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When the workplace is the home: Labour inspectors' discretionary power in the field of domestic work - An institutional analysis

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RESEARCH ARTICLE

1 **When the workplace is the home: labour**  
2 **inspectors' discretionary power in the field**  
3 **of domestic work – an institutional analysis**

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7 (Received 22 November 2018; revised 27 August 2019; accepted 16 September 2019)

AQ1  
AQ2

8 **Abstract**

9 This article builds on previous studies concerning the question of *street-level bureaucracy*,  
10 an expression coined by Lipsky (1980) – *Street-Level Bureaucracy. Dilemmas of the*  
11 *Individual in Public Services* (New York: Russel Sage Foundation) – to highlight the impor-  
12 tance of the discretionary power that professionals in public agencies exercise during the  
13 implementation of laws, standards and guidelines. Discretion may depend on the need to  
14 compromise between the limited resources available and the claims of citizens, or between  
15 administrative policy directives and assessments, on the one hand, and their interpretation  
16 by “street-level” bureaucrats, on the other. This article focuses on the dilemmas that labour  
17 inspectors face when dealing with employment irregularities involving domestic workers.  
18 Based on nine months of observations in a local office of the Italian Labour Inspectorate, it  
19 aims to understand how labour inspectors make use of their discretionary power when the  
20 workplace is the home. This article connects studies of *street-level bureaucracy* with the  
21 *new institutional* organisational analysis, focusing on the isomorphic pressures from  
22 the institutional field in which the labour inspectors operate, together with the manner  
23 in which such pressures shape labour inspectors' discretion. Through this connection,  
24 the article aims to extend the scope of both theories.

AQ3

25 **Keywords:** domestic workers; ethnography; institutional field; isomorphism; labour inspectors; street-level  
26 bureaucracy

27 **Introduction**

28 Lunch break.

29 Inspector 2 tells me that discretion in their work does not exist. “If a colleague tells you  
30 that they are free to behave as they want, then they are acting illegally, breaking a law, a  
31 directive, a regulation. We are not free.” Inspector 12 tells him that he is being cynical.

32 “We are people first and foremost, and then labour inspectors. We are not robots. We

33 must reflect on the situation before acting, in order to do the right thing.” Inspector 2  
 34 tells her that she is an idealist, as always.

35 Inspector 2, M  
 36 Inspector 15, F  
 37 Field Note, 05/2017

38 This article refers to the series of studies of what has been termed *street-level bureau-*  
 39 *cracy*, an expression coined by Lipsky (1980) to highlight the importance of the dis-  
 40 cretionary power that professionals in public agencies exercise when implementing  
 41 standards and guidelines. Discretion may depend on the need to find compromises  
 42 between the limited resources available and the claims of citizens, or between admin-  
 43 istrative policy directives and the assessment of performance standards required of  
 44 street-level bureaucrats (Hupe 2013).

45 Labour inspectors, in this sense, are *street-level bureaucrats*. These civil servants  
 46 monitor, verify and judge any breaches in the workplace relating to the losses suffered  
 47 by workers. In pursuing this goal, they adapt the rules to specific cases, and interpret  
 48 laws according to the circumstances in which they operate. In this sense, they exercise  
 49 a substantial degree of discretion by adopting margins of autonomy when applying  
 50 directives dealing with various dilemmas (Raaphorst and Loyens 2018).

51 Inspectors’ discretionary power affects policy delivery and the rules or procedures  
 52 to be applied (Ricucci 2005). While acting, they deal with different types of dilemma  
 53 regarding their interpretation of the applicable procedures, and ultimately establish  
 54 what is to be considered an emergency. Through their practices, they “help to create  
 55 and to maintain a normative order” (Maynard-Moody and Musheno 2003, 23).

56 Dilemmas refer to all those situations in which values are in conflict (Cooper  
 57 2001), such as when fairness as perceived by street-level bureaucrats contrasts with  
 AQ4 the correctness of the procedure (Kelly 1994; Maynard-Moody and Musheno 2003;  
 59 Epp 2009), or when legality and efficiency clash<sup>1</sup> (Loyens 2016).

60 A typical dilemma for labour inspectors occurs when the home is the workplace, as  
 61 in the case of those jobs performed by domestic workers, a category of workers  
 62 considered vulnerable due to several factors, as will be specified. In this domain,  
 63 labour inspectors have to decide how to manage work irregularities within that private  
 64 space, defined as “inviolable” by Article 14 of the Italian Constitution.

65 The power of access to workplaces is the most distinctive one attributed to  
 66 inspectors, as it grants them access at any time to any place of work. However, what  
 67 happens when the workplace is a private domicile, and as such a constitutionally  
 68 inviolable sphere of private life?

69 This article, based on a nine-month ethnographic analysis carried out at a local  
 70 office of the Italian Labour Inspectorate, aims to establish the manner in which  
 71 labour inspectors make use of their discretionary power when dealing with domestic  
 72 work irregularities. More specifically, it shall address the following questions:  
 73 (1) what happens to labour inspectors’ power of access when the workplace is a  
 74 private home; (2) how do labour inspectors manage their discretionary power in

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<sup>1</sup>Street-level bureaucrats often have to deal with situations in which formal rules conflict with other values, or in which formal procedures are considered a waste of time and inefficient.

75 order to resolve this dilemma; (3) what institutional factors contribute towards  
76 shaping their way of processing domestic workers' complaints?

77 The authors intend to discuss these issues by considering street-level bureaucrats  
78 not only as rational actors with individual preferences, but also as actors embedded  
79 in a broader institutional field (DiMaggio and Powell 1983) that shapes their use of  
AQ5 discretionary power (Garrow and Grusky 2012; Rice 2015; Epp et al. 2017).

81 This article intends to introduce neo-institutional organisational analysis to  
82 research into street-level bureaucracy, in this way extending the scope of both theories.  
83 From this perspective, on the one hand, it will be clear how institutional pressures  
84 within an organisational field impact inspectors' actions by reducing their discretion-  
85 ary space; on the other hand, it will provide an insight into how aspects linked to  
86 the professionalisation process, and the different ideas inspectors have developed  
87 regarding domestic work irregularities, each entail a different operative logic.

### 88 **Labour inspectors as *street-level bureaucrats***

89 Labour inspectors can be considered to be street-level bureaucrats (Fineman 1998).  
90 Using Lipsky's words, those who work within control and vigilance agencies, as  
91 street-level bureaucrats, "decide who to sanction, determining the nature and quality  
92 of the sanction" (Lipsky 1980, 13). In fact, labour inspectors have to implement  
93 personal solutions when dealing with work irregularities, whereby they are called  
94 on to decide whether, and in what way, to gain access to the workplace for inspection  
95 purposes, and to find a solution that is to the worker's benefit. Legislative, organisa-  
96 tional and regulatory guidelines are not always formulated in a clear, unambiguous  
97 way, and they are implemented through a process of adaptation, redefinition and  
98 reinterpretation of the law on behalf of the actors (Saruis 2015).

99 Piore and Schrank (2006, 2008) try to assess the role of inspectors in ensuring  
100 decent working conditions within two different institutional contexts – Latin  
101 America and the United States – and investigate the relationship between business  
102 practices and "decent work" standards. According to them, the "Latin model" is  
103 more adaptable than the US one, because it gives inspectors greater discretionary  
104 power. Latin labour inspectors are defined as an "assault troop" (Piore and  
105 Schrank 2008, 20), and their job and goals are defined by practices embedded in  
106 the culture of the inspectorate body and passed on from one generation to the next.

107 Other studies (Nielsen 2007; Loyens 2016) investigate the way in which personal  
108 and contextual aspects may influence labour inspectors' decisions regarding how  
109 cases of forced labour can be resolved. These ethnographic studies show how the  
110 perception of severity of certain situations determines priorities when searching for  
111 solutions. This conclusion is reached by identifying different coping strategies. The  
112 solution of a case is not solely motivated by the desire to obtain the right treatment  
113 for the victim of labour abuse, but also by the need to achieve personal "outgrowth"  
114 inasmuch as the number of arrests and resolved cases constitutes an indicator of the  
115 quality of an inspector's performance.

116 Although scholars generally agree that inspectors have considerable discretionary  
117 power, there is no one definition of discretion (Hawkins 1984; Gilboy 1992; Kluin  
118 2014). On a general level, discretion includes all aspects of an inspection process:

119 when to visit, how carefully evidence is to be collected, how to interact with witnesses  
 120 and employers (Goosensen and Van der Voort 2009; Goosensen and Van Bueren  
 121 2011; Kluin 2014). However, there is a further discretionary power concerning the  
 122 penalty to be applied (Wiering 1999; May and Wood 2003; Lehmann Nielsen  
 123 2006). Davis (1969, 4) tries to provide a standard definition, arguing that “a public  
 124 officer has discretion wherever the effective limits of his power leave him free to make  
 125 a choice between possible courses of action and inaction”.

126 A substantial body of research distinguishes two main interpretative strands. The  
 127 first one sees discretion as the degree of freedom that the legislator grants to these  
 128 workers. Alternatively, the same term is used to define the way in which the granted  
 129 freedom is effectively used (Hupe et al. 2015).

130 Discretion leaves spaces open for the making of decisions. Street-level bureaucrats  
 131 use discretion mainly to give meaning to certain policy standards and to establish a  
 132 balance between the requests addressed to them and the resources actually available  
 133 (Lipsky 1980; Evans and Harris 2004; Hupe and Hill 2007; Brodtkin and Marston  
 134 2013; Hupe and Buffat 2014).

135 Discretion can be defined as: (i) discretion *within* the framework of laws and  
 136 procedures; (ii) discretion *among* the laws and procedures to be applied; (iii) discre-  
 137 tion beyond the boundaries of laws and procedures.

138 Discretion is operated *within* the law because street-level bureaucrats adapt  
 139 norms to concrete situations. When the law is unclear and/or contradictory,  
 140 street-level bureaucrats interpret it by acting *among* the law. In the third case, when  
 141 discretion means acting *beyond* the confines of the law, it consists in a violation of  
 142 formal rules (Ham and Hill 1986; Kazepov and Barberis 2012).

143 This article focuses on the way in which inspectors implement their discretionary  
 144 power within a particular institutional field – that of paid domestic work – where the  
 145 private home constitutes the workplace. An organisational field is defined as “the set  
 146 of organisations which, taken together, constitute a recognised area of institutional  
 147 life” (DiMaggio and Powell 1983, 91). According to this definition, organisational  
 148 fields are constituted by actors who interact frequently and who establish socially  
 149 acceptable standards of actions. Organisational fields include companies, state  
 150 authorities, associations, unions, professional bodies, knowledge centres, mass  
 151 media and all those actors who, through their interaction, produce institutional  
 152 logics. Such logics derive from routinised actions that are institutionalised. They reg-  
 153 ulate actors’ activity by establishing criteria of legitimacy (Geertz 1982; DiMaggio  
 154 and Powell 1983), and ultimately establish the right way to act. The similarity  
 155 between the parts of the field is given by the effect of isomorphic pressures leading  
 156 to the adoption of standardised practices and procedures (DiMaggio and Powell  
 157 1983). Powell and DiMaggio identify three types of isomorphism: coercive, mimetic  
 AQ6 and normative, which will be examined in ~~paragraph 4,~~

#### 159 **Paid domestic work in Italy**

160 The feminisation of migratory flows (Castles and Miller 1993; Bettio et al. 2006) has  
 161 made it increasingly common in Europe to employ migrant women in domestic,  
 162 care and cleaning activities (Anderson 2007). The carers, or *badanti*, are domestic

**Table 1.** Domestic workers in Italy by year and gender

Year	Gender				Total %
	Male	%	Female	%	
2012	191,300	18.9	821,688	81.1	100
2013	159,401	16.6	801,612	83.4	100
2014	121,210	13.3	790,289	86.7	100
2015	110,909	12.4	785,293	87.6	100
2016	104,644	12.0	768,606	88.0	100
2017	101,269	11.7	763,257	88.3	100

Source: INPS, observatory on domestic workers: figures processed by the authors.

163 workers assisting elderly and disabled people. With the term “cleaner” we refer to  
164 those domestic workers involved in cleaning other people’s homes (Andall 2000).

165 These working activities are also considered at risk of irregularities and exploitation  
166 (FRA 2015), and are part of what Piore (1979) defines as the secondary labour market,  
167 consisting of precarious, poorly paid and socially penalising jobs (Ambrosini 2005).

168 The lack of knowledge of the local language, the need to have a job in order to  
169 obtain and maintain a valid residence permit, and in some cases the non-recognition  
170 of their qualifications make immigrants vulnerable workers. In Italy, according to  
171 INPS data,<sup>2</sup> the composition by gender of this category shows a growing prevalence  
AQ7 of female domestic workers (Table 1).<sup>3</sup>

173 In 2017, women employed in the domestic sector constituted 88.3% of the total  
174 workforce (763,257 in absolute figures) and were of predominantly Eastern  
175 European origin (43.7% of the total).

176 Domestic workers are considered to constitute a vulnerable category, not only for  
177 being mostly foreign and female, but also as a consequence of the places where they  
178 work. A recent research conducted by the European Union Agency for Fundamental  
179 Rights (FRA 2015) showed how their isolation makes these workers more exposed to  
180 the risk of being exploited and being subjected to irregular working conditions.  
181 Within the domestic sphere, employment contracts are often absent or not complied  
182 with. In Italy, Law 339 was adopted in 1958 to establish a system of domestic labour  
183 regulation, and it is considered the first step towards the specific recognition of care  
184 work, which perpetually straddles the formal and informal divide, and up until 2007  
185 was without any national collective agreement, unlike other areas of employment in  
186 Italy (Sarti 2010). The aforesaid Law established: eight occupational levels, based on a  
187 worker’s qualifications; working hours standards<sup>4</sup>; resting requirements and the  
188 possibility of changing shifts.

189 Although the goal of these measures was to extend domestic workers’ social  
190 protection, there is still a gap between domestic work and other areas of employment.

<sup>2</sup>Data have been collected by the observatory INPS on domestic workers: <https://www.inps.it/webidentita/banchedatistatistiche/menu/domestici/main.html>

<sup>3</sup>The statistical unit is represented by the domestic worker who has received at least one contributory payment during the last year.

<sup>4</sup>Working hours were set at 40 hours a week for workers who do not live in the place where they work, and at 54 hours a week for live-in workers.



**Table 2.** Observed interaction between labour inspectors and domestic workers, and the discretionary spaces concerned

Types of worker	Discretionary spaces			Total
	Complaints desk	Dispute settlement facility room	Investigative phase	
Carer	9	22	1	32
Cleaner	3	6	0	9
Total	12	28	1	41

Source: Authors' field notes.

191 Furthermore, the high degree of informality that characterises both the workplace and  
 192 working relationships leads many employers (families) not to apply the recently intro-  
 193 duced national collective agreement. This means that a large part of domestic work is  
 194 not declared for tax and social insurance purposes (Sarti 2010).

### 195 **Data collection and fieldwork: the institutional context**

196 Data were collected through the adoption of an ethnographic method permitting  
 197 continued observation and consisting in the drafting of field notes (Fassin 2013).  
 198 During the observation period, the analysis focused on labour inspectors' ways  
 199 of dealing with domestic work irregularities. Observations were recorded inside a  
 200 local office of the Italian Labour Inspectorate, for a period of nine months starting  
 201 from February 2017.<sup>5</sup>

202 The data collected by means of participant observation were transcribed from the  
 203 field notes taken.

204 During the participant observation period, 41 cases of interaction between labour  
 205 inspectors and domestic workers were observed. Thirty-two of these cases involved  
 206 labour inspectors and carers, while nine involved labour inspectors and cleaners. All  
 207 domestic workers complain of employment irregularities.

208 Twenty-eight cases of interaction were observed during dispute settlement proce-  
 209 dures before the inspection. This consists in a specific procedure provided for by  
 210 Italian law to settle wage-related and insurance contribution-related employment  
 211 disputes. Twelve cases were observed at a complaints desk, where workers submit  
 212 complaints regarding their irregular employment situation (Table 2).

213 Observing labour inspectors' decisionmaking from their perspective offers the  
 214 opportunity to focus on ordinary events in natural settings and to learn about  
 215 the inspectors' strategies and motivations. Ethnography, furthermore, permits an  
 216 analysis of discourse<sup>6</sup> both during formal interaction and conducted in informal  
 217 settings, thus bringing out the relational dynamics concerned.

<sup>5</sup>Observations were conducted within the framework of a broader ongoing research project. For the pur-  
 poses of this article, only cases of interaction between labour inspectors and domestic workers have been  
 analysed.

<sup>6</sup>Discourse analysis is defined as the analysis of language beyond the sentence. The main goal is to study  
 the content of speech in order to understand how it affects the meaning of the sentence.

218 Labour inspectors were observed in three “discretionary spaces”: (1) the complaints  
 219 desk, (2) settlement proceedings before a single judge,<sup>7</sup> (3) office work during the  
 220 investigative phase. *The complaints desk* comes into play when a worker complains  
 221 about his/her irregular employment situation. In such cases, the labour inspector  
 222 may decide to proceed with an investigation, or look for an administrative solution  
 223 (by means of the dispute settlement facility), or not open the case at all. The *dispute*  
 224 *settlement facility* represents a specific procedure provided for by Italian law no.  
 225 124/2004 and is designed for the purpose of settling wage-related and insurance  
 226 contribution-related employment disputes. If no agreement is reached between the  
 227 worker and employer, then an inspection has to be carried out. In such cases, the labour  
 228 inspector is an impartial third party who, on the basis of workers’ statements submitted  
 229 to him/her, aims to find an administrative solution that suits both parties. If the dispute  
 230 is settled at this stage, the employer will not be subject to any penalty. Labour inspectors  
 231 use their discretionary powers to encourage the parties to come to a financial agreement,  
 232 or to discourage domestic workers from accepting the conciliatory procedure. During  
 233 the *investigative phase*, the labour inspectors may decide how to collect information on  
 234 the case, and whether to proceed with a workplace inspection or not.

235 What happens, however, when the workplace is the home? Are labour inspectors  
 236 to interpret the home as an “inviolable” private sphere in accordance with Article 14  
 237 of the Italian Constitution?

238 Which institutional factors shape labour inspectors’ decisionmaking?

239 Dilemmas arise mainly as a result of the fact that labour inspectors cannot always  
 240 launch an investigation in every single case: time, resources and staff are not sufficient  
 241 to be able to deal with all complaints received. Furthermore, not all cases can be dealt  
 242 with through a reconciliation procedure: first of all, because the success of *the dispute*  
 243 *settlement facility* depends on the existence of an agreement between parties involved,  
 244 and in the absence of such an agreement a mandatory investigation should be  
 245 launched; secondly, not all disputes can be resolved through a financial transaction.  
 246 Indeed, according to Article 2112 of the Italian Civil Code, a violation of human rights  
 247 such as the refusal to grant workers a certain number of hours of rest each day, or the  
 248 failure to pay a minimum wage, cannot be settled by the offer of financial compen-  
 249 sation. However, the dispute settlement facility is often the preferred method of  
 250 resolving these violations.

251 Finally, the labour inspectors’ operations have to comply with the standards  
 252 established by the central authority.

253 Based on a multi-level approach, this analysis examines street-level bureaucrats’  
 254 discretionary actions as influenced by the institutional logic of the organisational field  
 255 in which they operate (Garrow and Grusky 2012; Rice 2012; Thornton and Ocasio  
 256 2017). As mentioned before, an organisational field includes all those actors (institu-  
 257 tional and non-institutional) whose role it is to establish socially acceptable standards  
 258 of action (DiMaggio and Powell 1983). To deal with the dilemma at the centre of this  
 259 article, labour inspectors make their decisions within the organisational field of  
 260 domestic workplace controls. There are many different actors operating within this

---

<sup>7</sup>In Italian, this procedure is called “conciliazione monocratica”. During this procedure the labour inspector is an impartial third party tasked with finding an administrative solution to the dispute between the worker and employer. This procedure precedes inspections, and enables several cases to be resolved in a short time.

261 organisational field. The state, through the Ministry of Labour and Social Policies,  
 262 establishes national guidelines in the field of labour protection which define priorities  
 263 in terms of actions and controls. Institutional actors operating within the field also  
 264 include control agencies and inspection bodies, such as the National Labour  
 265 Inspectorate, the National Social Insurance Institute (INPS), the National Institute  
 266 for Insurance against Accidents at Work (INAIL), and the Carabinieri's  
 267 Employment Unit. The field also comprises labour inspectors, domestic workers,  
 268 employers, trade unions, journalists and the public.

269 The organisational field of domestic workplace control is characterised by a move  
 270 towards the establishment of standardised operational procedures and systems of  
 271 accountability that are the result of organisational change aimed at replacing  
 272 "the alleged inefficiency of hierarchical bureaucracy with the alleged efficiency of  
 273 the markets" (Power 1997, 61). The concept that best captures the process of  
 274 homogenisation is isomorphism (DiMaggio and Powell 1983). Thus, the "manage-  
 275 rialisation" of domestic workplace control establishes isomorphic pressures that lead  
 276 to the adoption of standardised practices and procedures based on evaluation,  
 277 control and performance criteria (Borghi and Rizza 2006).

278 These isomorphic pressures generate a change that leads the members of an  
 279 organisational field to adhere to the established institutional logic. Powell and  
 280 DiMaggio identify three types of isomorphism: coercive, mimetic and normative.  
 281 In the first case, the members of an organisational field are subjected to external  
 282 pressures (e.g. legal constraints) that force them to conform, and these stem from  
 283 the problem of legitimacy. When isomorphism is mimetic, situations of uncertainty  
 284 are dealt with by imitating the identified solutions. Isomorphism is normative when  
 285 professions define their respective working conditions and methods and establish  
 286 the cognitive base and legitimation for their occupational autonomy: in this case,  
 287 changing practices are not generated by uncertainty, but by an awareness of their  
 288 alleged superiority (Bonazzi 2002).

289 Nevertheless, street-level bureaucrats continue to use their discretionary power of  
 290 agency and to filter the influence exerted by the organisational field (Garrow and  
 291 Grusky 2012). The present analysis tries to unveil the interplay between institutional  
 292 pressures, on the one hand, and the discretionary power of street-level bureaucrats,  
 293 on the other.

## 294 **Principal findings: isomorphic pressures and domestic work irregularities**

295 In 29 of the 41 observed cases of interaction, the home was interpreted as a private  
 296 place and, for this reason, was deemed inviolable. Furthermore, labour inspectors  
 297 who see the home as a workplace have not always decided to process the case  
 298 through an inspection.

299 The aforementioned dispute settlement procedure is provided for by Italian  
 300 Legislative Decree no. 124/2004, and is designed to provide an administrative solution  
 301 to cases of employment irregularity, mainly consisting of wage- and social insurance-  
 302 related employment issues reported by workers. This facility precedes an inspection  
 303 by the Labour Inspectorate, which will only be launched if no agreement is reached  
 304 between the workers and employers. The labour inspector plays an impartial role,

305 acting on the basis of employees' statements in an attempt to find an administrative  
 306 solution that suits both parties as far as possible. By resolving the dispute at this stage,  
 307 an employer will avoid any consequent penalty.

308 In the field of domestic work irregularities, this solution is considered by most  
 309 labour inspectors as "the only glimmer of hope for these women" (field note)  
 310 whereby they may obtain some form of financial reimbursement at least. The deci-  
 311 sion to refer domestic work irregularities to the dispute settlement facility is the result  
 312 of institutional pressure, from national and local offices, to comply with procedures  
 313 in keeping with the new organisational logic imposed by the new public management  
 314 approach to public administration (Ferrari 2002; Power 2002). This may be inter-  
 315 preted as coercive isomorphic pressure exercised by central government, forcing  
 316 inspectors to conform to defined standards (Borghi and Van Berkel 2007) based  
 317 on accountability criteria and measurable performance standards.

318 The spread of this procedure is also demonstrated by the data: at the local office  
 319 analysed here, cases of irregularities within the domestic sector for which the investi-  
 320 gative procedure was launched numbered 47 in 2015, but only 1 in 2016, the year in  
 321 which the conciliation procedure was introduced.<sup>8</sup> Since then, conciliation has been  
 322 obligatory in the case of domestic workers reporting employment irregularities to the  
 323 complaints desk, regardless of the type of irregularity, thus reducing the risk of legal  
 324 disputes arising regarding the interpretation of home as inviolable and private, or as a  
 325 workplace.

326 Although Article 2113 of the Italian Civil Code states that the violation of work-  
 327 ers' rights<sup>9</sup> should not be remedied by a mere economic transaction (as would be  
 328 the case with the conciliation procedure), this solution has become a standardised,  
 329 substantially legitimised procedure.

330 I ask him if he thinks that the dispute settlement procedure is a fair solution.

331 "I think that this allows us to speed up proceedings and close many cases."

332 Inspector 7, M  
 333 Field Note, 07/2017

334 "We cannot help everyone. When dealing with domestic work, the risk is that of launch-  
 335 ing an investigation leading to a dead end. These are difficult cases. How do you get  
 336 access to people's homes? Not everyone lets you in".

337 Inspector 1, M  
 338 Field Note, 02/2017

339 In addition to coercive isomorphic pressure, the institutional field is also increas-  
 340 ingly characterised by what has been called normative isomorphism. However, in  
 341 this case inspectors use their discretionary power differently. Normative isomorphic  
 342 pressures stem from the harmonisation of competencies and an ever-increasing  
 343 degree of professionalisation. With this in mind, membership strategies have been

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<sup>8</sup>Data from each local office of the National Labour Inspectorate can be found at: <https://www.ispettorato.gov.it/it-it/studiestatistiche>.

<sup>9</sup>These include the right to freedom, daily rest, holidays and minimum wages.

344 developed that delineate the exclusion boundary and delimitate the field of action.  
 345 However, having taken different paths towards professionalisation, labour inspec-  
 346 tors tend to adopt different approaches. Indeed, the ethnographical study highlights  
 347 two different approaches to inspections when the home constitutes the workplace.  
 348 More experienced inspectors tend to see the protection of workers' rights as their  
 349 main duty. Despite organisational field pressures encouraging recourse to the dis-  
 350 pute settlement facility, inspectors with greater professional experience disagree  
 351 with this method.

352 The worker, from Ukraine, is a live-in caregiver, despite her part-time contract. She shows  
 353 us photos of a bare room where she has been sleeping for a year and a half. (. . .) When I  
 354 was alone with Inspector 3, he told me that he doesn't want to bring this case before the  
 355 labour inspection for conciliation, but wants to carry out an inspection. "I've been  
 356 doing this job for 20 years. Things change, I know it. I should push for conciliation  
 357 so we can speed things up, but I disagree. I would go to the house of that person (referring  
 358 to the employer) without even asking permission. Her house is a place of work."

359 Inspector 3, M  
 360 Field Note, 09/2017

361 Experienced inspectors often refer to the number of cases they have dealt with  
 362 during their long careers.

363 "I have been doing this job for 19 years. 19 years is a lot. And frankly, I don't like the  
 364 fact that someone who has only studied things in books tries to tell me how I should  
 365 do my job".

366 Inspector 10, M  
 367 Field Note, 07/2017

368 Inspector 17 is drinking her coffee and is disappointed. She tells me that sometimes she  
 369 is not sure about the sense of her job. "Can you imagine it? From 1996 to 2004, we did  
 370 eight inspections every day. Everything was simple. Procedures were simple. Now there  
 371 is a lot of bureaucracy and many organizational problems. I cannot waste my time." Is  
 372 the home a private place? Is it a workplace? It's a waste of time. Is she (referring to a  
 373 domestic worker) working there? Okay, in this case we have to make an inspection.

374 Inspector 17, F  
 375 Field Note, 09/2017

376 The younger inspectors, unlike the older ones, must hold a university degree. They  
 377 are trained to consider the efficiency of their operations as their main goal. A labour  
 378 inspector is considered efficient if he/she can solve as many cases as possible.  
 379 Accountability criteria and the measurement of performance are the primary objec-  
 380 tives for the purposes of the achievement of quantified standards. This is reflected in  
 381 their way of working, which leads them to prefer the dispute settlement procedure.

382 When they (domestic workers) come to complain about their situation . . . well . . . it is  
 383 always easy, because you don't have to think about it too much (. . .) you do not have

384 much of a choice. The home is not a normal place of work, and so if you want to help  
 385 them you should refer their cases for dispute settlement by means of conciliation. But if  
 386 conciliation doesn't work, then that's a problem.

387 Inspector 7, M  
 388 Field Note, 05/2017

389 Inspector 12, talking about the accountability practices adopted in the local office and  
 390 about the new practices introduced to speed up procedures, tells me that he is very  
 391 happy and mentions the difference between "junior" and "senior" inspectors. "They  
 392 (senior inspectors) feel restricted by all these performance standards. I believe, on  
 393 the contrary, that they are necessary in order to communicate what we do, not only  
 394 to those above us (interregional and central offices), but also to the outside.  
 395 Numbers are necessary."

396 Inspector 12, M  
 397 Field Note, 03/2017

398 Mimetic pressures operate to reduce uncertainty about the outcome of inspections,  
 399 by encouraging the adoption of standardised strategies (Flood and Fennell 1995). As  
 400 a result, there is a trend towards managing employment irregularities in the domes-  
 401 tic sector through recourse to the conciliation procedure. Faced with the uncertain  
 402 outcome of inspections, domestic workers who appeal to the complaints desk are  
 403 encouraged by inspectors to follow the route of conciliation. This procedure repre-  
 404 sents the fastest way of solving such cases, although for the worker it means giving  
 405 up those rights that could not be compensated by money. This trend is also affected  
 406 by the strong degree of racialisation of the domestic sector, as has been pointed out  
 407 by a substantial body of research carried out in Italy. The existence of stereotypes of  
 408 domestic workers can influence the way in which some inspectors manage employ-  
 409 ment irregularities (Catanzaro and Colombo 2009; Fullin and Vercelloni 2009). This  
 410 is an external pressure that has been absorbed by the organisation, becoming a rou-  
 411 tine justifying labour inspectors' working practices. For example, the belief that  
 412 Romanian workers are "cunning" and "calculating" limits the quality of interaction  
 413 between labour inspectors and such workers, and reduces the time spent on such  
 414 cases and the inspectors' willingness to explain to Romanian domestic workers all  
 415 the possible options available to them. These beliefs compromise the commitment  
 416 of inspectors, who consequently choose the quickest, least demanding solution, thus  
 417 reducing the likelihood of lengthy procedures and the uncertain outcome of any  
 418 inspections.

419 Inspector 2 interacts using technical language. The worker, a Romanian, is screaming:  
 420 "I do not understand, you speak in a difficult way. I would like to say why I am here.  
 421 Because this woman (she means the employer) treats me as a servant! She hasn't paid  
 422 me for months!"

423 Inspector 2 looks at her for the first time: "I speak in this way because *the law speaks in*  
 424 *this way*. If you don't understand, you cannot get anything (he means money)."

425 Inspector 2, M  
 426 Field Note, 03/2017

427 It is the third reconciliation procedure in two days involving a domestic worker from  
 428 Romania. She is a carer. Inspector 13 proceeds as always: he gets the parties to sit down  
 429 and then gives them the standard information, lets them talk to each other for a while,  
 430 and then (after no more than ten minutes) draws up the report, copying and pasting the  
 431 same case from two hours before. When he finishes, he looks at me: “At least in this way  
 432 (he means via the conciliation procedure) they work things out themselves.”

433 Inspector 13, M  
 434 Field Note, 04/2017

435 During the dispute settlement procedure, the domestic worker accused the employer of  
 436 having been treated for two and a half years as a *slave*. And she shows the labour inspec-  
 437 tor a photo of a mattress lying on the floor, where she was forced to sleep. The inspector  
 438 does not look at the photo, because this is not the right place to show evidence. He then  
 439 suggests to the domestic worker that it is better to accept the financial agreement, to  
 440 have some money as soon as possible.

441 Inspector 6, F  
 442 Field Note, 04/2017

443 “Who tells us that they (he means the domestic workers) did not understand that dur-  
 444 ing the dispute settlement procedure they could *get some money* and come here to com-  
 445 plain exaggerating their situation?”

446 Inspector 7, M  
 447 Field Note, 05/2017

448 “What do they mean by ‘working time’? If you’re at home smoking cigarettes, you’re not  
 449 working.” They laugh over their coffee.

450 Inspector 6, F; Inspector 15, M  
 451 Field Note, 04/2017

452 A different approach that counters the aforementioned mimetic pressures is  
 453 adopted by those inspectors who are, or who have been, employers of domestic  
 454 workers themselves.

455 I’m a bit sorry for that lady. She reminds me of my Mum’s carer, who has become part  
 456 of my family. I should have insisted so she could have got more.

457 Inspector 4, F  
 458 Field Note, 04/2017

459 Drinking a coffee, he asks me if my grandparents have a caregiver. I answer no. And he  
 460 tells me that it is difficult for me to understand how serious it is to treat those caring for  
 461 your elderly relatives badly

462 Inspector 12, M  
 463 Field Note, 06/2017

464 The field notes above show how direct experience of domestic workers leads inspec-  
 465 tors to perceive these irregularities as more serious, and to being more empathic  
 466 towards this type of worker.

## 467 Final considerations

468 This article explores how labour inspectors use their discretionary power when deal-  
469 ing with employment irregularities in cases where a private home constitutes the  
470 workplace. Field notes collected over nine months of participant observation have  
471 been analysed. Our findings highlight the fact that the discretionary powers that  
472 labour inspectors exercise as frontline workers (Lipsky 1980; Caswell et al. 2017)  
473 is affected by the institutional pressures embedded in the organisational field of  
474 workplace control. We have identified three forms of isomorphic pressure that  
475 induce inspectors into adopting solutions whereby reported employment irregular-  
476 ities are referred to the conciliation facility provided by the Labour Inspectorate.  
477 These three forms of pressure are: coercive, normative and mimetic. We have also  
478 highlighted how such pressures do not eliminate the discretionary spaces within  
479 which actors may make their decisions. We illustrate the different courses of action  
480 adopted by inspectors in addressing cases of employment irregularity. When nor-  
481 mative isomorphism prevails, for example, most inspectors tend to refer these cases  
482 to the Labour Inspectorate's conciliation facility, in order to resolve disputes as  
483 quickly as possible. However, other inspectors – albeit a small minority – adopt  
484 a different attitude, and by appealing to the criteria of justice and the restoration  
485 of workers' rights, they believe that employment irregularities in the domestic  
486 sphere must be further investigated. Accordingly, normative isomorphism and  
487 the reactions of labour inspectors are the result of the interplay of different profes-  
488 sionalisation paths. In the case of mimetic isomorphism, the conciliation option is  
489 pursued by labour inspectors – a majority – who have interiorised stereotypes of  
490 domestic workers influenced by the strong racialisation of this particular sector  
491 of the labour market. This trend results in institutional pressure for the adoption  
492 of the fastest solution, since the outcome of any inspection is invariably uncertain.  
493 The devaluation of domestic work, most of which is done by immigrant women,  
494 inhibits further investigation. Nevertheless, other inspectors who themselves  
495 employ, or have employed, domestic workers react differently to such institutional  
496 pressure, and perceive these irregularities as more serious; consequently, they  
497 believe that the conciliation procedure is not enough. By further examining these  
498 issues, this article reveals the contribution of the new institutional perspective to  
499 the street-level bureaucracy approach. First of all, it enables the complexity under-  
500 lying caseworker–client interaction to be considered, thus responding to certain  
501 critics who see the street-level bureaucracy approach as “context-free” (Berman  
502 1978, 32). Furthermore, the combination of these two frameworks significantly con-  
503 tributes towards our understanding of the implementation of directives and regu-  
504 lations within different institutional fields.

505 Our research findings generate a number of other questions, and thus further  
506 research is required in order to examine frontline workers' discretion within other  
507 areas of the labour market than the one analysed here. Moreover, in an attempt to  
508 develop the comparative analysis of street-level bureaucracy (Hupe et al. 2015),  
509 labour inspectors' discretionary powers in different countries and institutional set-  
510 tings could be examined in depth. Unanswered questions emerge from our research:  
511 is the standardisation of the organisational practices followed in dealing with  
512 employment irregularities a way of protecting highly discriminated workers, or does



513 it result in a deterioration in the quality of those actions taken? How, and to what  
 514 degree, does single-judge reconciliation mean a loss of rights, also when comparing  
 515 domestic to non-domestic work? What are the consequences of this type of deci-  
 516 sion? Furthermore, can the number of cases that have been solved through the  
 517 single-judge reconciliation procedure, compared to the number of cases solved sub-  
 AQ9 sequent to inspections, be quantified?

519 **Data Availability Statement.** This study does not employ statistical methods, and no replication materials  
 520 are available.

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