the publicly financed long-term care sector, which had encouraged care

providing agencies to lay-off employees. These (mostly native Dutch) care workers were subsequently encouraged to start working directly for clients, which brought them under the coverage of the exclusionary special employment regulation for domestic workers. The Labor Minister took over the Committee Kalsbeek's recommendations and decided neither to ratify the ILO convention, nor to abolish the special employment regulation. He did also express his intention to discourage the employment of publicly funded care workers through the exclusionary special employment regulation.

Why was the exclusionary domestic work policy not adapted, despite the trade union campaign and with a principally sympathetic Labor Minister in office? What stands out in the political discussion in this period is the complete absence of references to the position of migrant domestic workers. It should be recalled that the trade union's campaign was initiated on behalf of (undocumented) migrant domestic worker members. These migrant workers were actively and visibly involved in the campaign. Yet in terms of policy content, the campaign concentrated not on the specific needs of these migrant workers, but instead on the inclusion of all domestic workers in social and employment protection. Interviews with trade union representatives suggest that this focus was partly based on the idea that a trade union's priority should be labor rights, not immigration rights. In addition, the union officials strategically considered that it was unlikely that demands for inclusion of undocumented migrant workers would receive much political support in a political context of strong anti-immigrant sentiments that had started to characterize the Netherlands.

As an adverse consequence of the complete obscuring of the needs of full-time working migrant domestic workers, the political debate continued to be centered on the stereotype of part-time working native domestic workers for whom social and employment protection would be no exigency. As a trade union publication remarks:

*'The government still pretends that housework is a job that allows women to work a few hours a week to earn some extra money. The reality is that many domestic workers work 40*

*or even 60 hours per week. They desperately need the money for a roof over their head, food on the table and education for their children'* (FNV Bondgenoten and Abvakabo FNV 2012).

Further evidence that the stereotypical depiction of part-time working domestic workers obfuscated the empirical reality can be found, for example, in the earlier mentioned government-committed research on the domestic work sector in the Netherlands (Panteia 2014). In this report it is concluded that 'indeed' most domestic workers (sixty-five percent) were married or cohabitated and could hence rely on a partner for social security. What the researchers failed to highlight is that this means that thirty-five percent of the surveyed domestic workers did not live together with a partner. This share is significantly larger than in the working-age population as a whole. Yet neither in the report nor in its subsequent political discussion is it brought into question on which primary income this remaining thirty-five percent could rely. Instead, in the parliamentary debate that followed on the Committee Kalsbeek's recommendation, only three parliamentarians were present. This underlines once more the persistent lack of priority attached to the rights of domestic workers by political parties.

Finally, the lack of policy change can also be related to a lack of strategic cooperation between different (sections of) trade unions. In 2015, the care branches of the biggest Dutch trade unions launched a big campaign to 'save the care sector'<sup>18</sup> by improving working conditions for care workers, who were mostly native Dutch, formally employed, and covered by a collective agreement. They launched a petition, which was quickly signed by 800,000 people, and organized several large manifestations. In December 2015 the unions reached an agreement with the government in which, among other things, the government reconfirmed its intention to discourage the employment of publicly subsidized care workers through the exclusionary employment regulation for domestic workers.<sup>19</sup> To the disappointment of the branch of the trade union representing (migrant) domestic workers, the care sector union branches failed to use their successful campaign to push for a general abolishment of the exclusionary special employment regulation.

### **Interpretation: Dutch case study results in comparative perspective**

In this section the main findings of the Dutch case are placed within a comparative perspective, to assess to what extent similar processes can be found in other cases, without aiming to fully account for policy outcomes in these other countries. The temporary improvement of domestic worker rights in the Netherlands between 1998 and 2005 was not the result of a deliberate attempt to improve workers' rights. Instead, it was merely a by-product of a strong government commitment to create employment. A similar emphasis on the need to create employment opportunities for the low-skilled was at the basis of similar policy initiatives in other countries. In Belgium, for example, the Socialist Minister Vandenbroucke introduced the service voucher system with the main aim of increasing activity rates (Vandenbroucke 2015). In Denmark, it was hoped that the subsidized domestic work schemes would increase employment participation, especially among ethnic minorities and migrants (Kvist, Carbin, and Harjunen 2009).

That the Dutch subsidized domestic work scheme was abolished soon, while its counterparts in other countries were much more successful, was related to policy feedback effects. Due to the specific design of the Dutch scheme, its utilization remained very low. As a consequence, employers never developed a strong vested interest in the sector and hardly objected against its abolition. Political dynamics were very different in countries where subsidized domestic work schemes were more successful. French and Belgian governments that tried to curb the costs of the domestic work subsidies, were hardly successful because strong employers' organizations had developed that successfully blocked such attempts (Guiraudon and Ledoux 2015; Marx and Vandelannoote 2015). Similarly, in Sweden, the Social Democrats that had initially strongly objected the tax breaks for domestic services could not simply abolish the scheme when back in office, because of its acquired popularity (Morel and Carbonnier 2015, 18; Bowman and Cole 2014).

In line with classic left-right divisions, Dutch political parties on the right have consistently prioritized the interests of employers, advocating the need to keep the employment of domestic workers cheap

and to avoid administrative burdens. It was indeed a center-right government that decided to replace the subsidized domestic work policy by an expanded exclusionary special employment regulation in 2006. Meanwhile, more support for improving the social and employment protection of domestic workers could be found among political parties on the left. This confirms to a general pattern across European countries where “left parties have been more likely to argue for social benefits and employment protection” (Estévez-Abe and Hobson 2015, 137).

However, in the Netherlands, support of these left parties did not result in any improvement of domestic workers’ rights, because the issue never became a priority for these parties. The low saliency is related to intersecting inequalities in political representation of low-skilled female domestic workers, which is also reflected in the ambivalent role played by trade union. In the context of a general underrepresentation of female, migrant, and private sector workers within trade unions and a near absence of domestic worker members, domestic work did not become a salient issue for the trade unions until 2010. Strikingly, it were undocumented migrant domestic workers who managed to get the issue of domestic workers’ rights on the union’s agenda. However, in a context of strong anti-immigrant sentiments, the union failed to win support for the needs of undocumented migrant workers, while it also failed to join forces with care sector unions.

Trade unions have played ambivalent roles in the politics of domestic work in other countries too. In Sweden, for example, unions opposed the introduction of tax deductions for household service employment because they feared that it would create precarious employment. Subsequently, after the policy was introduced, trade union membership among domestic workers remained extremely low. Consequently, while the aim of the union was to prevent workers’ exclusion by obstructing the original policy proposal, their positioning actually contributed to further exclusion of the same workers (Hellgren 2015; Hobson, Hellgren, and Serrano 2018).

In addition to intersecting inequalities in political representation, the low saliency of domestic workers’ rights in Dutch politics also had an ideational explanation. The widely shared idea that



domestic work is done by low-educated part-time working women, who only want to earn a little extra family income and do not need social protection, has persistently legitimized the exclusion of domestic workers from social and employment rights. The justification was uttered explicitly only by right-wing politicians, but it has hardly been challenged or problematized by other political actors. The lack of discussion on this assumption reveals how a conservative gender model has continued to shape Dutch politics and to contribute to exclusionary policies.<sup>20</sup>

Some form of relationship between conservative male breadwinner ideas and exclusionary domestic work policies seems to also exist in other European countries. When looking at Table 1 in the beginning of this article, it stands out that countries with the strongest historical legacy of conservative male breadwinner oriented welfare states (Austria, Germany, the Netherlands) have also been the countries that have formally excluded domestic workers from (some of) the social protection granted to other workers. By contrast, in countries with a historically weaker attachment to such a breadwinner model, including Belgium, France, Sweden and Denmark, domestic workers have been formally covered by social protection.

In her study of German and Austrian domestic work policy, Shire showed that mini job schemes for household employees were designed assuming that women in those small jobs would be covered by social security through their husbands. As in the Netherlands, there was not much attention for gender equality in political debates and the mini job scheme was supported by parties on the left and the right. This contrasts with Sweden, where the gendered policy implications of policies stimulating the domestic services market featured in the debate (Kvist and Peterson 2010; Hiilamo 2015), though even in Sweden the emphasis was on increasing highly skilled women's career opportunities.

## **Conclusion**

Through a process tracing analysis of the development of domestic work policy in the Netherlands, this article aimed to sketch a nuanced picture on the multiple processes that have contributed to the exclusion of this group. It revealed the impact of intersecting inequalities in political representation

in combination with persistent conservative ideas about lower class women and negative sentiments towards immigrants, which together legitimated domestic workers' exclusion from social protection.

These findings contribute to our understanding of why social rights are differentiated across social groups. While it is generally recognized in studies of dualization that women and migrants are overrepresented in disadvantaged segments of the labor market (Häusermann and Schwander 2012; Emmenegger and Careja 2012), the political causes and implications of this overrepresentation have not been sufficiently studied. Inspired by feminist research, I have argued that we need an intersectional lens to understand inequalities in political representation and that ideational processes have to be incorporated in studies of the politics of differentiation.

Several of this study's findings deserve further scrutiny. First, the role of trade unions in the politics of domestic work, and in the politics of differentiation more generally, remains ambiguous. On the one hand, this study confirmed that trade unions at first did little to improve the position of domestic workers in the Netherlands. However, after 2010, a Dutch trade union started an active campaign on behalf of undocumented migrant domestic workers. This shows that trade unions can be an important political ally for even the most excluded groups of workers (Blofield 2009). Further research could explore under which conditions trade unions have started to represent such excluded groups and how intersecting social divisions based on gender, class and citizenship affect such representation.

The case study also demonstrated the importance of ideas that legitimize certain forms of exclusion. In the Netherlands, as well as in Germany and Austria, exclusion of domestic workers was acceptable for politicians on the right and the left because it concerned low-skilled women and undocumented immigrants. Would it have concerned native Dutch men, it is highly unlikely that the same policy would have been maintained. This raises the question how ideas have played a role in the formation of other dualizing or exclusionary policies. To what extent have ideas about the social identity of a policy's target group shaped what policy makers find desirable and acceptable?

Finally, the empirical analysis briefly touched upon the interrelationship between domestic work and care work. In the Netherlands, cut-backs in the publicly subsidized care sector created new political opportunities to address domestic workers' exclusion, which trade unions have so far failed to exploit. In Belgium, on the other hand, it seems the strong expansion of employment of domestic workers through the voucher system has started to crowd out the employment of publicly-funded care workers. Further research is needed to understand the political implications of such blurring boundaries between care and domestic work and, in particular, how trade unions deal with the various emerging opportunities and trade-offs.

## Notes

1. In practice, the differentiation between services for households with or without care needs cannot always be made and in some countries policies stimulating domestic services for households without care needs developed out of policies for households with care needs. The distinction is nevertheless used here to distinguish the more recently developed policies on domestic services from the much broader range of care services that have been publicly provided and/or subsidized in most countries for much longer.
2. A broader overview including the details of most of these schemes can be found in Morel and Carbonnier (2015, 20).
3. Author's calculation based on *Tijdsbestedings Onderzoek 2005*, heads of households aged between 18 and 65, unweighted data.
4. Other households reported to hire a self-employed or agency-employed workers. There is a growing number of online intermediary agencies active on the Dutch domestic work market ([www.helpling.nl](http://www.helpling.nl); [www.homeworks.nl](http://www.homeworks.nl); [www.bookatiger.com](http://www.bookatiger.com)). The websites of these agencies often suggest that they work with self-employed or agency-employed domestic workers, while in fact they invariably work with the special employment regulation that is based on the direct employment of domestic workers by customers. Consequently, even households that think they hire a self- or agency-employed domestic worker, may actually unknowingly be the direct employer of the domestic worker.
5. The coalition consisted of the PvdA (Labour Party), D66 (Progressive Liberals) and VVD (Conservative-Liberals). It would be in power from 1994 till 2002.

6. E.g. in *Trouw*, 09/12/1993, “Brussel komt met leesbaar plan voor bestrijding van werkloosheid”; and *Trouw*, 15/10/1994, “Werkloosheid te lijf met dienstencheques via de postkantoren”.
7. *Algemeen Dagblad*, 29/10/1994, “Centraal overleg zonder resultaat”.
8. The private household could be asked to pay no more than 8 Euros per hour, while the employee would receive at least minimum wage (5.80 Euros per hour at the time). To be eligible for a subsidy, the employment contract had to be for at least 15 hours per week. Source: *Staatscourant* 1997, nr. 244/p. 9.
9. TK H33-2332 refers to the ‘Handelingen’ (Proceedings) of the Lower House.
10. TK 1997-1998, 25633, 1, refers to a Parliamentary document issued by the Lower House (Tweede Kamer = TK) in parliamentary year 1997-1998, as part of file number 25633, issue number 1. For the Upper House, the abbreviation EK (Eerste Kamer) is used. All parliamentary documents and proceedings can be found on [https://zoek.officielebekendmakingen.nl/zoeken/parlementaire\\_documenten](https://zoek.officielebekendmakingen.nl/zoeken/parlementaire_documenten).
11. In daily language, the policy was called the ‘white cleaning woman regulation’ (‘witte werkster regeling’), with white referring to formal work as opposed to black market employment.
12. ‘KVR5672’ refers to Parliamentary question (Kamervraag = KVR).
13. The coalition government consisted of the Christian Democrats (CDA), the Conservative-Liberals (VVD) and the Progressive Liberals (D’66).
14. There is only one reference to a report by the smaller Christian trade union confederation CNV (TK 2006-2007, 30804, 14).
15. In *NRC*, 18/01/2007, “Boodschappenijstje voor de vrouw zelf; Nieuw kabinet moet positie van vrouwelijke werknemers toch echt eens verbeteren”, autor’s translation.
16. See for example a letter by FNV on June 10<sup>th</sup> 2011, Reference number: 348/ED/us/12.4.
17. In the preceding decades, newspapers had predominantly discussed household services from the point of view of employment creation (in the 1990s) and the interests of employers (in the 2000s). After 2010, newspapers extensively discussed the precarious situation of workers in the sector. See for example: *De Volkskrant*, 11/08/2012, “Roep om ‘gelijke rechten’ voor werksters”; *De Volkskrant*, 11/08/2012, “Werksters in Nederland zijn het slechtst af”; *De Volkskrant*, 01/10/2012, “Rechten werksters vaak geschonden”.
18. Campaign ‘Red de Zorg’, see <http://www.fnvvoorzorg.nl/onze-strijd/>, accessed on 29-06-2017.

19. At the time of writing, the intention to exclude publicly subsidized care workers from the coverage of the special employment regulation was still not implemented, because it proved legally complicated to enforce such a distinction.

20. In this context it is worth noting that without any exception, all Ministers and State Secretaries that have been responsible for domestic work policy in the Netherlands since 1994 were men.

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