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Domestic workers and social protection in Argentina: Advances and remaining challenges

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The modest but important progress that Argentina has made in formalizing domestic work in recent years is promising, since the government's efforts to improve labour standards in the sector will have middle and long-term effects. In spite of this progress, however, many challenges remain. There are no tried and true methods for achieving formalization in this sector, whose regulation has proven complex worldwide.

This document explores a series of questions that could contribute to understanding why there is still a significant number of unregistered domestic workers in Argentina before reflecting on the tools that could help address the problems detected. Some of the principal milestones will be summarized in addition to recommendations on possible lines of action at the end of the document.

In terms of the way domestic workers perceive their occupation, they tend to describe it as burdensome and socially undervalued. While the question of low wages figure highly into the perception of the low value attributed to domestic work, domestic workers mention registration (even when it is perceived as unlikely) as another indicator of acknowledging the work they provide.

The low level of satisfaction among domestic workers with regard to their occupation is also reflected in the fact that the vast majority have plans to do other work in the future. Domestic workers clearly and categorically emphasized the importance of "studies" as a tool for occupational mobility, mentioning different careers they would like to embark upon, many of which are related to caregiving tasks (for example, nurse, certified nursing assistant, beautician, etc.). However, their plans to get a degree are often postponed indefinitely, given their current tasks caring for their own young children, which they handle almost exclusively and with little or no state assistance.

In the case of the female employers of these domestic workers, their discourse is ambivalent when discussing the value of domestic work. On the one hand, they tend to acknowledge domestic workers' fundamental role in keeping the household running smoothly, thus helping them to organize their own daily activities. While they generally value their "own" domestic worker very highly, however, they often discredit domestic workers as a collective. In this regard, they claim that domestic workers often lack solid work values (particularly emphasizing their supposed preference for living off the state instead of working), have irresponsible spending habits and tend to behave dishonestly, specifically, stealing from their employers.

This characterization of domestic workers as a collective can be understood as a justification for employers not meeting their obligations: instead of attributing workers' disadvantaged social position to precarious working conditions, employers blame the workers for their (bad) habits. In terms of specific labour practices, these women had scarce access—in some cases, partial or fragmented access—to the labour rights they are entitled to as domestic workers. One initial observation in this field has to do with the dominant role that employers play in the quality of working conditions. Indeed, the domestic workers have almost no leeway for action or negotiation. The fear of dismissal in response to any work-related demands was omnipresent in the accounts of the domestic workers. In this regard, these workers clearly believed that domestic work is an occupation with so many available workers that it is relatively easy for them to be replaced. Therefore, when dealing with employers, they tend to focus on the wage issue because of their limited negotiating power. Even in this case, however, requests or demands are made fearfully.

In relation to the rights of these workers, employers operate with broad discretion. The salaries of workers paid on a monthly basis are generally below the legal minimum, for example, and rights such as biannual bonuses, paid vacations, sick days and severance pay are generally absent from workers' accounts. In several cases, the biannual bonus was replaced by gifts or small amounts of extra money during the holidays, while vacation and sick days were replaced by permission for a day off but without any payment. One noteworthy assumption in the accounts of both employers and employees is that employment can be discontinued at will without entitlement to any sort of compensation. On occasion, the discontinuity in employment is proposed as temporary—for example, when the employer has another more important expenditure—and the employment relationship is reestablished once the employer again has the available income to pay the worker.

The assumption that domestic worker employment can be dismissed without any compensation—in addition to the time taken off for maternity (where there is no state support for childcare which would allow domestic workers to continue participating in the labour market)—are factors that help explain the high levels of rotation in this sector. Given that, as occurs with other occupations, the longer an employment relationships are generally accompanied by an improvement in working conditions (the accounts of the women interviewed and quantitative data reveal greater access to rights, including registration), the discontinuity of the employment relationships in this particular sector makes working conditions all the more precarious.

Although employment relationships of longer duration tend to increase the likelihood of workers accessing certain rights, it also entails the creation of emotional bonds with the employer families in many cases. The workers themselves attribute value to these bonds. Beings treated “like a family member” can be a source of satisfaction among many employees (especially those who have experienced distant or humiliating treatment by previous employers). Generally, this type of bond can often transform into different levels of “patronage.” Although the “tutelage” offered by employers in these cases frequently provides some advantages (for example, assistance with paperwork, gifts, economic assistance in the case of a particular family event), it can also serve to reinforce and legitimize certain discretionary practices of the employers. In particular, many of the “favours” that employers do for their workers are exchanged—in part or in whole, directly or indirectly—for labour rights.

However, an initial variable that comes into play in an employer's willingness to limit or deny the rights of domestic workers is tied to the formalization of the employment relationship. In this regard, given that registration establishes a need to put in writing items such as wages, biannual bonus, vacations, etc., it limits the employer's ability to “shape” the working conditions in the way most convenient for them. In addition, since there is proof of the employment relationship, it is common for severance payments to be made.

A second variable that helps diminish the tendency of employers to refuse to acknowledge labour rights is the number of hours of work performed by the domestic worker. In this regard, the more hours she works— specifically, the closer she is to working a full day— the more likely an employer is to acknowledge her rights. Thus, the closer a domestic worker's workday is to a "typical" [full-time] job, the more access she will have to benefits like biannual bonuses, paid vacations and sick days, and registration (although clearly still at insufficient levels).

Domestic workers who work half days or "by the hour" are generally excluded from any type of legal consideration. Although many of these workers emphasize the "flexibility" of these employment relationships (especially because it allows them to combine paid work with their own unpaid domestic work), the trade-off for this flexibility is an extreme commodification of the relationship. These workers thus only get paid when they go to work and do not benefit from any of the basic rights contemplated by law. In addition, it is common for employers to forgo their services temporarily or definitively on various pretexts. Both employer and employee experiences these situations as a natural part of the tacit code that regulates this type of labour insertion.

The increase in hourly domestic work in recent years thus entails a new challenge for regulation in the sector. Indeed the increase is a "core group" [of workers] in the sector with limited possibilities to access the rights corresponding to domestic workers.

In terms of the discourse and practices associated with registration, one promising aspect of the (albeit modest) increase in formalization of jobs is that the topic has become part of discussions on domestic work. In particular, the employers were the ones who mentioned this spontaneously, generally as one of the excuses for why they had not made their employer contributions. In this regard, the employers generally blame the workers, who they claim do not want to be registered in order to continue receiving their "allowances", though employers were not entirely able to explain what these allowances consisted of. In terms of the positive aspects of registration, employers— even those who have an informal employee— emphasized the peace of mind of knowing they were "covered", especially with regards to potential work accidents and ensuing lawsuits. The majority of the employers deemed the registration procedure and cost to be "accessible."

In the case of the domestic workers, the question of registration is a remote possibility contingent upon luck or upon the "beneficence" of the employers who hire them. In fact, registration is a right that no one tends to question. In their justification of why they have not demanded formal employment, domestic workers mention fear of dismissal and the need to prioritize salary demands (which are more pressing in terms of their daily lives). Unlike the employers, the vast majority of domestic workers view registration as positive. In particular, they emphasize the importance of social security contributions, which are tied to concerns about the future, and associate registration with other labour rights that they are aware of (though they do not have access to them).

However, in a few cases, the employees are apprehensive about the possibility of formal employment. On the one hand, the fact that registration is incompatible with certain conditional cash transfers can represent an obstacle to formalization. However, in the area of inquiry covered in this study, the only specific one mentioned was Ciudadanía Porteña (and in just one case) as a reason to be against formalization. Other sector representatives consulted— who are in touch with domestic workers nationwide— mentioned that several provincial and municipal allowances could conflict with formalization at the national level (though in general, they could not name them and/or give many specific examples).

A second element that leads some workers to be apprehensive about registration— or which has created concrete problems in the face of formalization— is the question of medical insurance. When asked about a potential registration, the fear of losing their husband's healthcare coverage— which is perceived as better than the domestic workers' insurance— was frequently mentioned by the women interviewed. In other cases, workers state that they prefer to get their healthcare services from public hospitals, services they believe will be jeopardized if they were covered by the domestic workers' insurance. In this regard, the negative image of the sector's insurance plan predominates, either because of what they have heard or from their own experiences, in which they emphasized the excessive paperwork and/or limited geographical coverage of the plan. At the same time, there was a notable lack of information on the possibility of redirecting contributions allocated from the sector's plan to a healthcare plan of their choice and/or the procedures for doing so, along with a distrust in the health insurance system with regards to its willingness to insure domestic workers (a perception shared by representatives from the sector).

Beyond these concerns, it is important to note that only two of the workers interviewed stated that they were entirely opposed to the idea of registration because of issues such as these (incompatibility with allowances and the fear of losing their current healthcare coverage). Most of the workers looked favorably on the possibility and when they are formally employed, they view this as recognition of the value of their work.

Finally, the discourse of the employers— who claim they would be willing to register their workers but do not insist on doing so because the workers refuse— contradicts the perception and willingness of most of the domestic workers, who view this right favorably. In this regard, it is possible to infer that the cost of formalization is much higher than the actual employer contributions that formalization entails. Formalization is a tool that not only provides evidence of the existence of an employment relationship (making frequent layoffs and/or dismissals costlier for employers) but it also requires employers to specify in writing (on salary receipts) the access to various rights (working hours, salary category, vacations, biannual bonus, etc.). The formalization of the employment relationship thus substantially reduces— or at least attests to— arbitrary and unfair employment “arrangements” that employers regularly impose on domestic workers. Understanding registration as a mechanism that threatens class privileges and inequalities strongly rooted in this occupation means conceiving registration as both a challenge and a promise that merits (and requires) renewed governmental efforts to achieve.

This study has explored a series of questions that contribute to understanding the reasons which underlie the significant number of unregistered domestic workers in Argentina. It also reflected on the tools that could help address the problems detected. Through the findings of this report, possible lines of actions for improving working conditions in the sector are recommended (these are detailed in the full working document). These lines of action cover different levels of breadth and complexity, have different time horizons, and include:

- awareness and information campaigns;
- incentives for formalization geared to household employers;
- labour inspection in the sector;
- the possibility to continue advancing in the design of tools/mechanisms to simplify both access to registration procedures and the payment and tracking of monthly contributions;

- the possibility of promoting the experience of the domestic workers' court in the city of Buenos Aires— which facilitates access to justice for these workers— nationwide;
- mapping the allowances and social programs at the national, provincial and municipal level that are incompatible with registration in order to estimate their potential impact on discouraging formalization in the sector;
- promoting the sector's healthcare plan and its services and geographical scope, in addition to making information available on options for choosing another plan and/or redirecting contributions from the sector's plan to other healthcare plans, and the costs and characteristics of switching plans;
- consolidating and expanding training and professionalization policies in the sector; and
- caregiving policies (in order to increase the amount of time available [for workers] to take full advantage of labour market opportunities).

[Full text in Spanish \(PDF\)](#)

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