



OAS|CIM



Rights of remunerated domestic workers in the Americas:

PROGRESS AND PERSISTENT GAPS



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Inter-American Commission of Women.

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Derechos de las trabajadoras remuneradas del hogar de las Américas: avances y brechas persistentes

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La Organización de los Estados Americanos (OEA) reúne a los países del hemisferio occidental para promover la democracia, fortalecer los derechos humanos, fomentar el desarrollo económico, la paz, la seguridad, la cooperación y avanzar en el logro de intereses comunes. Los orígenes de la Organización se remontan a 1890, cuando las naciones de la región formaron la Unión Panamericana con el objetivo de estrechar las relaciones hemisféricas. Esta unión se convirtió en la OEA en 1948, luego que 21 naciones adoptaran su Carta. Desde entonces la Organización se ha expandido para incluir a las naciones del Caribe de habla inglés y Canadá, y hoy todas las naciones independientes de Norte, Sur y Centroamérica y el Caribe conforman sus 35 Estados miembros.

La Comisión Interamericana de Mujeres (CIM) es el principal foro generador de políticas hemisféricas para la promoción de los derechos de las mujeres y la igualdad de género. Creada en 1928 - en reconocimiento de la importancia de la inclusión social de las mujeres para el fortalecimiento de la democracia y del desarrollo humano en las Américas - la CIM fue el primer órgano intergubernamental establecido para promover los derechos humanos de las mujeres.

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Foreword

In March 2020, the COVID-19 pandemic burst onto the global stage and sparked a process of in-depth reflection on the progress made in implementing the regional agenda for gender equality, and the impacts of the pandemic on women's lives. This crisis had differential and disproportionate impacts on women, deepened existing gender gaps in almost all areas, and tabled a series of specific demands on the part of women for – real and concrete – commitments and actions for a feminist reactivation and recovery, with a view to the long term and the permanent closing of these gaps.

In this context, the issue of paid domestic work/domestic employment gained special relevance, since it was one of the most impacted sectors, with the dismissal of domestic workers, the prohibition of leaving the homes of employers, the decrease in wages and the increase in work at home – all within the framework of what the Inter-American Commission of Women (CIM) termed the global care emergency.

Paid domestic work is one of the main occupations of women in the region; in Latin America, 13.8% of the economically active population of women is dedicated to this job. The data also show that it is an occupation with an overrepresentation of indigenous, Afro-descendant and migrant women in many countries, as well as women heads of household. Similarly, significant percentages of domestic workers are in the highest poverty strata and the occupation has close links with issues such as forced migration, trafficking in women and girls, child labor, exploitation and slavery, and violence against women. Labor reports also indicate that, in the context of the pandemic, the largest drop in employment in the region was for this occupation.

The last two decades have seen important changes in the status of labor rights for domestic workers in the Americas. The regulatory changes approved and the commitments signed provided visibility and impetus to progress in rights. However, difficulties persist for the full exercise of rights in this job that is mainly occupied by wom-



en, especially related to the effective implementation of these laws and public policies, as well as the recognition and social visibility of domestic work as work.

On the occasion of the tenth anniversary of Convention 189 of the International Labor Organization on the rights of domestic workers (2011-2021), and in the framework of institutional collaboration between the Inter-American Commission of Women (CIM) of the Organization of American States (OAS) and the Pan American Development Foundation (PADF), we present this study on "Rights of paid women domestic workers in the Americas: Progress and persistent gaps."

The study has been prepared in an inclusive and participatory manner with a multiplicity of partners, including some organizations that represent women domestic workers, with a view to assessing the current situation, including the context of the pandemic, and offering a road-map with practical recommendations from a comprehensive and intersectoral approach that enables us to place this issue at the center of the international agenda, reduce the impacts of setbacks and continue the path to advance towards full realization and recognition of the rights of domestic workers.

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Organization of American States

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pag.7

01

EXECUTIVE
SUMMARY

pag.13

Acronyms

pag.15

02

INTRODUCTION

pag.19

Methodology
of the study

pag.21

03

SITUATION, KEY
CONCEPTS, AND
STRATEGIES FOR
SECURING THE RIGHTS OF
DOMESTIC WORK

pag.22

Scale, conditions,
discrimination factors,
and overlapping
discriminations

pag.27

From nonwork to
work with rights

pag.31

Decent domestic
work for the economic
empowerment of
women

pag.33

Key strategies
and international
commitments to equal
rights for domestic work

pag.39

04

PROGRESS, STANDARDS,
AND PERSISTENT
DISCRIMINATION

pag.42

Standards

pag.46

Laws in the countries
and adjustment to
standards

pag.51

Easier said than done:
The gap between the
recognition of rights and
their enforcement

pag.54

Government
actions

pag.65

Best practices:
Argentina, Mexico,
and Paraguay

pag.71

05

**VIOLENCE IN
DOMESTIC WORK**

pag.77

Exploited domestic work versus women's right to a life free from violence

pag.78

Actions to tackle violence in domestic work:
Convention 190

pag.79

06

**WOMEN WORKERS
ORGANIZATIONS, THEIR
DEMANDS, CHALLENGES,
AND PARTNERSHIPS**

pag.87

Rights of women domestic workers during the COVID-19 pandemic

pag.93

07

**CONCLUSIONS, CHALLENGES,
AND GUIDELINES FOR A
ROADMAP TO ACHIEVE FULL
EQUALITY OF DOMESTIC
WORK IN THE AMERICAS**

pag.94

Conclusions

pag.96

Important challenges

pag.101

Guidelines for a roadmap leading to the full exercise of rights for women domestic workers in the Americas

**pág.105
References**

**pág.107
Annexes**



Executive summary

CHAPTER

01





The last two decades have seen important changes in the labor rights status of domestic employment in the Americas, especially in South America. From the beginning of the 21st century, most Spanish-speaking countries equated the labor rights of this occupation to other types of work and, although some legal inequalities persist, the debate began to focus on implementation, that is, on the full exercise of the rights obtained. Five countries in Latin America have not yet modified their regulations for the equalization of rights: El Salvador, Guatemala, Honduras, Panama, and the Dominican Republic.

Domestic employment or paid domestic work is one of the main occupations of women in the Americas region. In Latin America, 13.8% of the economically active population (EAP) of women is dedicated to this work. The data also show that this is an occupation with an overrepresentation of indigenous, Afro-descendant and migrant women in various countries, as well as women heads of household. The information also indicates that significant percentages of domestic workers in the region are in the highest poverty strata.

Despite its importance for women, until the end of the 20th century, most countries in the region legally discriminated against domestic employment with longer hours and lower wages than other types of employment, as well as restrictions on other labor rights such as right to social security, payment of overtime, premiums, bonuses, among others.

The advances made were conceptually based on the challenge to the sexual division of labor and the very concept of work, in the context of the incorporation of the gender perspective in the economy. From the end of the first decade of the 21st century, the regional agreements of the ECLAC Women's Conferences began to incorporate commitments related to this area,



In Latin America,

13,8%

of economically active women
are dedicated to this work.



In both for the demand for egalitarian laws and the full exercise of rights, the central actors have been the organizations of domestic workers, which gained new impetus from end of the 1990s.



and in 2011 the ILO Convention 189 on "Decent work for domestic workers" was approved. This last instrument unified the standards for the occupation and although several countries of the Americas had already made modifications in their regulations, from its approval and ratification the recognition process was extended. **To date, 17 countries in the Americas have ratified the Convention.** In addition, other bodies of the international system established provisions related to the need for equal rights for paid domestic workers, as has happened with the CEDAW recommendations to countries in their periodic reviews.

The approved regulatory changes and the signed commitments provided visibility and impetus to progress in rights and most of the countries that modified laws related to this occupation adapted them to the standards generated by the provisions established in Convention 189. However, the difficulty persists for the full exercise of rights in this occupation, which mainly occupies women.

From the legal modifications, the governments of the region began to develop actions for the exercise of the recognized rights. The lines of work were oriented at the dissemination of rights, the design of mechanisms to promote the registration and insurance of women workers, the production of knowledge about this employment for the support of public policies, and the assignment of responsibilities for dealing with complaints, among other issues. In general, the strategy implemented by the States is inter-institutional articulation in work groups that include organizations of domestic workers and also seek to incorporate employers, although this last point still meets challenges due to the scarcity in most countries of organizations that represent employers.

Throughout the processes developed to achieve legal equality, interesting good practices have been observed, such as those that took place in Argentina, with tax incentives and an active search for domestic workers in high-income households; Mexico, with an important role for the justice sector in the advancement of rights; or Paraguay, with the articulation and work on a common front of all the existing organizations of domestic workers in the country.



Both in the demand for egalitarian laws and for the full exercise of rights, the central actors have been the organizations of domestic workers that have gained new momentum since the end of the 1990s, supported by various sectors. Their actions and spokespersons have been key to making visible the situation in which this work takes place. Articulation at the regional level has been very important in CONLACTRAHO¹ since 1998, and more recently, since 2013 at the global level, in the IDWFED². Organized paid domestic workers have had the support of feminist organizations and networks and the broad global, regional or sub-regional and national women's movement, international organizations and, in some countries, trade unions.

The struggle to obtain equal rights encountered several obstacles, based mainly on stereotypes and discrimination based on class, gender, ethnicity and race. This was evidenced in the national debates that took place - and continue - during the treatment of the proposals for regulatory changes for equality. 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 provisions already established in countries that have recognized full rights to this form of employment.

....

Violence in this workplace is also manifested on a daily basis both in the form of institutional and economic violence, with the denial of adequate income by the States themselves that continue to have discriminatory laws, as well as in the form of psychological and physical violence, with mistreatment, restrictions on freedom, and even very serious forms such as slavery and the beatings that have recently occurred in Brazil and Paraguay. The approach to violence in this occupation constitutes a central challenge for the protection of women domestic workers, especially the youngest and migrants. An important boost can be provided in the ratification by the countries of ILO Convention 190 on "Elimination of violence and harassment in the world of work" (2019); although until mid-2021 only three countries had ratified it: Argentina, Ecuador, and Uruguay.



The approach to the violence in this occupation constitutes a core challenge for protection of women domestic workers, especially of youth and migrants.



¹ Latin American and Caribbean Confederation of Domestic Workers/CONLACTRAHO

² International Domestic Workers Federation/IDWFED

EXECUTIVE SUMMARY

The COVID-19 pandemic had a significant impact on domestic workers with layoffs, a ban on leaving employers' homes, wage decreases, and an increase in work at home. Labor reports indicate that the largest drop in employment in the region was for this occupation. The adoption of special measures to counteract the effects of the health crisis for domestic workers is a challenge, as is the safe return to work.

There are several challenges in the region so that the important contingent of women who are dedicated to domestic work in the Americas can exercise all their labor rights. These challenges include, among others: changing the economic and cultural narratives, disseminating the rights obtained and modifying the discriminatory laws that persist, empowering organizations of domestic workers and their alliances with the feminist and broader women's movement and supporting their connection with the struggles of other excluded sectors such as Afro-descendants and indigenous people, designing effective mechanisms for the application of recognized rights, such as access to social security and instruments for complaints and labor inspection, and duly addressing violence in this form of employment.

Within this framework, a roadmap is proposed with six strategic objectives so that women domestic workers can achieve full rights in the Americas:

**OBJETIVE
ONE**

Lograr que todos los países de las Américas reconozcan a las trabajadoras remuneradas del hogar **los mismos derechos que a los demás trabajadores y trabajadoras.**

**OBJETIVE
TWO**

Lograr el pleno ejercicio de derechos de las trabajadoras remuneradas del hogar **en los países con legislación igualitaria.**





...
**OBJETIVE
THREE**

Improve the effectiveness of social policies targeted to **domestic workers**.

....
**OBJETIVE
FIVE**

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

....
**OBJETIVE
FOUR**

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

....
**OBJETIVE
SIX**

Strengthen organizations of domestic workers and their **articulations as key demanders**.



Acronyms

AFIP	Federal Administration of Public Revenues
AFM	Marcosur Feminist Coordination
CACEH	<i>Women Domestic Workers Support and Training Center</i>
CARICOM	Caribbean Community
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEPAL	UN Economic Commission for Latin America and the Caribbean
CIM/OEA	OAS Inter-American Commission of Women
COMMCA	Council of Women Ministers for Women in Central America
CONAPRED	National Council to Prevent Discrimination
CONLACTRAHO	Latin American and Caribbean Confederation of Women Domestic Workers
CSW	Commission on the Status of Women
ENOE	National Occupation and Employment Survey
IDWF	International Domestic Workers Federation
IGSS	Guatemalan Social Security Administration
IMSS	Mexican Social Security Administration
INAMU	National Women's Institute
INEGI	National Statistics and Geography Institute
INFONAVIT	Institute of the National Workers Housing Fund
MERCOSUR	Southern Common Market
OAS	Organization of American States
OIT	Organización Internacional del Trabajo
PADF	Pan American Development Foundation
PEA	Población Económicamente Activa
PRECAPI	Special Program for the Protection of Women Domestic Workers
SINTRADI	Women Domestic Workers Trade Union of Itapúa
SINTRADESPY	Women Domestic Service Workers Trade Union of Paraguay
SINTRADOP	Women Domestic Workers Trade Union of Paraguay
STPS	Secretariat for Labor and Social Welfare
TRH	Trabajadoras Remuneradas del Hogar
WIEGO	Mujeres en Empleo Informal: Globalizando y Organizando



-
- AFIP
 - AFM
 - CACEH
 - CARICOM
 - CEDAW
 - CEPAL
 - CIM/OEA
 - COMMCA
 - SINTRADI
 - SINTRADESPY
 - SINTRADOP
 - STPS
 - TRH
 - WIEGO



Introduction

CHAPTER

02





Since the first decade of the twenty-first century, important changes have been made in the status of the labor rights of women domestic workers in the Americas. In line with this trend driven by the convergence of diverse factors, matching the rights of domestic workers to those of other types of employment became increasingly pivotal on the public and social agenda of both the region and most other countries. The following factors were key to the process of full recognition of all labor rights for this type of employment: theoretical proposals of feminist economics and the care economy, as enshrined in agreements on the need to eliminate all discrimination in regard to domestic employment on the basis of the **Quito Consensus** (2007); restructuring and establishing paid women domestic workers organizations, which gathered momentum with the new empowerment of women at the end of the twentieth century and the early years of the twenty-first century; the debate on and adoption of the Domestic Workers Convention (No. 189) of the International Labor Organization (ILO) in 2011, **Decent work for domestic workers**; the stance taken by international organizations; and support from the feminist and broader women's movement in the region and each country.

Owing to the debate being conducted in the public arena and the legal amendments that were being adopted, the curtailment of rights, including unlimited working hours, absence of the right to social security, and failure to recognize the right to overtime pay and weekends off, among others, started being considered unacceptable and discriminatory to a large number of women who, in the Latin American region, now account for 13.8 % of the women's labor force (ILO 2020). This



There was also evidence that, at the heart of this issue, there was the sexual division of labor, which continued to be one of the core aspects undermining and restricting the rights of paid domestic work.

curtailment is also compounded by many cross-cutting discrimination variables: gender, race, ethnicity, age, origins, and language.

By the end of the second decade of the twenty-first century, most countries of South America had adopted legal parity for domestic employment, and the debate shifted to focusing on how to achieve full exercise of the rights that had been secured. This highlights that the period over which this shift took place in public policymaking was relatively short, especially in the southern region of the Americas. After more than a century of constraints on the rights of paid women domestic workers, in the framework of enforcement of standardized egalitarian labor rights for all other types of employment since the 1930s, in less than one decade there has been an unprecedented qualitative leap forward. This did not happen, however, in Central America and the Spanish-speaking Caribbean: in most countries in those regions there are still laws in force that discriminate against domestic work. By contrast, the situation in the non-Spanish-speaking Caribbean is different because by the 90s most of the rights were equal, or there were no special/restrictive regimes that differentiated domestic employment from other types of employment, although regulations persisted that excluded women workers from maternity leave in some English-speaking countries, and in most countries of this region, written contracts are not required.

In the processes being undertaken to ratify legal parity, debates were held in parliaments, the media, and social media highlighting the heavy burden of exclusion and discrimination that persons bear when engaging in this type of work. There was also evidence that, at the heart of this issue, there was the sexual division of labor, which continued to be one of the core aspects undermining and restricting the rights of paid domestic work. Public debates and the emergence of a large amount of knowledge in every country provided a clear account of how the worst forms of labor, such as child labor, as well as modalities of slavery and violence, persisted in this occupational sphere which was widely concealed from public scrutiny.



In this context, the present study provides an account of the current legal status of domestic work in Latin America and the Caribbean,³ including the standards for rights that are being consolidated, the principal actions taken by governments in the region, and the persistent gaps and forms of violence that can be found in this sector of employment. It also addresses the role performed by organizations of paid women domestic workers and their perspectives, as well as the impact of the COVID-19 pandemic on paid women domestic workers, most of whom were working as part of the informal labor market, because of which they were especially hard hit by the health crisis, to such an extent that the steep drop in this type of employment was among the worst in the region. Finally, the study outlines challenges and proposes a roadmap to secure, for paid women domestic workers, the full exercise of their rights.

: grievances; and 5) Conclusions, challenges, and guidelines for a roadmap to secure full enforcement of the rights of domestic work in the Americas.

• • •

³ Including the following countries: Argentina, Brazil, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay, and Venezuela, as well as Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago.

The document has five sections:

ONE

Situation and key concepts for moving forward with enforcing the rights of women domestic workers.

TWO

Progress, standards, and persistent discrimination.

THREE

Violence in domestic work.

FOUR

Organizations of women workers, their difficulties, partnerships, and grievances.

FIVE

Conclusions, challenges, and guidelines for a roadmap to secure full enforcement of the rights of domestic work in the Americas.

Methodology of the study



The study is based on secondary and primary sources. The latest regional and national studies were examined to look for data on domestic work in the region, which were supplemented by documents provided by the countries that sent reports at the request of the CIM.



With these secondary inputs, a first draft of the study was prepared, which was then submitted to the representatives of all of the Spanish-speaking countries of Latin America and the Caribbean as groundwork for the process of online consultations with lead institutions in charge of national mechanisms for women and labor ministries, broken down **into four groups:**

GROUP 1



GROUP 2





GROUP 3

Bolivia,
Colombia,
Ecuador and
Peru



GROUP 4

Argentina,
Brazil,
Paraguay
and Uruguay



These focus groups provided information that has become the study's primary source. In addition to interviews with the countries' lead government institutions, two meetings were held: one with nongovernmental organizations and another with women domestic workers organizations. The meeting with nongovernmental organizations and their leading representatives included a group that worked to support the struggles of paid women domestic workers: Marcosur Feminist Coordination (*Articulación Feminista Marcosur—AFM*), a network of 12 feminist organizations from 10 of the region's countries, the Latin America and Caribbean Office of the Friedrich Ebert Foundation, CARE, the Simone de Beauvoir Leadership Institute (ILSB), JADE Social, the Women Domestic Workers Support and Training Center (*Centro de Apoyo y Capacitación para Empleadas del Hogar—CACEH*, Mexico), the Women's Coordinator of Bolivia, and the Independent Monitoring Unit of Honduras. The meeting with women domestic workers organizations included groups from 9 countries, as well as representatives from the International Domestic Workers Federation (IDWF).

A total of 67 persons participated in the consultations, 14 of them women leaders of women domestic workers organizations, 13 representatives of nongovernmental organizations working to support women workers, and 40 leading representatives from state institutions of the countries of Latin America. Annex 1 provides a list of the participating sectors and persons, as well as the dates when each consultation was conducted.



Situation, key concepts, and strategies for securing the rights of domestic workers

CHAPTER

05

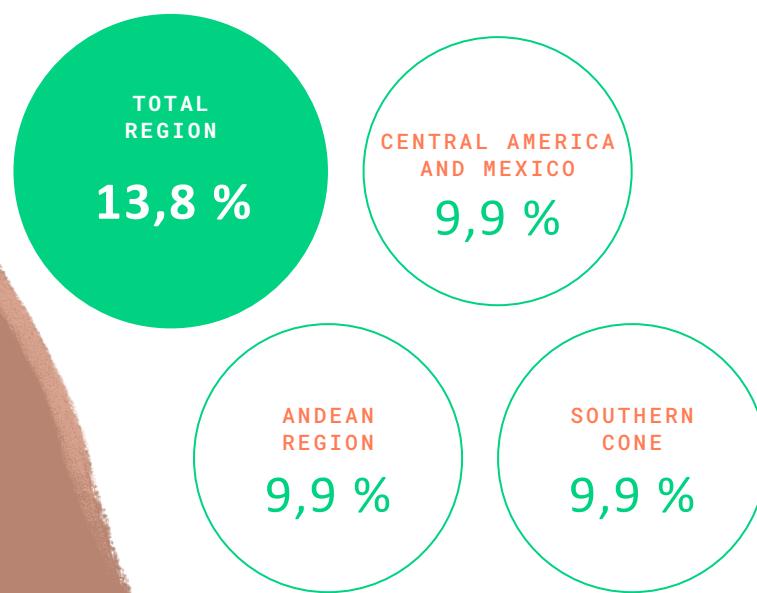


This section contains data and information on the scale and factors of discrimination relative to domestic work in the Americas, as well as key concepts appearing in the debate on equal rights in this work. It also refers to the principal international instruments whereby commitments were made for equal rights.

Scale, conditions, discrimination factors, and overlapping discriminations

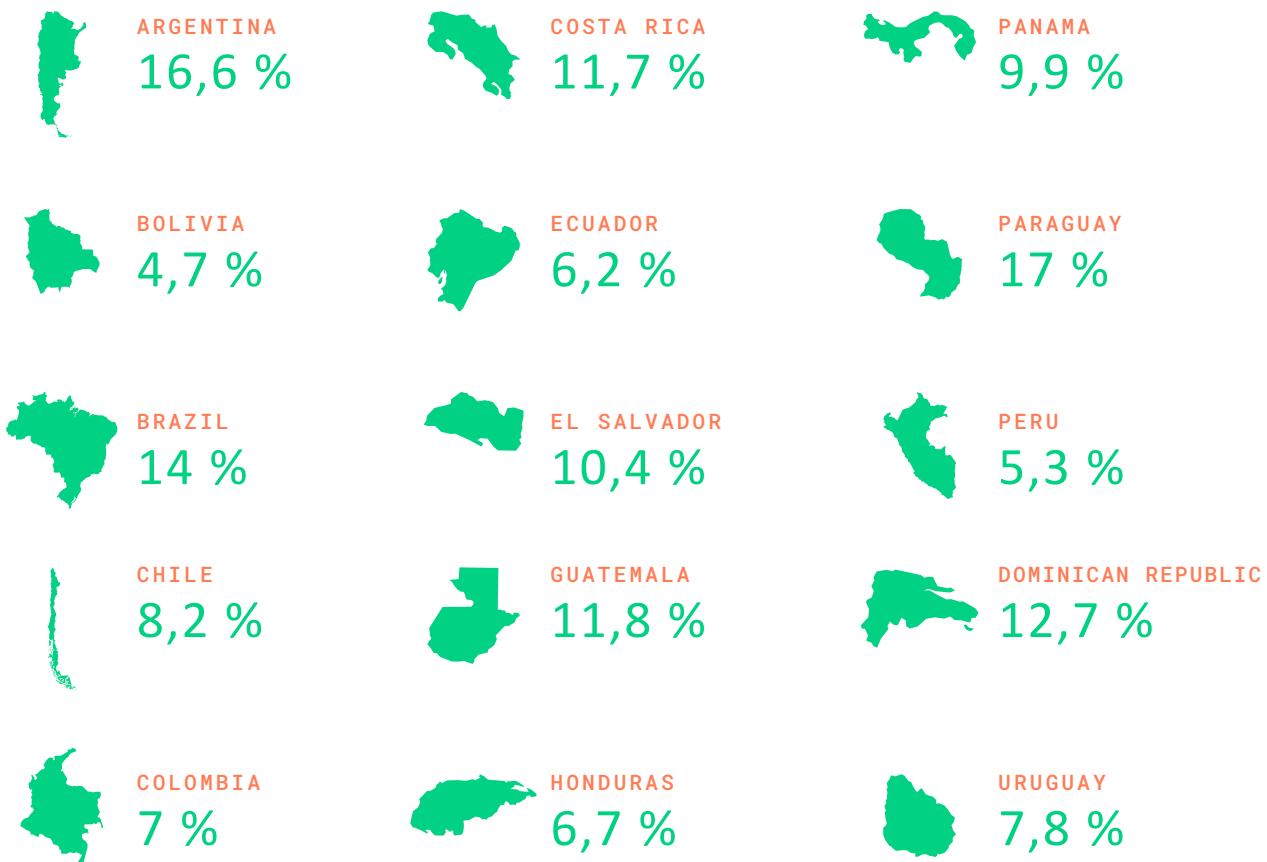
FIGURE 1

PERCENTAGE OF WOMEN'S LABOR FORCE IN DOMESTIC WORK BY SUBREGION



Source: 2020 Labour Overview (ILO)

Paid domestic work or household work includes a range of domestic chores in households performed by persons who receive payment. Convention 189 of the International Labor Organization (ILO) establishes that a domestic worker means any person engaged in domestic work within an employment relationship in or for a household (Article 1).

**FIGURE 2**
**PERCENTAGE OF WOMEN'S LABOR FORCE
IN DOMESTIC WORK**


Source: 2020 Labour Overview (ILO)



Women account for more than 90% of those found in this occupational category in all the countries. Although there are men in this occupation, they account for a low percentage, and as a rule they engage in more specific activities such as those of driver, gardener, security guard, or similar (ILO 2016). National data substantiate these figures, as in the case of Mexico: "In Mexico, 2.3 million persons, the equivalent of the entire population of the state of Tabasco, are engaged in domestic work, and 9 out of 10 of them are women" (Document from the Mexican government based on 2018 data from INEGI).

The ILO estimates that this region accounts for 37% of the world's domestic work (ILO 2016), and its report Labour Overview 2020 points out that the average share of the women's labor force engaged in domestic work in Latin America amounts to 13.8% (see Figure 1).

A subregional analysis shows that South America has the highest average share of household workers in the labor force, at 14.1%; followed by Central America and Mexico, at 9.9%, and finally the Andean region, at 4.7% (see Figure 1). Almost 80% of these women workers are in the informal economy (ILO 2016), and in certain countries that share is substantially higher, as in Paraguay where informality in domestic work accounts for 96.2% of workers (Casalí, Vezza, Sanabria, and Recalde, 2018), or in the Dominican Republic, where it accounts for 97.2% (National Statistics Office, 2021).

Paid women domestic workers overall have few years of schooling: almost 40% of them have fewer than six years (38.3%), almost 15 percentage points higher than the share of the labor force employed in the region with this level of schooling (23.4%). And whereas 26.3% of the employed labor force has 13 years or more of schooling, hardly 4.7% of paid women domestic workers have achieved that level. The subregion with the highest percentage of women domestic workers who have no more than primary schooling is Central America, with 47.6% of the population of paid domestic workers who have no schooling above that level (see Table 3).



Women account for more than

90%

of those found in this occupational category in all the countries.

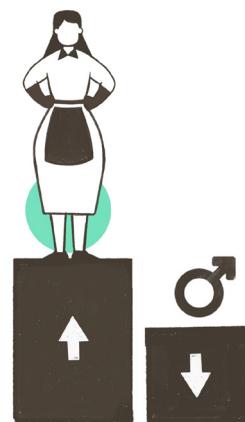


TABLE 1

YEARS OF SCHOOLING OF PAID WOMEN DOMESTIC WORKERS (2019)

Years of schooling	Average in Latin America	Years of schooling of women domestic workers			
		Latin America	Central America	Southern Cone	Andean Region
No schooling	3,2%	4,4%	8,2%	3,0%	3,3%
1-6	20,2%	33,9%	39,6%	30,9%	36,1%
7-12	50,4%	57,0%	49,4%	61,6%	50,3%
13 or more	26,3%	4,7%	2,8%	4,5%	10,2%

Source: 2020 Labour Overview (ILO)

The racial and ethnic over-representation in this form of work, as well as that of women migrants, is highlighted by the data in regional and national studies (sources: Rodríguez and Casalí, 2013; Le-xartza, Chávez, and Carcedo, 2016), which also provide knowledge about the countries' respective institutional stakeholders. The study on the profile of women workers in Costa Rica drawn up by the country's National Women's Institute (**Instituto Nacional de las Mujeres—INAMU**) in 2020 indicates that 23.97% of women domestic workers in that country were born in Nicaragua. In June 2020, a news report by Cristina García Casado indicated that, in Guatemala, 44% of women domestic workers were indigenous and migrants:



The majority profile is that of a woman who migrates from the rural sector to the capital and has, at the most, completed primary school. Many cannot read or write. And 44% are indigenous women who have migrated from Quiché, Huehuetenango, San Marcos, Quetzaltenango, Chimaltenango, and Alta and Baja Verapaz. The other half have migrated from El Progreso, Chiquimula, Jalapa, Jutiapa, Zacapa, and Izabal. Majority destination: Guatemala City.



In Panama, the government's lead institution highlights the features of this internal tide of migration for domestic work.



Our country has been living, for 10 years now, a powerful tide of migration. Therefore, in that sense, in addition to the fact that domestic work is racially biased because it involves mostly indigenous peoples or persons coming from the country's hinterland, which is of course marked by extreme poverty, compounded by the fact that these persons are looking for better standards of living for their families, and that is where the issue of domestic work comes into play, where they are unfortunately taken advantage of, and I see it, and I also present it, as a situation of exploitation when they are hired, in other words, it's a consensus-based verbal agreement, nothing signed or laid out or including social security (Panama's lead institution).

The precarious conditions in terms of exercising rights and the low wages in this occupational category, compounded by scant coverage of social security affiliation, which amounted to 26.6% in 2015, mean that a large share of the women engaged in domestic work are grappling with poverty. In Argentina, for example: "Among women in low-income sectors, domestic work is their best opportunity for employment: 30% of the women working in the fifth quintile of household incomes were engaged in this type of work" (Pereyra, 2015). To this must be added the high percent-

age share of women heads of household who are working as domestic workers: in the case of Argentina, 44% of paid women domestic workers are heads of household (López Mourelo, 2020).

These demographic features, added to other factors relative to the working conditions of domestic work—including its linkage to forced migration, trafficking in women and girls, exploitation and slavery, and child labor—have created a large group of women who encounter many obstacles to launch and sustain the fight to change the legal and real discrimination prevailing in this kind of work for many years. Studies in **Mexico** report all the conditions of vulnerability in which these women workers are immersed:



According to ENOE 2018/I [2018 national employment survey], 98.3% of women domestic workers do not benefit from access to healthcare services, 99.2% do not have a signed contract specifying their duties during their workday, or their benefits and holidays; and 71.3% do not receive any other employee benefit (other than healthcare). It should come as no surprise then that 50.7% of the households to which women domestic workers belong are poverty-stricken, living in either moderate or extreme poverty, and that only 10.6% of the households of these women domestic workers are above the poverty and vulnerability line (Bensusán, 2019).

From nonwork to work with rights

Most rights that are standardly applied in other jobs, such as the eight-hour workday, minimum wage, right to social security, written contract, payment of bonuses, overtime, leaves of absence, among others, were not applicable to domestic work before changes were made to labor

laws. As a rule, the justification for allocating fewer rights to domestic work and the defense made by those sectors opposing entitlement to equal rights for domestic work in many countries **were based on three core aspects.**



ONE

One of the arguments revolved around the specific characteristics of this type of employment and the fact that those who hired the workers did not benefit from any type of return on their investment, because of which they contended it should be viewed as a special type of occupation, subject as well to an arrangement involving fewer rights, requiring women workers to bear the brunt of this notion.



TWO

Another argument that was brandished involved the view that domestic work **was a kind of favor bestowed on women who had no specific qualifications** by supposedly generous employers who would provide them with lodging and food; this was how they justified the long hours of work and lower wages, as high **in-kind payments** were deemed to be included as part of the wages in many countries. Another argument to oppose granting domestic work full rights claimed that it was difficult for those hiring women domestic workers to pay wages similar to other types of employment; otherwise many women would be prevented from hiring women domestic workers and their own working circumstances would be jeopardized.



The debate underscored the paradigm shift that feminist economics had achieved by placing social reproduction as an asset and the activities to support it as work identical to any other.



TRES

The last argument is one of the most interesting in terms of both its conceptual impact and its effect on public policymaking, as its emergence contributed substantially to the debate around the joint responsibility for sharing household chores and caregiving duties, an aspect rendered invisible because women earning income from formal employment could unload this burden onto other women belonging to more destitute social classes in exchange for a roof over the latter's head, meals, and low wages. When the call for equal rights and, above all, equal pay reached the political and public sphere, it was explicitly laid out and questioned whether or not the arrangements prevailing in society **for caregiving activities and**

household chores heaped onto the shoulders of women should then be taken up by poorly paid, poverty-stricken, and marginalized women.

The debate underscored the paradigm shift that feminist economics had achieved by placing social reproduction as an asset and the activities to support it as work identical to any other, because of which there was no reason for providing it with a special system with fewer rights. As for the arguments about employers providing their domestic workers with a place to live and meals, the response involved challenging the category of "live-in" or "in-house" service, as it was in fact a benefit for the employers in view of the difficulty of limiting daily working hours, for which there should not be fewer benefits or lower wages on the basis of that reasoning. As for the argument around the problems that would arise in households because of the impossibility of paying similar salaries to those of other kinds of employment, the debate focused on the need for families to share in carrying out household chores and joint family and social responsibility for caregiving activities.

Changing the legal status of domestic work in the region is a step forward, which can be viewed as one of the most important over the past few decades in terms of the rights of women who have been marginalized for reasons of gender, social class, race, and ethnicity. The theoretical driving force behind this has been the feminist challenge to the sexual division of labor and the very notion of work, for the purpose of mainstreaming

a gender perspective into the economy, which entailed an unprecedented upheaval in a field of knowledge that, for many years, deemed it was gender neutral. In the words of Durán:



The interest and difficulty of introducing a gender perspective is that it upsets core concepts in economics, such as production, consumption, investment, spending, savings, profits, growth, development, poverty, and wealth

(Durán, 2015:2).

This challenge, which was at the very heart of changing the legal status of domestic work, was nevertheless not sufficient to change another key theoretical factor for the systematic depreciation of this form of work: colonial thinking. In the colonial period, the Americas were founded on the subjection and exploitation of the indigenous peoples and the use of indigenous women for domestic work, who were subsequently joined by Afrodescendent women and then migrants, which has endured up until modern times as domestic employment that is discriminated against and socially undervalued. This thinking continues to be deeply anchored into the social imagination, which means that these notions of undervaluing domestic work still prevail.

Subverting the social order that was placing women in charge of the private realm, the household, and domestic chores and providing biological reasons for their allegedly better skills and competencies for household activities and chores deemed to be reproductive, was the launching pad for revealing and exposing, in theoretical, public, and political debates, the patriarchal cultural mandate behind the assignment of these roles and the power being exerted by a social class and gender preventing domestic work from being fully entitled to labor rights.

Feminist economics set out to impugn the notion of labor, questioning the very concept of economics, which orthodox thinking defined as "the production, distribution, consumption, and accumulation of scarce resources that have alternative uses, but in practice economics is usually confined to goods and services that are transformed into money and have a price attached to them" (Durán, 2015:1). The division between inventories and fixed assets and the depreciation of domestic work were challenged. It contended that the tasks that need to be performed for reproducing life constitute prized and indispensable assets for social reproduction, labor, and life:

The mercantile perspective, which attributes value only to merchandise that is capable of bringing tradable value, strips reproductive labor of any social relevance, relegating it to the domestic sphere, not quantifiable as an economic gain. The capital approach has assimilated work with employment and has imposed a biased and reductive vision of economic activity (Larrañaga, Arregui, and Arpal, 2004).



Thus, a key conceptual shift was promoted with respect to domestic work, viewed until then as *nonwork*. The gender perspective has managed to challenge ideas on work espoused by traditional economics which defined it exclusively in connection with the production of monetized goods and services tradable on the market.

These theoretical changes constituted decisive factors for changing social thinking about domestic work. Paid women domestic workers started being viewed as **women workers**, not as **help** for other women who, almost alone, were supposedly responsible for household chores at home and who, depending on their financial resources, were unloading these tasks onto other women who needed some kind of income or even just places to live and eat as had occurred—and continues to occur—in certain countries, with informal “adoptive or sponsorship” arrangements such as *criadazgo*⁴ in Paraguay and *padrinazgo*⁵ in Peru. On the basis of these changes and the commitments made by organizations of different kinds, as well as the organizational drive of women domestic workers, the fight to secure equal rights for domestic work identical to those for other occupations gathered momentum.



Paid women
domestic workers
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who, almost alone,
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household.



....

⁴ The child-raising and domestic work arrangement known as *criadazgo* involves about 50,000 girls and boys in Paraguay. The children go to live in the houses of third parties and engage in domestic work and care activities, generally dropping out of school or to the detriment of their schoolwork and other activities. This practice exposes them to exploitation and violence in the workplace, as well as sexual abuse. It has been identified by many organizations as a modern form of slavery.

⁵ The child sponsorship or godparent arrangement known as *padrinazgo* occurs when third parties approach girls and boys living on the streets or in poverty and offer to take them to the city to enroll them school in exchange for their “help” in doing household chores. It usually ends up in diverse types of sexual and/or labor exploitation and is closely linked to human trafficking.

Decent domestic work for the economic empowerment of women

Access to adequate employment is a necessary condition to ensure the economic empowerment of women and has become:

An essential pillar for the personal development of women and, by definition, it requires for them to earn incomes that make it possible for them to overcome poverty and have free time available to train, gain access to the job market, evolve professionally and personally, participate actively in society, and focus on their loved ones without this devotion becoming a barrier preventing them for achieving their personal development aspirations (ILO/ECLAC, 2019:5).

It is highly unlikely that domestic work that is discriminated against can lead to the economic empowerment of women when they are working 12 or more hours a day, earning less than half the minimum wage where these arrangements do exist, with no entitlement to being paid retirement benefits, overtime, or bonuses, as stipulated in the laws of most of the region's countries by the second decade of the twenty-first century and which continues to be a reality for many women domestic workers despite changes in the legislation.

Working conditions that allow scarcely any time off or resources and make it difficult to interact with other women workers because of the place

they work in and the solitary nature of the chores they engage in, compounded by the material precariousness of the women working at this job, as well as the low level of schooling preventing them from learning about their rights, are all factors that isolate paid women domestic workers and constitute hurdles to organizing themselves. This leads to a social subject who is too weak to state her grievances and exert an impact on public policy-making. Likewise, the scant or weak institutional framework available to monitor the effective enforcement of the rights of women domestic workers oftentimes leaves them unprotected or without any official remedy. A continuum is thus being reproduced here, one that traps paid women domestic workers in a job that does not allow them to exercise their rights. Furthermore, the absence of the necessary call for changing these conditions easily leaves them overwhelmed and caught in a vicious circle of poverty and discrimination, with labor standards that make it difficult for them to achieve any economic autonomy and, as a result, exercise other rights such as the right to training, which is key to the process of fighting for changes in conditions of discrimination and marginalization.

Despite these precarious conditions, this form of employment provides fast job opportunities for women and an income, albeit scant, to help them survive. The call for a basic wage equal to those set for other workers in the countries that benefit



from this standard or the right to establish teams to collectively bargain for higher wages as in those countries that set wages on the basis of processes with these characteristics, such as in Argentina and Uruguay, as well as the call for other conditions for decent work, is taking place in the context of women's economic empowerment and, above all, for the most marginalized women. Analyses conducted by ECLAC provide an account of this relationship, asserting that: "One interesting example of the minimum wage becoming an instrument to improve women's income can be found in the domestic service sector" (ECLAC, 2016:50).

Apart from all of the changes and progress achieved in the theoretical debate and its practical consequences, both the conceptual aspects and the discriminatory practices continue to be the main obstacles to achieving the women domestic workers' full exercise of their rights, which even governments are now recognizing:



Furthermore, there is the cultural issue. Society has the habit of understanding the relationship with women domestic workers as if it were not a labor issue, but rather a highly informal relationship, without any contracts, social security, or labor rights. The largest obstacle to tackling the problem is changing the social notion of domestic work. Thus employers will have to accept and respect that domestic work is a labor relationship just like any other employment, where there are obligations and responsibilities as result of the hiring of services (document forwarded by the Mexican government).



Working conditions that allow scarcely any time off or resources and make it difficult to interact with other women workers because of the place they work in and the solitary nature of the chores they engage in, compounded by the material precariousness of the women working at this job, as well as the low level of schooling preventing them from learning about their rights, are all factors that isolate paid women domestic workers and constitute hurdles to organizing themselves.



Key strategies and international commitments to equal rights for domestic work

The process of building partnerships among feminists in the many forums for international debate promoted world and regional agreements that mainstreamed instruments for the practical implementation of conceptual changes. Beginning with the Fourth World Conference on Women (Beijing, 1995), domestic and care work has become consolidated as valuable and quantifying and recording its has become important, on the basis of surveys on time use and implementation of satellite accounts of unpaid household and care work. Since then, especially over the past decade, international and regional agreements and instruments have been incorporating provisions requiring states to pledge full recognition of the rights pertaining to domestic work.

Although it is possible to find the origin for promoting equal labor rights for women domestic workers in the value given to domestic work in the Beijing agreements, nevertheless it was not until the late nineties and early 2000s that the issue of the rights of women domestic workers started being specifically mentioned in international gender instruments. Thus, among the agreed conclusions at the 1998 session of the Commission on the Status of Women (CSW), girls who work as domestic workers are mentioned in the section pertaining to "The girl child," which agrees as follows: "Pay special attention to girls in the informal sector, such as domestic workers, and develop measures to protect their human rights and fundamental freedoms and prevent their economic exploitation, ill-treatment and sexual abuse" (p. 74). The wording at the time did not condemn child domestic work, as it later would.



As for the Americas, the Regional Conference on Women in Latin America and the Caribbean are forums for reaching agreement on promoting women's rights in the region.



In the framework of the international human rights system, recommendations have been made to achieve legal equality for domestic work in countries, especially in the framework of the periodic reviews of the countries by the United Nations Convention on the Elimination of All Forms of Violence against Women (CEDAW). For example, it should be recalled that the latest recommendations by the CEDAW Committee to certain countries included matters relative to domestic work: "ensure the same minimum wage for all workers, including domestic workers" (Concluding observations by the CEDAW Committee on the seventh periodic report of *Paraguay*, 2017); "Increase efforts to register women domestic workers and expedite the ratification of the Domestic Workers Convention, 2011 (No. 189)" (Concluding observations by the CEDAW Committee on the combined eighth and ninth periodic reports of El Salvador, 2017); and "Expedite the ratification of the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO), and establish a minimum wage and social security provided by law for all workers; Urge the state party to set a concrete timetable for the adoption of legislative and statutory measures to protect the rights of women domestic workers" (Concluding observations by the CEDAW Committee on the combined eighth and ninth reports of Guatemala, 2017, para. 35).

As for the Americas, the **Regional Conference on Women in Latin America and the Caribbean** are forums for reaching agreement on promoting women's rights in the region. Highlighting the moment when the commitment to achieve equal rights for domestic work was made by the National Women/Gender Mechanisms of the coun-

tries, on the basis of proposals made by feminist and women's organizations, the **Quito Consensus** (2007) included among its agreements the following paragraph:

xxi) To equalize the labour conditions and rights of domestic work with those of other types of paid work in accordance with ratified International Labour Organization conventions and international standards of women's rights, and to eradicate all forms of exploitation of domestic work by girl and boy children.

This commitment was the beginning of a series of state pledges to draw up equality policies for domestic work in the region. Thus, the commitment is reiterated in the **Brasilia Consensus** (2010), which agreed on the following: "h) To promote and encourage the enactment of legislation that extends to female domestic workers the same rights as those of other workers and establishes regulations to protect them, promotes their economic and social valuation and ends child domestic work." And the **Santo Domingo Consensus** (2013) agreed to: "Urge States to accede to and ratify the International Labour Organization conventions relating to gender equality, such as those on decent work for female and male domestic workers" (para. 53).

The latest Regional Conference, in the **Santiago Commitment** (2020) also agrees to: "Adopt measures to ensure the promotion and effective protection of the human rights of all domestic workers, as established in Convention No. 189 of the International Labour Organization" (para. 15).

SITUATION, KEY CONCEPTS AND STRATEGIES

In the OAS, Article 18 on the right to work of the Inter-American Convention on Protecting the Human Rights of Older Persons, adopted on June 15, 2015, refers to domestic work, indicating that: "States Parties shall adopt legislative, administrative, and other measures to promote formal work for older persons and to regulate the various forms of self-employment and domestic work, with a view to preventing abuse and ensuring them adequate social coverage and recognition for unremunerated work." The process of the Inter-American Conference of Ministers of Labor (IACML) of the OAS, a forum for political discussion and definition of regional labor and employment priorities and actions, has since the early 2010s incorporated a stronger focus and actions on gender equality in work and, within them, the concern for domestic work. Through the Inter-American Network for Labor Administration (RIAL) of the OAS, the Ministries of Labor have carried out bilateral cooperation activities in this area.⁶

At the subregional level, in 2009 the MERCOSUR Parliament adopted Norm 04/2009 of the "Labor Regime for Domestic Work Staff," after trade unions and feminist organizations submitted the proposal to the Commission on Labor, Employment Policies, Social Security, and the Social Economy.⁷ That same year, in the Caribbean, the Revised Treaty of Chaguaramas Establishing the

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⁶ For example, the technical advice that the Uruguayan Ministry of Labor provided to its Costa Rican counterpart to develop the implementation plan for ILO Convention 189 on Domestic Work stands out, at www.rialnet.org

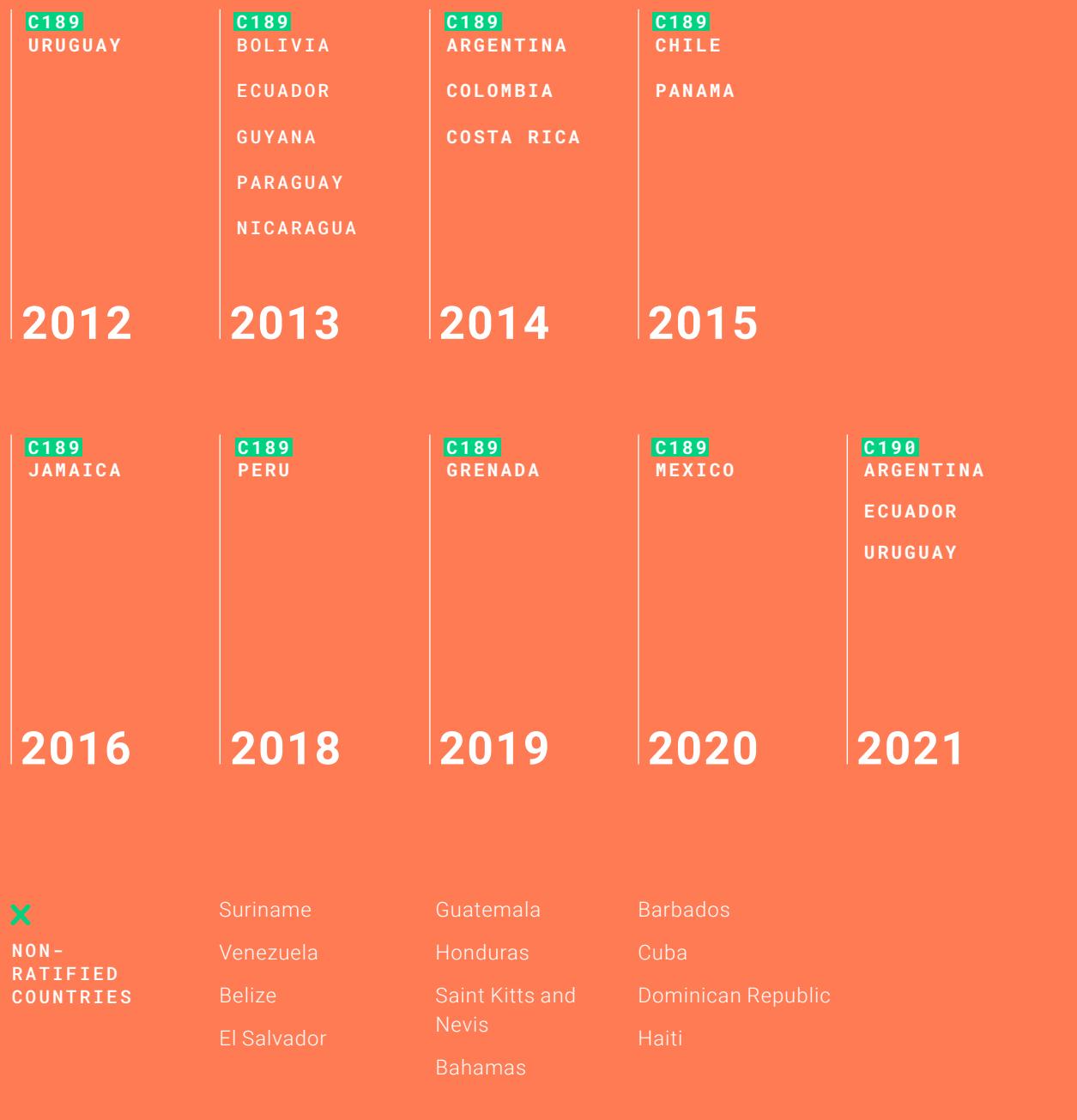
⁷ See information at: <http://trabajadorasdomesticasdelmercosur.blogspot.com/2010/05/regimenes-juridicos-sobre-trabajo.html>
Accessed on April 10, 2018.

Caribbean Community (CARICOM) was adopted, providing for the free transit of women domestic workers in the Community's territory. In 2011, the Strategic Social Action Plan for the Common Market of the South (MERCOSUR) established as one of its priority goals "Guaranteeing the exercise of all labor rights of women domestic workers on the same footing as workers in general, especially for those in border areas" and "Adopting measures to move forward with the social valuation and recognition of the economic value of paid household and care work carried out by women and to contribute to dismantling the current sexual division of labor."

Building on the achievements of previous decades in terms of guaranteeing and protecting labor rights in the framework of the ILO—including issues such as the minimum age for work, child labor, discrimination in employment, equal pay, family responsibilities, the minimum wage, and right to rest, among other issues—the adoption of Convention 189 at the 100th Session of the General Conference of the ILO in 2011 boosted the trend towards global commitments to change historic inequalities weighing on domestic work. The same year of its adoption, the MERCOSUR Council urged states parties to ratify the Convention and to coordinate actions and implement public policies to improve the working conditions of domestic work (Resolution CMC 6/12). The Convention has been ratified by 17 countries of the region (see Figure 3).

**FIGURE 3**

RATIFICATION OF ILO CONVENTIONS 189 AND 190 BY THE COUNTRIES OF THE AMERICAS



SITUATION, KEY CONCEPTS AND STRATEGIES

In 2015, MERCOSUR urged states parties to set the minimum age for domestic work at 18 years, and in 2017 it issued Recommendation **6/2017 MERCOSUR on legal parity and the portability of social security for paid women domestic workers authorizing the transfer of retirement contributions to women migrant workers.**

In certain countries, the debate over Convention 189 also promoted extending the conceptual discussion such as in the case of Panama, according to the institutions in charge of the issue that were consulted: "It was with Panama's ratification of Convention 189 in 2015 that the full conceptualization of paid domestic work in our country began to be developed" (Panama's lead institution). In Colombia, adoption of Convention 189 gave impetus to the debate over, and adoption of, several statutes to improve the status of domestic work:



As a result of the ratification of the convention in Colombia, a series of laws were enacted to promote equal labor rights for this population group. We have Decree 721 adopted on April 15, 2013, which at that time sought and is still currently seeking to regulate the affiliation of domestic service workers to the family compensation system. That same year, we also issued Decree 2616, and what we were seeking with this decree was to regularize social security for own-account workers who are employed for a period of under one month, bearing in mind that, on certain occasions in this economic sector, women workers and household workers oftentimes do not work 30 days a month, but rather work, for example, two days a week in one house or work once a week; therefore it sought to regulate this type of work that was being carried out in different households. We also have another law that



These agreements, resolutions, and other instruments constitute a corpus indicating a shift to full recognition of the rights of domestic work in the Americas and are therefore a sound cornerstone that can be relied upon by countries that still have discriminatory laws in place.





was enacted in 2016, and it is a very important law. It is called the Bonus Law. What Colombia was striving to do with the enactment of this law was to guarantee and recognize the access of domestic workers, on a universal footing, to the right of being paid premiums for their services.

In addition to the instruments that were signed and the international recommendations that were made, changes started gathering momentum and visibility when women domestic workers organizations came to the fore as key complainants. Revitalized in the region beginning in the nineties, regionally coordinated by the establishment in 1988 of the Latin American and Caribbean Confederation of Women Household Workers (*Confederación Latinoamericana y del Caribe de Trabajadoras del Hogar—CONLACTRA-HO*), and brought together globally by the establishment in 2013 of the International Domestic Workers Federation (IDWF), with the support and transfer of know-how of feminist organizations from diverse countries and in the region, paid women domestic workers jump-started their organizations or created new ones and positioned themselves as the key spokespersons for the call to guarantee equal rights for domestic work.





Progress, standards, and persistent discrimination

CHAPTER

04.





Legislative changes were geared to ensuring equal rights for domestic work on a par with other types of employment. At the end of the twentieth century, before the processes that achieved these changes, all the Spanish-speaking countries of the region were discriminating against domestic work. The study Legal systems on paid domestic work in the states of MERCOSUR (Valiente and Pereira, 2007) by the MERCOSUR Feminist Coordination (AFM) showed that, until 2000, six member countries of MERCOSUR—Argentina, Bolivia, Brazil, Chile, Paraguay, and Uruguay—had laws restricting the rights of domestic work concerning wages, working hours, or social security, among other aspects. The same situation prevailed as well in the other Spanish-speaking countries of Latin America and the Caribbean: a 2010 study by the Council of Women Ministers for Women of Central America (Consejo de Ministras de la Mujer de Centroamérica—COMMCA) on seven countries—Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—indicated that, in all of them, domestic work was legally discriminated against in some aspect before the start of the twenty-first century. Along that line, the 1998 study Domestic Work in the Caribbean showed that, among the English-speaking countries of the Caribbean Community (CARICOM), although most rights were on an equal footing, some of them were not recognized for the benefit of women domestic workers in certain countries, such as a written contract and paid maternity leave. By 2017, according to the Employment Law Focusing on the Rights of Domestic Workers

(Babb, 2017), there were persistent gaps between the provisions of ILO Convention 189 and the provisions in the statutes on domestic work in these countries, mainly in connection with the establishment of measures for the effective enforcement of the legislation. It should be highlighted, in that regard, that in the English-speaking Caribbean only three countries (Grenada, Guyana, and Jamaica) have ratified Convention 189.

As the new millennium was getting under way, changes started being made in the laws of the Spanish-speaking region. Between 2000 and 2010, legal changes took place in Bolivia (2003), Peru (2003), Uruguay (2006), Chile (2008-2014), Nicaragua (2008), and Costa Rica (2009). As a rule, the changes achieved parity of rights for domestic work in line with those agreed on for other types of employment, although in Bolivia and Colombia the 10-hour workday remained in force for live-in women domestic workers, and in Peru wage differences remained in force for certain payments, and in Nicaragua there was no limit imposed on working hours (Article 3 amending Article 147 of the Labor Code, Law 666).

In the ensuing decade (2011-2020), the following countries amended their statutes on domestic work: Colombia (2011), Venezuela (2012), Ecuador (2012), Argentina and Brazil (2013), Paraguay (2015-2019), and Mexico (2019), thus achieving parity in terms of rights. Spanish-speaking countries that still keep discriminatory laws with respect to paid women domestic workers and have not yet amended them over the past few decades are: Dominican Republic, El Salvador, Guatemala, Honduras, and Panama.



Spanish-speaking countries that still keep discriminatory laws with respect to paid women domestic workers and have not yet amended them over the past few decades are: Dominican Republic, El Salvador, Guatemala, Honduras, and Panama.





Standards

Although several countries made changes in order to ensure parity with other types of employment in their laws before adoption of ILO Convention 189, it was in this instrument and in Recommendation 201 that standards of decent work for domestic work were enshrined. Provisions on the workday, rest, wages, contracts, social security, minimum age, among others, became benchmarks for changes being promoted on the basis of the widespread debate that was being conducted for the Convention's adoption at the 110th Session of the ILO General Conference in 2011 and for its ratification in the countries. The attendance of women domestic workers organizations both in Geneva during the debate and as spokespersons in their own countries is one of the most relevant aspects of this process. The contents of the provisions in the areas that were historically discriminated against in domestic work are briefly described below.

Working contract.

The Convention establishes the right to a clear, easily understandable working contract that specifies the conditions in which the work shall be carried out, preferably in writing (Article 7). This provision addresses one of the key aspects for the formalization of domestic work, because without written papers registration is difficult, as well as procedures for reporting labor rights violations as they must resort to other mechanisms showing that agreements are in general verbal ones. Although the Convention does not stipulate mandatory contracts but rather recommends preferably written contracts, the requirements for a written contract has been enshrined in the laws of Argentina, Brazil, Chile, Costa Rica, Ecuador, Mexico, and Paraguay.

- **Legal minimum wage, paid overtime, bonus, and allowances.**

The right to benefit from a minimum wage equal to that set for the rest of the labor force in the countries that have this requirement is one of the provisions that alters the historical attribution of lower value to domestic work on the basis of laws that set wages up to 50% lower than what was generally stipulated. The Convention also establishes that the wage must be paid in cash directly to the person and at intervals of no longer than one month and sets limits to in-kind payments (Articles 11 and 12). It also provides that women domestic workers are entitled to payment for overtime and that the time that a woman domestic worker is available for the person employing her must be considered as a working hour. This addresses one of the problems frequently reported by women domestic workers, namely, extending working hours without any paid overtime.

- **Reasonable limitation of the workday, as well as enforcement of the right to rest, ensuring parity of treatment with other workers.**

One feature of domestic work was the endless workdays and discrimination with respect to days off. Most laws established between 9 to 12 hours to be set aside for resting, which authorized workdays to be much longer than the 8 hours set for other workers, and those laws that have remained unchanged continue to enforce these provisions. Nor were there any guarantees for time off on weekends or holidays, involving various laws restricting the rights of women workers. The Convention provides for the right to have the workday duly established (Article 10), with daily and weekly periods for rest and a yearly period for vacation.



Social security and maternity leave benefits.

Restrictions on maternity benefits constitute a major gender-based discrimination in the region's laws, as well as exclusion from the right to social security. The Convention provides for the need "... to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity" (Article 14). The inclusion of women domestic workers in social security benefits is one of the key challenges to bridge the gap between these women workers and the rest of the labor force. As indicated earlier, this is the sector with the lowest percentage of inclusion. The measures to tackle this require examining the mechanisms for registration and inspections or systems that can effectively identify households that have paid women domestic workers.

Respect for privacy, freedom, and dignity.

These standards address common situations in domestic employment such as the requirement to live in the household with little privacy and conditions that are hardly decent and to accompany families to other places where they must also work during vacations. The Convention establishes that the decision to live in the house must be taken by mutual agreement, ensuring respect for privacy and without any obligation to accompany the family on vacation, and if the latter does occur, the time must not be calculated as being part of the worker's vacation. There must also be the guarantee that the woman worker will keep in her possession her own documents. Recommendation 201 broadens the basic conditions required for housing women workers if they are living in the house where they work (Articles 6 and 9).

Minimum age for being admissible for employment.

On this matter, the Convention indicates that countries must set a minimum age for someone to discharge the duties of this job, in line with Convention 138 that sets the minimum age for employment at 18 years old, with exceptions beginning at 16 years old. Recommendation 2011 adds that there must be guarantees that those who are older than 15 years and younger than 18 will not work at night and will have time off to go to school, engage in leisure activities, and be in contact with their next of kin (Article 4). Despite this provision, the practice known as criadazgo or padrinazgo (sponsorship of working children) still persists.

Migrant women domestic workers.

For migrant women domestic workers, the Convention establishes that they are entitled to a working contract before they travel to their country of destination and to keep in their possession their travel and identity documents. The Convention also invites the countries of origin and destination to draw up bilateral agreements for the purpose of complying with these provisions (Articles 8 and 9). Both MERCOSUR and CARICOM have issued provisions regarding this.

Access to justice.

The Convention indicates that adequate mechanisms must be established to file complaints, implement labor inspection measures, and ensure access to justice on an equal footing with other workers (Article 17).

Employment agencies.

The Convention establishes the need to regulate employment agencies and to enforce mechanisms for filing complaints about their functioning (Article 15).

Abuse, harassment, and violence.

Article 5 of the Convention establishes that states must adopt measures to protect workers against violence, abuse, and harassment.

Trade unions.

The Convention protects the right of women domestic workers to join a trade union.



Laws in the countries and adjustment to standards



Laws recognizing equal rights for women domestic workers adopted since the start of the present millennium in diverse countries, as a rule are complying with the standards mentioned above, although in some countries there are certain persistent restrictions. One aspect that must be noted is the wide diversity of terminology used in the statutes of the region, both in Spanish-speaking and English-speaking countries. **Paid women household workers, domestic workers, women working in private homes, and household assistants are all terms used in the diverse laws of the region and there is no standardized terminology.**

BOLIVIA Y PERU

2003



In Latin America, the first countries that amended their statutes were Bolivia and Peru, and they both did so in 2003. Bolivia enacted the law that recognized all the rights for women domestic workers, except the 8-hour workday for live-in women domestic workers, which continues to be 10 hours. In Peru, Law No. 27986/2003 on Domestic Workers was an important step forward to formalize domestic work, although discriminations were kept with respect to paid vacation, bonuses, and severance pay for length of service being granted to all other workers.⁸ In Peru, full equal rights for domestic work were recently achieved in 2020 with the enactment of Law No. 31047 on Women Domestic Workers.

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⁸ See 2013 ILO study Paid domestic work in Peru: Situation and perspectives on the basis of Convention 189 and Recommendation 201 of the ILO.

URUGUAY

2006



In 2006 Uruguay adopted a statutory framework that granted equal rights to women domestic workers with the enactment of Law No. 18.065/2006 on Domestic Work, and in July 2008 the Council on Wages for Domestic Services, also known as Group 21, was established and in which women domestic workers organizations are participating (Goldsmith 2013).

CHILE

2008



Chile started a process of changes and, after successive modifications, in 2014, the country recognized all rights for women domestic workers with enactment of Law No. 20.786 of 2014 which changes the workday, rest, and pay composition of women workers in private homes and forbids the requirement for domestic workers to wear their uniform in public places. Nicaragua, as a result of Law No. 666 on reforms and additions to Chapter I of Title VIII of the Labor Code of 2008 also made changes to the statute on domestic employment but without setting limits on the workday. This country's women domestic workers organizations mention that, for them, it is better to use Convention 189 than to strive for changes to the legislation for fear of backtracking:

In the Labor Code, it says that we have to work for 12 hours, but in the Convention it says 8 hours, and we are for the standard that is beneficial to women workers, and the Ministry of Labor acknowledges that the Convention is more advanced than what we have in the national labor code and that makes it possible for us to effectively achieve improvements (...) because when we wish to amend the Code, it is never for improving it but to reverse gains because employers never want to provide workers with benefits and therefore that is of no help to us and we prefer to continue using the Convention as part of the national legal framework.

WOMAN LEADER OF PAID WOMEN DOMESTIC WORKERS OF NICARAGUA.



COSTA RICA

2009



In 2009 Costa Rica did its own work, enacting Law No. 8726 8726/2019 on Domestic Work, amending the Eighth Chapter of the Second Title of the *Labor Code*, although the wage gap persisted, in response to which, in 2019, the National Council on Wages adopted Resolution CNS-RG-2-2019, whereby a process to eliminate this gap was set forth, on the basis of progressive adjustments to wages for domestic employment (Artavia-Jiménez and Quirós Segura, 2020:5).⁹

COLOMBIA

2011



In 2011 Colombia made changes to the *Substantive Labor Code* which granted parity in terms of rights, although it did not recognize the right to premiums (bonuses) for women domestic workers and the workday was not confined to 8 hours for live-in women domestic workers. This was remedied by judgments issued by the Constitutional Court.

ECUADOR

2012



In 2012, Ecuador made adjustments to the Basic Law for the Defense of Labor Rights, and Venezuela made its own adjustments that same year with Basic Labor Law No. 8.938.

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⁹. See at: <http://library.fes.de/pdf-files/bueros/fesamcentral/16243-20200603.pdf>

ARGENTINA

2013



In 2013, Argentina adopted the *Law on the Special System of Work Contracts for Staff of Private Homes* which brought parity to all rights, such as maternity leave and others; in this country the process of formalizing paid women domestic workers had already begun a decade earlier with provisions that sought registration of contracts and, over a 10-year period, there was an almost 20 percentage point rise in that direction (Pereyra, 2015). Also in 2013, Brazil adopted *Constitutional Amendment No. 72* which recognizes equality for domestic work, and in 2015 it adopted *Supplementary Law No. 150 on Domestic Work Contracts*. That same year, 2015, Paraguay enacted *Law No. 5407 on Domestic Work* which brings rights parity to domestic work except for the right to equal pay. In 2019, *Law No. 6386* was passed, amending Article 10 of the *Law on Domestic Work*, and wage parity was established.

MÉXICO

2019



Also in 2019, Mexico made legislative changes, enacting the *Law whereby diverse provisions of the Federal Labor Law, the Basic Law on the Judicial Branch of the Federation, the Federal Law on Public Defense, the Law on the National Workers Housing Fund Institute, and the Social Security Law on Labor Justice, Trade Union Liberties, and Collective Bargaining* which recognized rights that were limited to paid domestic work such as: the requirement to register with a competent labor authority; the prohibition to request an affidavit or evidence of not being pregnant; the prohibition of dismissing a pregnant domestic worker and the presumption of discrimination if the latter occurs; and the right to vacation leave, vacation allowance, paid days of rest, mandatory access to social security benefits, and bonus (document provided by the Mexican government).



As for the countries that have not ratified Convention 189 and which continue to uphold discrimination and/or which have not made any legislative changes over the past few decades, in El Salvador domestic work is governed by the Labor Code of 1972 (Volume I. Title II. Chapter III) and, in addition to other provisions such as absence of limits on workday hours and others, has kept discriminatory measures unchanged, such as the possibility of being dismissed at the employer's discretion for the following reasons: **a)** the worker is suffering from an infectious or contagious disease, unless it was acquired where she is rendering her services, in which case the contract will be suspended, although asking for an HIV test is forbidden; **b)** the worker has addictions or bad habits that jeopardize or undermine the domestic order of the household or alter its moral conditions; and **c)** the worker perpetrates serious acts of disloyalty or insubordination against the employer, his or her spouse, parents, grandparents, children, or other persons living permanently in the household.

As for Guatemala, it provides legislation on domestic work in Articles 161 to 166 of Title IV entitled "Work governed by Special Regimes" of the *Labor Code*, where there are discriminatory provisions on unlimited working hours for domestic work, as well as on rest and causes for dismissal. In 2009, the Guatemalan Social Security Administration provided regulations for a Special Program to protect women domestic workers, granting them coverage for maternity leave and accidents. At present, the Legislative Assembly is debating the Law on Women Domestic Workers "...which is being reviewed for the second time and requires 80 votes for its adoption during the third review" (Guatemala's lead institution consulted).

In Honduras, domestic work is governed by the *Labor Code* of 1959, in the chapter on special regimes, Articles 149 to 165, with discriminatory provisions on working hours and provisions on days off, holidays, or national holidays. In 2018, a draft bill for the Law on Domestic Service was submitted, with provisions proposing "a decent wage, ten (10) hours of work per day for women domestic workers living in the household where they are providing their services, and eight (8) hours per day when they do not live in the household where they work, payment of a bonus and the fourteenth monthly salary, and affiliation to the Honduran Social Security Administration (*Instituto Hondurense de Seguridad Social—IHSS*), among other benefits."¹⁰

In Panama, domestic work is governed by Articles 230 and 231 of the Chapter on special regimes of the *Labor Code*, which establish discriminations relative to the workday. In 2016, a draft bill for Law 438 was submitted to amend articles of Panama's Labor Code on this type of work, but in 2017, when the bill was being debated in the second round, there was backtracking to the first debate on the grounds that the opinions of all sectors were required. Finally, in the Dominican Republic, Articles 258 to 265 of the *Labor Code* of 1992 are the ones governing domestic work as a special regime that removes certain rights such as limits on workday hours.

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¹⁰ Information appearing in the document "Contributions of the State of Honduras to the questionnaire on 'The Human Rights of Women in the Changing World of Work,'" 2019. Available at: <https://www.ohchr.org/Documents/Issues/Women/WG/ChangingWorldofWork/MemberStates/Honduras/Honduras0133RespuestaCuestionarioDDHHdeMujeresMundo-CambianteTrabajo.docx>

Regarding the English-speaking countries of the Caribbean, the study of Babb (2017) on 11 countries (Antigua and Barbuda, Barbados, Belize, Jamaica, Saint Vincent and the Grenadines, Trinidad and Tobago, Grenada, Guyana, Saint Lucia, Saint Kitts and Nevis, and the territory of Montserrat) finds that four of the countries have specific laws on domestic work, whereas in the other countries their Labor Codes governing employment relationships do not discriminate against domestic work, and in almost all of these countries domestic workers' rights are, as a result, equal to those of other workers, although in Barbados, Jamaica, and Belize women domestic workers are excluded from the right to maternity leave and in most of the countries in this region, no written contract is required for women domestic workers:

Desk research identified one law in force specifically focusing on the employment rights of domestic workers in Barbados, Guyana, Trinidad and Tobago, and St. Vincent and the Grenadines. There are also brief references to domestic workers in one or two statutes and statutory instruments of Belize, Grenada, St. Lucia and St. Kitts and Nevis. Some Member States do not seem to mention domestic workers in any law, but all have progressive employment and labour legislation that, in principle, should apply equally to domestic workers as to other workers (Babb 2017:60).

Annexes 2 and 3 provide a list of laws governing domestic work currently in force in the countries of the Americas and the articles on the statutory frameworks relative to specific rights.

Easier said than done: The gap between the recognition of rights and their enforcement

Despite legal changes, inadequate labor conditions persist in domestic work, creating a gap between the legal framework and the full exercise of the rights being guaranteed. Low wages and payment arrears, failure to affiliate the worker to the social security system, reluctance to pay annual bonuses and leave for vacation, dismissal without cause or severance benefits, extending workday hours without paying for overtime, and overload of chores are some of the labor rights violations that continue to occur in this type of employment. The region's women domestic workers organizations highlight these realities as follows:



Despite legal changes, inadequate labor conditions persist in domestic work, creating a gap between the legal framework and the full exercise of the rights being guaranteed.





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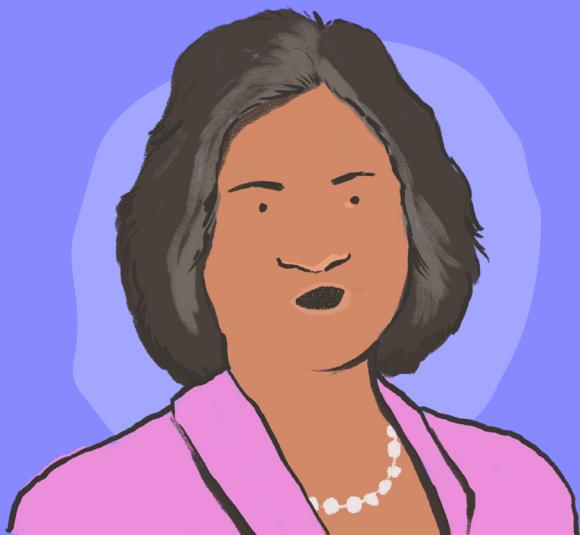
Any number of violations of rights are not being enforced, not even the most basic ones stipulated in the Labor Code, or in Articles 230 and 231, such as adequate food, such as health, such as rest: even when they can supposedly rest from 21:00 at night to 6:00 in the morning, our fellow domestic workers are on the job round the clock. Therefore, we have many problems. And what measures should governments implement to support the full exercise of rights of women domestic workers? I say that, actually, all of the rights, but in fact laws should be adopted specifically for our benefit, because otherwise employers will not do anything*.

”

* Consultation with paid women domestic workers conducted for the present study.



WOMAN LEADER IN THE DOMINICAN REPUBLIC



“

Even when a minimum wage is being required by law, even when affiliation to the social security system is also recognized in the law, it's not being enforced, as only 3% of women domestic workers benefit from social security affiliation. Therefore, we assume that this 3% accounts for those working for the upper class, but the middle class is very narrow, very small, therefore that's a major obstacle, because it turns out we need public policies for the benefit of women domestic workers and there are no policies of that kind.*.”

* Idem

WOMAN LEADER IN NICARAGUA



Even state institutions recognize that there is this gap between the legal establishment of rights and their full exercise, even in those countries that are more advanced, as in the case of Costa Rica:

That is our greatest concern, we can change the statutory framework—Costa Rica changed it in 2009—but that does not mean that, at present, the rights of women domestic workers are being enforced. We found violations with respect to working hours per day, wages, overtime, time off for holidays and for rest (Costa Rica's lead institution).¹¹

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¹¹ Consultation with institutional representatives conducted for the present study.





Government actions

In the countries, on the part of governments, there have been different lines of action to address domestic work, coming from different sectors of the government. Although domestic work is mainly being handled—in political and administrative terms—by the Ministry of Labor (or the equivalent institution), it is important to underscore as well the leadership and role performed by the National Women's Machineries (Ministries for Women, or their equivalent). As they have done for other forms of work where women account for the largest share of the labor force, National Machineries in most of the region's countries have been the driving force behind highlighting domestic work and the status of the rights of women domestic workers, and also behind the impetus to move forward with formalizing this work, ensuring parity in terms of wages, benefits, and other rights, and creating opportunities for advocacy by groups representing women workers. Likewise, National Machineries, at one point, were key to bringing the issue of domestic work to the fore globally and proposing the need to draw up, in a dialogue and collaboration with the Ministries of Labor, a specific instrument to guarantee and protect the labor rights of all workers. In the Ministries of Labor, the gradual establishment of units or other technical entities to be in charge of gender equality in the workplace has strengthened and consolidated state institutions in this issue and their focus on it. The study "The institutionalization of the gender approach in the Ministries of Labor of the Americas: Balance of a decade" published by the Executive Secretariat for Integral Development (SEDI) of the OAS in 2021, offers an updated overview on this front.¹²

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¹² Available at: http://www.rialnet.org/sites/default/files/Study_Gender_10yrs_Final.pdf

Government actions can be grouped into various categories: producing knowledge around domestic work; formalizing and inserting domestic work into the social security system; actions to enhance vocational development; wage parity; training in rights; strengthening women workers organizations; measures for labor inspections; dissemination and awareness-raising campaigns; and, in the countries that still have restrictive laws, actions for the amendment of these statutes.



- [Producing knowledge:](#)

Producing data and information on this form of employment includes desk research on the demographic aspects of women domestic workers: who they are, where they come from, their economic status, and the conditions in which they carry out their work. Securing reliable accurate data is key to drawing up public policies in each country: “It is the launching pad for being clear about what our current status is , how they are doing, in what work they are engaged in, who are nationals of the country, who are from abroad, who benefit from insurance” (Costa Rica). Examples from recent studies are: Survey on the Situation of Paid Women Domestic Workers in the Context of COVID-19 from 2020 to 2021, conducted in Ecuador; the Statistical Overview of Paid Domestic Workers in the Dominican Republic in the Context of COVID-19 drawn up by the National Statistics Office of the Dominican Republic; and the paper on the occupation profile of women domestic workers of Costa Rica, published in 2020, whose objective was “to update the occupational profile of women domestic workers, in line with their duties and skills, to serve as an input for the National Wages Council of Costa Rica and other institutions, in order to move forward with closing the gender-based wage gap” (p. 3).



Formalizing and mainstreaming women domestic workers in social security systems:

This is one of the core objectives of state policies, and although in most countries the right to full social security coverage, in terms of both health and retirement, has already been enshrined in law, the gap preventing women domestic workers from gaining full access to these rights continues to be very wide. One of the challenges to changing this situation involves the registration and contributions of those who hold many different jobs, as mentioned by the Brazilian government's lead institutions: "...there still is a legislative differentiation with respect to these workers, as well as the differentiation between monthly and daily workers, the former benefiting from labor rights and the latter without any social security."

In Paraguay, the new legislation adopted in 2015 mainstreamed women domestic workers into the social security system, including health and retirement benefits, although mechanisms are still being developed to extend coverage to reach women domestic workers holding jobs in various households. As for Costa Rica, it reformed the social security model for women domestic workers in 2017 by establishing provisions so that employers could include women domestic workers in social security, in addition to regulations to streamline the paperwork required for this purpose, as in the Regulations for the registration of employers and social security contribution payments of women workers to the Costa Rican Social Security Administration. One of the main lines of work in this country is ensuring that the multi-job modality can find a way to be registered and produce employer contributions:



Most women domestic workers do not work in any single household but rather in several households, therefore what this amendment allows is that we can send them the breakdown of the households and the different employers can contribute to the social security payments so that no single employer is burdened with the contribution he or she has to pay but rather that one single social security registration is shared among several employers, so that the more employers there are, the lower the amount to be paid by each (Costa Rica).

As for Mexico, after a major boost was given to mainstream women domestic workers into the social security system, which took place as of 2018 with a mandate on this from the Supreme Court of Justice of the Nation and legal changes in 2019, work is now being done to find simple, fast mechanisms to facilitate affiliation to the social security system:



Since December 2019, the STPS and AFD have been working on designing a digital platform, whose purpose is to provide a channel giving access to STPS information and services for women domestic workers. This platform intends to contribute to enhancing services that are currently being offered to this vulnerable sector and to create a tool that helps to ensure inclusion and fight informality. That is how formalization of the job market will be achieved, on the basis of a contract and the exercise of the rights that arise from it. This platform shall open up another range of work protection and community linkage services that the STPS can offer. Once the design has been concluded, tentatively by July 2021, there will be a bidding process to develop the platform and a training component for women domestic workers in Mexico City, Oaxaca, and Nuevo León (document provided by the Mexican government).

In countries like Argentina and Peru, employer tax incentives are used to foster the registration and mainstreaming of women workers into the social security system. Peru also has incentives to offer: “In the case of Peru, there is an incentive for employers who hire women workers to have them registered in the system to have the work recognized as formal and therefore deemed to be deductible for calculating income tax” (Peru’s lead institutions).



In other countries, there are greater lags in this, as in the case of Guatemala, where social security only includes maternity benefits:



In an administration several years earlier, the provision was established that women domestic workers could become part of a social security program with the Guatemalan Social Security Administration (Instituto Guatemalteco de Seguro Social—IGSS). Here in Guatemala there is now a program called the Special Program for Protecting Women Domestic Workers (Programa Especial de Protección para Trabajadoras de Casa Particular—PRECAPI) where women domestic workers can pay a monthly 20-quetzal contribution and the employer another contribution adding up to 3.8% thus entitling the workers to maternity benefits and accident insurance, albeit not full social security coverage for normal healthcare services where, if they fall ill, they can see a physician, but at least coverage for maternity benefits and accidents, so that now, in order to take up these issues that are so important, we held a meeting with the staff of the IGSS and they remarked that, at present, there are 500 women workers registered (Guatemala's lead institution).

In El Salvador, although reforms have been made, there still are constraints in terms of obtaining social security coverage:



As of 2010, reforms have been made in El Salvador's social security system, including a special regime for women domestic workers, and although it does not include a general regime as that provided for all other employees, and we know that parity must be established among these special regimes, at least we can say that it points to the progress that has been achieved, to a certain extent, in terms of providing social security benefits to this sector of women employees (El Salvador's lead institution).



Vocational development:

One major line of public policymaking action is in connection with care services. In Costa Rica, work is being done to build up the strength of community partnerships to contribute to job creation in the care economy and to ensure that “the technical skills of paid women domestic workers are being strengthened to meet the immediate and future demand for care services for older adults, either with or without related dependence.”¹³ One relevant aspect in this matter is to examine whether or not there should be any differentiation when the tasks of the women domestic workers include providing care services, as mentioned by the Ministry of Labor of Panama: “We are examining the category of caregivers as one of the types of domestic work, because caregiving involves features similar to those of woman domestic workers, but at the same time the duties are very different.”

Another innovative action with respect to professional development is business management capacity building for paid women domestic workers so they can develop a profitable business, such as the program being implemented in Costa Rica.¹⁴

In Brazil, vocational development actions aimed at women living in situations of vulnerability include women domestic workers, according to information provided by the leading representatives of the country’s National Machinery.

The Ministry recently launched a project that wishes to provide these women with professional qualifications and training to find encouraging reasons to promote the economic empowerment of women for the benefit of our country’s economic and social development. I will now talk a bit about this project, which was set up in the understanding that, if all institutions came together to set up a network of partners, including the federal government and district governments and involving both public and private institutions to create jobs and earn income for these women who are predominantly women living in a situation of social vulnerability, women who have already been the victims of violence, highly diverse women and who are representative of the . . .

¹³ Document sent by Costa Rica.

¹⁴ Ibid.



country, that is, indigenous women, from the rural sector, older women coconut shell breakers who now need the support from the Union. This project is now in all the country's regions, 16 states belonging to the Federation are already providing a training and qualification course that is entirely free of charge, and there are many vocational training areas here in which to participate: beauty salon services, healthcare, business management, the environment, infrastructure, safety, and cultural production.



Actions to achieve wage parity:

Wage parity for domestic work—namely, pay that is equal, in terms of the minimum wage, to that earned by other forms of employment, where this requirement exists or where workers can sit at the table to bargain for better wages depending on the category of work in other countries—is one of the aspects that have triggered the biggest debates in society. And when there are changes in the statutory framework that establish equality, then actions must be taken for that parity to be enforced:



Women domestic workers are earning less than the minimum wage for unskilled workers. Their pay is below that. Although it is certain that the National Wages Council has already scheduled and established a methodology to gradually provide a yearly percentage increase so that their wages could achieve parity with the minimum wage for workers, it is still a challenge, and in more or less 15 years wage parity can be achieved. Then the National Women's Institute (Instituto Nacional de Mujeres—INAMU) started working with a strategy to advocate technically and politically before the National Wages Council for increasing the wage more rapidly (Costa Rica's lead institution).

What really happens when the Law on the Minimum Wage is discussed is that the domestic work sector has been excluded, and it is excluded because the law provides that the minimum wage is set on the basis of enterprises that have at least one to two employees and households are not enterprises, that is the discussion, as a result of which the challenge continues to be unresolved (Honduras's lead institution).



■ **Training in rights and capacity building of paid women domestic workers organizations:**

Training in rights and providing tools for the organization and leadership of paid women domestic workers is a strategy that has been developed by various governments of the region. There is also concern over the formal schooling of women domestic workers and thought is being given to lines of work to support mainstreaming them into the formal education system.



Work needs to be done on ensuring access of this population group to formal education because when they are working 6 hours, or in this arrangement they are working 8 hours a day, it's going to be difficult for them to gain access to formal education, and therefore their full development is another topic that we have been talking about with the Network of Women Workers, and they stated that indeed it is necessary to include access to formal education into the law (Honduras's lead institution).



■ **Measures for labor inspections:**

One of the largest obstacles to guaranteeing sound working conditions in domestic employment is the issue of labor jurisdiction and, in connection with that, the difficulty of conducting labor inspections because most of domestic work is carried out in private homes that cannot be easily accessed. Home as a "workplace" in jurisdictional terms is an ongoing debate in the region, which to date has not found any universally applicable solution. As mentioned by Brazil: "We encounter many challenges to monitoring domestic work with respect to the issue of employability in households, information about irregularities because of the situation of isolation in which many of these women workers are living, the lack of labor inspectors, and other issues" (Brazil's lead institution).

As a result, labor ministries of various countries are seeking ways to undertake these inspections:



The concern is that, for a long time now, the “excuse,” so to speak, for not conducting inspections to check that the rights of women domestic workers are being observed, is the impossibility of entering homes. So what we want to do is to reinforce the entire preventive part of our work, everything that has to do with information, dissemination, empowerment of women workers and the employers in organizations, opening channels for social dialogue and looking for other forms of monitoring that would not involve onsite visits, but rather a virtual visit for example, but that would obligatorily require organizing this work among different government institutions and the participation of social stakeholders (Costa Rica’s lead institution).



Amending discriminatory laws:

In those countries that have not yet changed their discriminatory laws, one important line of work involves developing processes to adopt more favorable laws for the benefit of the rights of women workers. Thus, in 2019 in El Salvador, civil society, supported by the Ministry of Labor, according to information provided by the state’s lead institutions, promoted the special law for paid work that is still being reviewed in the Legislative Assembly. In Honduras, between 2017 and 2018, a debate was conducted on the Special Law on Domestic Work, submitted by civil society, in coordination with the National Women’s Institute, which was the subject of a preliminary debate, but then did not move any further.



Dissemination and awareness-raising campaigns and events:

Achieving social momentum for the benefit of parity for domestic work, the commitment of employers, and the call by the women workers themselves for enforcement of the rights secured requires providing information to, and raising the awareness of, the stakeholders involved. In that regard, one line of work that states are engaging in is organizing campaigns in the media and holding various types of events that disseminate information and foster social debate.

Inter-agency coordination

The development of lines of work by states includes inter-agency coordination as a key strategy. In various countries, working groups have been established to promote change and actions in domestic work, with the participation of women workers organizations:

We are attempting to consolidate and establish the national working group for paid domestic work with various institutions such as the Ministry of Labor, in coordination with INAMU and support from the ILO. We're going to be indicating that, among these institutions, we will be able to set a common roadmap of what we're doing, that's very important, but what's most important about this group is that we always have to make sure that the organizations of women domestic workers, both nationals of the country and migrants, are duly represented (Costa Rica's lead institution).

At present, we are in the process of implementing a working group for the protection of the rights of women household workers, it is a multisector group, it is a working group called multisector roundtable; what it intends to do is review and create initiatives for the protection of the rights of women workers and also of women domestic workers (Peru's lead institution).



In 2019 the Inter-Agency Working Group to Support the Rights of Paid Women Domestic Workers was established with the signing of a Letter of Inter-Agency Commitment. It is an inter-agency forum for dialogue between civil society, state institutions, and national and international coordination organizations to create actions for the benefit of the working conditions of paid women domestic workers and to foster respect for and protection of their rights (document provided by the Ecuadorian government).

The STPS is participating, since September 2019, in the Inter-Sector and Civil Society Organizations Working Group on Domestic Work for the purpose of promoting the effective access of women domestic workers to the full exercise of their labor rights, including social security on the same footing as that granted to the rest of the labor force. From September 2019 to December 2020, this Working Group held seven meetings to coordinate actions to increase the number of social security registrations of women domestic workers. The agreements that were signed have made it possible to boost the synergies and partnerships between civil society and state institutions, as well as to concretize collective communication efforts. This Inter-Sector and Civil Society Organizations Working Group on Domestic Work, which is chaired by IMSS and All of Us Collective (Colectivo Nosotrxs), is comprised of the following: STPS; the National Council to Prevent

Discrimination (Consejo Nacional para Prevenir la Discrimination—CONAPRED); the National Minimum Wages Council (Comisión Nacional de los Salarios Mínimos—CONASAMI); the Mexico City Secretariat of Labor and Employment Promotion (Secretaría de Trabajo y Fomento al Empleo de la Ciudad de México); the National Domestic Workers Trade Union (Sindicato Nacional de Trabajadoras y Trabajadores del Hogar—SINACTRAHO); various civil society organization such as Home Fair Home (Hogar justo Hogar), the Women Domestic Workers Support and Training Center (Centro de Apoyo y Capacitación para Empleadas del Hogar—CACEH), Seed Fund (Fondo Semillas), the Simone de Beauvoir Leadership Institute, the Mexican National Goodwill Organization (Nacional Monte de Piedad), Women in Informal Employment: Globalizing and Organizing (WIEGO); as well as the International Labor Organization (ILO) (document provided by the Mexican government).

The involvement of women workers organizations in the process of drawing up statutory frameworks and regulations is key to securing positive outcomes, and many countries have stressed the importance of this participation. Peru, which in 2020 adopted the new Law 31047 on Domestic Workers and related regulations via the issuance of Supreme Decree No. 009-2021-TR, drew up these regulations jointly with women domestic workers and their organizations on the basis of a social dialogue. In Colombia, the state is also holding sessions with trade unions representing women domestic workers.

Best practices: Argentina, Mexico, and Paraguay

This section will briefly refer to best practices for securing the full exercise of rights for domestic workers in three countries: Argentina, with its innovative mechanism to formalize domestic work on the basis of tax deductions; Mexico, with the role played by the federal judicial system to promote the rights of women domestic workers; and Paraguay, with the coordination and leadership of the three women domestic workers organizations currently in force in the country to change the discriminatory statutory framework for domestic work.



Argentina: Strategies for registration in connection with income earnings of employers

Argentina is one of the countries in the region with the highest percentage of women domestic workers in the labor force of employed women. Data from 2019, presented in the ILO's 2020 Labour Overview indicate that 16.6% of employed women were working as domestic workers. And according to Gorbán and Tizziani (2019): "Historically, domestic service has been one of the activities recording the highest levels of informality on Argentina's job market. In 2005, only 5% of women domestic workers were employed in registered jobs" (p. 14).

In this context, two innovative strategies were developed in the country in connection with taxes to promote the registration and mainstreaming of women domestic or household workers in the social security system. On the one hand, as of 2005, tax deductions were set for wage payments and social security contributions for women workers. On the basis of Law **26.063 on Social Security Resources**, in Title VI on the Special Social Security Regime for Women Domestic Workers, Processing Income Taxes, a full income tax deduction was established for wage payments and social security contributions for employers of women domestic workers. The Law's regulations were established by General Resolution 1978 of the Federal Public Revenues Administration (*Adminis-*

tración Federal de Ingresos Pùblicos—AFIP), Special Social Security Regime for Domestic Service Employees, Processing Income Taxes, Law No. 26.063, which entered into force immediately.

On the other hand, to move forward with formalization, an arrangement was developed to actively seek out women domestic workers in high-income households, with notification from the Federal Public Revenues Administration (AFIP). This strategy started being implemented in 2013 on the basis of AFIP General Resolution No. 3492/2013, which established the assumption that, with certain income levels, there would be workers "engaged in personal assistance tasks and/or for the nuclear family."¹⁵ The strategy has continued in Argentina, where high-income persons are being notified, as reported by this country's lead institution:

This week the Minister of Public Services sent formal notices to 200,000 very-high-income households on the assumption that they clearly have women domestic workers who are not being registered, and we know that these instruments are very useful in this context.

Information indicates that these notices are sent to the electronic fiscal residence of taxpayers who earn incomes that are far above the average but who have not registered any domestic workers. The wording of the notices is as follows:

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¹⁵ See document at: http://biblioteca.afip.gob.ar/dcp/REAG01003492_2013_04_29.

We are contacting you to inform you that, based on a review of information on your assets and consumption, we have detected that you might be the employer of private household workers. Nevertheless, to date, you have not registered the presence of any worker.¹⁶

Argentina's strategy of linking registration to tax measures, with clear specifications, and actively looking for employers on the basis of their income is innovative and, according to studies (Gorbán and Tizziani, 2019; and Lexartza, Chaves, and Carcedo, 2016), there has been a substantial rise in registrations, which stems largely from the implementation of these measures.

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¹⁶ See at: <https://www.forbesargentina.com/money/afip-sale-caza-clave-ser-notificado-n5882>



Mexico: The role of justice in the rights of women domestic workers

Mexico is one of the last countries in the region to have adopted equal rights for domestic employment, with the 2019 amendment of the Federal Labor Law and the *Social Security Law*. But before these amendments, there was a key precedent in connection with social security, as a result of a judgment by the Supreme Court of Justice of the Nation (Suprema Corte de Justicia de la Nación—SCJN) in a case filed by a woman domestic worker that eventually reached this high court of appeals.¹⁷

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¹⁷ See documents at the following links: https://www.supremacorte.gob.mx/sites/default/files/resenias_argumentativas/documento/2019-07/res-APD-0009-18.pdf; <https://www.scjn.gob.mx/derechos-humanos/sites/default/files/sentencias-emblematicas/resumen/2020-12/Resumen%20AD9-2018%20DGDH.pdf>; <https://www.scjn.gob.mx/derechos-humanos/sites/default/files/sentencias-emblematicas/sentencia/2020-01/Sentencia%20AD%209-2018%20PDF.pdf>



The proceedings began in 2016 when the domestic worker María Rosario Garduño Gómez filed a complaint against her employers with the Local Settlement and Arbitration Board of Mexico City (Junta Local de Conciliación y Arbitraje de la Ciudad de México). The complaint also included the Mexican Social Security Administration (Instituto Mexicano del Seguro Social—IMSS) and the National Workers Housing Fund Institute (Instituto del Fondo Nacional de la Vivienda para los Trabajadores—INFONAVIT) for various benefits, among which the request for retroactive registration in the IMSS. The local court of first instance ruled against the worker with respect to her right to be registered, which led to a motion of appeal on constitutional grounds (*amparo*) filed with the Supreme Court (SCJN) and supported by women workers organizations, among which the CACEH.

The SCJN issued a judgment in 2018 for this woman worker, ruling that the article in the Social Security Law that excluded women domestic workers from the mandatory social security system was unconstitutional and also instructing the IMSS to draw up a Pilot Plan for the inclusion of women workers in the social security system.

The arguments brandished by the Supreme Court have a clear gender perspective and include acknowledgment of discrimination involving the exclusion of women workers, as well as the violation of human rights stemming from that discriminatory provision.

The Social Security Law (LSS) leads to the exclusion of domestic work from the mandatory affiliation to the social security system, which is disproportionately detrimental to women, because although it was drafted in terms that were neutral from the standpoint of gender, household work is predominantly carried out by women, as a result of which this exclusion is exerting an adverse impact principally on women workers.

On the basis of this provision, in April 2019, the Pilot Program to Mainstream Domestic Workers was launched. It provides access to various benefits relative to social security and health, with actions undertaken to affiliate women domestic workers to the IMSS using a streamlined and automated approach. As a result of this Plan, social security affiliation rose sevenfold, according to government reports, from 3,848 persons in April 2019 to 27,640.¹⁸

Following the process of recognizing the rights of women workers, at the end of 2019, Mexico issued the Decree whereby diverse provisions of the Federal Labor Law and the Social Security Law on the matter of women domestic workers were amended, added, and repealed. Thus, various components better enshrining and developing labor rights were mainstreamed into the statutory framework referred to above.

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¹⁸ See information at: <http://www.imss.gob.mx/prensa/archivo/202011/762>

The judgment in the Mexican case indicates the importance of the judicial system and the access of women domestic workers to justice. On the basis of one specific case filed in the judicial system, a standard was obtained, one that involved progress for all women workers as it entailed the mandate to draw up a program that establishes mechanisms that can lead to full access of all to social security.

The changes achieved in this field over a short period of time, albeit after a long struggle by women workers organizations supported by diverse sectors, are still encountering many challenges in terms of enforcement. This progress, as in other areas, runs up against resistance based on discriminatory thinking that persists, as mentioned by Marcelina Bautista of CACEH:

With laws we are making progress, but employers are still resisting compliance, and it has to do with the culture surrounding domestic work. Therefore, among these actions, I believe it's also important to talk of cultural change. Now that we've made structural changes, we should do the same in terms of changing the culture that is still surrounding domestic work.



Paraguay: A common stance taken by women domestic workers organizations

Paraguay is the country in the region with the highest percentage share of women domestic workers in the labor force of employed women. It is also a country of origin for women domestic workers employed in neighboring countries such as Argentina. Until 2015, domestic work was being carried out in conditions of discrimination in terms of almost all aspects of labor rights: workdays of up to 12 hours, wages 60% below those of the rest of the labor force,



exclusion from entitlement to retirement benefits and from extra payments such as bonuses and overtime, among others. That year, Law No. 5407 on Domestic Work was adopted, bringing parity to most of these rights enjoyed by other workers, except for the right to a minimum wage, which rose by 20%, although that was still far from parity with other jobs. Three years later, in 2019, Law No. 6388 was adopted, amending Article 10 of Law No. 5407 and recognizing the right to equal wages.

The process of securing full labor rights for Paraguayan women domestic workers required more than a decade, and its principal driving force was the women domestic workers organizations that were coordinated with a common agenda and roadmap, a sound narrative, and a permanent presence on the public stage. The three current organizations are as follows: Legitimate Trade Union of Women Domestic Workers of Paraguay (*Sindicato de Trabajadoras Domésticas del Paraguay Legítimo—SINTRADOP-L*), Trade Union of Women Domestic Service Workers of Paraguay (*Sindicato de Trabajadoras del Servicio Doméstico del Paraguay—SINTRADESPY*), and the Trade Union of Women Domestic Workers and Related Workers of Itapúa (*Sindicato de Trabajadoras Domésticas y Afines de Itapúa—SINTRADI*). On the basis of a sustained process, these organizations achieved permanent coordination in the struggle to secure equal rights and have taken a common stance with respect to both society and cooperation agencies and state institutions. This involved joint planning, activities with all of the organizations together, appearances in the media with the three organizations, and lobbying in parliament with women workers from all of the organizations. This joint action by all the women domestic workers organizations in the country was a key factor to achieving changes in the statutory framework.



Violence in domestic work

CHAPTER

05



In 1994, the states in the region adopted the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women **Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women** (Belém do Pará Convention), which entered into force in March 1995 and has been ratified by 32 countries of Latin America and the Caribbean. The Convention guarantees the right of every woman to be free from violence "...in both the public and private spheres" (Article 3). The breadth of the Convention is important because, although the workplace is typically considered a public sphere, in the specific case of domestic work it is carried out in a "private" sphere with the above-mentioned difficulties that this entails in terms of monitoring and follow-up.

Although the Convention does not mention women domestic workers as such, it does establish the following:

With respect to the adoption of the measures in this Chapter, the States Parties shall take special account of the vulnerability of women to violence by reason of, among others, their race or ethnic background or their status as migrants, refugees or displaced persons. Similar consideration shall be given to women subjected to violence while pregnant or who are disabled, of minor age, elderly, socioeconomically disadvantaged, affected by armed conflict or deprived of their freedom (Article 9).

Gender-based violence can take on diverse forms in domestic work and is a phenomenon recognized by both women workers and those who interact with them whether belonging to the state or civil society organizations, as stated by Colombia's lead institution: "...women engaged in this work are subject to violations of their rights and can be the victims of any type of gender-based violence, whether physical, psychological, sexual, or economic or property-related violence."¹⁹

Two factors making women domestic workers vulnerable to violence in their job is that domestic work is being carried out in a workplace that is closed to public scrutiny and also that those who are starting to work in this job are very young and in the early stages of their life. Thus, psychological violence, which is defined as acts undermining their self-esteem, humiliating them, controlling and patrolling their behavior, and isolating them are frequent, and during the pandemic an upsurge of violence was reported, including forbidding women workers from leaving the households of their employers to avoid being infected.²⁰

In domestic work, there is also violence against the reproductive rights of women domestic workers when they are dismissed because of pregnancy. Other forms of work violence such as wrongful dismissals, the requirement to carry out chores other than those agreed on, and chores being carried out outside working hours

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¹⁹ States consulted for this study.

²⁰ See reports in Mexico and Paraguay at: <https://www.cde.org.py/tiempodecoronavirus/2020/03/30/trabajadoras-domesticas-de-paraguay-un-llamado-a-la-humanidad-ante-el-covid-19/> y <https://apnews.com/article/0d98624849c49f700fb938fcfa5e554e1>

are features that have been well documented in this type of employment.

Physical violence has been reported especially involving girls and adolescents who are engaged in domestic work in households where they are being lodged with promises of sustenance and schooling, a sponsorship-type arrangement known as *criadazgo* or *padrinazgo* and identified as one of the worst forms of child exploitation. Over the past five years, even crimes committed in the context of these arrangements have come to light, as happened in Paraguay with the 2016 killing of the girl Carolina Marín as a result of battery.²¹

Sexual violence is another form of violence against women domestic workers, which has been recorded in many reports and documents in the region. One recent study in Honduras indicates that 36.2% of women domestic workers in that country have suffered from some kind of violence or abuse in their workplace. Another kind of abuse refers to adolescent girl domestic workers who are kept in captivity.²² In Brazil, the state has reported cases of women domestic workers being kept in slavery:

Domestic work is an activity requiring special attention by the Brazilian state and the Labor Inspection Under-Secretariat. Here in Brazil, as in other countries of the Americas, it involves work with high levels of informality,

²¹ See: <https://www.abc.com.py/especiales/fin-de-semana/el-crimen-de-carolina-gritos-en-el-silencio-1447701.html>

²² See: <https://proceso.hn/el-empleo-domestico-vulnera-derechos-de-mujeres-en-honduras-segun-estudio/>



low wages, and long workdays, and it is predominantly carried out by black women, oftentimes in conditions of subservience inherited from the colonial era. There have been frequent cases of women domestic workers being rescued from working conditions similar to those of slaves, and this year alone there have been 13 women workers found in this situation.

In Panama, although the 2010 research paper on *Sociocultural and legal institutionalization of inequality: Paid domestic work in Panama* mentions that almost 50% of the women workers surveyed preferred not talking about workplace problems, it did report the following:



The problems range from shouts to insults (13.80%), blows (12.30%), threats (11.80%), pressure forcing them to have sex (1.00%), eating different things (0.30%), not having their own adequate bedrooms (sleeping on the floor), not receiving or making phone calls (0.30%); even not receiving any visits (0.30%) (Marco Serra, 2010:57).



Verbal abuse, physical punishment of the youngest workers, especially girls and adolescents who in many countries are living in sponsorship-type arrangements called *criadazgo* and even in situations of slavery, sexual harassment, and rape, withholding wages, restrictions on movement, and total control over the lives of women who work as "live-ins" stem largely from the defenselessness in which women domestic workers are placed, as recognized by the 2015 judgment of the Constitutional Court of Colombia:

Women domestic workers are persons who are in a situation of defenselessness and, especially, subordination with respect to their employers, because they are under their orders, compounded by the fact that they lack the minimum means required to repel any potential violation of, or threat to, their fundamental rights.²³

Information provided by women domestic workers who are trade union members, on the basis of their own experiences, indicates the many types of violence they are subjected to:

Gender-based violence is a widespread problem in our sector, as 8 out of 10 women domestic workers have informed that they have sustained some type of violence at the workplace, and that is why we are here, to make sure we will have a sound convention to put an end to gender-based violence.

CARMEN BRÍTEZ, FROM ARGENTINA, VICE-PRESIDENT OF THE IDWF AND REGIONAL REPRESENTATIVE FOR LATIN AMERICA²⁴.

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²³ Judgment of the Constitutional Court of Colombia in 2015. Available at: <https://www.corteconstitucional.gov.co/relatoria/2016/t-185-16.htm>

²⁴ See at: <https://idwfed.org/en/updates/ilc108-june-16-international-domestic-workers-day-in-geneva-marks-by-a-strong-message-to-governments-to-support-an-ilc-convention-to-stop-gender-based-violence-against-domestic-workers>

Another key factor for examining violence experienced by women domestic workers is the status of migrants with scant rights or absence of knowledge about their rights, which exposes them even further to various forms of violence in the places where they have travelled to, whether the migration is internal or international. This is compounded by the vulnerability to human trafficking for purposes of sexual and/or labor exploitation that women encounter when they migrate looking for working opportunities on the basis of promises made to them to gain access to this form of employment and then are caught in networks of organized crime. This is a concern voiced by Colombia's lead institution:

The so-called dream of nannies who travel to other countries to work in what they are told and described as being part of the family, they travel to work in another country via an agency, and the agency prepares them, their relatives pay a large amount of money, and these girls set off alone to work as domestic workers in other countries, alone without being protected by any law. This agency provide a work contract and the parents sign it for the girl and then afterwards they know nothing about what happens, there are many reports filed in Colombia that this is virtually like human trafficking, so that's yet another matter we have to investigate because it's not part of the statutory categories for crime in the countries, but it's disguised as domestic work, but that's a disguise and it has to be investigated carefully because the age range they are looking for is from 18 to



27 years old, so that these young girls are being sent to other countries, the USA, they talk about France and Germany, and they go there without any protection, some of them are being exposed to host families who are hopefully good people and that is where they stay, for one or two years, without any benefits or schooling or payment for them.



Another issue is that they don't fit into any legal framework, and there are always organizations that find a way to circumvent the law, therefore I would like you to add this item as well about what the work arrangement will be, what kind of work, under what conditions, who is regulating all of these agencies that are sending young girls far away, to other countries.



Exploited domestic work versus women's right to a life free from violence

The conditions of lesser rights in which domestic work is being carried out in the region, in addition to leaving paid women domestic workers in conditions of vulnerability and promoting diverse forms of violence as mentioned above, constitute in themselves violence against women.

On the one hand, laws restricting rights to domestic work are discriminatory and clash with the right of all women to a life free from violence, which includes, according to subparagraph a) of Article 6 of the Belem do Pará Convention, "the right of women to be free from all forms of discrimination." Furthermore, when a state discriminates against a form of employment that is mainly carried out by women, that can, in itself, be viewed as *institutional gender-based violence*.

On the other hand, the failure to pay a decent income, one that is similar to the one paid to other workers, as established in the region's laws and still in force, in practical terms, in most countries, is a form of economic violence. Eliminating domestic work that is carried out under conditions of exploitation therefore contributes to ensuring a life free from violence for a large number of women in the region.



Furthermore, when a state discriminates against a form of employment that is mainly carried out by women, that can, in itself, be viewed as institutional gender-based violence.





Actions to tackle violence in domestic work: Convention 190

The measures undertaken by states to tackle violence in domestic work involve a substantial challenge: obtaining information on the rights of women workers, implementing efficient whistle-blowing mechanisms, and providing support for the necessary procedures. In Colombia, they are gambling on implementing a crash plan: "What we're looking for with this crash plan is to disseminate the statutory framework in order to prevent any type of violence that women might sustain in the workplace" (Colombia's lead institution). In Ecuador, the issue of violence in domestic work is being addressed by creating practical guidelines for paid women domestic workers when they encounter situations of violence or harassment in the workplace (document provided by the Ecuadorian government). Peru informs that: "... there are also regulations on sexual harassment and violence in the workplace, and prevention mechanisms are being established there as well, and one of the prevention mechanisms is providing training" (Peru's lead institution).

At present, one instrument that could support the adoption of measures by states is the ratification of ILO Violence and Harassment Convention No. 190 **Violence and Harassment Convention, 2019**, adopted by the 2019 General Conference of the ILO. By including, in Article 3, that the Convention "...applies to violence and harassment in the world of work occurring in the course of, linked with or arising out of work: (a) in the workplace, including public and private spaces where they are a place of work," it provides a crucial validation of the provisions of the Belém do Pará Convention, as well as an important framework for requiring states to adopt measures to put an end to violence against women domestic workers. To date, however, only three countries of the Americas have ratified the Convention: Argentina, Ecuador, and Uruguay.



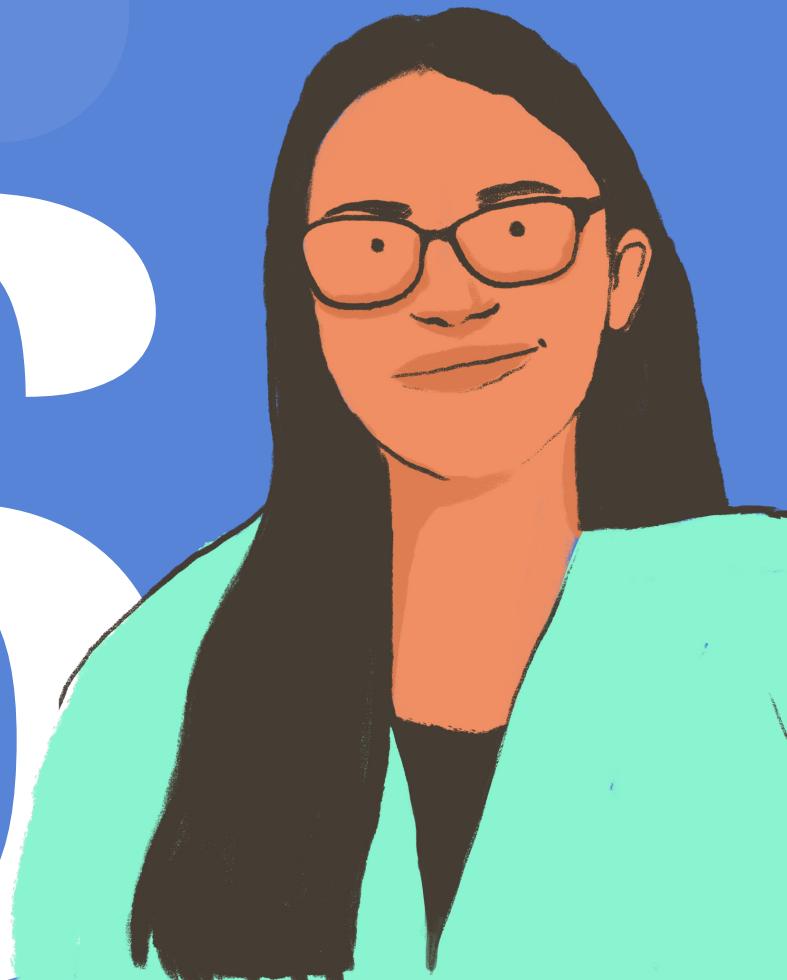
At present, one instrument that could support the adoption of measures by states is the ratification of ILO Violence and Harassment Convention No. 190 Violence and Harassment Convention, 2019, adopted by the 2019 General Conference of the ILO.



Women workers' organizations, their demands, challenges, and partnerships

CHAPTER

06





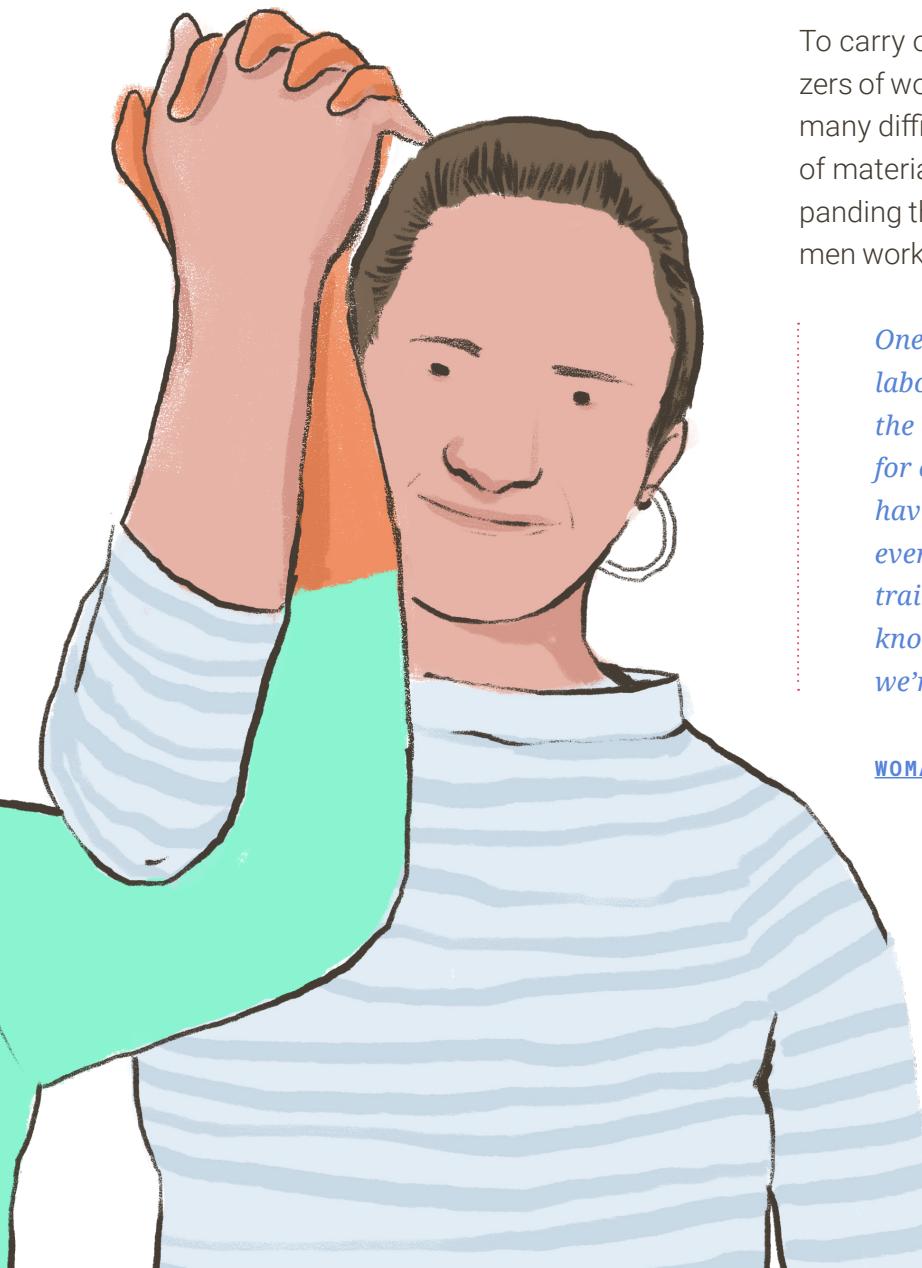
Women domestic workers organizations date back to many years in the region: Argentina's Union of Auxiliary Staff in Private Homes (*Unión del Personal Auxiliar de Casas Particulares—UPACP*) dates back to 1901, and in the other countries organizations were being established throughout the twentieth century, although without focusing their action on the call for equal rights. Over the past few decades of the twentieth century, especially since the Latin American and Caribbean Confederation of Women Domes-

tic Workers (CONLACTRAHO) was established in 1988, the organizations have become stronger, picked up momentum, and created several more. Today, all countries of the region of Latin America have these organizations, whether in the form of trade unions or associations. Most organizations are members of the CONLACTRAHO or the International Domestic Workers Federation (IDWF), established in 2013, and several are members of both. Although their levels of partnership are not very high, their capacity for advocacy and action has been key to the process of securing rights.

To carry out their actions and grow, the organizers of women domestic workers run up against many difficulties, among which there is the lack of material resources preventing them from expanding their organizations and reaching all women workers:

One major difficulty to ensure respect for labor rights of women workers is that, at the national level, we have no capacity for organizing them, because it requires having a working team, a trade union everywhere, with resources to provide training and to reach all the women with knowledge about their labor rights, but we're not able to do that.

WOMAN LEADER IN NICARAGUA.



The key grievance highlighted by paid women domestic workers organizations is equal rights to historically discriminated aspects, in both statutory terms and exercising rights:

We have identified as organizations the three trade unions in the country for women domestic workers. We have identified the following critical core issues that could initially be worked on to enforce that Convention: inclusion in the social security system, written contract, and establishment of a minimum wage.

WOMAN LEADER IN THE DOMINICAN REPUBLIC.

Another important grievance is the need to draw up public policies that support women workers in improving their lives, such as facilitating their search for decent housing, health, education, among others:

There should be policies for women domestic workers that help and support us so that women domestic workers can secure housing, because loans are very costly, and so is everything else. I believe governments must also adopt that measure, besides supporting the rights of women domestic workers, (...) they don't even have a house where they can sleep, therefore that is also a major problem

WOMAN LEADER IN PERU.

In those countries that still have no legislation recognizing the full exercise of rights for paid women domestic workers, the core difficulty that representatives of women workers organizations are seeing is the absence of political will:

I believe that the lack of political will is, for all the countries in the region, the common obstacle behind the failure to recognize our rights, to achieve equal rights.

WOMAN LEADER IN THE DOMINICAN REPUBLIC).

There was a woman lawmaker who stepped out of the plenary session and attempted to promote a draft bill for the benefit of women domestic workers in connection with Convention 189 and, well, they said she was crazy and that it was sheer madness to stipulate working hours, provide us with healthy food, transportation, everything enshrined in Convention 189, and the project was shelved and it never appeared again. The congresswoman left, and that bill has been on the shelf ever since. I feel there's really no help at all and that there's no political will. They tell you, yes, we're going to help you, we're going to cooperate, but just when you're about to get in, they slam the door shut in your face.

WOMAN LEADER IN PANAMA).

The absence of political will is not exclusively connected to political power, it also has to do with society in general, because of the continued prevalence of thinking that undermines the value of this type of work:



Among the things that have hindered progress, specifically there's very little political will to move forward on the issue of the rights of women domestic workers, and unfortunately when I say political will I'm not merely referring to state institutions that have the authority to adopt formal measures, but also society itself, because politics has to do with society. It seems to me that there are many stereotypes that continue to prevail, and there's also much discrimination and little recognition for the social value of this activity and the economic contribution it makes to countries. Therefore, I believe that this still persists in society and that is why trade unions have very little interest in calling for the observance of these rights, and in the case of El Salvador trade union representation is very recent (consultation with NGOs).

One of the key problems that has also been identified by women workers is the absence of inspections:

And there's no inspection of our work either, we're working in a house, but nobody is inspecting what we're doing, no one knows if we're being abused psychologically or suffering from abuse in the workplace, nobody is concerned about us in that regard, because there's no visibility. In Chile we've always been told that private property is inviolable, that no one can enter to inspect, and I believe that is where we have to continue fighting so that Convention 189 can truly be enforced.
WOMAN LEADER IN CHILE).

Organized women workers identify the following key stakeholders as the principal obstacles to observance of their rights: employers, congresspersons, powerful interest groups in society, and, in various countries, corporate groups:

“

The first who are against us are the employers, they always view women domestic workers as inferiors, they don't realize that, with our work, we contribute a great deal to the country's economy, and we help many of them become successful, without us they wouldn't be able to go to work, and our female employers wouldn't be able work at their own jobs, and we're also like teachers, because we raise their children when they are not at home”.



WOMAN LEADER IN PERU.

“

The principal sectors opposing the rights of women workers are businesspersons, male and female employers”.

WOMAN LEADER IN PANAMA.

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As for the sectors opposing the rights of women domestic workers, there is the state itself, congresspersons themselves, they've not wanted to pass any laws either. That law in 2003, Law No. 27186, was highly discriminatory, we had our rights curtailed. In this law, No. 31047, we have achieved almost all of our rights but even then we still have to continue fighting”

WOMAN LEADER IN PERU.

“

In the Dominican Republic, the principal sector opposing us, even when the debate started on adopting an international convention for women domestic workers, was COPARDOM, which consists of the entrepreneurs of industry, who really are not the representatives of domestic workers because, as their name indicates, COPARDOM brings together the heads of industry, as they are really more involved in issues relative to the industrial sector than the issues of domestic work”.

WOMAN LEADER IN THE DOMINICAN REPUBLIC.





The partners in the struggle to secure equal rights for women workers come from certain state sectors, civil society, and international organizations. In several countries, support has been found in the Ministries of Labor and National Women's Mechanisms, feminist organizations and the broader women's movement, and trade unions:

We have partners that have cost us a great deal to mobilize them, many partners in the Ministry of Labor, we have partners in the Ministry of Justice of Peru, and we have them in the Office of the Public Defender and the Ministry for Women. We also have women feminist organizations with us.

WOMAN LEADER IN PERU.

Right now our partner sector is the Pan American Health Organization (PAHO), and a colleague from the United Nations Development Programme (UNDP) is also supporting us in everything she can. We've been telling her that we need help or that she should come here to learn about us or interview us, and that we can go out so that we will be listened to and seen.

WOMAN LEADER IN PANAMA.

The main partners that we've had are, first, the trade union federations, they've been our first partners. The second partners have been the feminist movement in general, and the feminist forum has been giving us their support and assistance with respect to the organizations and without neglecting our own international organization, which is the International Domestic Workers Federation (IDWF), which has always been giving us their support for the work we do in each one of the country's organizations.

WOMAN LEADER IN THE DOMINICAN REPUBLIC.

Our principal partner is the National Committee of Trade Union Women. This Committee has been around for 34 years, and that is where there are representatives from all the women at the head of the women's secretariats of all the trade union federations and the Inter-Union Committee on Migrants.

WOMAN LEADER IN NICARAGUA.

With feminist organizations, the relationship has been contradictory in certain countries, as in the case of Chile:

When right to maternity leave was an issue being fought for, the feminists promoted it for all women, except for women domestic workers, they thought we didn't have a uterus, that we weren't women like they were, therefore we also have this resentment against the feminists, although indeed we do work alongside them, but we always remind them and hold that against them, because as women workers we've always had to fight virtually alone on this matter

WOMAN LEADER IN CHILE.

There was one very interesting situation in Mexico, as a result of the visibility given to this issue because of the movie *Roma*, highlighting the impact that can be exerted when the status of domestic work is viewed from an artistic standpoint and as part of a cultural product that is different from the usual: "The major progress achieved in Mexico was because of the movie *Roma*" (woman leader of the CACEH).

In the framework of the work carried out by women domestic workers organizations, one key challenge is ensuring continuity in the actions carried out to secure the full exercise of rights, as achieving this requires, as a rule, long periods of time stretching beyond the terms of office of government administrations and efforts that have to be renewed in the face of political changes that are occurring:

Each new administration comes with changes, therefore as we say it's like starting all over again, because it's not as if the outgoing administration clearly told the incoming one what it had to do, but that's a reality and we have to go there once again if the government changes

WOMAN LEADER IN PERU.

As mentioned already, in various countries, joint working groups are being established to work on an issue, and in some countries, tripartite groups are being organized. The difficulty in having this



happen lies in the absence, in most countries, of an organized employer counterpart, as did indeed happen in Uruguay with the League of Housewives.

As there are no cooperative associations bringing together employers, there is no one to discuss the issues with, it always ends up being an individual negotiation and, as we already know, that undermines their potential for protecting their rights. Regarding the exercise of their rights, there's simply no one with whom to engage in a dialogue. In the case of Peru, the dialogue was with the CONFIEP, in other words, the employers, who were always the ones who were opposed to establishing a tripartite roundtable to discuss laws for women domestic workers (consultation with NGOs).

In Chile, because teachers stated their case for allowing women domestic workers in private households to go to their workplace during the pandemic, this is now being considered by the organizations, such as the employer sector, which can become a member of the tripartite roundtable: "One thing that we were missing and now we're going to hold them accountable for that, they sent us a letter saying that they are employers, so that we benefited from that part". (woman leader in Chile).

One major challenge for the organizations is to draw up clear agendas and to include in them capacity-building initiatives for the women domestic workers themselves, who must oftentimes cope with low self-esteem:

We first started working on ourselves, that we are worth something and that our work is just as valuable as any other job, and when our female employer is there in front of us we won't be afraid of her, because she's a human being just like us, but we have to move forward step by step, it won't happen from one day to the next, it's now been more than three years

WOMAN LEADER IN ECUADOR.

In Mexico, we have several organizations, but few of us have a clear agenda on how to enforce those rights we've already secured

WOMAN LEADER IN MEXICO.

The leading role that women domestic workers organizations play in securing their rights lies in the fact that they are the ones who understand their realities and can speak about them knowledgeably and call on other women domestic workers to join the struggle:

It is important to pay attention to women domestic workers because we understand what our issues are and we can also count on this women's support partnership and trade unions to move forward, achieve implementation of the rights of women domestic workers. Their empowerment is very important for the consolidation of their own rights. Women domestic workers can exert an impact or are those who have the greatest impact on other women domestic worker.

WOMAN LEADER IN MEXICO.

Rights of women domestic workers during the COVID-19 pandemic

Data on employment in the region indicate that the pandemic's impact has been critical for virtually all employment categories, as pointed out by the ILO:

The health crisis had a profound impact on employment in terms of both wage and non-wage employment. Total wage and salaried employment and own-account employment fell -6.8% and -8.9%, respectively, in 2020. The health crisis also affected other types of employment status, such as employer (-9.8%) and domestic service (-19.4%) (ILO 2020 Labour Overview:11).





State institutions confirm the large impact of unemployment on the sector of paid women domestic workers:



In the context of the pandemic, the situation worsened, and we estimate that about

3000

jobs were lost in the sector and that this variation is higher than in other sectors (Argentina's lead institution).

The pandemic is hitting this sector hard in Brazil, with the loss of more than one million jobs and growing pressure on the right to live in the households where they are working (Brazil's lead institution).

Information drawn from diverse documents and testimonies provided by women domestic workers also indicate that the conditions of this kind of employment, for those who kept their jobs, has become even more precarious as a result of wage cuts, restrictions on leaving households when they are live-in staff, absence of protection equipment, and even overload of chores and working hours (Rodríguez Calderón, 2020).

A nationwide survey of 1,131 persons conducted in April by Locomotiva revealed that, in Brazil, 39% of the persons employing women domestic workers had dismissed them without paying them anything.²⁵

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²⁵ See: <https://apnews.com/article/0d98624849c49f700fb938fca5e554e1>



Almost half of all women domestic workers in Latin America have been dismissed since the pandemic started. In Guatemala, only

0,2%

of women domestic employees benefit from some kind of social security²⁶.



The International Domestic Workers Federation (IDWF) provides the following list of the pandemic's impacts on paid women domestic workers: "...dismissal, suspension, and unpaid forced leave of absence; they keep their job but do not get paid; when they are "commuting" (or live-ins), they are impacted by loss of means of livelihood and unable to meet their basic needs; decline in the demand for women domestic workers because they no longer have access to the households of their employers owing to lockdown measures; racism contributes to their precarious status, because many women domestic workers are immigrants; rise in their workload without any additional compensation; they are unable to pay rent, which puts them at risk of eviction and becoming homeless; their income declines, which makes it difficult to purchase food and medicines; lockdown measures reduce the availability of social contacts and hamper access to community help and support."²⁷

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²⁶ See: <https://saludconlupa.com/noticias/la-senora-dijo-que-me-iba-a-llamar/>

²⁷ See: <https://idwfed.org/es/covid-19/a/las-trabajadoras-del-hogar-en-el-centro-de-la-crisis-por-el-covid-19>



The leaders of women domestic workers organizations participating in the survey conducted in preparation for the drafting of the present report also stress the problems arising from the pandemic impacting women workers:

Many of us have had our wages cut, and just now, when the pandemic is spreading, it's twice as hard, even more so when we've been dismissed, seen our wages cut, and many women domestic workers are working as live-ins who cannot leave the house because they're afraid of being infected when they return. Because of this, I've been saying constantly that they've been virtually abducted, but don't worry I'll be paying for everything, but the workload has increased because the one who was taking care of the children was the nanny, but that nanny now has to help with cooking meals.

WOMAN LEADER IN PERU).

With the pandemic, what happened was that our coworkers were being dismissed, their rights were not enforced, there were no agreements, there was nothing, no law or constitution that had our back, no law was being observed. The pandemic came to sweep all of those insecurities away or to render them visible.

WOMAN LEADER IN ECUADOR.

Persons from the countries' lead institutions also highlight these aspects of precariousness and impacts on women domestic workers:

For Panama, the issue is also a bit recent, let's say, because it's one thing to ratify the convention and it's another to provide regulations for it and enforce everything that is laid out and being pledged in the convention's changes, all the more difficult when the global pandemic broke out impacting women domestic workers enormously, because they were no longer in the household or they were given the chance of returning to their job, but on the basis of highly specific agreements, which were almost exploitative (Panama's lead institution).

From the Fundamental Rights Promotion and Protection Department we've also received quite a bit of hassles, complaints, statements from women domestic workers who mentioned the document, it seems to be symptomatic, this has occurred in the entire region, and because it's in connection with mild cases of discrimination and violence, and because work is especially at risk in times of a pandemic, they've suffered from dismissals, their workload has increased, they've caught the COVID, they've been in lockdown, some of them were threatened with dismissal if they left their workplace, which in this case is the home, which is terrible. We've pledged to prevent this type of situation from occurring and we are trying to help with the tools we have available at the ministry to improve the situation, but indeed the situation has been of much concern, focusing mainly on this employment group (Peru's lead institution).

The pandemic made us see overwhelming scenes involving the violation of rights, a culture of privileges where it would seem that standards, the pandemic, lockdown, and social distancing were working for the benefit of certain resourceful people but not for others. And above all not for those who were working as live-ins in private neighborhoods, where they continued to work instead of being on paid leave or absence (Argentina's lead institution).



In the context of the health emergency, about

60%

of domestic workers did not receive their wages on a regular basis during the pandemic.



In the context of the health emergency, about 60% of domestic workers did not receive their wages on a regular basis during the pandemic, either because they had been dismissed or had been "suspended," whereas 12.1% did not lose their job but their wage income was reduced (documents provided by the Mexican government).



In view of these situations, women domestic worker organizations coordinated amongst themselves in various countries to help their coworkers, securing support to provide them with groceries and organizing soup kitchens in their districts, as in Paraguay.²⁸

The pandemic's impact on women domestic workers is incontrovertible, and the fact that this is happening to working women who were already living precariously must be the focus of special attention:

The pandemic definitively worsened the conditions in which they work, because in addition to being women domestic workers, as well as activists or representatives of their organizations, they also had to engage in household and caregiving activities in their own homes, and this work intensified because of the pandemic and when we talked to them about coming together to undertake advocacy actions they would stop us by saying, yes but I've just lost my job, I don't have the necessary conditions to do that, I have to take care of my family first or I'm sick with COVID now, so really calling for our rights now is not a priority. The priority is about surviving the pandemic and getting the resources they need for themselves and their families, and this undermines the process of calling for and defending their rights (consultation with NGOs).

The present context stresses the need for measures that can tackle the special situation of women domestic workers right now and after the crisis has ended. In addition, the pandemic has provided an opportunity to highlight and appreciate this type of work, coinciding with the tenth anniversary in 2021 of ILO Convention 189.

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²⁸ See information at: <https://www.cde.org.py/tiempodecoronavirus/2020/03/30/trabajadoras-domesticas-de-paraguay-un-llamado-a-la-humanidad-ante-el-covid-19/>



Conclusions, challenges and guidelines for a roadmap to achieve full equality for domestic workers in the Americas

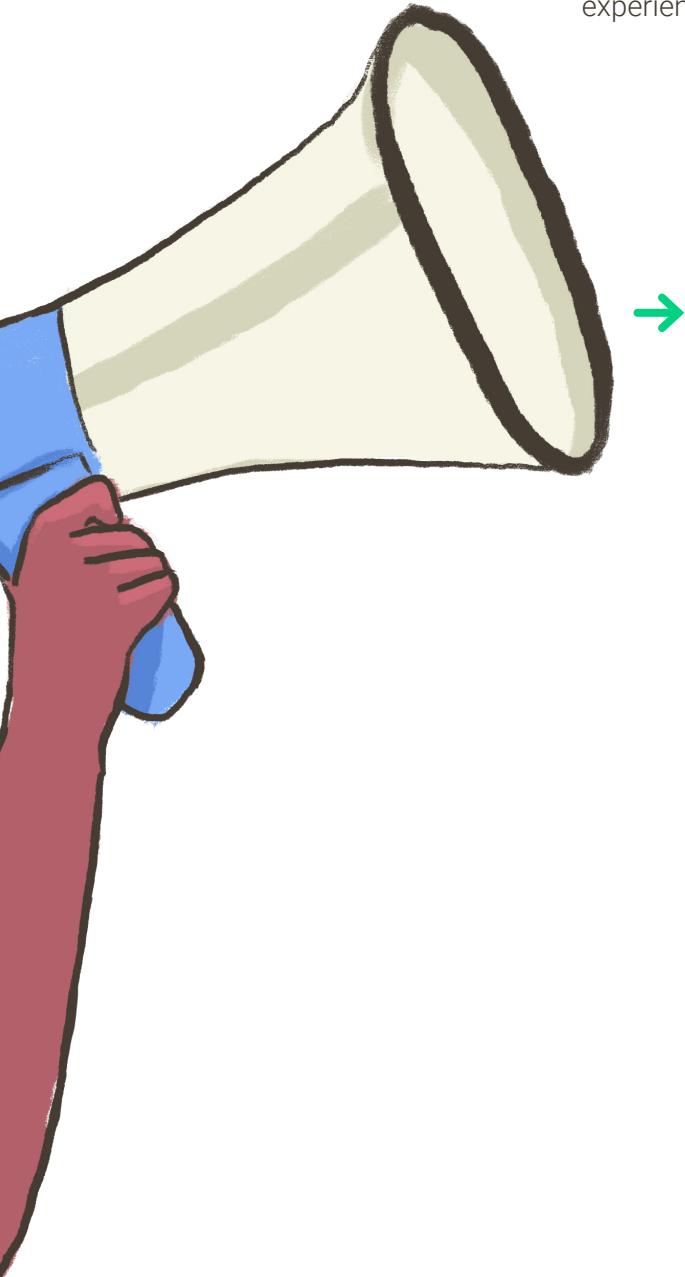
CHAPTER





Conclusions

Although in the international community and many countries, much progress has been made in terms of establishing a statutory framework for the rights of women domestic workers, the gap in terms of enforcement continues to be a reality being experienced by most of this population group:



- Over the past two decades, the call for equal rights in domestic work has recently gathered momentum on the region's social and political agenda. Since the start of the twenty-first century, grievances have been steadily expressed and have reached the region's international spaces and forums.
- There is now a *corpus* of agreements, instruments, resolutions, and other international and regional provisions indicating the formal political commitment made by the states to achieve the full exercise of rights for domestic work.
- The standards for the rights of domestic work have been consolidated over the past two decades and were enshrined in ILO Convention 189, aimed at ensuring rights parity with all the other types of employment.
- The coordinated work of domestic workers organizations, women's and feminist organizations, national government institutions on women and gender, and international organizations have been key, at the international, regional, and country levels, to spreading the call for rights and securing rights parity.

CONCLUSIONS, CHALLENGES, AND GUIDELINES

- Although major progress has been achieved to secure equal rights for domestic work in most of the region's countries, there still are several countries using statutory frameworks that restrict the rights for this activity, where women account for the highest share of workers, because of which amending these provisions is an important goal that must be achieved in order to secure gender equality.
- In countries with discriminatory legislation, found mostly in Central America and the Caribbean, there are paid women domestic workers organizations but there is still a lack of strong support, which prevents them from playing a leading role on the public and political agenda in order to position the necessary legal changes.
- Although legal changes have been key to modifying discriminatory legal inequalities, the gap between the recognition of rights and their full exercise has persisted, as working hours continue to extend beyond normal workdays, wages continue to be lower than what is stipulated in the law, and access to social security, especially in terms of retirement benefits, is still very low.
- The states in the region are drawing up diverse lines of work in this field, among which the strategies to increase the registration of women workers in the social security system is noteworthy. The level of progress varies between States, so this is very fertile ground for South-South cooperation and technical assistance.
- Violence in domestic work is an aspect that has become especially important, because of the difficult access to workplaces, the conditions involving constraints on exercising rights, discrimination against domestic work, the absence of information and awareness-raising, and the lack of specific specialized mechanisms for whistleblowing, investigation, and penalization.
- As a consolidation of the commitment made by the Belém do Pará Convention, the ratification of ILO Convention 190 can provide substantial support for tackling discrimination, harassment, and violence against paid women domestic workers.
- The persistent gaps are obstacles preventing women domestic workers from lifting themselves out of poverty.
- Organizing women domestic workers is the key factor to the progress achieved and to the call for the full exercise of rights. Capacity-building and expansion of these organizations are vital for ensuring the continuity of their struggles.
- The pandemic severely impacted women domestic workers, as a result of which the adoption of special measures is needed to counteract the effects of the health crisis on this occupation.



Important challenges

There are still many challenges to achieving full rights parity for women domestic workers, both in terms of the statutory framework and its enforcement. The challenges are both conceptual and operational and include changing the core narratives, enlarging access to training and disseminating the rights secured, and designing specific actions to promote registration and inclusion of women workers in the social security system, that is, a paradigm shift that would have to be both cultural and jurisdictional to permit effective inspections of the workplace and the agencies that are the intermediaries for obtaining employment in this sector.

Change in the narratives

Although there have been important conceptual changes made with respect to this work, which have positively impacted appreciation for domestic work, there continue to be key theoretical barriers, among which the most noteworthy is the notion of well-being consensually agreed upon by the countries in international forums focusing on the idea of economic growth driven by gross domestic product (GDP). This prevents positioning the sustainability of life and, as a result, the value of domestic work and care services at the core of the economy, as indicated by leading feminist representatives below:

As long as economic measures of GDP growth are the principal approach to measuring or ascertaining well-being, it will be impossible to give equal value to the sustainability of life, as well as domestic work and care services. It is therefore difficult for us to change how this type of work and investment in it is viewed, unless the above is challenged, and a debate is undertaken with international organizations on how to modify this deeply rooted question about what the well-being of countries has to do with measuring GDP (consultation with NGOs).

CONCLUSIONS, CHALLENGES, AND GUIDELINES

The change in narratives also requires making a major commitment to interculturalism, because of the different world visions that are present in society as a whole, as well as among employers and the groups of diverse women engaged in this work:

Something essential for us is the change in narratives, which are these cultural imaginations, these elements of resistance in different persons, and I'm referring to both government stakeholders and society as a whole, employers, and even the working women themselves. I believe that the largest obstacle is accepting different rhythms and respecting these rhythms. I believe that, specifically here in Yucatán, we have to recognize the intercultural part, because it accounts for a large part of the Mayan population (consultation with NGOs).

The stakeholders' knowledge about their rights.

Knowledge gained by the stakeholders themselves regarding their lawful rights is a challenge in which we must still make further investments. As a rule, training processes are for the organizations and/or trade unions, and they are still limited in terms of numbers of affiliations. Because of that, the effort to make sure women workers know about their rights and how to exercise them

must be extended in order to reach other spaces. It is an important challenge because there is no central hub where information can be gathered and reach all of the women workers. In that regard, the use of traditional and new media, in particular the use of new technologies and communication platforms could be fundamental.

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Institutional strengthening

Statutory changes with respect to the rights of women domestic workers are relevant only when there are solid state institutions behind their effective enforcement. This entails not only awareness-raising and training processes carried out by different relevant national, provincial, and local government institutions in the administrative and judicial sectors, but also capacity building to address weak intersectoral coordination between agencies in charge of labor issues, women's rights/gender equality, social development, access to and administration of justice, and other relevant matters. The strengthening of the gender units or areas within the Ministries of Labor is also important in this effort, since they are responsible for advising the labor inspection areas and others within the Ministries on matters of gender equity and attention to groups of women who face greater precariousness and discrimination in employment. In this effort, the actions of the Inter-American Network for Labor Administration (RIAL) of the OAS stand out.



Ensuring the economic capacity of women workers for their struggles and to address the job instability crisis.

Women domestic workers are at the intersection of multiple structurally precarious situations and their involvement in the struggle to exercise their rights, which makes them vulnerable to losing their income-earning sources. In that respect, an important challenge is the creation of mechanisms that provide economic capacities to withstand any possible abuse or breach of rights, as well as the capacity to survive unemployment. To this must be added that, in the face of crises, as occurred with the pandemic, measures supporting workers may not reach paid women domestic workers because they are not registered. In addition, historical discrimination means that women workers who have worked all their lives as domestic workers, although the right to social security is now recognized, do not have the chance themselves of receiving retirement benefits. It is therefore important to adopt transition or compensatory measures for them.

Enhancing the partnerships with the feminist and women's movement, especially with organizations of indigenous, Afrodescendent, and migrant women.

Partnerships with sectors that have the capacity to support the struggles of women workers are sound choices, and in that regard, in terms of so-

cial advocacy, the feminist and broader women's movement is one of the most powerful and responsive. Furthermore, the struggles of women workers should not be far removed from those of other excluded women, such as those being spearheaded by indigenous, Afrodescendent, or migrant women, and it is therefore crucial to support and enhance this coordination.

Promoting accountability of the different stakeholders with responsibilities for domestic work.

The international conventions and commitments adopted provide the possibility of monitoring the processes that are evolving in the countries and the different stakeholders that have responsibilities in this sector. One way to do this is ensuring a follow-up on the recommendations made to governments by bodies such as the CEDAW Committee or the ILO, as well as encouraging trade union stakeholders to participate in debates about the labor sector.

Creating knowledge about employers.

Studies on employers are still scant and need to be reinforced. In order to draw up public policies geared to ensuring the full exercise of rights, one key element that is needed is information about the employers, as well as the organizations that might be representing them, to learn in-depth about their features and the dynamics of working contracts being drawn up for domestic employment.

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Designing efficient mechanisms for the registration and inspection of households and employment agencies.

It is necessary to invest in the implementation of simple mechanisms that facilitate and motivate social security registration and affiliation, as well as household inspection methodologies that provide protection to women workers. To this end it might be interesting to use new technologies, as certain countries have already been planning. Furthermore, it is necessary to focus attention on and inspect employment agencies for this occupation, to ensure that these firms are not engaged in any abusive practices.

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Linkage of decent work in domestic employment with building comprehensive care systems.

While creating an emergency in care services (CIM 2020), the COVID-19 pandemic also enhanced the possibility of having households and government decision-making forums appreciate the value of domestic work and care services. That is why this might be the right time to promote more forcefully the building of comprehensive care systems in the countries, which would also take into account the realities of women domestic workers and their own care needs.

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Expanding the organization of women domestic workers in the territories and their visibility.

The expansion of paid women domestic workers organizations, reaching out to the different territories in the countries and enhancing their visibility, shall make it possible for knowledge about the new rights obtained to spread to women who have been far from the hubs of information and political action in the countries.



Working with local government on the rights of domestic work.

Enhancement and involvement of local government and state institutions—both administrative and judicial—at the local level will make it possible to tackle the problem from the standpoint of the territories and their realities.

Protecting women migrant workers.

Migration to work as a domestic worker without adequate information and knowledge about rights or protection mechanisms, both when the migration involves displacement within one's own country and when the migration is from abroad, places women workers in a situation of higher vulnerability, especially the youngest among them. It is necessary to implement easy mechanisms where migrants can request information and protection.

Promoting social dialogue.

Building social dialogues between employers, women workers, and state authorities in charge is key to public policymaking geared to changing statutory frameworks in the countries that still must do that work and to enforcing the rights of women domestic workers in those countries where formal legal progress has been achieved.

Guidelines for a roadmap leading to the full exercise of rights for women domestic workers in the Americas

The roadmap fits within the framework of the UN Agenda 2030's Sustainable Development Goals 5 and 8, specifically the following targets:

- **5.1.** *End all forms of discrimination against all women and girls everywhere.*
- **5.2.** *Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.*
- **8.5.** *By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.*
- **8.7.** *Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.*
- **8.8.** *Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.*



OBJECTIVE ONE

Ensure that paid women domestic workers enjoy the same rights as those for all other workers in all the countries of the Americas.

STRATEGY 1.1.

Actions for changes in discriminatory legislation persisting in El Salvador, Guatemala, Honduras, and Panama.

STRATEGY 1.2.

Awareness-raising actions for society on the importance of equal rights for domestic work and reappraisal of this occupation by mainstreaming new narratives.

OBJECTIVE TWO

Ensure that paid women domestic workers fully exercise their rights in those countries with equal rights legislation.

STRATEGY 2.1.

Capacity building of domestic work information systems and registration mechanisms.

STRATEGY 2.2.

State institutional awareness raising and capacity building to ensure effective enforcement of legislation, including administrative and jurisdictional institutions, as well as the judicial system.

STRATEGY 2.3.

Strengthening cooperation and technical advice between governments to identify and exchange good practices and improve strategies and policies to achieve full respect for the labor rights of domestic workers.

STRATEGY 2.4.

Developing efficient labor inspection and whistle-blowing mechanisms.

STRATEGY 2.5.

Expanding the portability of rights and analyzing the status of migrant women domestic workers in the Americas.

STRATEGY 2.6.

Ensuring retirement benefits, while providing compensation for the historical gap in terms of pensions for women domestic workers.

OBJECTIVE THREE	OBJECTIVE FOUR
<p>Improve the effectiveness of social policies for women domestic workers.</p> <p><u>STRATEGY 3.1.</u> Drawing up care policies for women domestic workers and their families.</p> <p><u>STRATEGY 3.2.</u> Drawing up specific measures to mainstream women domestic workers into social security systems.</p> <p><u>STRATEGY 3.3.</u> Drawing up and enforcing specific economic and financial measures to counteract the impacts of the pandemic on domestic work.</p> <p><u>STRATEGY 3.4.</u> Developing protocols for the safe return to work after the pandemic, taking into consideration the sector's specific problems.</p>	<p>Raise awareness about domestic work and the use ICTs to exercise rights.</p> <p><u>STRATEGY 4.1.</u> Generating data and knowledge on domestic work in the region, especially on poverty, violence, women workers organizations, employer profiles, and migration, among others.</p> <p><u>STRATEGY 4.2.</u> Developing tools based on information and communication technologies to improve socialization and knowledge of rights in domestic work among key audiences (women workers, employers, government civil service, etc.).</p>



OBJECTIVE FIVE

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

STRATEGY 5 . 1 .

Establishing adequate whistle-blowing and legal aid mechanisms, including for migrant women workers.

STRATEGY 5 . 2 .

Training relevant government civil servants, using a comprehensive intersectoral approach, to raise awareness about the situation of, and provide adequate services to, paid women domestic workers who are victims/survivors of violence, giving priority to relevant labor, justice, and women's rights/gender equality agencies.

STRATEGY 5 . 3 .

Communication campaigns on violence in domestic work.

STRATEGY 5 . 4 .

Advocacy and technical support actions to promote ratification of ILO Convention 190.

OBJECTIVE SIX

Strengthen women domestic workers organizations and their coordination as key plaintiffs.

STRATEGY 6 . 1 .

Promoting the establishment and strengthening of women domestic workers organizations, while safeguarding their autonomy.

STRATEGY 6 . 2 .

Supporting forums establishing ties between women domestic workers organizations and feminist and women's networks and organizations.

STRATEGY 6 . 3 .

Training on the rights of paid women domestic workers.

STRATEGY 6 . 4 .

Supporting trade unions to find new ways of reaching more women workers and expanding their membership.

STRATEGY 6 . 5 .

Creating regional tripartite dialogue forums.

STRATEGY 6 . 6 .

Supporting opportunities to give visibility to women domestic workers organizations and to consult them.

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Annexes

Annexe 1. Lists of participants in the consultations

Group 1: Mexico, Panama, and Dominican Republic			
Date: May 24, 2021			
Country	Guest	Guest	Participant
Mexico	Ministry for Women	Nadine Gasman Zylbermann	N/A
	Labor Ministry	Luisa María Alcalde Luján	N/A
	Mission of Mexico to the OAS		Gustavo Torres Cisnero
Panama	Ministry for Women (Women's Institute, Social Development Ministry)	Maria Inés Castillo	Ricardo Martínez Sánchez Coordinador de Género - Oficina de Equiparación
	Labor Ministry	Doris Zapata Acevedo	Cristal Lawson
Dominican Republic	Ministry for Women	Mayra Jiménez	Ana Olivo Naomi Arboleda Lenny Gerónimo Melina Zaiz
	Labor Ministry	Luis Miguel De Camps García-Mella	N/A



Group 2. Costa Rica, El Salvador, Guatemala, and Honduras

Date: Tuesday, May 25, 2021

Country	Guest	Minister	Participant
Costa Rica	Ministry for Women	Marcela Guerrero Campos	Maria Picado Erika López
	Labor Ministry	Silvia Lara Povedano	Ana Lucía Blanco Valverde Yamileth Jiménez
El Salvador	Ministry for Women	Maria Lilian López	Giselle Quijano
	Labor Ministry	Óscar Rolando Castro	N/A
Guatemala	Ministry for Women	Silvia Alejandra Hernández	Silvia Alejandra Hernández Flor de María Hernández Soto, Directora de Gestión de Políticas Públicas
	Labor Ministry	Rafael Eugenio Rodríguez Pellecer	Maria Isabel Salazar Wendy Sandoval
	Mission of Guatemala to the OAS		Rosa María Salguero
Honduras	Ministry for Women	Ana Aminta Madrid Paz	Reina Martínez
	Labor Ministry	Olivin Aníbal Villalobos Velásquez	N/A
	OAS Representative in Honduras		Catherine Pognat

ANNEXES

Group 3. Bolivia, Colombia, Ecuador, and Peru			
Date: May 26, 2021			
Country	Guest	Minister	Participant
Bolivia	Ministry for Women	Wendy Pérez	N/A
	Labor Ministry	Verónica Navia	N/A
Colombia	Ministry for Women	Gheidy Marisela Gallo Santos	Juliana Álvarez Feria
	Labor Ministry	Ángel Custodio Cabrera Báez	Carolina Arias
			Erika Siza Valentina Infante
Ecuador	Ministry for Women	Verónica Lucía Aguilar Torres	Veronica Aguilar
	Labor Ministry	Andrés Isch	N/A
	Mission of Ecuador to the OAS		Marisol Nieto
Peru	Ministry for Women	Silvia Rosario Loli Espinoza	Luis Venero Karina Huaraca Bruno Lidia Sihuacollo
	Labor Ministry	Juan Jiménez Mayor	Christian Montero Rossel
	OAS Office in Peru		María Isabel Moscol



Group 4. Argentina, Brazil, Paraguay, and Uruguay

Date: June 4, 2021

Country	Guest	Minister	Participant
Argentina	Ministry for Women	Elizabeth Gómez Alcorta	Lucía Cirmi
	Labor Ministry	Claudio Omar Moroni	Gustavo Riccombeni Suyay Cubelli
Brazil	Ministry for Women	Damares Regina Alves	Douglas Rodríguez Juliana Rodríguez Clara Fontes
	Economy Ministry	Bruno Bianco Leal	Marina Sampaio Durval Aires Neto
Paraguay	Ministry for Women	Celina Lezcano	Nancy Aquino Carlos Carmona
	Labor Ministry	Carla Bacigalupo Planás	
Uruguay	Ministry for Women	Mónica Bottero	N/A
	Labor Ministry	Pablo Mieres	N/A

ANNEXES

Consultations with nongovernmental networks and organizations supporting women domestic workers			
Date: June 3, 2021			
Type of organization	Name of grassroots organization	Participant	Country
National NGO	Women Domestic Workers Support and Training Center (CACEH)	Marcelina Bautista	Mexico
Regional network MARCOSUR Feminist Coordination	CICSA	Soledad Pérez	Argentina
	Flora Tristán	Ivonne Macassi	Peru
		Miriam Vásquez	Peru
	Documentation and Studies Center	Clyde Soto	Paraguay
National NGO	Simone de Beauvoir Leadership Institute (Instituto de Liderazgo Simone de Beauvoir—ILSB)	Indra Rubio	Mexico
Global NGO CARE	Regional Program, Equal Value, Equal Rights, for Latin America and the Caribbean	Julieta Hernández	Latin America and the Caribbean
Friedrich Ebert Foundation	Care Network for Central America	Julia Aguilar	Central America
National NGO	Independent monitoring team of Honduras (Equipo de monitoreo independiente de Honduras—EMIH)	Maritza Paredes	Honduras
National NGO	Jade Social	Raquel Aguilera	Mexico
National network	Women's Coordinator	Mónica Novillo	Bolivia



Consultations with paid women domestic workers organizations

Date: June 6, 2021

Organization	Participant	Position	Country
Latin American and Caribbean Women Domestic Workers Confederation (CONLACTRAHO)	Carmen Cruz Martínez	Secretaria General	Costa Rica
International Domestic Workers Federation (IDWF)	Adriana Paz Ramírez	Coordinadora regional para América Latina	
	Betty Tola,	Oficial de programas de América Latina,	Ecuador
Domestic Workers Trade Union of the Municipality of São Paulo	Silvia Maria da Silva Santos		Brazil
Trade Union of Domestic Service Workers and Similar (SINGRETRADS)	Yadira Samaniego,	Secretaria General	Panama
Women Domestic Workers Association (ATH)	Elena Pérez, Secretaría General	Secretaria general	Dominican Republic
Federation of Women Domestic Workers and Other Occupations (FETRADOMOV)	Andrea Morales	Secretaria General	Nicaragua
National Union of Women Domestic Workers and Related Work (UNTHA)	Lenny Quiroz		Ecuador
Domestic Workers Trade Union of the Region (SINTRAHOGAR)	Maria de los Ángeles Ochoa	Secretaria General	Peru
	Carmen Almeida		
National Federal of Private Household Women Domestic Workers (FESINTRACAP)	Juana Collado		Chile
National Association of Private Household Women Domestic Workers (ANECP)	Verónica Valencia	Secretaria general	Chile
Women Domestic Service Workers Trade Union of Paraguay (SINTRADESPY)	Marciana Santander	Secretaria General	Paraguay
Women Domestic Workers Trade Union of Itapúa (SINTRADI, Paraguay)	Librada Maciel, Secretaria General	Secretaria general	Paraguay

ANNEXES

Annexe 2.

Laws governing domestic work in the Americas

Country	Current legislation governing domestic work
Southern Cone	
Argentina	Law No. 26.844/2013, Special Work Contract Regime for Private Household Domestic Staff. Decree No. 467/2014 adopting Regulations for Law 26.844/2013. General Resolution AFIP 3848/2016 on Social Security
Bolivia	Law No. 2450 of April 9, 2003, Law on Regulating Paid Domestic Work
Brazil	Brazil: Constitutional Amendment No. 72, April 2, 2013. Additional Law No. 150, June 1, 2015, on Domestic Work Contracts
Chile	Labor Code and its diverse amendments. Law No. 20.786 of October 19, 2014
Colombia	Substantive Law Code, 2011
Ecuador	Basic Law for the Defense of Labor Rights, 2012
Guyana	Labour Act
Paraguay	Law No. 5407 of 2015. Establishes provisions on domestic work. In July 2019, the government enacted the law stipulating the minimum wage for domestic workers (<i>salario mínimo para empleadas/os domésticas/os</i>).
Peru	Law No. 31047, Women Domestic Workers, September 17, 2020.
Suriname	No data
Uruguay	Law No. 18.065/2006 on Domestic Work, adopted in November 2006
Venezuela	Law No. 8.938, Basic Law on Work and Workers, governing standards regarding household, residential, and home domestic workers, April 30, 2012
Central America	
Belize	Labour Act Chapter 297 Belize Labour Act Chapter 29712, Part XVII Domestic Servants <i>Application to Domestic Servants 40 of 1963</i>
Costa Rica	Labor Code, Law No. 02 of 1943 Law No. 8726/2019 on Domestic Work, Amendment of Chapter Eight of the Second Title of the Labor Code
El Salvador	Labor Code Decree No. 15 of June 23, 1972
Guatemala	Labor Code, Chapter on “Work subject to Special Regimes”
Honduras	Labor Code and its amendments
Nicaragua	Law No. 185/1996 Labor Code Law 666. Law on amendments and additions to Chapter I of Title VIII of the Labor Code on Women Domestic Service Workers
Panama	Labor Code, Cabinet Decree No. 252 of December 30, 1971



América del Norte	
Mexico	Federal Law on Employment – 1970
Caribe	
Antigua and Barbuda	Labour Code
Bahamas	Law on Employment
Barbados	<ul style="list-style-type: none"> - Barbados Domestic Employees Chapter 344 Domestic Employee (Rate of Pay and Hours of Duty) Order 1982 (Barbados) - x, 6, 10 - Domestic Employees Act (Cap.344) 1961 (Barbados) - Domestic Employees Act (Cap. 344) 1961 - Amendment 1982 - Sec. 3A: Domestic Employees (Rate of Pay and Hours of Duty) Order 1982 (81/1982)
Cuba	Law No. 166/2013 Labor Code
Dominica	The Constitution of the Commonwealth of Dominica
Grenada	<ul style="list-style-type: none"> - Chapter 89 Employment Act - The Employment Act 1999, Part VI, and Grenada Minimum Wages Order, 2011 - The Employment Act 1999: Part VI defines “domestic worker” and Part VIII lists “domestic workers” among other workers. - Grenada Minimum Wages Order, 2011 applies to Domestic Workers in all parishes.
Guyana	<ul style="list-style-type: none"> - Household Service Workers (Hours of Work) Act 1980 (Guyana) - Holidays with Pay Act - Sec 3. Domestic Servants Order (1959) - Renamed 1980 (by Order) - Household Service Workers (Hours of Work) Act 1980
Haití	Labor Code, Decree of February 24, 1984 and Law of June 5, 2003 updating the Labor Code of September 12, 1961
Jamaica	Act No. B - 2014
Dominican Republic	Labor Code of the Dominican Republic
Saint Kitts and Nevis	<ul style="list-style-type: none"> - Saint Christopher and Nevis Protection of Employment Act - Saint Christopher Nevis and Anguilla, The Labour Ordinance, 1966; No. 8 of 1966 - Labour (Minimum Wage) Act (Cap. 18.19) Sec. 3. Domestic Workers Orders 2005 - The Labour (Minimum Wage) (National Minimum Wage) Order, 2008
Saint Vincent and the Grenadines	<ul style="list-style-type: none"> - Employment Protection Act - Wages Regulation (Domestic Workers) Order 2003 (St. Vincent and the Grenadines)
Saint Lucia	<ul style="list-style-type: none"> - Labour Code - Labour Code No. 37 of 2006 [Labour Code (Amendment) Act 2011 (No. 6 of 2011)] - St. Lucia Labour Code No. 37 of 2006
Trinidad ans Tobago	<ul style="list-style-type: none"> - Recruiting Of Workers Act Chapter 88:10 - Minimum Wages (Household Assistants) Order (LN160/1991) (Trinidad & Tobago)

Annexe 3.

Articles guaranteeing rights in laws of the Americas

								Legal articles guaranteeing rights in laws of the Americas
	Work contract	Legal	Extra benefits, bonus, allowances	Reasonable limits to working hours per day	Rest, ensuring treatment equal to that of other workers	Social security	Maternal benefit	South America
Argentina	Art 1 Art 6 Art 46	Art 18, Art 19 Art 21	Art 15 Art 25 Art 26 Art 27 Art 28	Art 11 Art 14 Art 15	Art 14 Art 15 Art 29 Art 30	Art 72 e) Art 1°	Art 3 Art 3 Art 4	
Bolivia*	Art 3	Art 14	Art 8 Art 14 Art 15 Art 17 Art 18	Art 11	Art 8 Art 12 Art 13	Art 8 Art 9 Art 24	Art 4 Art 2	
Brazil	Art 1 Art 4	Art 2 Art 3	Art 2 Art 6 Art 22	Art 2 Art 3	Art 10, 11, 17 Art 13 Art 15 Art 16	Art 34 Art 9 Art 20	Art 2	
Chile	Art 10 Art 146 Art 146 bis, 146 ter	Art 42 Art 62 Art 151 Art 44 Art 56,57	Art 24, 29, 31	Art 149 Art 22, 28 Art 150	Art 150 Art 66 Art 142 Art 34 Art 35		Art 15 Art 15 Art 20	
Colombia	Art 23 Art 24 Art 37 Art 38 Art 39	Art 27 Art 145	Art 159	Art 158 Art 160 Art 161 Art 162	Art 172 Art 173 Art 177 Art 186	Art 150 Art 193	Art 23 Art 5 Art 23	



* The Law incorporates Article 21 stipulating that the Employer respect the cultural identity of the woman workers, which is very important for indigenous women.

Guaranteeing rights							
Human rights	Migrant women domestic workers	Respect for privacy, freedom, and dignity	Minimum age for employment	Access to justice	Employment agencies	Abuse, harassment, and violence	Trade union membership
Western Cone							
8		Art 14.1 Art 15 Art 47 Art 12	Art 9 Art 10 Art 11 Art 12 Art 13	Art 51 Art 52 Art 54			
9		Art 21	Art 5	Art 3		Art 23	Art 8 Art 7
0		Art 21 Art 2	Art 1	Art 12		Art 27	
4		Art 5 Art 151 bis	Art 13 Art 14 Art 15 Art 18	Art 420		Art 211 Art 2	Art 212 Art 214
1	Art 74	Art 10 Art 57	Art 30 Art 29 Art 171				Art 12 Art 353

ANNEXES

Ecuador	Art 12 Art 14 Art 262	Art 79 Art 268 Art 81	Art 111 Art 113	Art 128 Art 48 Art 150 Art 6 (268)	Art 69 Art 65 Art 268	Art 42	Art 15 Art 15
Guyana	Art 2	Art 7 Art 11 Art 119	Punto 4 Art 8	Art 29 (1) Punto 3	Art 29 (1)		
Paraguay	Art 5 Art 6 Art 7	Art 10 Art 2- Ley 6338 /19		Art 13	Art 14 Art 15 Art 16	Art 18	
Peru	Art 5	Art 6 Art 8	Art 6 Art 9 Art 10	Art 6 Art 10	Art 11	Art 19	Art 1
Surinam		Art 2		Art 3			
Uruguay		Art 6	Art 7 Art 9	Art 2	Art 3 Art 4 Art 5	Art 10 Art 14	
Venezuela		Art 29		Art 26	Art 30		Art 1
Belize							Central
Costa Rica	Art 166 Art 18	Art 105 a)	Art 105 d) Art 106	Art 105 b)	Art 105 b), c)	Art 104	Art 9
El Salvador	Art 76	Art 78 Art 120 Art 122 Art 148	Art 196	Art 80	Art 80		Art 11 Art 11 Art 30



52		Art 268	Art 134 Art 262 Art 268	Art 538 Art 542		Art 42	Art 42 Art 440
53			Art 29 (2)	Art 4			
		Art 12	Art 5	Art 21	Art 23		Art 24
7	Art 21	Art 6 Art 12 Art 20 Art 16	Art 7	Art 22 Art 25 Art 24	Art 14	Art 18 Art 16	Art 15
			Art 11	Art 13			
7		Art 2 Art 24 Art 37		Art 47			Art 2 Art 49
Latin America							
95			Art 108				Art 332
10							
13	Art 11	Art 12	Art 114 Art 105	Art 369	Art 4 Art 5	Art 29 5)	Art 204
09							

ANNEXES

Guatemala	Art 19 Art 21					Art 164		
Honduras	Art 38 Art 39	Art 363 Art 365		Art 154 Art 325		Art 154 Art 156 Art 338		Art 1...
Nicaragua	Art 24	Art 82	Art 58	Art 146		Art 147 Art 73 Art 76	Art 147 Art 150	Art 5...
Panama	Art 231 Art 69 Art 66 Art 67 Art 150 Art 72 Art 173	Art 140 Art 141 Art 231 Art 142 Art 224 Art 37		Art 30 Art 31 Art 34		Art 231 Art 40		Art 1... Art 1... Art 1... Art 1...
								North
Mexico	Art 331 Art 34	Art 92 Art 82 Art 83 Art 90 Art 91	Art 58 Art 63 Art 335 Art 334 Art 87 Art 66	Art 61 Art 333 Art 333 Art 58		Art 69 Art 333 Art 336 Art 334 Art 76	Art 337 Art 334	Art 3...
								Cari...
Cuba	Art 22 Art 25	Art 74 Art 110	Art 74	Art 74 Art 87		Art 2 Art 74 Art 84 Art 93 Art 101	Art 2	Art 1...
Dominican Republic	Art 4	Art 193 Art 260	Art 54 Art 156 Art 219 Art 263		Art 147	Art 163 Art 177 Art 240 Art 261 Art 262	Art 2...	Art 2...



	Art 13	Art 9 Art 14					
35		Art 155 Art 367	Art 31	Art 665			Art 476
62		Art 146 Art 147	Art 145		Art 16	Art 146	
05	Art 17		Art 231	Art 231			Art 334
06	Art 98		Art 128	Art 83	Art 520	Art 22	Art 335
07	Art 100		Art 6	Art 117	Art 521	Art 27	Art 138
09	Art 101						Art 379
America							
31		Art 123 Art 2		Art 331			
70							
Latin America							
2	Art 4		Art 2	Art 2	Art 2		Art 2
63	Art 79			Art 22	Art 165		Art 113
31							
34		Art 264		Art 245 Art 246		Art 47	
36							
37							



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