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PADF  
PAN AMERICAN DEVELOPMENT FOUNDATION

# Rights of paid domestic workers in the Americas

INTERNATIONAL CONVENTIONS AND HOW TO CLOSE  
PERSISTENT GAPS

MINI GUIDE FOR EMPLOYERS AND STATE  
DECISION MAKERS





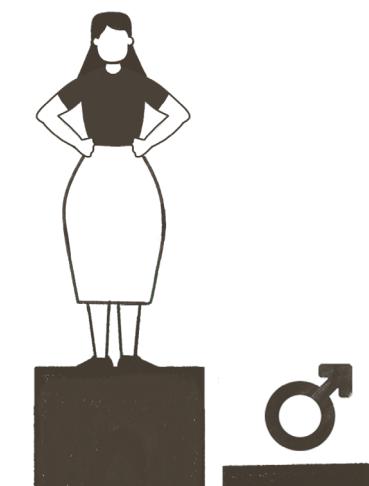
## What is the status of domestic workers in terms of rights?

Domestic employment or paid household work is one of the main occupations of women in the Americas and the Caribbean region. This is an occupation with an overrepresentation of women heads of household, indigenous, Afro-descendant and migrant women in several countries, many of whom are in the poorest strata.

Until the end of the 20th century, most of the countries in the region legally discriminated against domestic employment with higher hourly loads and lower wages than other types of employment, as well as restrictions on access to other labor rights such as social security, pay overtime, premiums, and bonuses, among others.

From the beginning of the 21st century, most of the Spanish-speaking countries equated the labor rights of this occupation to other types of jobs, these advances were conceptually based on challenging the sexual division of labor and the very concept of work, as a result of the incorporation of the gender perspective in the economy.

Although some legal inequalities persist, the debate has begun to focus on the full exercise of the rights obtained. In practice, discrimination continues and is expressed in extended work hours without adequate compensation, lower wages, lack of inclusion in social security and other violations of the provisions already established in countries that have recognized full rights to this form of employment.

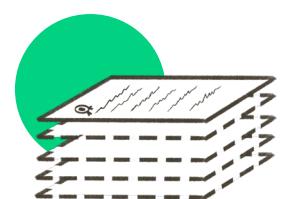


Women make up  
90%  
of the people in this job category.



In Latin America,  
13.8%

of economically active women are engaged in this type of employment.



Close to  
80%

of domestic workers are in the informal sector.



## How has progress been made in recognizing domestic workers' rights?

Thanks to the process of alliances built between feminists in various spaces of international debate, global and regional agreements were promoted that incorporated instruments for the practical application of conceptual changes. In 1995, following the Fourth World Conference on Women held in Beijing, the value of household and care work was highlighted and the importance of quantifying and recording it through time use surveys and the implementation of satellite accounts of unpaid domestic and care work was established. Since then, and especially in the following decade, regional international agreements and instruments have been incorporating provisions that commit States to recognize the full rights of domestic employment.



## Achievements in the recognition of the rights of domestic workers during the past few decades.

- **Beijing, 1995**  
Recognized the value of housework and care work.
- **Quito Consensus, 2007**  
Promoted equality of labor conditions and rights of domestic work to that of other jobs.
- **Brasilia Consensus, 2010**  
Promoted the equalization of labor rights, regulating their protection and eradicating child domestic work.
- **ILO Convention 189, 2011**  
Strengthened the trend of global commitments to change the historical inequalities that weighed on domestic employment.
- **Consensus of Santo Domingo, 2013**  
Urged states to ratify or adhere to convention 189.
- **OAS, 2015**  
Encouraged the States Parties to the OAS to adopt legislative and administrative measures that promote the regulation of domestic employment.
- **Commitment of Santiago, 2020**  
Urged to adopt measures that ensure the promotion and protection of the human rights of all domestic workers.
- **ILO Convention 190, 2021**  
Recognized the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment.



### What are ILO standards?

These are the guides that establish basic principles and rights at work, which serve as a reference framework for carrying out regulatory changes in each country.



### What are ILO conventions?

ILO Conventions are a set of international labor standards whose objective is to improve employment conditions throughout the world. These conventions are legally binding for the ILO member states that ratify them.

## Why is ILO Convention 189 important?

Although several countries made changes to their legislation to ensure equality with other types of employment prior to the approval of Convention 189 of the International Labor Organization (ILO), this instrument and Recommendation 201 established decent work standards for domestic employment. Provisions on working hours, breaks, salaries, contracts, social security, minimum age, among others, became parameters to promote regulatory changes after their ratification by the countries.



## What are the standards that this agreement sets?



### Work contract

The right to a clear and understandable employment contract, which defines the conditions under which the employment will be carried out, preferably in writing.



### Limitation of working hours

Reasonable limitation of the working day and rest, ensuring equal treatment with the rest of the workforce.



### Legal minimum wage, extra compensation, premiums and bonuses



### Abuse, harassment and violence.

States must adopt measures to protect against violence, abuse and harassment.



### Access to justice

Mechanisms must be established for access to justice on equal terms with the rest of the workforce.



### Employment agencies

Employment agencies must be regulated and mechanisms must be activated for complaints about their operation.

## What standards are set forth in this Convention?



### Respect for privacy, freedom and dignity

The decision to work "live-in" must be by mutual agreement, with respect for the privacy and dignity of the domestic worker.



### Migrant domestic workers

The right to have an employment contract before moving to the country of destination and to keep their identity and travel documents.



### Unionization

The agreement protects the right of domestic workers to unionize.



### Social security and maternity benefits



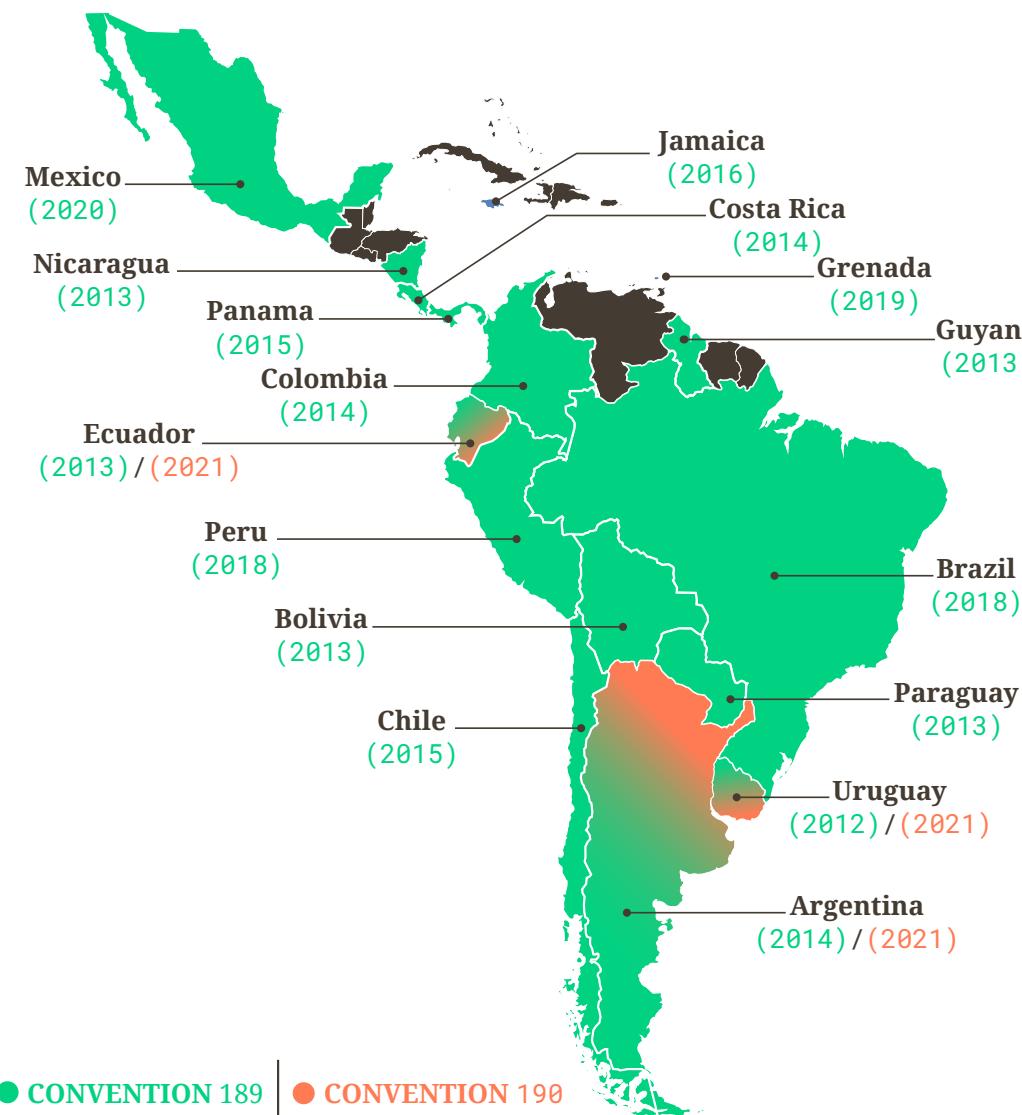
### Minimum age for admission to employment



## What is ILO Convention 190?

Convention 190 provides a common international framework to prevent, remedy and eliminate violence and harassment in the world of work, including gender-based violence and harassment.

### WHICH COUNTRIES HAVE RATIFIED THESE CONVENTIONS?



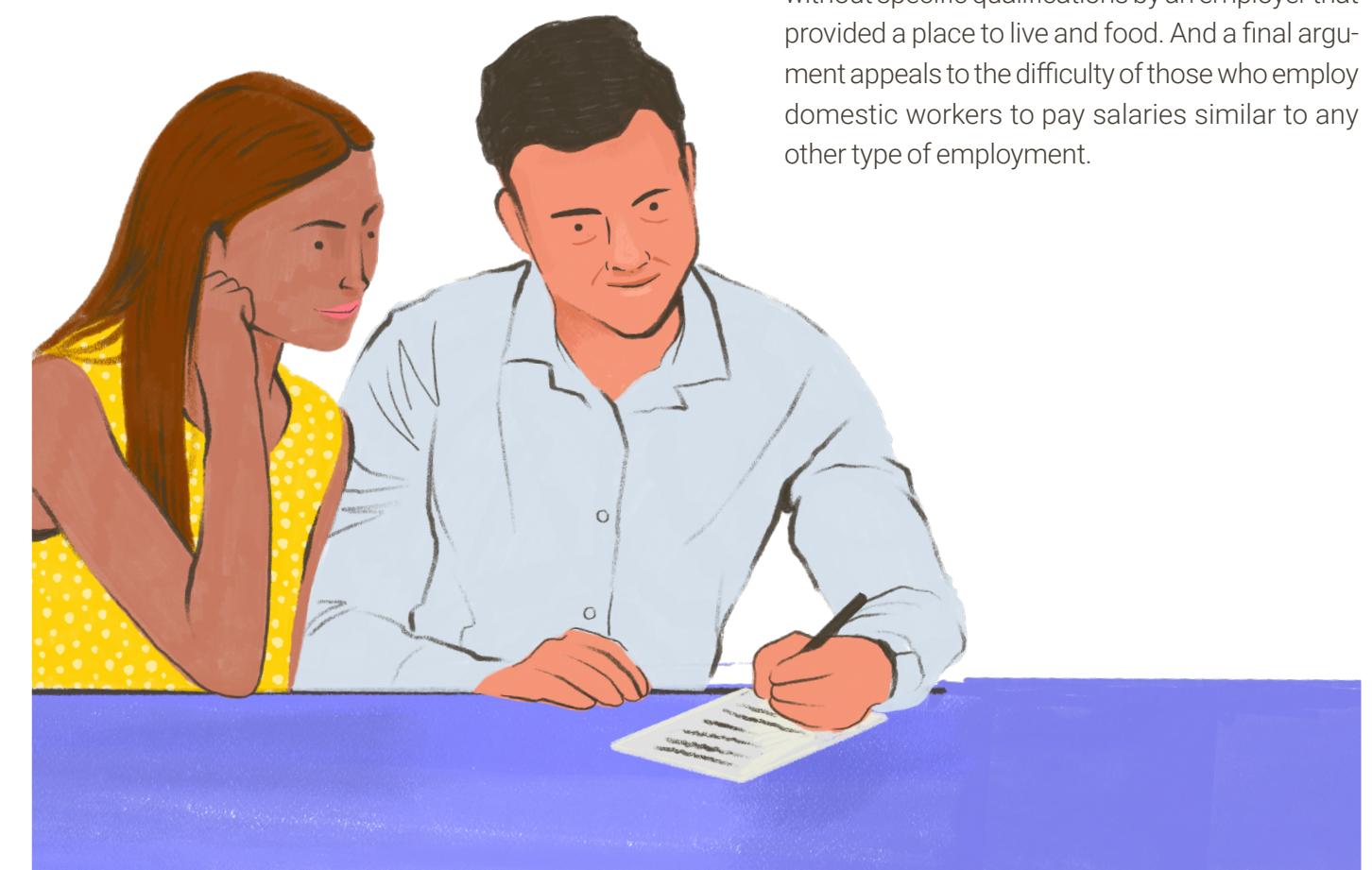
## What are the obstacles that prevent domestic workers from exercising their rights?

Despite legislative changes, inadequate working conditions persist in domestic employment, producing a gap between the regulations and the full exercise of rights.

These are some of the factors in the region that prevent the important contingent of women who are dedicated to domestic employment from fully exercising their labor rights.

### Economic and cultural narratives:

There are three predominant arguments within these narratives, the first revolves around the particular characteristics of this type of employment, given that it does not generate profit for those who hire it, so they consider it to be a special form of occupation subject to a regime with fewer rights. A second argument is to think that domestic employment is a kind of favor that is done to women without specific qualifications by an employer that provided a place to live and food. And a final argument appeals to the difficulty of those who employ domestic workers to pay salaries similar to any other type of employment.





### The absence of political will:

Organized women workers identify employers, parliamentarians, powerful sectors in society and, in several countries, business groups, as the main actors in blocking the closing of this gap. Given that stereotypes, discrimination and little recognition of the social value of this activity and its contribution to the economy of nations persist.



### The difficulty of labor inspection in private premises:

Although workplaces are typically considered public, domestic workers carry out their work in a “private” environment, which creates a series of difficulties in accessing, monitoring and tracking their working conditions.



### The little dissemination of the rights obtained and the difficulties in organizing domestic workers as a group:

Working conditions that leave little time and resources make it difficult to interact with other workers due to the space and solitude in which the tasks are carried out, which, added to the difficulty that a large part of the women who carry out these jobs have in accessing higher levels of education, prevents them from knowing their rights. All of these factors isolate domestic workers and hinder their political organization.



**38,3%**

of domestic workers have **not completed their primary education.**



**57%**

have **primary and secondary education.**



**4,7%**

have **more than 13 years of study.**



### Absence of an employer counterpart at the negotiation tables:

In several countries, joint roundtables are being created to work on closing this gap; in several they aim to create tripartite spaces for women workers, the state and employers. The difficulty for this to happen lies in the absence, in most countries, of an organized employer counterpart that adequately represents its position.



# What can we do to close the gaps in the implementation of labor rights for domestic workers?

The following is a roadmap that will contribute to the recognition and exercise of the rights of domestic workers, which is framed within SDGs 5 and 8 of the 2030 Agenda.



## What are the SDGs?

The Sustainable Development Goals (SDGs), were adopted by the United Nations in 2015 as a universal call to end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity.—UNDP

### **OBJECTIVE**

**1**

**Ensure that all countries in the Americas recognize the same rights for paid domestic workers as for other workers.**

#### **STRATEGY 1.1.**

Actions to change the discriminatory legislation that persists in El Salvador, Guatemala, Honduras and Panama.

#### **STRATEGY 1.2.**

Actions to raise awareness in society about the importance of equal rights in domestic employment and its revaluation by incorporating new narratives.

### **OBJECTIVE**

**2**

**Achieve the full exercise of paid domestic workers' rights in countries with egalitarian legislation.**

#### **STRATEGY 2.1.**

Strengthening of information systems and registration mechanisms on domestic employment.

#### **STRATEGY 2.2.**

Development of efficient labor inspection and complaint mechanisms.

#### **STRATEGY 2.3.**

Expansion of the portability of rights and analysis of the situation of migrant domestic workers in the Americas.

#### **STRATEGY 2.4.**

Retirement assurance, compensating for the historical gap in access to pensions for domestic workers.



## What are ICTs?

It is a term for information technology that emphasizes the role of communications as well as software that enable users to access, store, transmit and work with information.



### **OBJECTIVE**

**3**

**Improve the effectiveness of social policies aimed at domestic workers.**

#### **STRATEGY 3.1.**

Development of care policies for domestic workers and their families.

#### **STRATEGY 3.2.**

Design of specific measures for the inclusion of domestic workers in social protection systems.

#### **STRATEGY 3.3.**

Design and application of specific economic and financial measures to counteract the effects of the pandemic on domestic employment.

#### **STRATEGY 3.4.**

Development of protocols for the safe post-pandemic return to work, considering the different problems of the sector.

### **OBJECTIVE**

**4**

**Increased knowledge about domestic employment and the use of ICTs for the exercise of rights.**

#### **STRATEGY 4.1.**

Generation of data and knowledge on domestic employment in the region, especially on poverty, violence, organizations of workers, profile of employers and employers, and migration, among other topics.

#### **STRATEGY 4.2.**

Development of tools based on information and communication technologies to improve socialization and knowledge about rights in domestic employment among key audiences (women workers, employers, public officials, etc.).

### **OBJECTIVE**

**5**

**Protect domestic workers from violence, abuse and sexual harassment.**

#### **STRATEGY 5.1.**

Installation of adequate complaint mechanisms and legal support, including migrant women.

#### **STRATEGY 5.2.**

Training of public officials to raise awareness of the situation and adequate care for women paid domestic workers who are victims/survivors of violence.

#### **STRATEGY 5.3.**

Dissemination of communication campaigns on violence in domestic employment.

#### **STRATEGY 5.4.**

Carrying out legal actions and technical support to promote the ratification of ILO Convention 190. la ratificación del Convenio 190 de la OIT.





**Rights of paid domestic workers in the Americas**