



Paid domestic work and the struggles of care workers in Latin America

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journals.sagepub.com/home/csi**Merike Blofield**

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Abstract

About 30% of households are intimately involved in paid domestic work in Latin America, either as employers or as workers. Paid domestic workers overwhelmingly are female, from racial and ethnic minorities, and earn low wages. Labour codes have historically accorded them fewer rights and protections. Domestic workers have organized to demand equal rights, and recently, this organizing has begun to pay off. This article discusses the dynamics of paid domestic work through the themes of commodification and changes in government policies. Through a comparison of post-millennium Brazil, Uruguay, Mexico and Peru, the article compares the working conditions and struggles of domestic workers and highlights the factors that explain different outcomes in terms of labour rights and protections across these countries. It is argued that stronger rights and protections were made possible by the interactive effects of domestic workers organizing, more sympathetic left-wing governments, and the watershed ILO 2011 Convention on Domestic Workers.

Keywords

Domestic workers, Latin America, protection, remuneration, social security

Introduction

Paid domestic work is common in societies with strong social hierarchies and marked socio-economic inequalities, as these inequalities produce both the demand for the outsourcing of domestic activities and a ready supply of inexpensive labour (Anderson,

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2000; Jokela, 2015; Lutz, 2011; Milkman et al., 1998; Sarti, 2006). It is not surprising that Latin America, as a region with the highest income inequalities in the world (Gasparini et al., 2011), also has the greatest prevalence of paid domestic labour. In well-off Latin American households, employing a maid or a nanny is a tradition dating back to the colonial era. Equally, about 15% of the urban female labour force in Latin America are employed as domestic workers. Indeed, the ILO estimates that 37% of the world's domestic workers are in Latin America. They are overwhelmingly female, tend to come from racial and ethnic minorities, and earn on average low wages (OIT, 2015).

Given this context, the 'commodification' of home-based care work, one of the themes of this special issue, is nothing new in the region. What is new is that for the first time, governments have begun to view these workers as workers with equal rights, and to seek to formalize a sector that has, more than any other, operated outside the realm of labour rights and protections, both legally (in labour codes) and in practice (steeped in informality). In 2000, only one country granted equal legal rights to domestic workers – Colombia – and this was through a 1998 Constitutional Court ruling rather than the government, with little executive enforcement of the court ruling. By 2017, however, things had begun to change: eight of the 18 Latin American countries had granted equal labour rights to this group, more had implemented partial reforms, and several governments achieved significant advances in social security coverage.

We discuss the dynamics of paid domestic work through the themes of commodification, transnationalization and changes in government policies. First, we provide an overview of paid domestic work in the broader context of the commodification of care work and within the regional context. Second, we discuss the working conditions of and laws on paid domestic workers, by drawing on Brazil, Uruguay, Mexico and Peru. Finally, we discuss organizing among domestic workers and highlight the political factors that explain similarities and differences in working conditions and laws among the four countries. We discuss transnationalization throughout. We find that the interactive effect of strong domestic worker organization leaders, labour allies linked to the International Labour Organization, who helped push for the 2011 Domestic Worker Convention, together with the Left shift in Latin America that brought more sympathetic left-wing governments to power, propelled a wave of reforms in both equal rights laws as well as enforcement.

The commodification of care occupations and the working conditions of paid domestic workers

Paid domestic work is one form of wage employment within the larger economy of care occupations, along with early childhood education and care providers, nurses and workers in retirement homes. Women dominate these occupations, where human relations and affective ties towards dependent recipients are particularly important (Ehrenreich and Hochschild, 2002; Thomson, 2009). Much has been written about the 'care penalty', which reduces the remuneration of workers in these occupations vis-a-vis comparably skilled occupations (Budig and Misra, 2010; England et al., 2002; Folbre, 2012).

Domestic workers pay a particularly high penalty, even compared to other care occupations (Esquivel, 2010; Jokela, forthcoming). A domestic worker is a person who

provides cooking, cleaning, child care and/or other prescribed services at an employer's private residence, and sometimes lives there.¹ Paid domestic work involves working within a household, or households, in an otherwise non-public, non-business setting, and many employers do not perceive themselves as employers in the way they do outside the home, nor do they view their homes as sites of employment (Hondagneu-Sotelo, 2001). The International Labour Organization (ILO) characterizes the employee status of domestic workers as 'invisible because they work inside the household' (ILO, 2010a: 2). Likewise, there is a widespread tendency among employers, across countries and continents, to claim that the employee is 'like family' to the household (Bunster and Chaney, 1985; Fish, 2006; Gill, 1994; Lan, 2006; Rollins, 1985). These dynamics tend to obscure the labour relation, and aggravate power inequalities, fostering often exploitative and abusive conditions (Anderson, 2000).

In advanced industrialized countries, paid domestic work, as well as scholarly studies of it, is picking up again after declining during the twentieth century, due to global inequalities and cross-regional migration of predominantly women from the Global South (Sarti, 2014). In Latin America, too, there is some cross-border migration from poorer to wealthier countries; for example, Peruvian women have migrated to Chile; Bolivian, Peruvian and especially Paraguayan women have migrated to Argentina. A regional high in share of domestic service labour force is recorded for Costa Rica, with about 17% of domestic workers from Nicaragua (Martínez Franzoni et al., 2010: 10), but overall, according to ILO estimates (2015), only 4.5% of domestic workers in Latin America in 2013 were migrants. Thus, the vast majority of paid domestic workers in Latin America are citizens of the countries that they live and work in. Domestic service in the region is a legacy of deep domestic inequalities, indentured servitude and slavery. Until the late nineteenth and in many cases into the twentieth century, the domestic servant was 'in a position of near absolute, unregulated subordination to the male head of household' (Kuznesof, 1989: 28). Since then, governments have gradually established some protections in labour codes. However, at the turn of the millennium, the *difference* in the maximum legal weekly work hours for paid domestic workers, compared to workers in general, ranged from 12 hours for live-in domestics in Colombia, to 48 hours for domestic workers in Brazil, Mexico, Guatemala and Ecuador. That is, in the latter four countries, the weekly work hours of domestic workers could extend to up to 96 hours, while those of workers in general were limited to 48 hours a week (Blofield, 2012: 29).²

Over the past two decades, this domestic supply of relatively inexpensive and flexible labour, with few labour rights and little enforcement, has allowed for a massive increase in women's labour force participation in the higher income quintiles in Latin America, without putting so much pressure on renegotiating gender roles in family responsibilities among the well-off. It has also contributed to less middle-class activism in pushing for public solutions as has happened in many countries in Europe.³ In 2013, the employment rates of women aged 25 to 34, including informal employment, were 80% in the highest income quintile, compared to 39% in the lowest (Filgueira and Martínez Franzoni, 2017). Lower income women's low employment rates are influenced by lack of access to child care and because they face employer discrimination (Filgueira and Martínez Franzoni, 2017; Madalozzo and Blofield, 2017). Many of these women work in domestic service. Data for Central America and the Dominican Republic indicate that 67% of domestic workers surveyed had children of their own (COMMCA, 2010: 223).

During most of the twentieth century, girls and women tended to migrate from rural areas and assume positions as servants in urban households; more recently, the supply of domestic workers has increasingly come from the urban poor (Rodgers, 2009: 77–86). Today, over 15 million females in Latin America work in domestic service (ILO, 2015), most of them full-time for one family.⁴ All in all, about 30% of households in the region are intimately part of this economic exchange, either as employers or as workers (Blofield, 2012; OIT, 2010).⁵ Girls historically have often entered domestic service at an early age, especially in poorer countries (COMMCA, 2008). In Peru, around one-quarter of domestic workers are between 14 and 24 years old (Aguinaga Saavedra, 2017). This affects their education, and over-all formal education levels of domestic workers are lower (COMMCA, 2008: 36–40; López et al., 2005: 189). Also, ethnic or racial minorities are overrepresented among domestic workers (ILO, 2013).

The wages of domestic workers are, unsurprisingly, low. UN data from 2008 show that the earnings of domestic workers were 41% of the average wage of the urban employed across the region, and that the earnings of female domestic workers were on average 73% of those of male domestic workers (Tokman, 2010: 5). Other data show racial and ethnic disparities in wages, with workers of African descent or of indigenous heritage, both of whom tend to be overrepresented in domestic service, earning less than white workers (Rodgers, 2009: 84; Sanches, 2009: 124). Such disparities reveal the intersectional nature of the marginalization of domestic workers; women domestics earn lower wages not only because of their class position but also because of their sex and – when they are from a visible minority – also because of their ethnicity or race.

Working conditions and laws in Uruguay, Brazil, Peru and Mexico

Below, we examine the working conditions of and laws on domestic workers in Brazil, Mexico, Uruguay and Peru. We chose these countries based on three factors: first, data availability; second, substantive prominence; and third, variation in working conditions and rights. Only seven countries had comparative data, and only six had it over time. From this group of six we narrowed it to four. We chose Brazil and Mexico because they are the two most populous countries in the region. We then included, in terms of working conditions and labour rights, two top performers (Uruguay and Brazil) and two low performers (Peru and Mexico). In Table 1 we outline the occupational characteristics of paid domestic workers in Uruguay, Brazil, Mexico and Peru in the early to mid-2000s, and then 10 years later, 2012–2013 (the most recent data available), allowing us to observe changes during this time period.

Table 1 reveals five commonalities in the occupational characteristics of domestic workers across these four countries. First, over 90% of paid domestic workers are female (except for Mexico in 2006, with 89% female); this remains stable. Second, despite country differences, there is an overall decrease in the share of domestic workers who work full-time, down to just under half in Mexico and Uruguay by 2012/2013. Third, the majority of full-time domestic workers in 2004 worked 45 hours or more, which was longer than the legal limit for workers in general in the region. This measure could be seen as a rough proxy for exploitation. Such exploitation was legally enshrined in all countries

Table 1. Occupational characteristics of paid domestic workers in Uruguay, Brazil, Mexico and Peru, mid-2000s and 2012/2013.

	Uruguay		Brazil		Mexico		Peru	
	2004	2013	2006	2013	2004	2012	2004	2013
Female, %	94.3	94.0	93.6	93.1	88.8	93.9	93.5	96.2
Full-time, %	52.6	46.6	66.5	63.1	60.8	45.8	82.1	77.6
% of full-time domestics who work 45+ hours ^a	57.6	40.0	52.4	32.8	65.9	51.1	90.2	80.2
% of full-time domestics who work 60+ hours ^a	16.3	10.6	12.6	6.0	23.3	20.5	62.6	34.1
In the formal labour force (general workforce), % ^b	26.7 (73.0)	49.6 (83.6)	31.7 (69.2)	42.1 (78.6)	14.8 (58.5)	1.2 (45.5)	0.9 (43.9)	0.9 (54.0)
Equal labour rights (year approved) ^c	No	Yes (2006)	No	Yes (2013)	No	No	No	No ^b
Survey size (N)	1690	3802	13,763	11,002	1131	599	931	1033

Source: authors' calculations based on LIS data for 2013, except 2012 for Mexico. Based on national household surveys.

^aMultiple jobholders excluded.

^bDefinition of formal work: contributes to social security (Brazil), has a contract (Peru), has a written contract (Mexico). Uruguay: has full social security protection.

^cPeru partially reformed domestic worker rights in 2003 but did not equalize all rights.

except Colombia in the early 2000s; that is, the weekly work limits of 40–45 hours expressly did not apply to domestic workers (Blofield, 2012: 29). Fourth, in all four countries the share of full-time domestic workers whose work hours were 45 hours or more per week declined, and in Uruguay and Brazil, where this became illegal, it declined to below half. The share of full-time domestics who work 60 hours or more per week can be seen as a rough proxy for extreme exploitation; their share during this time declined as well, by half in Brazil; by almost half in Uruguay (from a relatively low 16%) and Peru (from a high of 63%); and by only about 10% in Mexico. This trend may also be related to a general decline in live-in domestic workers (Perez and Llanos, 2017; Thomson, 2009).

Table 1 also depicts the percentage of domestic workers in the formal labour force, which is here measured as having a contract (Peru and Mexico) or contributing to social security (Uruguay and Brazil). These two dimensions of formality are not directly comparable but they both may be viewed as indicating the level of security in paid domestic work in the given country. The percentage of formally employed among the over-all economically active population is depicted in parentheses. High levels of informality are a reflection of the broader labour market structures in Latin America. The social security systems in Latin American countries have historically been heavily contributory, offering employment protections only for those in formal salaried employment, excluding informal workers who account for almost half of the economically active population in Latin America (Martínez Franzoni and Sanchez-Ancochea, 2014; Portes and Hoffman, 2003). While the rates of formality of the domestic service workforce in each country range widely from less than 1% in Peru to almost 50% in Uruguay, the one commonality is that the share of domestic workers who are informal is significantly higher than informality among the economically active population as a whole, indicating that this workforce is particularly insecure. The gap in informality between the two ranges from 34% (Uruguay in 2013) to 53% (Peru in 2013).

These similarities notwithstanding, clear differences among the countries exist. During the past decade and a half, the occupational conditions of domestic workers in Uruguay and Brazil have markedly improved compared to their counterparts in Mexico and Peru. In 2004, none of these countries granted domestic workers equal labour rights, although Peru had passed a partial reform in 2003. By 2013, Uruguay and Brazil had both equalized the labour rights and protections of domestic workers with those of other workers, in 2006 and 2013, respectively. Similarly, during this time period, in both countries the share of exploited domestic workers declined to 42% of full-time domestic workers in Uruguay, and even more markedly, to 32% in Brazil, and the share of extremely exploited domestics declined to 11% in Uruguay and 6% in Brazil. Finally, the share of domestic workers who were registered in social security improved markedly in both countries, to 42% in Brazil, and to just barely 50% in Uruguay, which is a regional record. These improvements paralleled general improvements in social security coverage in Brazil, and in Uruguay went further; the gap between domestics and other workers declined from 46 to 34%.

The above trends stand in stark contrast to Mexico and Peru. While in both countries the share of exploited and extremely exploited workers has declined, the figures for both countries remain high, especially in Peru. Moreover, neither country has equalized domestic workers rights. To this day, paid domestic work in Mexico is characterized by

a complete lack of regulation, simply stipulating that workers must have enough time to rest and to eat, explicitly contradicting the Mexican Constitution of 1917, which grants all Mexicans an eight-hour workday. Moreover, the share of domestic workers who are formal, that is, have a written contract, has plummeted in Mexico, from 14.8% in 2004 to 1.2% by 2012. This parallels a broader decline in formality in the country, but which is extreme for domestic workers. In Peru, the rate was so dismal at 0.9% in 2004 that there was little room for decline, and in 2013, formality remained at an equally low 0.9% while rates of formality for the general workforce improved from 43 to 53%.

Explaining differences in laws and working conditions

To organize, and gain better rights and working conditions, domestic workers must overcome several barriers. To begin with, the precarious working conditions pose significant challenges for organizing among domestic workers. With long hours, combined with their own family responsibilities, domestic workers often have little time left for other activities. In addition, in today's highly segregated Latin American urban centres, poor public transportation networks can add painfully long commutes to the days of workers who do not live with their employers. Unlike industrial workers and many service workers, by the nature of their work domestics are socially isolated and hard to reach. This is exacerbated if they live with their employer. Lower socio-economic status among domestic workers also reduces resources for campaigns, and skills and social networks to access the political system are scarce (Blofield, 2012). Consequently, organizational affiliations of any kind, even if technically allowed, have historically been extremely low among domestic workers (Chaney and García Castro, 1989; CONLACTRAHO, 2004; Gill, 1994; López et al., 2005: 208; Valenzuela and Mora, 2009a, 2009b).

Intersectional disadvantages (socio-economic status; gender; race/ethnicity) exacerbate these difficulties. Neither male-dominated labour unions nor feminist movements have made the rights of paid domestic workers a priority. Unions have tended to focus on the interests of extant members, who are more advantaged and organized. Some individual feminists have adopted the cause, but most organizations have not focused on domestic worker rights; indeed, many middle-class feminists rely on domestic workers as well (Blofield, 2012; De Santana Pinho and Silva, 2010).

Despite these constraints, domestic workers have managed to organize in every country in the region, however minimally, to provide support for each other and to advocate for equal rights and respect. The role of pioneering advocates – a few remarkable women who have had the skills and dedication to tirelessly push for reform – has been especially crucial in organizing domestic workers into associations or unions given the many barriers. Until the past decade, their demands were met with widespread rejection among elites, who had come to see a long historical legacy of servitude as natural, and, as noted already, even ostensible allies such as feminists and labour unions largely ignored them (Blofield, 2012).

Drawing on the theoretical framework developed by Blofield (2012, 2016), we argue that domestic workers face a three-step struggle to gain equal rights: first, to make their cause visible and their demands heard. For this, they must organize and gain allies, which has been a struggle until recently. Second, to get equal rights on the political agenda,

specifically a plenary debate and a vote, they need executive backing (or an extraordinary confluence of political factors).⁶ Legislative opponents have, very successfully until recently, focused on keeping reform off the political agenda, by burying bills in legislative committees and postponing debate, knowing that once a reform bill goes for a vote, it is uncomfortable for political elites to take a public stance against equal rights in the twenty-first century. Without presidential backing in heavily executive-dominated political regimes, advocates have in most countries been unable to overcome this resistance. Third, advocates need to maintain pressure on executive agencies tasked with implementation, including social security coverage. Here, executive support is as crucial as in step 2, if not more so (Blofield, 2012, 2016).

The past decade has been a game-changer in terms of this three-step struggle, for two, interrelated, reasons. First, domestic worker organizations and their leaders found sympathetic labour allies abroad willing to join the fight for their cause, highlighting how transnationalization on this issue does not only reflect movement of labour but also cooperation among advocacy networks.⁷ They formed ties with labour advocates in Europe, and together they were able to successfully push for an ILO Convention on Domestic Workers. Second, Latin America underwent a Left shift at the turn of the millennium; between 1999 and 2016, 11 of the 18 democratic Latin American countries elected (and often re-elected) left-wing executives, and many governments also gained left-wing majorities in Congress. Left-wing parties, both ideologically and in terms of their support base, are more likely than centre or right parties to be sympathetic to labour rights of workers, as well as their enforcement.

Latin American domestic worker leaders teamed up with European advocates at a meeting in the Netherlands in 2006. There, they decided to form a coalition to advocate for a worldwide convention on domestic worker rights. Thus began an intense lobbying push targeted at the ILO, for a Convention on Domestic Workers. They succeeded in 2010, when member states and business and labour organizations agreed to produce a more binding Convention rather than simply a Recommendation. This process, and the rights included in the Convention, represent a significant victory for domestic worker advocates. The coalition maintained pressure on the stakeholders, and managed to ultimately convince the vast majority of member associations to vote for a comprehensive Convention (ILO, 2010a, 2010b 2011a, 2011b; IRENE/IUF, 2008). Convention 189, approved in 2011, includes clauses to ensure the freedom to form unions, elimination of discrimination in national laws, including work hours, protections for migrant workers, and employer responsibility in informing workers of the agreed terms and conditions of work.⁸ This Convention provides an important inter-governmental mechanism to push for legal reform in national contexts, by contributing visibility, by giving domestic and regional advocates a goal to lobby for (ratification), and by engaging in government-level pressure to proceed with ratification and legal reforms (Blofield, 2012).

Meanwhile, this increased mobilization on a global level also had a propitious effect in the region. Another goal of this network was to build the strength of national and regional organizations, to domestically lobby for equal rights. With the support of European advocates, and increasingly the ILO itself, these organizations have strengthened, and a regional confederation of domestic worker organizations, CONLACTRAHO, after being less active for many years, held a regional meeting in 2009. This organizing

has been essential to progress towards the goal of equal rights, since few equal rights reforms have been passed without substantial bottom-up pressure from the marginalized themselves (Blofield, 2012, 2016).

All four countries – Brazil, Uruguay, Mexico and Peru – had strong domestic worker organizations and leaders by the late 2000s, from a regional perspective. Yet the political outcomes in terms of rights and protections are very different. While domestic workers in Uruguay and Brazil benefited from sympathetic left-wing governments that were open to both national domestic worker organizations as well as ILO influence, domestic workers in Peru and Mexico, governed by non-left presidents, had ILO contacts but did not have sympathetic domestic political allies in power, and thus similar opportunities for influence. Below, we summarize the case studies.

Uruguay

Uruguay's trend-setting reform on domestic worker rights took place following the victory of the left-wing Frente Amplio government, and several years before the passage of the ILO Convention. The government itself, after assuming power in 2005, encouraged collective organization among domestic workers, drawing their perspective directly into the policy process. Two former union leaders who had recently become domestic workers took over the leadership, and a tripartite committee, in consultation with the union, sent a bill to Congress. With a left-wing majority the bill was rapidly – and unanimously – approved. Finally, the Ministry of Labour set out to extend social security coverage, to include the domestic workers' union in salary negotiations, and to institute mechanisms for processing labour violations. The social security bank had a broad and effective campaign to register domestic workers into social security, including door-to-door campaigns with informational fliers and award-winning television ads (see Blofield, 2012: Ch. 5). ILO representatives were allowed to observe much of this policy process, and they came to use Uruguay as a model of best practices for other countries.

Brazil

Brazil's domestic worker associations have long been organized and active, and gained significant allies in government when the Workers Party leader Luis Ignacio Lula da Silva gained the presidency in 2002. Formalization rates had already increased under his centrist predecessor, Fernando Henrique Cardoso, and continued to increase. A law was passed in 2005 to make employer contributions to domestic workers' social security tax deductible. After years of efforts, and cognizant of the ILO Convention, the executive, without a left-wing majority in Congress and facing centre-right opposition, finally pushed through a law in 2013 to equalize domestic worker rights and in 2015 to regulate the implementation. In 2016, Dilma Rousseff, the second Workers Party President, was impeached, bringing left-wing rule to an end in Brazil. As in Uruguay, it was the close relationship between active domestic worker organizations and the left-wing executive that allowed for both equal rights reform as well as stronger efforts in enforcement, and the ILO Convention helped given opposition in Congress (Blofield, 2016).

Peru

Peru has relatively strong domestic worker organizations that have advocated for equal rights for decades. In 2003 a Congressional law was passed, in response to such advocacy, to improve labour rights and protections for domestic workers, including the right to social security, but it did not guarantee the minimum wage or a written contract, and only half the weekends and annual holidays that other workers had the legal right to. Moreover, it legislated an eight hour workday for live-in but not live-out workers (Law 27896).

The executive, in the hands of non-left presidents, has made little effort to enforce the law, and a bill by some legislators to equalize rights in 2008 was archived. Since 2011 there have been several campaigns by national-level and local domestic worker organizations to promote equal rights and to get the ILO Convention ratified, but they have been unable to enlist the support of any presidents during this time period. The Ministry of Labour has established some small programmes but such efforts have been modest at best. In 2016, a group of legislators, with domestic workers' unions, sought to bring Peruvian law closer to the standards set by the ILO Convention, including establishing a minimum wage for domestic workers, to date without success (Aguinaga Saavedra, 2017; ILO, 2013). As Table 1 indicates, the exploitation of domestic workers remains high, and there were no improvements in levels of formalization of domestic workers between 2004 and 2013, of whom 99% work without a contract, despite improvements in the workforce in general.

Mexico

Mexico has also had relatively strong domestic worker organizations, and the prominent leader of the regional confederation during the ILO negotiations was Marcelina Bautista, a Mexican domestic worker organizer. She and her organization have campaigned for equal rights for years, and have submitted bills for consideration to Congress. However, Mexico has not had a left-wing president, and none of the non-left presidents have backed reform. Both presidents and Congress have repeatedly ignored bills introduced to reform the antiquated Labour Code. Here, labour unions have in fact acted as obstacles rather than as advocates; as a government official in Mexico City pointed out, labour unions in Mexico have opposed any changes to the Labour Code, as they fear that any reforms may open the door to a reduction of their extant rights. Mexico is also almost alone in the region in not legally requiring that domestic workers be registered in social security, as shown by the dismal figures in Table 1.

Comparative discussion

These case studies highlight how the combination of domestic worker organizing with increasing support from the ILO and more sympathetic left-wing governments increased the likelihood of equal rights reform as well as the likelihood of more concerted efforts to formalize this workforce (Blofield, 2012, 2016). The ideological divide is clear: left governments have supported the cause of equal labour rights, especially when domestic worker organizations push them on it, while non-left governments have not. Beyond our

case studies, we see this process in other left-wing governments: Chile in 2014, Venezuela in 2012, and Argentina in 2013. Both left-wing Ecuador and left-wing Bolivia have ratified the ILO Convention. No centre or right government executive has initiated equal rights legislation; the Costa Rican reform of 2009 took place without executive support (Blofield, 2012). Additionally, left governments put more resources into enforcement of extant labour rights, although here type of left government matters: institutionalized left governments, such as Uruguay, Brazil and Chile, perform much better than populist left governments, such as Venezuela, Ecuador and Argentina (Blofield, 2012; Levitsky and Roberts, 2011).

Conclusion

Paid domestic work is a function of high socio-economic inequalities on a national and global level, ensuring that the well-off have the means to purchase the labour power of another individual for their household needs. It is not only a prominent form of wage labour but also a cultural institution. Most elites in the region have grown up with domestic service, and have seen their easy access to it as natural.

This began to change in the past 15 years. Domestic workers have made significant advances in labour rights and protections; however, these advances have been extremely uneven, due to more and less sympathetic governments. Regardless of country, the key policies needed in the coming years are to extend equal rights to the rest of the countries; to ensure adequate resources and mechanisms for enforcement; to regulate domestic worker labour markets; and to implement broader, complementary policies to address the work–family nexus. Each one of these policies, to be implemented, requires political will and resources, as well as persistent advocacy by domestic workers’ organizations themselves; the challenge will be to keep these policies on the political agenda as the region confronts economic austerity and a turn away from the left.

The push for equal rights for domestic workers has taken place largely separately from broader socio-demographic changes. However, it is intimately linked to them. If governments enforce equal rights to paid domestic workers, the middle and upper classes will find it harder to meet their care needs as cheaply and easily as before, and will be pushed to search for more collective solutions such as institutionalized child care, the most common form of non-parental child care among the middle classes in advanced industrialized countries. With supportive government policies such as regulating and subsidizing the development of the early childhood education and care sector, such a shift could be a win-win, because it would lead to more formal sector jobs for the same women that traditionally worked in domestic service. Also, such an expansion could and should provide affordable child care to these same women. Finally, equal rights reforms and broader work–family policies may also bring about more pressure to renegotiate traditional gender divisions of labour in the household, which have to date remained remarkably static in Latin America (UN Women, 2017).

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Notes

1. The rest of this paragraph paraphrases from Blofield, 2012: 16–17.
2. Labour codes have also often specified less protections and benefits such as annual vacations, and/or days off on national holidays. As one extreme example, the Guatemalan Labour Code reduces domestic workers' 14-hour workday by six hours on national holidays (as well as on Sundays), resulting in a de facto legal workday of eight hours (Blofield, 2012: 30). In essence, in Guatemala domestic workers never have a legal day off, since annual vacation is not specified either (Human Rights Watch, 2002: 20).
3. Work–family policies in Latin America, i.e. employment-based leave and early childhood education and care services, are over-all much less developed than in Europe. See for example Blofield and Martínez Franzoni (2015).
4. In Argentina over 70% of domestic workers worked for only one employer in the early 2000s (Ministerio de Trabajo, 2005). A regional survey of Central America also found that the vast majority worked for one employer (COMMCA, 2010: 204).
5. Overall, there appears to be a regional trend towards fewer live-in domestic workers. In Chile, live-in domestics declined from 39% in 1990 to 14% in 2006 (Ministerio del Trabajo y Previsión Social, 2008). On the other hand, a small-scale survey in Bolivia found that half of the female domestics were live-in domestic workers.
6. Two such cases of rare equal rights victories without presidential backing were those in Bolivia and Costa Rica, the result of persistent efforts by advocates in the face of executive reticence, combined with almost unexpected and exogenous political 'windows of opportunity' (Blofield, 2012).
7. We thank one of our anonymous reviewers for highlighting this.
8. International Labour Conference. Text of the Convention Concerning Decent Work for Domestic Workers. Provisional Record. 100th Session, Geneva.

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Résumé

Environ 30% des foyers d'Amérique latine dépendent de travaux domestiques rémunérés, que ce soit comme employeurs ou travailleurs. L'immense majorité des travailleurs domestiques rémunérés sont des femmes sous-rémunérées appartenant aux minorités ethniques et raciales, à qui les législations du travail accordent moins de droits et de protection. Les travailleuses domestiques se sont organisées pour exiger des droits égaux et cette organisation a déjà commencé à payer pour elles. Cet article traite de la dynamique des travaux domestiques rémunérés selon les principes organisationnels de la présente monographie : marchandisation et changements dans les politiques du gouvernement.

En prenant les cas du Brésil, de l'Uruguay, du Mexique et du Pérou dans le nouveau millénaire, nous comparons les conditions de travail et les luttes des travailleuses domestiques, en séparant les facteurs qui expliquent les différents résultats en matière de droits du travail et de protection dans ces pays. Nous soutenons donc que les améliorations des droits et de la protection ont été possibles par les effets interactifs

entre l'organisation des travailleuses domestiques, les gouvernements les plus compréhensifs de gauche et le fait historique de la Convention de l'OIT de 2011 sur les travailleuses domestiques.

Mots-clés

Travail de soin, Amérique latine, travailleuses domestiques, genre, inégalités économiques, travail domestique rémunéré, sécurité sociale, rémunération, protection

Resumen

Alrededor del 30% de los hogares de América Latina depende del trabajo doméstico remunerado, ya sea como empleadores o como trabajadores. La inmensa mayoría de los trabajadores domésticos remunerados son mujeres infrarremuneradas pertenecientes a minorías étnicas y raciales, a quienes las legislaciones laborales conceden menos derechos y protección. Las trabajadoras domésticas se han organizado para exigir iguales derechos y esa organización ya ha comenzado a pagar por ello. Este artículo trata la dinámica del trabajo doméstico remunerado desde los principios organizativos del presente monográfico: mercantilización y cambios en las políticas del gobierno. Tomando los casos de Brasil, Uruguay, México y Perú en el nuevo milenio, comparamos las condiciones de trabajo y las luchas de las trabajadoras domésticas, destacando los factores que explican los diferentes resultados en materia de derechos laborales y protección en estos países. Sostenemos, pues, que la mejora de los derechos y la protección fue posible por los efectos interactivos entre la organización de las trabajadoras domésticas, los gobiernos de izquierda más comprensivos y el hito del Convenio de la OIT de 2011 sobre trabajadoras domésticas.

Palabras clave

Trabajo de cuidados, América Latina, trabajadoras domésticas, género, desigualdad económica, trabajo doméstico remunerado, seguridad social, remuneración, protección