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PAN AMERICAN DEVELOPMENT FOUNDATION

# Our rights as domestic workers

THE INTERNATIONAL AGREEMENTS THAT SUPPORT THEM,  
WHAT IS HAPPENING WITH THEM TODAY AND HOW WE  
CAN DEMAND THEM.



  
**RIGHTS**  
OF DOMESTIC  
WORKERS

# United we are achieving it!

Until a few years ago, a little more than 30, most countries in the region had antiquated laws which responded more to machismo, racism, classism and what was considered "labor" during the colonial era, than to the ideas and rights of today's society, legally discriminating against domestic employment with higher hourly loads and lower wages than other types of employment, with restrictions on access to other labor rights such as social security, overtime payment, premiums and bonuses, among many others.

Thanks to the constant effort made by feminist organizations, domestic workers' associations, trade unions and international organizations, things began to change in the 1990s. Although we can mark the beginning of this struggle at the Fourth World Conference on Women held in Beijing (1995), where the value of housework and care work was highlighted, it was not until the end of this decade





and the beginning of the 2000s when the issue of domestic workers' rights began to be specifically mentioned.

With the debate on the public scene and the legal changes that were taking place, several countries in the region began to gradually equalize domestic workers' working conditions with those of the rest of the workforce. In 2011, during the International Labor Conference of the International Labor Organization (ILO), Convention 189 on "Decent Work for Domestic Workers" was approved, being the first binding treaty specifically aimed at improving the working conditions of domestic workers.

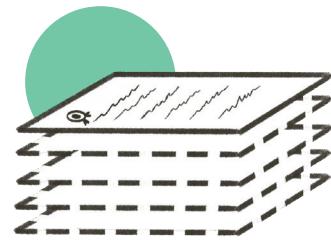
Most of the countries in the region have approved the legal equality of domestic employment and ratified this agreement, despite this, inequalities persist and the debate has begun to focus on how to achieve the full exercise of the rights achieved.



## How are we today?

The current conditions of domestic employment hardly allow the economic autonomy of women workers. Long working hours and low wages prevent access to a better education that would allow them to know their rights, and added to the solitude with which this employment is carried out, isolates workers and hinders their organization to sue and influence in public policy, which creates a cycle of poverty in which workers cannot exercise their rights or sue to modify these conditions.

On the other hand, physical and psychological violence in domestic employment is an aspect that takes on special importance, given the difficulty of access to places of employment by control entities, a lack of information and awareness, and the lack of specific mechanisms for reporting, investigating and sanctioning.



Women make up

90%

of the people in this job category.

In Latin America

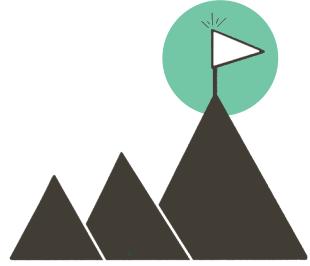
13.8%

of the economically active women are dedicated to this form of employment.

About

80%

of domestic workers are working informally.



**38,3%**

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



**57%**

have primary  
and secondary  
education.



**26%**

are covered by  
**contributory social**  
security.



**4,7%**

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



**8 out of 10**

domestic workers reported  
having suffered some type of  
violence at work.

# Why should we be aware of ILO Convention 189?

Before answering this question, we must answer these others to have a clear picture:

01



Why is the ILO important?



The International Labor Organization is a specialized agency of the United Nations which brings together governments, with representatives of the employing body and the workforce, to develop and promote a system of international labor standards in which men and women have equality opportunities in conditions of freedom, equity, security and human dignity.

02



What is a Convention?



These international labor standards are presented within Conventions, which impose obligations on the countries that ratify them with the aim of improving employment conditions throughout the world.

03



What is the **ratification of** a Convention?



Ratification is the commitment that a country assumes to take the necessary measures to make the provisions of the agreement effective, both in the creation of laws and in their fulfillment.



# 04

↓  
Why is  
**Convention 189**  
**important?**  
—

Although several countries had already made legislative changes aimed at equalizing domestic work with other types of employment before the approval of Convention 189, within it the international standards of decent work for domestic employment were specified.

# 05

↓  
What are  
**standards?**  
—

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



# What do the standards of Convention 189 say?



Contract



Working day



Employment agencies

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

There must be a reasonable limitation of the working day and rest, ensuring equal treatment and conditions with the rest of the workforce.

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



Abuse, violence  
and harassment

States must adopt measures to protect against the violence, abuse and harassment to which domestic workers are vulnerable.



Privacy, freedom  
and dignity

The decision to reside in the employer's home must be by mutual agreement, respecting the privacy and dignity of the domestic worker.



Migrant domestic  
workers

They have the right to have a work contract before moving to the country of destination and to keep their identity and travel documents.



# What do the standards of Convention 189 say?



## Salary

Extra compensation, premiums and bonuses. Domestic workers must have a minimum wage equal to that established for the rest of the labor force, this must be paid in cash directly to the worker, with intervals of no more than one month and limits payment in kind. In addition, they are entitled to overtime pay and the time they are available to the employer is considered working time.



## Minimum age

In Convention 138 it was established that the minimum age for employment is 18 years and with exceptions after 16. This agreement adds that it must be guaranteed that those under 18 do not work at night, and that they have time to carry out their studies, entertain themselves and be in contact with their relatives.



## Social security

Domestic workers must enjoy conditions no less favorable than the conditions applicable to the rest of the workforce in terms of social security, including maternity benefits.



## Unionization

This agreement protects the right of domestic workers to unionize.



## Access to justice

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

# Convention 190, the Violence and Harassment Convention

In mid-2019, Convention 190 was signed, which addresses the problem of violence and harassment at work. Within this, the first internationally agreed definition of violence and harassment at work was established, and included gender-based violence. It also defines a common framework to prevent, remedy and eliminate violence and harassment at work.

Although no direct distinction is made between domestic workers, the particular conditions of this form of employment, such as the workplace, social conditions and stereotypes towards domestic workers, make them especially vulnerable to situations of violence and harassment.

## *ANY COUNTRY THAT RATIFIES IT MUST:*



- Legally prohibit violence and harassment at work.
- Adopt comprehensive strategies to prevent and combat violence and harassment.
- Establish control and monitoring mechanisms or strengthen existing mechanisms.
- Ensure that victims have access to remedies and reparation and support measures.
- Guarantee that there are effective means of inspection and investigation of cases of violence and harassment, including through labor inspection or other competent bodies.



## WHICH COUNTRIES HAVE RATIFIED THESE CONVENTIONS?



# What are the obstacles encountered in fully exercising these rights?

There is a long way from saying to doing. Inadequate working conditions persist, there is a gap between the laws and their enforcement. These are some of the reasons that different domestic workers in the region have encountered obstacles to being able to fully exercise their labor rights.



## Economic and cultural narratives:

"The first ones who oppose are the employers, they always see domestic workers as inferior, they don't know that with our work we contribute a lot to the country's economy and we help many of them, without us they wouldn't be able to go to work either, our employers could not develop themselves in their own jobs, and we are also like teachers because we teach their children when they are not at home."

*– Leader from Peru.*

## Lack of political will:

"Among the things that have hindered progress has to do precisely with the fact that there is very little political will to advance the rights of domestic workers and unfortunately that political will, I am not referring only to the state and competent authorities in the approval of formal changes, but in terms of society, seeing politics as a societal issue. It seems to me that many stereotypes persist and also a lot of discrimination and little recognition of the social value of this activity and the economic contribution that this also represents for the nations."

*– Consultation with NGOs*



## How difficult it is to carry out labor inspections in private places:

"There is also no supervision in our work, we work in a house but nobody supervises us, nobody knows if we suffer psychological abuse, abuse or labor abuse, nobody cares about us in that sense because there is no visualization."

*— Leader from Chile.*

## The absence of an employer counterpart at the negotiation tables:

"As there are no collectives of employers, you don't have anyone to argue with, it always remains in an individual negotiation and obviously, as we know, that reduces the chances of protecting their rights. There is simply no one to talk to about the exercise of their rights."

*— Consultation with NGOs*

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

"A great difficulty in respecting the labor rights of women workers is that at the national level we do not have the capacity to organize them, this requires having a work team, a union everywhere, with resources to be able to train and reach everyone with knowledge about their labor rights, but we cannot do that."

*— Leader from Nicaragua.*

# Before continuing, would you add anything else to this list?



1.

## DOCUMENT YOURSELF

Knowing and learning about the rights that have been won is the first step to claim them, exercise them and identify possible violations.

2.

## ASSOCIATE AND ORGANIZE

Meeting and alliances are key to advance, they allow the exchange of successes and errors, the creation of knowledge. Participation strengthens domestic workers' organizations as a social subject to influence public policies. On the other hand, the struggles of women workers should not be isolated from those of other excluded women, such as those carried out by indigenous and Afro-descendant women, it is essential to support and strengthen these articulations. The growth and ties created by organizations will help spread knowledge about the rights obtained to women who are farther from the centers of information and political action in the countries.



3.

## LEAN

Mutual support is essential, as domestic workers are crossed by multiple structural precariousness and their involvement in the fight for rights makes them vulnerable to the loss of their sources of income. Therefore, an important challenge is the generation of mechanisms that provide the economic capacities to resist possible abuse or non-fulfillment of rights, and the ability to survive the situation of not having a job.

In addition, historical discrimination means that working women who have worked all their lives as domestic workers, although their right to social security is recognized today, no longer have the possibility of retirement. Therefore, it is important to put pressure on organizations to establish transitional or compensatory measures.





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