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## The Regulation of Domestic Work in Spain

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# The Regulation of Domestic Work in Spain

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**Abstract:** The work of the home is an activity that is largely undervalued by society, despite its fundamental role in the social and economic life of individuals and families. In the case of Spain, immigrant women have an increasingly prominent role in this type of work due in large part to the incorporation of Spanish women into the labour market, as well as a significant increase in the national dependency ratio. As the labour market continues down a path largely determined by the current legislation on working conditions, regulations that place domestic workers in a completely different category than individuals in other types of employment. There is thus a need to propose a series of reforms in order for this type of employment to be recognized as a legitimate form of professional employment.

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## 1. Domestic Work

Domestic work, understood as the set of tasks aimed at the maintenance and organization of the home as well as the care of persons in the home, suffers significant discrimination in the social sphere and well as in the sphere of work. It is an activity with defining characteristics that go beyond the economic realm, but for the sake of synthesis, contracted work in the home is predominantly undertaken by women and is a socially invisible form of employment.

One of the main reasons for this phenomenon is that the work of the home has historically been undertaken in the private sphere and it continues to be so. It other words, it is a form of employment that doesn't go beyond the frontiers of the home. Unlike other activities such as agricultural work or handicraft making, which, since the time of the Industrial Revolution, have been an integral part of the apparatus of production and of the market, domestic work and associated caring and maintenance tasks, have remained anchored in the home, (Parella, 2003).

As it is widely known, prior to the Industrial Revolution, there was no distinction between work and employment, given that a number of different tasks were undertaken in the sphere of the family home. However, given the changes brought about by this new social order, industrial employment displaced other forms of work, making salaried, masculine, extradomestic industrial employment the new labour paradigm (Parella, 2003; Durán, 2011).

Work done in the domestic sphere certainly remains one of the least recognized forms of employment in the labour market, despite its foremost social importance. In fact, in recent decades, Spanish families have created increasing demand for domestic services, allowing for some of the social transformations that the Spanish welfare state alone would not have been able to handle (García, Santos y Valencia, 2012). Two relatively recent phenomena in Spanish society can be identified in this respect: the progressive aging of the national population and increased female labour market participation.

While traditionally obligations in the home were taken care of by women, given that less Spanish women are willing to dedicate time to the work of the

home, immigrant women have been increasingly employed in these roles (Oso y Parella, 2012) to fill professional “vacancies” generated in homes across the country. Immigrant women act as substitutes for Spanish women in the great task of ensuring the welfare and wellbeing of members of society.

Large scale female immigration to Spain has resulted in immigrant labour market participation being concentrated in the domestic work sector, meaning that the volume of work done by these women in this realm is proportionately high (Colino, 2007; Vono y Vidal, 2011). It should also be said that domestic workers have scarce social and economic recognition in Spain. Recognition is difficult to achieve because domestic workers are often socially invisible, and are regularly targeted by discrimination (García, Santos y Valencia, 2012).

Given the predominance of immigrant women in this sector and their general working conditions, the case of domestic workers has recently come to the attention of broader society in Spain, in a debate revolving around their working conditions compared to those of other self-employed individuals. In this sense, there have been calls to improve working conditions through legislative change in terms of labour and social protection laws. Not-for-profit organizations (NGOs, religious organizations and union groups) have played a central role in this movement, by promoting different social inclusion programs for immigrants (Riquelme y Ruiz, 2012), in addition to associations and platforms created by domestic workers at local and national levels to defend their rights as workers.

## 2. Legislation of Domestic Work in Spain

In Spain, domestic work has its own form of labour regulation, subject to specific legislation, which varies according to the type of worker being employed. Legislation differs for those for individuals employed by an institution with legal personhood such a Social Services organization belonging to a Local Entity or a private company (e.g. a homecare company) versus those contracted directly by a family (using the head of household). While for the first group, labour relations are regulated by the Workers’ Statute (ET)[3] and are thus

[3] Law 8/1980,March 20th from the Workers’ Statute.

subject to the General Social Security Regime[4], the second group of workers are regulated under legislation known as a Special Labour Relationship for Family Household Services[5] (RD 1424/1985), subject to its own specific Regime on Social Security[6]. This latter form of legislation is that most commonly applied, principally for economic reasons and for the sake of efficiency[7].

Give that the Special Labour Relationship for Family Household Services is the most commonly applied, it is necessary to expand on its nature and contents. The reason for examining this particular labour relationship more closely is the implication that it is "special" in nature. Without denying that domestic work under this category constitutes legitimate employment, the vocabulary employed implies that it is informal in nature and tied to the informal economy[8].

The special nature of domestic work is rooted in the fact that it is an activity undertaken mainly within the walls of a home and for a family. This is why it is essential to weigh the basic rights of workers against the flexibility necessary for work in a home environment. Though domestic workers are described as just

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[4] Legislative Royal Decree 1/1994, of June 20, which approved the Amended Text of the General Law on Social Security.

[5] Royal Decree 1424/1985 of August 1st. Replaced by Royal Decree 1620/2011 of November 14th November that entered into effect in 2012.

[6] Decree 2346/1969 of September 25th. The mentioned modifications reflect the modernization of special labour relations of homeworkers.

[7] In economic terms, the labour legislation mentioned permits direct hiring without additional cost. The motives of efficiency refer to the timesavings in seeking out someone to hire, in addition to the fact that people can directly hire whomever they wish.

[8] The concept of irregular employment is based on behaviours seeking to reduce or evade social security contributions (Consejo Económico y Social, 1999). Based on this conceptualization, irregular workers can be classified into through situations:

- Not registered with Social Security
- Not paying Social Security contributions
- Not making correct contributions

that, “workers”, their workplace remains rather peculiar because though they have set working hours and schedules, the home does not follow the same rules as most workplaces because it is not formally supervised by legislators.

Given that this labour relationship falls neither within the market for goods and services, nor that for economic entrepreneurs, attempts to incorporate it into the formal sector in Spain were only partly successful. To date, a Royal Decree (1424/1985) has been issued on this matter, but is limited to establishing “minimal” labour legislation for professionals in this field, which emphasizes the special characteristics of this relationship (personal, trust-based, family-related), and thus ends up giving more prominence to the unique position of the employer than to the rights of workers (Durán, 2011).

Attributed an inferior status relative to the rest of the workforce, especially in economic terms, this type of work is clearly given a second-class place in the labour market: lower salaries, less favourable working conditions, low levels of collective organization, high rates of informal sector participation and precarious employment (temporary, occasional, etc.), as well scarce possibilities for promotion at work (Durán, 2011).

Legally, this special legislation denies rights that are given to the great majority of self-employed workers. Culturally, this type of work shares the characteristics both of “invisibility” and “never-ending workdays”, which apply specifically to domestic work in Spanish society. Work in the home is the victim of a lack of knowledge, lack of recognized social value and precarious working conditions. It has been converted into a job that is considered to be socially unacceptable for workers in other sectors.

Having described the reasons why special regulations for domestic work are in place, we can identify the legislative differences between the Special Law (Royal Decree 1424/1985 of August 1st) and the ordinary and common law (8/1980 from March 20 under the Workers Statute). This comparison will be undertaken considering legislative status both after and prior to the legislative changes to the Royal Decree 1424/1985 of August 1st and Decree 2345/1969 of September 25th.

### 3. Royal Decree 1424/1985 and the Workers Statute

The working conditions of any job, stem from a specific legal framework, in the case of Home Assistance, given that this type of work takes place in the personal residences of various families, the prevailing law corresponds with Royal Decree 1424/1985, of August 1st, which regulates the Special Labour Relationship for Family Household Services. As all labour arrangements, this Royal Decree regulates several components, including: labour contracts, working hours, weekly time off, holidays and forms of leave, salaries and Social Security obligations, as well as contract termination; both dismissals and resignations.

To be more specific about the type of professional relationship created by this arrangement, it is one characterized by a contract between a representative of the household and the domestic worker in question in order to provide services in the home. Domestic tasks can be numerous, including home management or care for the home as a whole, care for household members, as well as child care, gardening and chauffeuring (art. 1.4 RD1424/1985).

The employment contract can be either verbal or written, both forms are valid, though either party can request that the contract been formalized in writing. On this note, the Workers Statute and the Royal Decree are in agreement. They also establish the same clauses regarding the types and possible duration of contracts as established in the Workers Statute (art. 4.1.2 RD 1424/1985 y art. 8.1.2 WS).

However, in regulations such as those regarding employment probation periods differ. While the Royal Decree establishes a period of 15 days, the Workers Stature stipulates that the period adhere to the number of days relevant to the given Collective Agreement (art 4.3 RD 1424/1985 y art. 14.1 WS).

In regards to the maximum weekly work hours, workers cannot work for over 40 hours, and a series of additional limits must also be respected:

a) The maximum on legal daily working hours is nine hours.

b) Between workdays there must be a minimum of ten hours of rest for employees who do not reside in the household and eight hours if they do reside in the household (The Workers Statute establishes that there be a minimum of 12 hours between work days, art. 34.3 WS).

c) If the employee resides in the household, they must be given a minimum of two hours rest for each of the main meals. (art. 7.1 RD 1424/1985).

Resting days per week must reach a minimum of one and a half days, 36 hours to be exact, of which at least 24 hours must be consecutive and be granted preferably on a Sunday (art. 7.3 RD 1424/1985). In the case of the Workers Statute, it is obligatory for the entirety of the 36 rest period to be consecutive (art. 37.1 ET). Also, the Statute guarantees 14 paid holidays annually (37. 2) on the work calendar. As well, the Royal Decree and the Workers Statute both stipulate 12 state holidays, one provincial and one local, enjoyed on the dates or in the formats listed each year (7.4 RD 1424/1985).

The two laws also share minimums with regards to additional days of leave (art. 47 WS and 8.5 RD 1424/1985):

a) 15 consecutive days off (calendar days) in the case of marriage.

b) 2 days in the case of the death, injury, grave illness or hospitalization of either immediate or close family, including family through consanguinity or marriage. If one must travel for this purpose, leave of at least 4 days must be granted.

c) 1 day when moving to a new primary residence.

d) The time necessary to fulfil essential public and/or personal duties, to process or renews residence permits.

e) The time necessary for prenatal exams and birth preparation classes taking place during the workday (art. 8.5 e) RD 1424/1985 y art. 37.3 f) ET).

The leave granted by the Workers Statute and the Royal Decree is equal except for the case of labour union duties or representation, which are only addressed in the Workers Statute (art. 37.3 e).

When it comes to annual vacation allowances, the standard is thirty paid days (calendar days). Of these 30 days, at least 15 must be consecutive, while the others are negotiable (art. 7.6 RD 1424/1985). However, the Workers Statute stipulates that vacation days must be decided by agreement between the involved parties or enshrined in the Collective Agreement (art. 38.2 ET). The worker has the right to know which vacation days will be granted at least two months in advance. They also have the right to be paid their full salary during this period, without deductions for maintenance or housing.

Furthermore, the employee's salary cannot be lower than the Interprofessional Minimum Salary established annually by the Government. Given that this minimum salary is not negotiable via Collective Agreement (there is no collective negotiation for this type of employment relationship), it can be increased by agreement of the concerned parties (though nothing prevents the salary from being increased above the minimum salary) (art. 6.1 RD 1424/1985). However, the Workers Statute allows for the possibility of collective negotiation on the structure of salaries (art. 26.3 ET).

In cases where the employee sleeps, eats breakfast, lunch or dinner in employer-provided facilities, a series of salary deductions can be made, provided that they do not exceed 45% of the total monthly salary. However, there is no IRPF, Housing retention on income from this type of employment, while there is for the Worker Statute (art. 6.2 RD 1424/1985 y art. 26.4 ET).

Two additional payments must be made at the end of each semester (unless it is agreed otherwise), the amount being, at minimum, half of the net monthly salary (art. 6.3 RD 1424/1985). Along with these additional payments is the seniority bonus, which is paid every three years (3% of the monthly salary) to a maximum of five three-year periods (art.6.4 RD 1424/1985).

According the Workers Statute, the amount of the additional payments must be stated in the Collective Agreement. However, the amount normally corresponds with the entire salary (art. 31 ET). The Workers Statute stipulates

that the majority of jobs provide payment through payroll (art. 29.1 ET), however, in this type of employment relationship this is often not the case (it is not even stipulated in legislation), though nothing stops the employer from using a formal payroll system. The salary is most commonly paid in cash. In terms of Social Security contributions, the Special Social Security Regime applies to employees working in the home (Decree 2346/1969 from September 25 1969). This regime establishes that the contribution is made in one single, undivided, monthly payment. It is calculated by applying the base contribution to the rate listed annually in the Law on General Budgets of the State, using the Interprofessional Minimum Salary set annually by the government as a reference point. This assumes that the contribution due to the Treasury is taken from the base contribution derived solely from the Interprofessional Minimum Salary. Individuals that work as employees in households have to be registered with Social Security, and if they are immigrants they must first successfully apply for Work and Residence Permits.

If they are hired by a single employer solely for work in one household, the employer is obliged to register with the Social Security Treasury. The Social Security Treasury usually grants a grace period of six days from the start of employment to begin this registration process, as well as to de-register in the case of termination of the employment relationship. However, the obligation to make social security contributions applies retroactively from the first day of employment.

On the other hand, if the employee in question is employed part-time or on an occasional basis in different households for less than half the normal working day (less than 20 hours per week), the responsibility to register with Social Security falls solely on the worker themself, and they are obliged to pay the Social Security contribution out of pocket. This norm is enshrined in article 49.1 of Royal Decree 84/1996 of January 26, which confirms the general regulations about the registration and de-registration of companies and individuals, as well as variations in the Social Security information held on workers.

However, under the General Employment Regime, when an individual is working simultaneously for various employers (pluriemployment) (art. 7.4 RD 84/1996), responsibility for registering falls on the employer and the payment

amount includes contributions from both the employer and the worker (calculated proportionally to the number of working hours). Under this regime, employers are responsible for administering and submitting the full payment amount (arts. 103 y 104 RDL 1/1994).

Given these differences between regimes, it is stated that the Special Labour Relationship for Family Household Services permits some situations, which creates conditions encouraging irregular employment. These differences in legislation make it unclear, given the particular situation, whether the obligation to register falls on the employer or the employee. The main criteria that determine this obligation are the number of hours worked in the given household and the number of employers that the worker has.

If the employee works on a part-time basis for several employers, they themselves have the obligation to register and make social security contributions without any responsibility falling on the employer in terms of Social Security, as if they were self-employed rather than employed by another party (false self-employment). However, the worker themself can decide whether to register and contribute or not, meaning that the potential to generate an irregular employment relationship is in their hands. In terms of the Social Security benefits that workers have a right to Access, they are as follows:

a) Health Care.

b) Benefits for temporary illness or accident, paid out from the 29th day from the reported onset of the illness or accident.

c) Work pension for permanent disability (disbursed with the same conditions as the General Regime).

d) Retirement Pension (disbursed with the same conditions as the General Regime).

e) Widow and Orphan’s Pension (disbursed with the same conditions as the General Regime).

f) Maternity Benefit. The worker has a right to 16 weeks of leave of which at least 6 must be enjoyed consecutively directly following the birth of the child. During these 16 weeks, 100% of the base salary is to be paid to

the worker through direct deposit (through Social Security). Additionally, complementary worker compensation is payable during pregnancy in cases where the type of work to be undertaken is a potential risk for the pregnancy and there is no possibility of changing the worker's post. To Access compensation, the employer must make a declaration stating that it is not possible for the worker to switch posts (art. 28.1.2 Decree 2346/1969).

Unlike the General Regime (art. 38.1c) RDL 1/1994), in this Specific Regime, there is no right to unemployment benefits. This is due to the fact that the mentioned law only covers common contingencies (common illness and accident outside the workplace) and not professional contingencies (workplace accidents and profession-related illness).

In terms of contract termination, there employment relationship can be ended for a series of reasons (art. 9 RD1424/1985):

a) By mutual agreement of the parties (the agreement is considered to be mutual when both parties have signed the receipt of payment and settlement).

b) Due to reasons stated in the contract, unless they constitute a violation of rights by the employer.

c) Due to expiry of the time stated in the contract. When the period of time stated in the contract is about to expire, the employer must provide notification of such at least 7 days in advance. Further, compensation of seven calendar days of salary for each year of service, including the prorate of payments, up to a limit of six monthly payments (the Workers Statute stipulates 20 days compensation for each year of service, prorated any period of less than one year by month, to a maximum of 12 monthly payments, with prior notice of 30 days, (art 53.1b) ET).

d) Due to employee resignation. When the worker resigns they must provide at least 7 days of notice. If they do not, the payment and settlement amount will be deducted from their pay.

e) Due to employee retirement.

f) Due to death or disability of the employer.

g) On grounds of force majeure that prevent work from being performed.

h) On request of the employee due to lack of enforcement of the contract on the part of the employer.

i) Due to employee dismissal.

j) Due to employer withdrawal.

All of the reasons listed in the Royal Decree establish the worker's right to maintain their work post in the case of suspension of their contract as well as the possibility of being put on leave (voluntary or forced), while the Royal Decree (1424/1985) only allows for this possibility in the case of a pre-existing agreement between the parties, because of changes in staff undertaken by the employer as well as in the case that the family home changes domiciles "presuming the upholding of the employment contract if and when services continue to be provided for the seven days following of the change of domicile" (art. 8.1 RD 1424/1985).

Another specification is in cases when a live-in employee suffers from a temporary disability due to accident or illness. They are entitled to room and board to a maximum of 30 days, except in the case that hospitalization is medically recommended. In both cases, their right to continue their employment contract is upheld (art. 8.2.3 RD 1424/1985).

Article 10 of Royal Decree 1424/1985, makes reference to disciplinary dismissal or employer withdrawal, stating that disciplinary dismissal must be done by written notification and in the case of a verbal dismissal, the burden of proof on the worker. The causes justifying disciplinary dismissal are the same as those established in the Workers Statute (art. 54.2). If the worker disputes the dismissal on the basis put forward by the employer, the employee can make a counterclaim: the period for making such a claim is 20 working days.

In the case of the Worker Statute, the norm applicable on this point is more extensive and explicit than that in Royal Decree 1424/1985, as the Worker Stature has two article that discusses the necessary procedure for this matter

(arts 54 y 55 WS), while Royal Decree 1424/1985 only has one article on this matter, which also deals with the issue of employer withdrawal (art. 10.2 1424/1985). In the case that the dismissal is determined to be unfair by the Labour Court, the worker has the right to receive compensation in the form of 20 days of salary for each year of service (art. 10.1 RD 1424/1985). However, in the case of unfair dismissal, the Worker Stature also provides for the possibility of two options on the part of the employer. The first is re-employing the worker, and the other, paying compensation to the amount of 33 days salary per year of service (art. 56.1 ET)[9].

When the employer withdraws, they must communicate the termination of the employment relationship at least 20 days in advance if they worker has been employed for over a year, and 7 days if it has been less. Notice can be substituted with equivalent compensation equivalent to the net salary due in the minimum stated period. During the notice period, the worker has a right to 6 hours of leave weekly to look for a new job, without a reduction of their salary (art. 10.2 RD 1424/1985).

Lastly, when it comes to live-in workers, the dismissal may not be effective until between 5pm on the day of dismissal to 8am the next day, except in the case of contract termination due to serious incompliance with duties of trust and loyalty (art. 10.3 RD 1426/1985).

On this matter, it is worth mentioning that there is a vast number of reasons stated explicitly in the Worker Statute to justify employer withdrawal, they mention, “legally precedent objective causes” in articles 52 and 53 of the Worker Statute. These causes are not listed in Royal Decree1426/1985.

## 4. Reforms to the Special Labour Relationship for Family Household Services

[9] Article 56 of the Workers Statute was reformed by the Royal Decree – Law 3/2012 of 10 February on Urgent Measures for Labour Market Reform, in which indemnization is set at 45 days of salary per year of service.

The Government under the Spanish Socialist Workers' Party (PSOE) and the union organizations CCOO and UGT, as well as employer organizations such as CEOE and CEPYME, reached on agreement on February 2nd 2011 entitled "Social and Economic Agreement for Growth, Employment and Pension Guarantees". The agreement deals with the regulation of special employment relationships, that is, employment in family homes. Ratified in the agreement are several rights and duties of individuals who work providing services in family homes, along with other employed individuals.

This norm is the result of a Parliamentary mandate contained in the recent law on the Updating, Adequacy and Modernization of the Social Security System– in which the Spanish Government modified the Special Labour Relationship for Family Household Services. These changes came into effect on the 1st of January 2012 [10] (leaving a six month implementation window for workers and employers to adapt to the new legislation). As indicated by the periodical Active Social Security (2011), the norm fundamentally affects the following areas:

a) The contract must be in writing: among other things, it stipulates that Access to employment can be formalized by direct hire or through public employment services or authorized placement agencies. The workers in this category will have access to more information abut their labour rights (salary and working hours), given that the contract must be formalized in writing.

b) The guaranteed net salary guaranteed must be at least equivalent to the Minimum Interprofessional Salary (SMI): cash payments cannot amount to more than 30% of salary payments (before it had been 45%). Additionally, the worker has a right to two additional payments per year that meet at least the monthly SMI.

c) The rest period was extended from 10 to 12 hours: extending the rest period between workdays, through the application of the 12-hour general norm. A minimum of 10 hours rest (had been 8 hours) must be allowed

[10] This is Royal Decree 1620/2011 of November 14, substituting Royal Decree 1424/1985 of August 1.

when the activity by a live-in worker in the home, and the difference but be made up for up to 12 hours in four-week periods. Also, there is better regulation of the time that workers physically spend in the home on-call without effectively providing a service.

d) The workers must have two hours for each of the main meals. This time is not counted towards work hours.

e) Employer withdrawal may still be considered a cause for termination of employment, though express communication of such is a strict requirement. Discriminatory motives are not valid and the salary owed per year of service has gone up from 7 to 12 years in the form of compensation in the case of termination of employment for this reason.

f) Social Security contributions correspond to the effective working hours of the employee and professional contingency coverage is included: The modifications to Social Security regulations have the aim of improving the social protection of individuals working in the home, and also entered into effect on January 1st 2012. Following what is stated in the Pacto of Toledo (1995), the Law on Pension Reform incorporates the Special Labour Relationship for Family Household Services, with certain specifications. In terms of what might affect social security payments, the advantage is that contributions correspond the effective number of hours worked[11]. The payment is calculated from the time the worker is registered, and the employer pays their contribution as well as that of the worker.

There is an established tariff scale for this purpose with 15 different brackets based on salary, with monthly payments from 19.84 euros for 20 hours of work or less to 164.60 euros for fill-time employment. From 2019 on the monthly payment will be fully harmonized with the minimum real salaries enshrined in the General Regime on Social Security.

[11] For example, if the employee Works for five different families on an ad-hoc basis (hourly), all five must register the worker with Social Security. The contribution rate is based on base pay rather than the number of hours worked.

Domestic services provided to companies will make way from inclusion in the General Regime as employed persons. The time of rates applicable are 22% for common contingencies (18.3% of which corresponds to the head of household and 3.7% to the worker) and 1.1% for professional contingencies. This is one of the differences from the General Regime, in which the rate of common contingencies is 28.3%, of which 26.6% is paid by the employer. Large families will enjoy a discounted rate until 2014.

g) Channels for accessing contingency funds for unemployment have been opened: in terms of protective action, this group is on similar terms as other salaried workers, with two exceptions. Access for contingency funds for unemployment are excluded, though for the first time it has been listed as a legal norm that in the future workers who provide household services could be included in unemployment protection. Throughout 2012, a group of experts analysed this question and proposed a series of measures adopted in 2013. Secondly, contingency for temporary disability coincides with a separate regime, given that compensation payments must be covered by the employer for the 4th to the 8th day, and by Social Security from the 9th day on.

It is undeniable that this legislative progress presumes adherence to the principle of definitive recognition of the work of the home as a legitimate form of employment (though there are still legislative exceptions such as a lack of right to unemployment protection). However, there is still a long road ahead because there is a significant gap between norms and practice.

However, with the change of government from the PSOE to the People's Party in November 2011, the parties that came up with the agreement are seeing legislative progress put in jeopardy, due to new reforms put forward by the current government[12]. The new legislation is Real Decree 29/2012 of December

[12] Palmira Maya Domingo, Secretary of Migration and Social Policy of the State Federation of Diverse Activities of the Spanish Workers' Commission, denounces Royal Decree 29/2012

28, on Improvements in Management and Social Protection for the Special Labour Relationship for Family Household Services and other Economic and Social Measures, aimed and changing certain aspects of Law 27/2011 that came into effect on the 1st of August.

The new Royal Decree 29/2012 refers to domestic workers, specifying that workers with at least 60 hours of monthly employment per employment become responsible for their own registration as well as the payment of contributions as well as those of their employer. This is a strong step back from Law 27/2011, which established the employer's obligation for registering their employees and paying their contribution and that of their employees, regardless of the number of hours worked.

In this sense, both Royal Decree 29/2012 and 2346/1969 placed responsibility for registration on the employer, while the new law requires an agreement between the employer and the worker in order to apply their procedure, though it does not eliminate the employer's subsidiary responsibility to pay Social Security contributions (as established in Law 27/2011), while in Decree 2346/1969, the obligation for registration and payment falls entirely on the worker. However, Royal Decree 29/2012 establishes that if the worker is the part that undertakes Social Security registration and payments, the employer, the employer cannot access the discounts of 20% and 45% (in the case of large families) from the payments[13].

Another modification included in that which makes reference to the reduction of payment the number of payment brackets from 16 to 8. This reduction will be in effect until 2018 (from which time the brackets will be completely eliminated and instead calculated by real salary), affecting the payment scheme, leading to an increase in the derived cost of payments for the brackets and shorter work schedules.

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de 28 from December as constituting a step backwards in legal terms from the principles established in the former Law 27/2011 from August 1st.

[13] This measure came into effect on the 1st of April, 2013.

Finally, there will be a modification to way that the highest base payments updated. The former law stated that it would increase 5% annually between 2013 and 2018. This was put into effect in 2013 but from no won the highest base payment with increase at the same rate as the Minimum Interprofessional Salary[14].

To conclude briefly, the legislative advances affecting the work of the home in Spain continue to be insufficient, if one is to consider this type of work to be a legitimate and socially valuable form of employment. It is as if society has began to recognize domestic work as a real form of professional work, but has got stuck at this starting point and is not completing the trajectory of recognition. This may be due to significant challenges in attempts to demonstrate its economic and social value.

This fact can be observed in current legislation. Domestic workers continue to be viewed as "special" in nature and subject to exceptions to near-universal labour legislation. It is true that there have been improvements, but these improvements have not been successful at raising the status of domestic workers to the level of other employed individuals. Domestic work in Spain continues to be a *de facto* form of underemployment. Despite the fact that it constitutes a crucial contribution to the development of individuals and society, and that many people participate in this type of employment, especially immigrant women, improvements to labour conditions and recognition as authentic professional work continues to move at a remarkably slow pace.

[14] "Information Bulletin on Modification of the Legislation on Payments and Home Workers" Workers' Commission (CC.OO), State Federation of Diverse Activities.

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