



International  
Labour  
Organization

# POLICIES TO FORMALIZE PAID DOMESTIC WORK IN LATIN AMERICA AND THE CARIBBEAN

Regional Office for Latin America and the Caribbean

**FORLAC**

PROGRAMME FOR THE PROMOTION OF FORMALIZATION  
IN LATIN AMERICA AND THE CARIBBEAN

POLICIES TO FORMALIZE  
PAID DOMESTIC WORK  
IN LATIN AMERICA  
AND THE CARIBBEAN

Copyright © International Labour Organization 2016  
First edition 2016

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Licensing), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: [pubdroit@ilo.org](mailto:pubdroit@ilo.org). The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with a reproduction rights organization may make copies in accordance with the licenses issued to them for this purpose. Visit [www.ifrro.org](http://www.ifrro.org) to find the reproduction rights organization in your country.

---

LEXARTZA, Larraitz; CHAVES, María José and CARCEDO, Ana.  
Policies to formalize paid domestic work in Latin America and the Caribbean. Lima:  
ILO, Regional Office for Latin America and the Caribbean, 2016 48 p.

*Domestic work, wages, workers' rights, collective bargaining, Latin America, Caribbean*

ISBN: (printed)

ISSN: (web pdf)

Published also in Spanish: Políticas de formalización del trabajo doméstico remunerado en América Latina y el Caribe.

ISBN: 978-92-2-331090-5 (print)

ISBN: 978-92-2-331091-2 (web pdf)

*ILO Catalogue Information*

---

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

Publications of the ILO can be obtained in leading bookstores and local ILO offices or by request from: ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Catalogues or lists of new publications can also be requested from the aforementioned addresses or by e-mail: [pubvente@ilo.org](mailto:pubvente@ilo.org) or [biblioteca\\_regional@ilo.org](mailto:biblioteca_regional@ilo.org).

For more information, visit our website: [www.ilo.org/publns](http://www.ilo.org/publns) or <http://www.ilo.org/americas/publicaciones> (regional website).

---

Printed in Peru

# POLICIES TO FORMALIZE PAID DOMESTIC WORK IN LATIN AMERICA AND THE CARIBBEAN



---

International  
Labour  
Organization

International Labour Organization  
Regional Office for Latin America and the Caribbean

## Acknowledgements

The Regional Office of the ILO would like to thank María José Chamorro (gender specialist in the ILO Office for Central America, Haiti, Panama and the Dominican Republic) and María Arteta (assistant director for the ILO Office for the Andean Countries) for overseeing the preparation of this report. The Regional Office also would like to express its gratitude to the following colleagues for their helpful comments to preliminary versions of this report: Fabio Durán (Social Protection Department – SOCPRO), Claire Hobden and Janine Berg (Inclusive Labour Markets, Labour Relations and Working Conditions Branch – INWORK), María Elena Valenzuela and María Galloti (Labour Migration Branch – MIGRANT), Bolívar Pino and Rigoberto García (Labour Analysis and Information System for Latin America and the Caribbean – SIALC/Panama), Xavier Estupiñán (ILO Project Office for Ecuador), Laura Norato (ILO Project Office for Colombia), Rodrigo Mogrovejo (ILO Project Office for Bolivia), Eduardo Rodríguez and Luis Más (ILO Office for the Andean Countries), José Francisco Ortiz (Subregional Office for Central America), Alejandra Beccaria and Kristen Sobeck (ILO Country Office for Argentina), Andrés Marinakis (ILO Subregional Office for the Southern Cone of Latin America), Paula Robinson and Shingo Miandake (ILO Office for the Caribbean Countries), and Claudia Ruiz and Juan Chacaltana (ILO Regional Office for Latin America and the Caribbean). Additionally, the Regional Office of the ILO would like to thank Alma Espino, an external collaborator, who gathered information from the countries in the Southern Cone of Latin America.

# Contents

Foreword	7
Policies to formalize paid domestic work in Latin America and the Caribbean	9
1. Characteristics of domestic work in Latin America and the Caribbean	11
1.1 Educational level of domestic workers is on the rise	13
1.2 An undervalued occupation: the wage gap	13
1.3 Access to social security is a pending issue in all countries	13
2. Paid domestic work: a job that contributes	16
2.1 A review of legislation to regulate domestic work in Latin America and the Caribbean	18
2.2 Legal strategies for recognizing the rights of domestic workers	19
2.3 Advances and pending issues of legal reforms	20
2.4 Dialogue between the legislation that regulates domestic work and migration legislation: a top-priority issue	23
3. Strategies for formalizing domestic work beyond legal reforms	25
3.1 Actions to guarantee the right of domestic workers to social protection	25
3.2 Income security: minimum wage	28
3.3 New strategies for inspections of private households	30
3.4 Incentive policies for contribution to social security and other contributions associated with the employment relationship	33
3.5 Organization of domestic workers and collective bargaining	34
3.6 Public awareness campaigns and employment advisory services	36
3.7 Multidimensional strategies to formalize domestic work	37
4. Conclusions and recommendations	40
5. References	43
6. Legislation and regulations consulted	46



## Foreword

Domestic work is one of the occupations most affected by informality in Latin America and the Caribbean. It is estimated that around 18 million people are engaged in domestic work in the region, of which 77.5% are in the informal economy. Low rates of affiliation to social security, low incomes, difficulties in inspection and a lack of mechanisms for collective bargaining reduce the protection available to this sector and result in severe deficits in decent work.

Out of all domestic workers, 93% are women, making this type of work one of the most important for women in the region. In fact, domestic work and care work –reproductive work– has historically been assigned to women and performed at home without any remuneration, which is one of the reasons for its low social value and difficult working conditions. In the current context, marked by significant participation of women in paid work and significant demographic changes in the composition of families, domestic work remains essential to meet the needs of care work in households. Therefore, the formalization of domestic work must be understood in the context of the broader discussion on public policies for care of dependants and policies to promote gender equality in the working world. On both topics, this report will reflect on the centenary initiative of the ILO on women at work.

This report is part of the Programme for the Promotion of Formalization in Latin America and the Caribbean (FORLAC), as well as efforts to promote the implementation of Recommendation 204, “Recommendation on the transition from the informal economy to formality”, in the region. Despite the high rates of informality in the domestic work sector, recent decades have shown positive changes, with a significant reduction in informality. This report collects the measures being taken in the region to promote formalization of paid domestic work and the results of these measures so far.

Progress has largely been made in the reform of outdated regulations which used to place workers in this sector at a disadvantage. The approval of Convention No. 189 on decent work for women workers and domestic workers and its subsequent ratification in 12 countries in the region further boosted efforts for reform which had started years before, and resulted in regulations with greater guarantees in many parts of the region.

Legal reforms to ensure equal rights with other workers require specific measures to ensure that they are applied in practice. This report shows that countries that have had more extensive and faster results are those that have opted for multidimensional strategies. These strategies have put access to social security at the center of their interventions, but have complemented this with initiatives to improve income, boost inspection, and create different incentives, by guaranteeing collective bargaining or promoting the rights of workers.

The ILO hopes that this report, which summarizes the measures taken so far, stimulates discussion on the challenges we face as a region in formalizing domestic work and guides country strategies in the future.

José Manuel Salazar-Xirinachs

ILO Regional Director for Latin America and the Caribbean



# Policies to formalize paid domestic work in Latin America and the Caribbean

Article 1 of Convention 189 defines domestic work as “*work performed in or for a household or households.*” This work includes “*cleaning the house, cooking, washing and ironing clothes, taking care of dependent individuals (children, the elderly and people with disabilities), gardening, guarding the house, driving for the family, and even taking care of household pets.*”<sup>1</sup>

Due to its characteristics, this job differs from other occupations. For example, a domestic worker may work on a full-time or part-time basis; may be employed by a single household or by multiple employers; and may or may not reside in the household of the employer (ILO 2011). Precisely because of those characteristics, and the fact that the job is performed mainly by women, paid domestic work represents approximately 10 per cent of informal employment in Latin America (ILO 2015a: 12)<sup>2</sup>. In an effort to change this, the International Labour Organization (ILO) implemented the Programme to Promote Formalization in Latin America and the Caribbean (FORLAC).

One strategic component of this programme is the generation and dissemination of knowledge concerning the transition to formal employment of paid domestic work. This report forms part of this effort as it systematizes information on the situation of domestic workers and on key measures countries in the region have taken to formalize and improve working conditions in the domestic work sector.

Section 1 of this report looks at the characteristics of domestic work in terms of gender, educational level, wages, access to social security and the participation of migrant workers. Section 2 describes the main contributions of ILO Convention 189 and Recommendation 201 in formalizing domestic work, and reviews the different strategies used by countries to do so. To this end, the authors carried out an exhaustive review of labour law in 21 countries in Latin America and the Caribbean (including labour codes and other relevant legislation)<sup>3</sup>. Section 3 of this report systematizes the different strategies countries have

---

1 ILO (2011): 1.

2 The special characteristics of domestic work make it difficult to apply the standard criteria used to estimate informal employment within the informal sector (legal organization of the production unit; accounting records of transactions of the production unit; record of compliance with the administrative provisions established by law). Domestic work is not considered to be in the “informal sector” or in the “formal sector,” since the households that use these services are final consumers and do not produce goods and services for the market. Due to these considerations, informality in the domestic work sector is defined by taking into consideration job characteristics, where one criterion is access to social security resulting from the employment relationship.

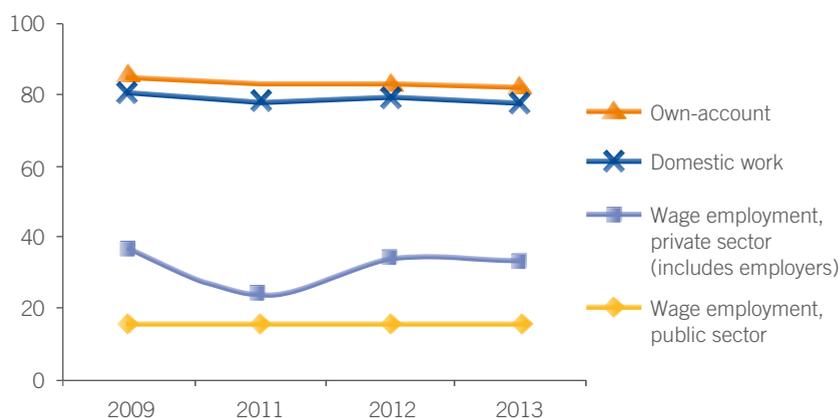
3 The countries are: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela.

applied to formalize domestic workers beyond the formal changes reflected in the legal framework. This section is based on assessment reports, accountability documents and other materials prepared by Ministries of Labour. Proceedings on compliance with Convention 189 were also consulted, as were national, sub-regional and regional research on the subject. Finally, the report offers conclusions and recommendations to build upon efforts to formalize paid domestic work in Latin America and the Caribbean.

# 1. Characteristics of domestic work in Latin America and the Caribbean

Domestic work is one of the occupations with the highest levels of informal employment. The ILO estimates that some 18 million people are employed in the sector, which is the equivalent of approximately 7 per cent of all employed persons in the region<sup>4</sup>. In 2013, the informal employment rate among domestic workers in Latin America was 77.5 per cent. In other words, nearly eight of every 10 domestic workers had an informal job<sup>5</sup>. However, this rate declined by 2.6 percentage points between 2009 and 2013, a trend that has occurred in other sectors (Figure 1).

**FIGURE 1. Latin America (14 countries): Rate of non-agricultural informal employment by status in employment, 2009-2013 (percentages)**



**Source:** ILO (2015a).

**Note:** Calculated for 14 countries. Employed population ages 15 and over.

This reduction is due to several factors, including specific measures adopted by the countries to formalize this activity. This section briefly reviews the main characteristics of domestic work and analyzes the different initiatives implemented to reduce informality in diverse areas, including social security, minimum wages, labour inspections, unionization and collective bargaining.

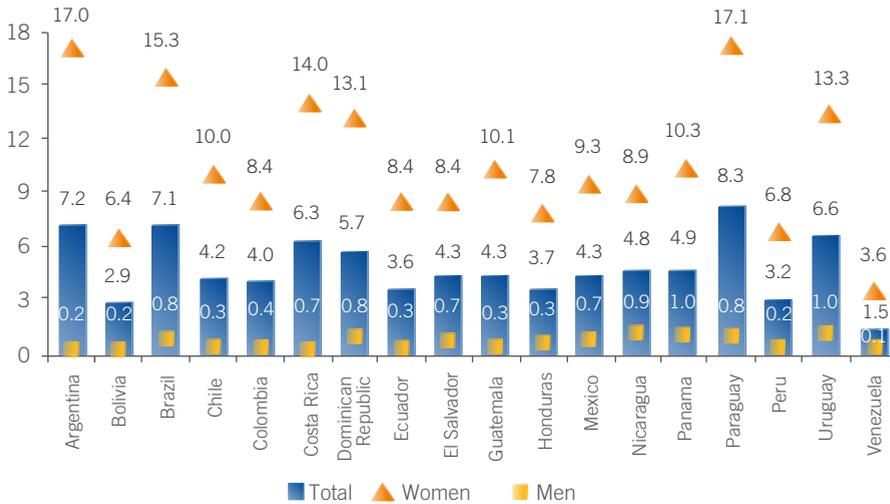
The ILO estimates that 37 per cent of the world's domestic workers are employed in Latin America. Latin America and Asia account for the largest share of domestic workers and these regions have also experienced the largest increase in the number of domestic workers in recent decades (ILO 2013a).

<sup>4</sup> Household survey data on domestic work for the Caribbean was not available during the elaboration of this report.

<sup>5</sup> ILO (2015a): 11.

Women account for 93 per cent of domestic workers in Latin America. This occupation accounts for a significant share of women's employment. Although its importance has diminished from 18.6 per cent in 2000 to 14.3 per cent in 2013, one of every seven employed women in Latin America still worked as domestic workers (ILO 2014a).

**FIGURE 2. Proportion of domestic workers as a share of total employed persons by sex, 2013 (percentages)**



Source: ILO (2014a).

Notes: Data for Bolivia correspond to 2011 and data for Nicaragua correspond to 2012.

Specific groups of women, such as migrant workers, account for a large share of domestic workers. According to ILO estimates<sup>6</sup>, migrants represent 17.2 per cent of all domestic workers. Within the group of migrant domestic workers, 73.4 per cent are women. The participation of migrant workers in paid domestic work varies significantly among countries and regions. The ILO reports that the highest concentration of migrant domestic workers is found in Southeast Asia and the Pacific (24 per cent of the world total), northern, southern and western Europe (22.1 per cent) and in the Arab States (19 per cent).

People of indigenous and African descent are also overrepresented in domestic work. For example, in Brazil, *“on average, the share of women of African descent employed in domestic work is 10 percentage points higher than that of women of non-African descent.”*<sup>7</sup> In Chile, according to the 2013 National Socioeconomic Survey (CASEN), 8.7 per cent of domestic workers reported belonging to an ethnic group and 7.9 per cent of the total was from the Mapuche Nation<sup>8</sup>.

<sup>6</sup> (ILO 2015b: v).

<sup>7</sup> DIESSE, 2006 cited in Valiente (2010): 16.

<sup>8</sup> Sanches do Prado and Rangel (2014): 8.

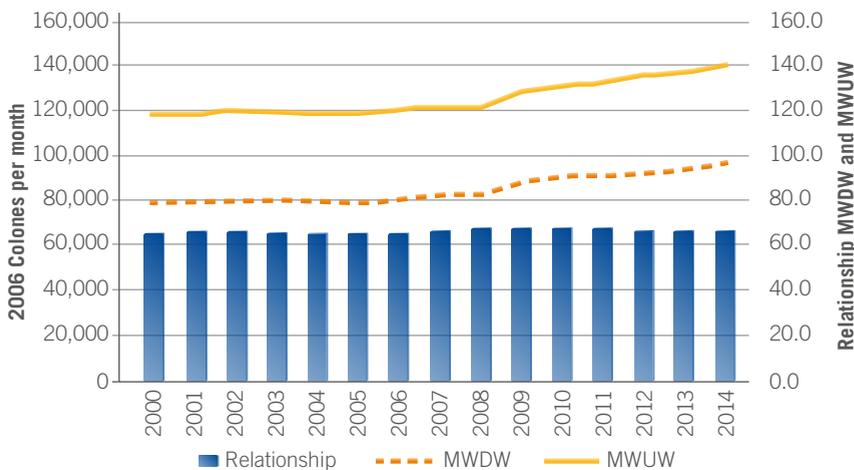
## 1.1 Educational level of domestic workers is on the rise

The educational level of domestic workers is improving. In 2013, 63 per cent had no formal education or had completed only primary school, versus 76.3 per cent in 2003. Likewise, the percentage of domestic workers with a secondary education increased by nearly 12 percentage points over the past decade, from 21.8 per cent in 2003 to 33.3 per cent in 2013 (ILO 2015c).

## 1.2 An undervalued occupation: the wage gap

Domestic work is undervalued in terms of wages. Currently, in Argentina, Brazil, Costa Rica, the Dominican Republic, El Salvador, Nicaragua, Panama and Uruguay, domestic workers' earnings are equal to or less than 50 per cent of the average of the employment income of all employed persons (ILO 2015c). This gap has narrowed over the past decade, however. Domestic workers' earnings rose from the equivalent of 45.1 per cent of average earnings in 2003 to 51.1 per cent in 2013. Earnings gaps persist in the sector, even when compared with the average earnings of unskilled labour (see Costa Rica in Figure 3).

**FIGURE 3. Costa Rica: Relationship between the real minimum wage of domestic workers (DW) and of unskilled workers (UW), 2000 - 2014**



**Note:** MWDW – Minimum Wage for Domestic Workers. MWUW – Minimum Wage for Unskilled Workers.  
**Source:** ILO (undated).

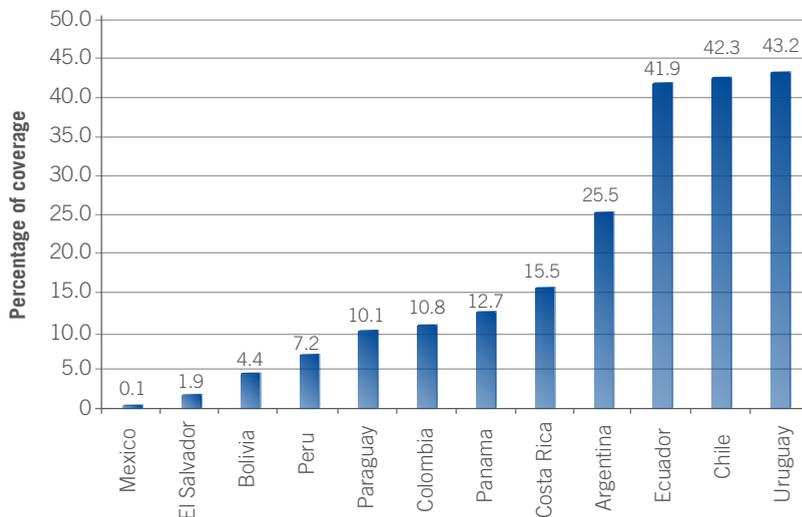
## 1.3 Access to social security is a pending issue in all countries

Domestic work continues to be an activity with limited social security coverage given the gaps in legal and effective coverage in practically all countries. At the regional level, there

is no standardized information available on social security coverage of domestic work<sup>9</sup>, although data from the ILO's Labour Analysis and Information System for Latin America and the Caribbean (SIALC) indicate that in 2013, pension system coverage, measured in terms of the proportion of domestic workers actively contributing to the system, was 28 per cent, well below the 47 per cent recorded for all employed persons (ILO 2015c).

The information collected from institutional records and household surveys for a group of countries of the region reveals significant differences in the levels of contributory social security coverage in the domestic work sector (Figure 4).

**FIGURE 4. Latin America (12 countries): Contributory coverage of social security systems, last available year (percentages)**



**Source:** ILO (2016).

**Note:** This figure differs from that published in the Feature Article of the 2015 Labour Overview (ILO 2015d), which was based on a preliminary version of the report on social protection of domestic work (ILO 2016). The differences correspond to methodological aspects and information sources.

Coverage rates vary significantly. While some countries have achieved rates above 40 per cent, others fall below 10 per cent of the total. In practice, there are several explanations for the differences in effective coverage, including the mandatory or voluntary nature of coverage. Mexico and El Salvador are the only countries listed in Figure 4 that have voluntary coverage. They also have the lowest coverage rates. Voluntary coverage limits the effectiveness of efforts to expand social security coverage.

Mandatory coverage is necessary but insufficient. Some countries with mandatory social security coverage also have low levels of effective coverage, which suggests that national practices and conditions exist that affect those levels, such as the contributory capacity

<sup>9</sup> In some countries, coverage data for domestic work are overestimated given that the calculation includes social protection granted through systems unrelated to the condition of wage employment and through non-contributory programmes.

of employers and workers of the sector, the legal and institutional framework associated with the capacity to exercise control over contributions and evasion, the capacity of inspection services and the level of difficulty of registration and payment procedures (ILO 2016).

One problem is that the design of social security systems frequently does not respond to the specific characteristics of the domestic work sector, particularly with regard to the limited contributory capacity and the existence of part-time work for one or several employers at the same time. The countries of the region with higher levels of contributory coverage, such as Uruguay and Chile, have adapted their social security systems to address special characteristics of the domestic work sector.

Although contributory coverage is limited, many domestic workers have social security access through coverage not associated with wage employment. This situation is largely explained by the limited social security strategies and mechanisms available to guarantee contributory participation. The inclusion of domestic workers in social security systems through a category distinct from wage employment impedes these workers from accessing all social security benefits, frequently limiting medical care coverage. For example, it is estimated that in Costa Rica, contributory coverage of domestic workers is 15.5 per cent, but an additional 60 per cent of domestic workers have social security coverage in health through categories separate from their employment status, such as family insurance (spouses of a direct beneficiary) and voluntary insurance. This is clearly incomplete coverage since the mechanism excludes the economic benefits (for illness, maternity leave and unemployment, among others) granted to those directly insured.

In summary, the data indicate that the design of social protection systems and the institutional capacity of these systems are relevant but not decisive for increasing social protection coverage of domestic workers. The policies and strategies for extending social security coverage should be viewed as part of a set of policies designed to promote formal employment (ILO 2016).

## 2. Paid domestic work: a job that contributes

Domestic work makes a valuable contribution to the sustainability of the economies of countries. Some of these contributions are tangible, for example, it increases the possibility that men and women can be gainfully employed outside of the home. But there are also less tangible contributions, such as preventing gender gaps from increasing by making it easier for women –mainly– to be employed, study and engage in different activities by delegating household chores and the care of dependent individuals to others, principally other women.

Domestic work also plays a key role in the international division of labour in a globalized world given that a growing number of high- and middle-income countries depend on the migration of women from developing countries to assume this work (Pérez Orozco 2009: 9 and Durin et al. 2014: 30-31). According to recent ILO data, 74.7 per cent of migrant domestic workers are employed in high-income countries, as compared with 11.7 per cent in middle-income countries, 11.3 per cent in low middle-income countries and just 2.4 per cent in low-income countries (ILO 2015b: iv).

Since 2009, given the global interdependence between domestic work and other sectors of the economy, and the fact that this activity is differentiated in the labour law of countries, the ILO has promoted the adoption of an international standard to protect these workers. In 2011, the Domestic Workers Convention was adopted at the International Labour Conference (No. 189).

### BOX 1. Convention 189 and Recommendation 201 on domestic workers

This Convention was adopted at the ILO International Labour Conference of 16 June 2011 for the purpose of protecting the labour rights of domestic workers.

Key principles of the Convention include:

- ▶ The right to a clear, easily understandable contract that defines terms and conditions of employment. This contract should preferably be written (Article 7 and ILO, undated).
- ▶ The right that the work day shall be duly established, with daily and weekly rest periods, holidays, overtime pay and the conditions for which they must be on call (Article 10 and ILO, 2011).
- ▶ The right of domestic workers to a minimum wage paid directly in cash and at regular intervals at least once a month (Articles 11 and 12, and ILO, 2011).
- ▶ With respect to in-kind payments, the Convention states that they will be *“only for a limited proportion of the remuneration of domestic workers in the form of payments in kind ...provided that measures are taken to ensure that such payments in kind are agreed to by the worker, are for the personal use and benefit of the worker, and that the monetary value attributed to them is fair and reasonable.”* Accordingly, the items domestic workers require for their jobs (uniforms, protective equipment, cleaning products, etc.) should be considered tools that the employer must provide at no additional cost (Article 12, and ILO, 2011).
- ▶ Each Member shall take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are no less favourable than those applicable to workers generally with respect to social security protection, including with respect to maternity. (Article 14 and ILO, 2011).
- ▶ With respect to child labour, the countries shall establish a minimum age for employment in domestic work and guarantee that workers under age 18 can continue with their education (Article 4 and ILO, 2011).
- ▶ The Convention establishes that domestic workers who live in their employers' homes (live-in) have a right to privacy and to leave the premises during rest periods or during annual leave (Articles 6 and 9, and ILO, 2011).
- ▶ The Convention stipulates that migrant domestic workers have the right to an employment contract before traveling to the destination country. They also have the right to keep their identity and travel documents. The countries of origin and destination are encouraged to establish bilateral agreements to ensure full compliance with this Convention (Articles 8 and 9, and ILO, 2011).
- ▶ Conditions are also established for the operation of private employment agencies, for which Members shall have regulations for their operation and shall have a mechanism for investigating complaints of rights violations made by domestic workers (Article 15, and ILO, 2011).
- ▶ The Convention also calls for effective and accessible complaint mechanisms and the demand for justice through the intervention of justice tribunals. Members shall also establish clear labour inspection measures (Article 17).

Recommendation 201 complements and defines concrete measures to implement the proposals established in Convention 189.

Between 2012 and 2015, 12 of the 21 countries analyzed in this study ratified Convention 189: Argentina, Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Guyana, Nicaragua, Panama, Paraguay and Uruguay.

**Source:** ILO.

In order to further develop this agenda, the ILO made a commitment to promote the formalization of domestic work worldwide during the period 2012-2015. This agenda is based on five points designed to build capacities, strengthen national institutions, facilitate the organization and representation of domestic workers and their employers, promote the ratification and support the implementation of Convention 189 and Recommendation 201, and promote social and attitudinal changes in individuals to improve the labour conditions of domestic workers (ILO 2011).

In this context, although promoting the ratification of Convention 189 and Recommendation 201 is not the only objective, it does provide a solid base in the process of formalizing the domestic work sector.

## 2.1 A review of legislation to regulate domestic work in Latin America and the Caribbean<sup>10</sup>

Since the first half of the twentieth century in Latin America, major efforts have been underway to promote and guarantee fundamental labour rights (Bronstein 1998). Nevertheless, in the domestic work sector, these efforts have lagged behind for several reasons. One was associated with the colonial legacy and the association of this occupation with servitude and slavery<sup>11</sup>. Additionally, as it was an occupation associated with tasks traditionally and culturally assigned to women, it received little attention as a job and as a contribution to the economies of households and countries (Pérez Orozco 2009: 6).

The first laws regulating domestic work established differentiated systems that granted fewer rights and guarantees to those working in the sector. This was achieved through different strategies: in Argentina, specific laws were enacted whereas in Peru a decree was passed. Nicaragua, Costa Rica, Panama, the Dominican Republic, Bolivia, Chile, Guatemala, El Salvador, Honduras, Ecuador and Venezuela created special sections for domestic work within their labour codes. Finally, Colombia and Brazil defined exceptions in the scope of labour rights established in the Labour Code (Colombia) and in the Federal Constitution (Brazil). These differentiated regulations resulted in fewer labour rights for domestic workers and favoured informal employment (Milano-Mijangos et al. 2012: 34).

Beginning in 1972, Brazil launched a series of legal reforms in an effort to close gaps and to gradually give domestic workers the same rights as other workers (ILO 2015e: 7). Several other countries implemented this process beginning in the 2000s. It was not until 2011, however, with the adoption of ILO Convention 189 concerning domestic workers, that this trend toward reform strengthened, with a growing number of countries joining this effort and with the expansion of reforms in those already working to guarantee equal labour rights for domestic workers.

---

<sup>10</sup> Three Caribbean countries were selected: Guayana, Jamaica and Trinidad and Tobago.

<sup>11</sup> See Lerussi (2008), cited in Carcedo et al. (2011): 34 and Dunn (2015):19. In the seventeenth and eighteenth centuries, domestic workers were known as “house slaves.” (Dunn, 2015:19).

Currently, advances vary by country. For example, Brazil and Venezuela, which have not yet ratified the Convention, have made positive changes in their legal systems. Other countries lag behind in these efforts, despite having ratified the Convention, and still others have neither reformed their legal framework nor ratified the Convention. In fact, some articles of existing laws could be identified as remnants of the former servant system.

Despite these contradictions between the rights framework promoted by the ILO and national legislation, the trend toward reform that began in the 2000s has continued and is gradually strengthening in the region.

## 2.2 Legal strategies for recognizing the rights of domestic workers

In accordance with their social, historical and political context, countries have taken different paths to promote labour reforms to benefit domestic workers. Some regulations were updated through constitutional reforms. In other cases, the courts have mandated the adaptation of laws. However, most of the countries have opted to reform their labour codes or to draft specific legislation.

In 2015, Brazil was the only country in this study to have implemented a constitutional reform. In 2013, the country adopted the Draft Bill for a Constitutional Amendment for Domestic Workers (Constitutional Amendment N° 72). This was because Brazil was the only country that had Constitutional provisions that recognized fewer rights for domestic workers.

In Colombia, the Constitutional Court established through Ruling C-372 in 1998 that the workday of live-in domestic workers could not exceed 10 hours (Ministry of Labour 2012: 12). Likewise, in Costa Rica, through Resolution 2007-3043 of 2007, the Constitutional Court recognized the right of domestic workers to a full day of rest weekly, to national holidays and to 15 days of annual leave.

As mentioned, several of the countries have created specific laws. Bolivia adopted the Law to Regulate Paid Household Employment in 2003 (Law N° 2450). That same year, Peru adopted the Law of Domestic Workers (Law N° 27986). In 2006, Uruguay adopted the Law of Domestic Work (Law N° 18.065). In 2013, Argentina enacted the Law of the Special Employment Contract Programme for Staff of Private Homes (Law N° 26844). Most recently, in October 2015, Paraguay passed Law N° 5407 on Domestic Work.

In terms of labour code reforms, noteworthy examples include that of Costa Rica in 2009 through Law N° 8726, and of Chile in 2014 through Law 20786, which *“modifies the workday, rest and composition of remuneration of domestic workers of private households and prohibits the requirement to wear uniforms in public places.”*

Ecuador also implemented reforms to its labour law that have had a favourable impact. The 2012 adoption of the Organic Law for the Defense of Labour Rights modified a series of articles of the Labour Code, which includes domestic workers as well as other workers.

## 2.3 Advances and pending issues of legal reforms

To varying degrees, the legal strategies described above have adapted legislation to reflect the contents of Convention 189 and Recommendation 201. Below are key advances that the countries analyzed have achieved in terms of the different sections of the Convention.

### Right to a written contract

In most of the countries studied, domestic workers are hired via a verbal agreement<sup>12</sup>. In 2015, only Argentina, Brazil, Chile, Costa Rica, Ecuador, Mexico and Paraguay required written contracts. Bolivia requires a written contract only when the employment relationship extends beyond one year.

### Right to a clearly defined workday, rest periods and vacations

Costa Rica and most of the countries of South America have defined full-time employment in the domestic work and other sectors, although hours vary by country: 48 hours in Argentina, Costa Rica, Guyana, Paraguay and Peru<sup>13</sup> and Bolivia and Colombia<sup>14</sup>; 45 in Chile<sup>15</sup>; 44 in Brazil, Trinidad and Tobago and Uruguay; and 40 in Ecuador, Jamaica and Venezuela<sup>16</sup>.

Some countries of the region lag behind in terms of regulation of the sector, however. In the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama, the workday of domestic workers has not been regulated and only minimum rest periods have been established, which range from nine to 12 hours. In some countries, working hours differ depending on whether the domestic worker is live-in or live-out. In Colombia, although the number of weekly hours defined is similar for all domestic workers, live-in workers may work up to 10 hours per day. In Bolivia, while the normal workday is eight hours, live-out workers may work up to 10 hours per day. Finally, in Chile, live-out workers do not have an established workday. Chilean law also establishes a daily rest period of at least 12 hours.

With respect to weekly rest periods, most of the countries recognize the right to at least one day per week. Bolivia, Brazil, Chile, Colombia, Costa Rica, El Salvador, Guyana, Honduras, Jamaica, Nicaragua, Panama, Paraguay<sup>17</sup>, Peru and Trinidad and Tobago grant one day; Argentina, the Dominican Republic, Mexico and Uruguay mandate one-and-a-half days; and Ecuador and Venezuela, two days. In Ecuador, weekly rest periods

<sup>12</sup> Article 7 of Convention 189 states that contracts should be written whenever possible. Many countries of the region do not require written contracts for domestic work, but this does not necessarily reflect a gap with other sectors since their labour laws allow for verbal or written employment contracts in other sectors. This is the case of Colombia, the Dominican Republic, Nicaragua, Peru and Uruguay. Other countries do mandate written contracts for most occupations but exempt domestic work and a few other occupations (mainly agricultural). This occurs in El Salvador, Guatemala, Honduras and Panama.

<sup>13</sup> The 48-hour work week is established for live-out workers (Law no. 5.407/2015, Art. 13).

<sup>14</sup> The 48-hour work week of eight hours daily is recognized for live-out workers. The workday for live-in workers is 10 hours per day, or 60-hour work weeks.

<sup>15</sup> The 45-hour work week is recognized only for live-out workers.

<sup>16</sup> The work week can be extended to 44 hours with prior consent of the parties.

<sup>17</sup> According to Article 15 of Law 5407/2015, this provision refers to live-in workers.

decrease to one day every two weeks for live-out workers. Live-in workers in Chile have the longest weekly rest time: two days.

With respect to vacation time established by law, only Peru defines a shorter period for domestic workers, 15 days, compared with 30 for other workers. In the other countries, the vacation period ranges from six days (Mexico) to 30 days (Brazil and Panama) annually, but those periods apply to all workers.

### Right to a minimum wage

Of the countries analyzed, 17 have established a minimum wage for domestic workers (Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Guyana, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Trinidad and Tobago, Uruguay and Venezuela). In most of the countries, this minimum wage is equal to that applicable to all workers or to workers of a similar skill level. Only in Costa Rica, Paraguay and Trinidad and Tobago is the minimum wage for domestic workers below that of other, similarly skilled workers.

In terms of in-kind payment, the laws of Argentina, Bolivia, Brazil, Chile, Ecuador and Jamaica prohibit it. Colombia, Costa Rica, the Dominican Republic, Guatemala, Honduras, Mexico, Nicaragua and Uruguay have established that this form of payment may account for between 20 and 60 per cent of the salary, depending on the country. In El Salvador, Panama and Peru, the law recognizes this form of payment but establishes neither minimums nor maximums. In-kind payment is not permitted in Guyana except at the request of the worker and in the amount agreed upon by the parties. Due to the recent enactment of Law N° 5.407, in Paraguay, the application of in-kind payment is confusing as the law states that this type of payment is mandatory but does not establish a minimum or a maximum.

### Right to social security

As mentioned, employment in the domestic work sector may take several forms: part-time or full-time, for one or more employers, live-in or live-out. This reality makes it more difficult to guarantee domestic workers access to social security.

In this context, some countries have made advances in defining flexible social security programmes. These differ among the countries, as discussed below.

Most of the countries of the region make it mandatory to contribute to social security systems through general national systems. This is true of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Guyana, Jamaica, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela.

El Salvador, Guatemala, Honduras and Mexico have special insurance systems. Contribution to these programmes is voluntary and tends to provide fewer benefits for domestic workers. In Central American countries that have implemented this type of system, including El Salvador and Honduras, coverage levels are quite low. This confirms that *“international experience has shown that voluntary coverage is ineffective”* (ILO

2016: 16). For example, in El Salvador in January 2013, coverage rates were just 18 per cent of the target established for that date (Velasco 2013: 7). In Guatemala, where the Special Protection Programme of Private Home Employees (PRECAPI) is mandatory but only applicable to Guatemala City, the Programme expected to have covered 10,000 domestic workers by 2012 but only reached 324 (Antezana 2014: 43).

Most South American countries have implemented reforms to ensure that their internal laws reflect the principles established in Convention 189 although not all of those countries have ratified the Convention. In Central America, Costa Rica's legal system most closely upholds the principles of that Convention. Nicaragua, Panama and the Caribbean countries studied have also followed this trend, although to a lesser degree.

**TABLE 1. Latin America and the Caribbean (21 countries): Formal recognition of the rights of domestic workers, 2015**

Right	Conditions	Countries
Working hours	The same as those of other workers (between 40 and 48 hours per week)	Argentina, Bolivia <sup>a/</sup> , Colombia <sup>b/</sup> , Costa Rica, Peru, Guyana, Paraguay <sup>c/</sup> , Chile <sup>d/</sup> , Brazil, Trinidad and Tobago, Uruguay, Ecuador, Jamaica and Venezuela.
	No established hours.	Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama.
	Rest periods of between 9 and 12 hours daily.	
	Longer hours for live-in workers than for live-out workers	Bolivia, Chile and Colombia
Contract	Mandatory written contract	Argentina, Brazil, Chile, Costa Rica, Ecuador, Mexico, Paraguay and Bolivia <sup>a/</sup>
	Verbal contracts are permitted	Colombia, Dominican Republic, El Salvador, Guatemala, Guyana, Honduras, Jamaica, Nicaragua, Panama, Peru, Trinidad and Tobago, Uruguay, Venezuela.
Minimum wage	Minimum wage for domestic work or domestic work included in the general minimum wage	Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Guyana, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Trinidad and Tobago, Uruguay, Venezuela.
	No established minimum wage for domestic work	Dominican Republic, El Salvador, Honduras and Peru.
	In-kind payment of part of salary is permitted	Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Uruguay
Social security	Mandatory registration	Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Guyana, Jamaica, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela.
	Voluntary registration	El Salvador, Honduras and Mexico
	Special programme with fewer benefits	El Salvador, Guatemala, Honduras and Mexico

Source: ILO, based on legislation of the countries.

**Notes:**

a/48 hours, 8 hours per day, is established for live-out workers. The workday for live-in workers is 10 hours per day, which means a 60-hour workweek (Law 2.450, Art. 11).

b/ 8-hour workdays are established for live-out workers. 10-hour days are established for live-in workers (Ruling C-372 de

1998 of the Constitutional Court).

c/ 48-hour workweeks are established for live-out workers (Law no. 5.407/2015, Art. 13).

d/ 45-hour workweeks are recognized only for live-out workers. Live-in workers do not have a defined workweek although they do have a right to 12 hour rest periods daily (Law 20786, Art. 149).

e/ Only mandatory when the employment relationship extends beyond one year (Law 2.450, Art. 3).

Not surprisingly, however, advances vary not just by country, but also from one area to another, with access to social security lagging behind given the lack of social protection programmes that adequately respond to the types of employment (part-time or full-time), number of employers (one or more), and live-in or live-out status of workers.

Overall, the main challenge countries face in harmonizing their legal framework with the rights set forth in Convention 189 and Recommendation 201 is to develop regulations based on the different modalities and combinations in which domestic work is performed, as Table 1 demonstrates.

## 2.4 Dialogue between the legislation that regulates domestic work and migration legislation: a top-priority issue

As mentioned earlier, migrant workers account for a large share of domestic workers, playing a key role in the international division of labour.

This situation has entailed a series of transformations within families, not only to enable women to become migrant workers who are not necessarily accompanied by their partners, but also to ensure that they can continue to oversee and undertake the care of family members even when they work and reside in another country. Since both paid and unpaid domestic work is mainly performed by women, complex arrangements have been created to allow them to continue to assume responsibility for this task in a dynamic social and economic context. In this scenario, global care chains have been developed, which are consolidated when a woman joins the labour force and hires a domestic worker to assume the domestic chores of her family. In turn, the domestic worker delegates the domestic tasks of her own nuclear family to another woman – usually the mother, sister, oldest daughter, etc. In a global context, this arrangement results in the movement of women from different communities and countries as part of a complex dynamic.

This is also how migratory corridors of global care chains are created. These become part of the international division of labour. Examples of these are Paraguayan domestic workers in Argentina; Nicaraguan workers in Costa Rica; Peruvian workers in Chile; Ecuadorian workers in Spain; and Mexican workers in the United States.

Despite the close link between domestic work and migration evident in global care chains, this is not necessarily reflected in a dialogue between migration and labour law. For example, several countries grant work permits only for jobs that citizens do not manage to fill. These occupations are usually the worst paid and clearly respond to the gender division of labour, where male migrant workers are employed in construction or agriculture and women in domestic work.

► *... The specialized incorporation of migrant workers in the care sector and specifically in household employment is closely linked to immigration law, which in several cases analyzed hinders the attainment of work permits in other sectors, when permits are not granted exclusively for that sector (...) they also impede the standardization of university degrees or training certificates of the foreign population (Milano-Mijangos et al. 2012: 25).*

These realities usually are not considered in the legislation that regulates domestic work, where profound contradictions exist, particularly in terms of migration content, which violate the labour rights of domestic workers. For example, most countries still permit verbal contracts even though immigration law calls for written contracts in order for individuals to apply for a work permit and to rectify their immigration status (Milano-Mijangos et al. 2012: 32).

Likewise, as mentioned earlier, domestic work may be performed for several employers at the same time. This reality is not considered in the immigration laws of the countries that require permanent employment with the same employer as a prerequisite for applying for a work permit (Milano-Mijangos et al. 2012: 33). Costa Rica is one example of this situation, where the law is clearly conceived for a single, permanent employer.

By contrast, in the context of MERCOSUR, in 1997, Member States signed the *Multilateral Social Security Agreement of the Southern Common Market* and the *Administrative Regulations* for its due application. Through the agreement, MERCOSUR Member States recognize the same rights and responsibilities in terms of social security for migrant and national workers,

► *This agreement, which is currently in effect and applied, enables any worker to accumulate the different periods of contributions made in any of the bloc countries with a view to accessing the right to retirement... Moreover, a unified administrative system is established through which all workers can file claims and begin administrative procedures in any of the social security systems and shall have them considered within the established period, even when submitted to the corresponding institution of another Member State (Valiente 2010: 105).*

Given that Latin America and the Caribbean is a highly mobile region, these realities should be considered in policies designed to formalize domestic work in an effort to reflect the heterogeneity existing in the group of domestic workers.

## 3. Strategies for formalizing domestic work beyond legal reforms

By themselves, legal reforms are incapable of achieving the formalization of domestic workers if they are not accompanied by policies that promote their compliance. Measures to be adopted should include actions to promote social security registration, initiatives to close the income gap between this and other sectors through minimum wage adjustments, labour inspections, actions to guarantee the right to freedom of association and collective bargaining, and information and awareness-raising campaigns. Some countries have opted to establish policies for tax or economic incentives to favour the formalization of these workers.

This section reviews the policies implemented in countries of Latin America and the Caribbean in each of the areas mentioned. It also provides information on the impact of these measures on formalization. However, in many cases, these actions are quite recent and it is therefore too early to assess them. In other cases, it was not possible to obtain information that would shed light on their impact.

### 3.1 Actions to guarantee the right of domestic workers to social protection

Access to social security is pivotal for the transition to formal employment. While social security access is not the only consideration, it is an essential one given that it indirectly increases access to other rights. It enables monitoring of compliance with the minimum wage and working hours. It can also help demonstrate the existence of an employment relationship where no written contract exists. Consequently, it facilitates inspection since it provides a record of domestic workers and their places of employment. This is especially relevant in countries where it is not mandatory to register employment contracts with the Ministry of Labour.

As discussed in the section on the situation of domestic workers in the region, this is one area with the greatest gaps with respect to other workers. While current legislation in most countries also covers domestic workers, social security programmes do not respond to the special characteristics of the sector. This means that the real possibilities for social security access are quite limited.

To address this gap, in recent years, several countries have implemented activities to promote the increased access of domestic workers to social security. This is the case of Uruguay, Argentina, Colombia and Ecuador. Other countries, including Costa Rica and Bolivia, are currently discussing proposals to this end.

Uruguay is a pioneer in policies to promote the social protection of domestic workers. This policy was implemented together with other initiatives to improve the working conditions of workers, an effort which began with the legal reform in 2006<sup>18</sup>.

A key characteristic of the Uruguayan social security legislation is that it responds to the specific traits of the domestic work sector. Concretely, it enables coverage for part-time workers. Workers employed for a minimum of 13 days per month, for a total of at least 104 hours, and who earn a monthly salary equal to or more than 1.25 Contribution Bases (BPC), can register with the Social Protection Bank (BPS). These conditions may be met by totaling workdays and wages from the worker's different jobs. This is especially relevant since 63.6 per cent of domestic workers in Uruguay do not work full time (MTSS 2014: 29).

As a result, statistics demonstrate a positive trend in social security coverage of domestic workers. Registration rates have risen consistently since 2006. Between 2006 and 2013,

registration increased by nearly 15 percentage points, from 33.1 per cent to 47.2 per cent (MTSS 2014: 26). A total of 21,109 domestic workers registered with the BPS since the law was enacted until 2012, for an annual increase of more than 7 per cent (MTSS 2013: 3).

In Uruguay all rights to social security for domestic workers have been recognized. It also permits social security coverage for part-time workers and allows them to total their working hours in different jobs.

Although the gap with other workers persists (in 2013, 47.2 per cent of domestic workers were registered whereas the rate was 74.4 per cent for workers in general), significant gains were made during this period.

Argentina has also developed initiatives to promote social security coverage of domestic workers as part of a broader strategy. Since 2000, the country has launched different reforms and has developed policies designed to ensure the social protection coverage of these workers. The previous law defined wage-earners as live-in domestic workers only or those who worked more than 16 hours weekly. An estimated 52.8 per cent of domestic workers worked shorter work weeks, for which reason they were not covered (Persia 2014: 6).

In 2000, a tax reform was implemented that increased pension and health coverage<sup>19</sup>. The reform made it mandatory for workers employed six or more hours weekly to contribute to social security. Nevertheless, this reform still had limitations since the established amounts for those who work between six and 15 hours were below the minimum required to access health care and social security benefits. Workers with lower incomes only had access to these benefits if they made additional contributions (Persia 2014: 6).

<sup>18</sup> Law 18.065. Domestic work. Regulations (2006).

<sup>19</sup> Tax Reform Law, Law N° 25.239 of 2000.

Subsequently, in 2005, domestic work employers were offered the possibility of deducting from their taxable income the total contributions for remuneration and social security payments for the fiscal period<sup>20</sup>. A similar measure in 2008 simplified and reduced social security payments. These will be discussed in the section on incentives<sup>21</sup>.

The adoption in 2013 of the Special Employment Contract System for Household Staff<sup>22</sup> confirmed the inclusion of this sector in the Special Social Security System and extended it to all categories of domestic workers regardless of the hours worked (Messina 2015: 33). Contributions are established for different groups according to weekly hours worked (Messina 2015: 56). In 2014, the Employment Risk Insurance law went into effect, which mandates all employers to contract a Job Risk Insurer (ART). In this context, Law N° 26.844 strengthened the effectiveness of the contribution system currently in effect.

All of these initiatives have managed to sharply increase social security coverage among domestic workers. During the 1990s, non-coverage rates never fell below 90 per cent but by 2014 this percentage had declined to 78 per cent (MTEySS 2014: 1). Between 2012 and 2014, 108,000 additional workers were registered, for an increase of 35.5 per cent. This growth is particularly significant considering that social security registration in the private sector grew just 0.9 per cent during the same period (MTEySS, cited in Mazamorra et al. 2015: 11).

Undoubtedly, the enactment of the Law and the measures implemented to increase the formalization of the sector have had an important impact over the last biennium. This upward trend was already evident following the incentives adopted in 2000. Non-registration rates decreased from 94 per cent in 2003 to 84 per cent in 2012 (MTEySS 2014: 2).

In Colombia, measures to increase social security coverage among domestic workers are recent and include a component unique in the region. They offer a combination of programmes given that to contribute, domestic workers must be previously enrolled in the subsidized health care system. In 2013, the right of these workers to register in a Family Compensation Fund was recognized<sup>23</sup>. These Funds provide workers and their families with different benefits and also offer access to programmes that serve the vulnerable population.

In Argentina, strategies have included the expansion of coverage, measures to increase contributions, and especially the establishment of tax incentives, in coordination with the tax authority.

In Colombia a system for social security coverage for part time and multi-employer workers has been created, which includes a subsidized component.

<sup>20</sup> Through Law 26.063.

<sup>21</sup> Through Law 26.476.

<sup>22</sup> Law 26.844.

<sup>23</sup> Through Decree 0721 of 15 April 2013.

At the end of that year, the country created a social security programme for part-time workers<sup>24</sup>. This new programme offers the possibility of coverage to many domestic workers, since part-time work is common in the sector. The programme includes government contributions since workers must be enrolled in the subsidized health care programme. Thus, workers do not make contributions for health care coverage. The contributions are made proportionally to the number of hours worked and it is possible to accumulate contributions made by different employers. Both employers and workers are required to contribute to pension funds. Employers are also responsible for 100 percent of the contributions to the Family Compensation Fund and the Employment Risk Insurer.

Information is still not available to evaluate the impact of these recent measures. However, according to the National Association of Family Compensation Funds (ASOCAJAS), since Decree 0721 went into effect, enrolment of domestic workers has increased by 367.1 per cent, from 8,919 workers in November 2012 to 41,661 a year later (ASOCAJAS 2014).

In Ecuador penalties for social security non-registration have increased, which include incarceration of up to 7 days.

Finally, the strategy adopted in Ecuador to promote social security coverage differs in some ways from that applied in other countries of the region. Ecuador has also launched legal reforms to ensure equal rights and has promoted information campaigns. Nevertheless, penalties for non-registration are a crucial part of efforts to increase social security coverage. The country approved the new Penal Code in 2014, which establishes that employers who do not enrol their employees in the mandatory social security programme may be incarcerated for three to seven days (Art. 244).

More time is needed to assess the impact of this measure to promote social security coverage among domestic workers. Nevertheless, data from the Ecuadorian Social Security Institute (IESS) and the Ministry of Labour Affairs indicate a marked increase in registration of domestic workers, from 11 per cent in 2003 to 42 per cent in 2013 (ILO 2016).

### 3.2 Income security: minimum wage

Domestic work, which women have traditionally performed for no pay, continues to be undervalued. The review of regional legislation confirms this situation, since some countries still do not establish a minimum wage for these workers. Others establish minimum wages that are far below those of other sectors, including for unskilled labour.

In this area, reforms seek to ensure that wages of domestic workers are equal to those of other workers. In Chile, Uruguay, Ecuador and Argentina, which have promoted initiatives of this type, the wage increase has been gradual.

<sup>24</sup> Through Decree 2616 of 20 November 2013.

In Chile, the process to increase wages began in 2000, which resulted in a minimum wage increase of 71 per cent between 2000 and 2011. However, in 2008 there was a definitive impetus to ensure an equal minimum wage for domestic workers.<sup>25</sup> That year, a legal reform established that the wage equalled 100 per cent of the minimum wage for calculating social security contributions for all workers,<sup>26</sup> including domestic workers. Based on this initial action, the government decided to gradually raise the minimum wage of domestic workers to match the general minimum wage. This progressive increase took place between 2008 and 2011. In 2008, the established wage for domestic workers was 75 per cent of the general wage. It then increased to 83 per cent in 2009, 92 per cent in 2010 and finally to 100 per cent in 2011 (Velázquez and Loyo 2013: 12-15).

Between 2008 and 2011, in Chile the minimum wage of domestic workers has been gradually equalized with that of other workers.

The reform entailed a 47.1 per cent increase in the minimum wage for workers in this sector over a four-year period. Statistics still do not reflect the effectiveness of this measure, however. Clearly, non-compliance with payment of the minimum wage for domestic workers has risen, from 8.1 per cent in 2000 to 13.6 per cent in 2011. This occurred in a context in which overall compliance with the minimum wage law has improved for the economy as a whole (Velázquez and Loyo 2013: 24). It is still too early, however, to assess the impact of the measure. Its impact could be strengthened by implementing information campaigns and inspection activities in the future.

Ecuador has followed a similar process to that of Chile. Between 2007 and 2010, the National Wage Council (CONADES) established the gradual equalization of the minimum wage of domestic workers with the general minimum wage. In 2008, this wage was increased by 41.7 per cent, in 2009 by 17.6 per cent and in 2010 by 20 per cent. Since 2010, the minimum wage of domestic workers has matched the general minimum wage (MRL 2012: 21).

Between 2007 and 2010, Ecuador established the gradual increase in the minimum wage for domestic work to match the general minimum wage.

In Uruguay, the Wage Council was assigned responsibility for setting the minimum wage for domestic workers through a 2006 law.<sup>27</sup> Prior to its enactment, initiatives had been launched to include domestic work in this wage-setting system. In 2005, during the first meeting of the reinstated Wage Council, the domestic work group was convened. Nevertheless, while representatives of domestic workers were present, no representatives of employers attended the meeting (MTSS 2013: 26).

<sup>25</sup> This reform was implemented through Law 20.279, which adjusts the monthly minimum income (2008).

<sup>26</sup> Law 20.255, which establishes social security reform (2008).

<sup>27</sup> Law 18.065. Domestic work. Regulations (2006).

Finally, in 2008, the Wage Council convened *Wage Group no. 21 – Domestic Work*, which achieved the representation of both parties. The national minimum wage for domestic workers was raised<sup>28</sup>, and semester adjustments were planned until July 2010.

Uruguay establishes the minimum wage for domestic work in a tripartite commission of the Wage Council.

Following that date, the Wage Council has continued to adjust the minimum wage for the sector at each session. The system plans wage increases not only for those who receive the equivalent of the minimum wage, but also for those who receive higher wages. To this end, differentiated percentages are established based on the wage received, with a view to greater increases for those with lower wages within the sector. According to the National Employment Directorate (DINATRA) of the Ministry of Labour and Social Security (MTSS), the

provisions adopted by the Wage Council led to a real increase of 97 per cent in the minimum wage for domestic workers between 2008 and 2014<sup>29</sup>.

According to available information, in 2012, more than 73.1 per cent of domestic workers received wages above the minimum (MTSS 2013: 24). The wage policy has also contributed to narrowing the earnings gap between domestic work and other sectors. This trend has had the greatest impact on the remuneration of workers employed by the hour. In 2006, their hourly pay equaled 55.5 per cent of the average earned by employed persons; by 2012, that percentage had risen to 70.1. Although full-time workers benefited less, their hourly pay also increased, from 44.9 per cent in 2006 to 46.1 per cent in 2012 (MTSS 2013: 25).

In Argentina, the National Commission of Household Employment (CNTCP) periodically sets the minimum wage by type, modality and occupation<sup>30</sup>. Before this Commission was created in September 2015, this task was the responsibility of the Ministry of Labour, Employment and Social Security (MTySS).

### 3.3 New strategies for inspections of private households

Argentina has created a new entity that sets the minimum wage for domestic workers.

The inspection of domestic work poses difficulties that some countries of the region are trying to overcome. The fact that the work is carried out in private homes creates a dilemma between protection of workers' rights through control measures versus the right to the inviolability of private space. This means that household inspections require a court order, which automatically obviates the possibility of making routine inspections given that a court order requires probable cause.

<sup>28</sup> Through Decree No. 670/008 of 22/12/2008, Group 21 – Domestic Services.

<sup>29</sup> (MTSS 2014: 35). Considering the variation in the Consumer Price Index for the same period.

<sup>30</sup> Law N°26.844 of the Special Programme for Employment Contracts for Household Staff (2013).

Countries of the region have implemented two lines of action to guarantee inspection of domestic work. In some countries, mechanisms have been established to register domestic workers. Other countries have launched initiatives to monitor the working conditions of domestic workers.

### Mandatory registries for domestic work

In an effort to make tools available to control and monitor the working conditions of domestic workers, Argentina, Bolivia, Brazil, Chile and Peru have created mandatory registration systems. The characteristics of the registries vary between countries, but in general they are under the responsibility of ministries of labour and collect information on employment conditions.

**TABLE 2. Latin America: Domestic work registries**

<b>Argentina</b>	Employment booklet	The employment booklet is mandatory. Workers must apply for them at the Regional Work and Employment Office. The employer keeps the booklet, which contains information on hiring and termination dates, working hours, weekly rest days, vacations, monthly salary, social security contributions and trade union dues for workers who are members of a trade union.
<b>Bolivia</b>	Individual Employment Contract (CIT) and Wage, Social Security and Health at Work Booklet (LSySST)	Both documents are mandatory. The CIT must be submitted to Departmental and Regional Employment Offices for approval. The LSySST is delivered to each party once the CIT is approved. The CIT contains information on the worker's age, tasks performed, workday, remuneration and daily rest periods, among others. The LSySST records information on the amount received for each salary and on the worker's participation in training in occupational health.
<b>Brazil</b>	eSocial	ESocial is a comprehensive registry to unify labour, social protection and tax information related to employment contracts. The information includes type of contracts, salary, rest periods, workday, work accidents, social protection information, tax information, etc. Although eSocial is not mandatory for all employers, it is binding in the case of domestic work thanks to Constitutional Reform N° 72 of 2013.
<b>Chile</b>	Mandatory registration of employment contract	Employers must register the terms agreed upon in the work contract during the labour inspection at their home or on the website of the Labour Directorate within a period of 15 days after hiring. The contract must contain information on the starting date of employment, nationality and age of the worker, tasks performed (including the care of special needs individuals), amount, method and period of payment, distribution and duration of the workday or contract period.
<b>Peru</b>	Registration of domestic workers	The National Tax Administration (SUNAT) is responsible for this registry. It contains information on the birth country of workers, their age, employment period and health system. In 2010, the SUNAT domestic workers' registry contained 75,000 listings, or 16.3% of estimated domestic workers in Peru.

**Source:** ILO, based on:

Argentina. Ministerial Resolution No.- 38/05 Ministry of Labour, Buenos Aires Province.  
Bolivia. Ministerial Resolution No.- 218114.  
Brazil. ILO (2015e) and ESocial (2015).  
Chile. Labour Directorate (2015).  
Peru. SUNAT (2014) and Fuertes, et al (2013).

## New strategies for domestic work inspections

In addition to registries, countries are developing initiatives to guarantee inspections without the need for entering the home. Inspectors ask to review documentation on the employment relationship. For example, they may request verification of the mandatory registries or registration in the social security system. Inspectors review these documents without entering the home, unless the employer gives them permission.

In Chile, inspectors may order employers to allow them to enter the home or request that employers go to labour inspection offices with the required information at a specified time (Labour Code, Art. 146).

Uruguay has made important strides in developing this strategy in recent years. Teams of inspectors inspect domestic work conditions without entering the household.

In Uruguay, inspections are made without entering the household. Inspectors request documentation on employment conditions.

Inspectors ask to interview the domestic worker and employer at the door of the home. Employers are also asked to show documentation that confirms that they are up-to-date with their responsibilities (ILO 2013b: 67). Specifically, inspectors ask to see the forms verifying registration with the Social Security Bank (BPS) and the Bank of State Insurance (BSE), as well as salary receipts and payment of holidays and bonuses. Migrant workers must show their Uruguayan identity document or the work permit issued by the National Migration Office (ILO 2013b: 26).

Between 2010 and 2013, the General Labour Inspection and Social Security Office (IGTSS) conducted more than 10,000 inspections, most of which were routine (MTSS 2013: 6). Additionally, in response to specific claims, a protocol was developed in which inspectors visited several households in the neighbourhood where the offending household was reported. In addition to increasing the number of inspections conducted, this measure helps ensure the anonymity of the claimant.

Argentina has launched campaigns in which letters are sent to contributors who do not report hiring of domestic workers but whose incomes exceed an estimated amount.

Since 2013, claims in Uruguay have increased sharply, which in turn has led to more inspections. The country is also developing a specific protocol for identifying foreign informal domestic workers (MTSS 2013: 6).

In Argentina, the Federal Public Income Administration (AFIP) has carried out actions designed to register and formalize domestic workers. This effort is based on the likelihood that

social security contributors with the highest incomes will hire domestic workers. Based on this premise, the AFIP sends letters to taxpayers whose incomes exceed an amount estimated by the AFIP but who have not declared a domestic worker. In 2006, the AFIP sent this letter to 200,000 taxpayers (Persia 2014:7).

Finally, in Ecuador, inspection activities have intensified. In 2010, in the framework of the Dignified Domestic Work Programme, 16,854 inspections were carried out nationwide. In 46 per cent of cases, violations of current law were identified (MRL 2012: 29). Since that year, the country has conducted some 25,000 inspections annually (Ministry of Labour, 2014).

### 3.4 Incentive policies for contribution to social security and other contributions associated with the employment relationship

Some countries of the region have developed incentive policies to promote contribution to social security and other contributions associated with the employment relationship.

The simplest activities include facilitating procedures and payments through the use of new technologies. For example, a growing number of countries has made it possible to carry out procedures and make payments online. These countries include Brazil, Chile, Colombia, Costa Rica, Peru and Uruguay. Some countries, including Colombia and Brazil, have Internet platforms such as the Comprehensive Form for Payment of Contributions (PILA) or eSocial, which integrates payments to different systems.

A smaller number of countries has implemented measures such as the temporary decrease in registration costs, reduced fines or the possibility of tax breaks. Argentina has extensive experience in this area. In 2005, the law established the possibility that employers could deduct the total amount paid for wages and social security contributions from their taxable income (Persia 2014: 7)<sup>31</sup>. Subsequently, in 2008, discounts were established for social security contributions<sup>32</sup>. The 24-month benefit consists of a 50 per cent discount on a fraction of the employers' contribution for new employment contracts for the first 12 months, and of 25 per cent for the subsequent 12 months. Argentina also offers incentives for paying off overdue payments. As discussed in the section on social security in this report, these measures have sharply increased the registration of domestic workers.

Finally, Argentina has also adopted incentives for workers. One example is the SUBE benefit, which enables domestic workers to pay lower public transport fares when they show their social security payment receipt.

Ecuador has intensified labour inspection efforts.

In Argentina, policy incentives include tax deductions, contribution discounts, fines and incentives for workers.

<sup>31</sup> Through Law 26.063.

<sup>32</sup> Through Law 26.476.

In Uruguay in 2013, an agreement signed between the Social Protection Bank (BPS) and the Public Insurance Bank (BSE) simplified the procedures for making payments for domestic workers, including payment of the BSE insurance premium on the BPS invoice. This measure included a discount on insurance payments for 85 per cent of employers. The goal was to double the number of workers covered by Work Accident Insurance, which was 29,600 in that year. Currently, 65,000 workers have BPS coverage (President's Office, 2013).

Uruguay has simplified the procedure and reduced the cost of registering with the Public Insurance Bank (BSE)

Brazil has a policy to reduce fines for labour obligations.

Finally, other countries have implemented initiatives to reduce fines. The main goal of fines should be educational rather than monetary to prevent repeat offenses. To this end, flexibility in charging helps disseminate labour obligations. Violations should be fined to encourage the person fined to understand the violation committed (ILO 2015e: 14). In Brazil, fines for non-compliance with labour obligations are reduced by 50 per cent of the fine amount if payment is made within 10 days of notification of the violation. Those fined must also agree not to file appeals. In other words, they must accept that they committed a violation (ILO 2015e: 13).

### 3.5 Organization of domestic workers and collective bargaining

As stated in Recommendation 204, the rights to freedom of association and collective bargaining are essential to enable workers in the informal economy to engage in social dialogue in the framework of the transition to the formal economy. Although domestic work is formally covered by these principles, legislation in many of the countries does not address the special traits of the sector and does not provide the *legal protection necessary to make them a reality* (Bastidas 2014: 10). For example, in practice, just two countries of the region (Uruguay and Argentina) have the necessary conditions for social dialogue.

In this scenario, domestic workers of the region have a long history of organization under different legal arrangements. For example, through “*collective organizations known as unions (Argentina, Bolivia and Chile), associations (Costa Rica, Ecuador, Guatemala and Nicaragua) and associations and unions (Chile, the Dominican Republic and Peru)*” (Bastidas 2014: 10). Despite the limitations, these organizations have played a key role in improving the working conditions of domestic workers described in this report.

The adoption of Convention 189 in 2011 and its subsequent ratification in some countries of the region have motivated domestic workers to organize. On the one hand, the rights of domestic workers are now on the agendas of trade unions and federations. On the other, new domestic worker organizations have been established in recent years. In the

Dominican Republic alone, three organizations were created in less than five years: The Association of Domestic Workers (ATH), a member of the National Unity Union Federation (CNUS); the National Domestic Workers Union (SINTRADOME), a member of the Classist Autonomous Federation (CASC); and the National Fenamutra Union of Domestic Workers (UNFETRAH), a member of the National Federation of Dominican Workers (CNTD). With support from the Inter-Union Committee of Women Workers, the three organizations are developing different strategies to promote access of domestic workers to social protection.

In 2014, El Salvador created the first organization of domestic workers in the country, the Union of Paid Female Domestic Workers of El Salvador (SIMUTHRES). The union currently has 200 members. In 2016, Mexico created the National Union of Domestic Workers (SINACTTRAHO).

Domestic workers have organized at the regional level through the Latin American and Caribbean Federation of Domestic Workers (CONLACTRAHO). The CONLACTRAHO was established in 1988 in Colombia. It is the first regional organization of domestic workers in the world. Currently, it has 20 member organizations in 13 countries: Argentina, Brazil, Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Guatemala, Mexico, Nicaragua, Paraguay and Peru. It also maintains contact with organizations in the United States, Canada and Trinidad and Tobago (Bastidas 2014: 13). The CONLACTRAHO played a pivotal role in the preparations for the adoption of Convention 189.

The International Domestic Workers Federation, which was established in 2014, brings together domestic workers organizations from around the world.

Domestic workers still face considerable barriers to organization. Social dialogue conditions do not exist in most of the countries given that domestic work employers are not organized.

As mentioned, among the countries of Latin America and the Caribbean, only Uruguay and Argentina have the conditions necessary for collective bargaining. In Uruguay, the Single Union of Domestic Workers (SUTD) and the League of Homemakers, Consumers and Users participate in this process. (Bastidas, 2014: 10). In that country, collective bargaining can take place in the framework of the Wage Council, such as in the case of domestic workers. At the 2008 session of the Wage Council, in addition to agreeing on wage issues, the parties committed to working together to raise public awareness; establish a seniority bonus; design measures to create dignified working conditions, free of moral and sexual harassment; and mandate payment for partial dismissal when workers' working hours are reduced (Decree No 670/008). At the 2013 session, a bonus for perfect

Uruguay is the only country to have a collective bargaining experience in the domestic work sector.

attendance was established and the Wage Council agreed to define categories and employment contracts of the sector (Fifth Session Act, 2013. Domestic Work)<sup>33</sup>.

In Bolivia, tripartite roundtables have been formed with representatives of the League of Homemakers and FENATRAHOB.

In Argentina, the National Commission of Private Home Employment was created in September 2015<sup>34</sup>. Union organizations, employers' organizations and the Ministry of Labour serve on this commission. The first measure adopted by the commission was the establishment of a wage increase for the sector in 2015, through Resolution 1/2015 of the Ministry of Labour, Employment and Social Security.

Bolivia has also implemented activities to promote social dialogue and collective bargaining. Since 2013, tripartite roundtables have been organized with the participation of representatives of the Ministry of Labour, Employment and Social Protection, the Bolivian League of Homemakers and the National Federation of Paid Domestic Workers of Bolivia (FENATRAHOB). These tripartite roundtables have established the Individual Employment Contract (CIT) and the Wage, Social Security and Occupational Safety Booklet (LSySST). They have also organized a study on freedom of association and collective bargaining, whose objective is to provide baseline information for the development of a tripartite line of action (ILO 2015f: 26).

### 3.6 Public awareness campaigns and employment advisory services

A growing number of campaigns promote the rights of domestic workers and inform on current legislation. Practically all of the countries in this study that have launched legal reforms in recent years have produced printed materials for workers, employers or both. Government agencies have been behind many of these initiatives, as have organizations of workers. There are also joint efforts of the government and these organizations in this regard.

In some countries where Convention 189 has not yet been ratified, union organizations are focusing their efforts on promoting its adoption. This is the case, for example, of the campaign of the National Union of Domestic Employees (NUDE) of Trinidad and Tobago, which in addition to producing informational materials is collecting signatures to demand ratification of the Convention.

<sup>33</sup> This bonus consists of the payment of the equivalent of one-fourth of half of the bonus corresponding to each worker with a perfect attendance record during the bonus period (1 December/ 31 May and 1 June/ 30 November). The absences listed below shall not result in the loss of this benefit: a) confirmed illness (through certification of BPS or BSE); b) absences due to the exercise of the right to strike established by PIT CNT and/or SUTD, in which case Law N° 19.051 is applicable; c) established annual leave; d) special leave (for example, Law N° 18.345 and Law N° 18.458); and e) summons of Group N° 21 of the Wage Council (Decree No. 670/008).

<sup>34</sup> Article no. 62 of Law 26.844.

Regional campaigns have also been launched to raise awareness of the value of domestic work. One such campaign is the “Work like no other, rights like every other,” developed by the Trade Union Confederation of the Americas (CSA), with support from the ILO.

Some of the most noteworthy of the many actions implemented include:

- ▶ **Colombia:** Following the modification of the law that allowed for insurance coverage of part-time workers, the National Association of Family Compensation Funds (ASOCAJAS) prepared an animated video with clear, simple explanations of the new procedures<sup>35</sup>.
- ▶ **Uruguay:** In an effort to raise awareness of the new legal framework and its compliance, the Uruguayan agencies involved have developed different communication strategies. The BPS has distributed printed materials and disseminated information via television and the Internet, while the MTSS has implemented activities to raise awareness. Other public institutions, such as the National Institute of Women of the Ministry of Social Development (INMUJERES), the Municipal Office of Montevideo and the Tripartite Commission of Equal Treatment in Employment have also been involved in activities to raise awareness (MTSS 2013: 7). With support from the ILO, the MTSS and the BPS published the *Good Practices Manual: Domestic Workers and Employers*. The manual was validated by the Single Union of Domestic Workers and the League of Employers (ILO 2013b: 7).
- ▶ **Ecuador:** In 2010, in the framework of the Dignified Domestic Work Programme, a campaign was launched to raise awareness of the rights of domestic workers. The programme worked to encourage journalists to publish reports on the issue. An awareness-raising and information campaign via mobile phone messages was also implemented, reaching nearly 50,000 people (MRL 2012: 31).

Many countries also offer advisory services for workers. Most of these services are provided by domestic worker organizations. Government institutions also participate in some countries. In Uruguay in 2010, the BPS and the School of Law of the Universidad de la República signed an agreement to establish a labour law advisory office for employers and employees of the domestic work sector (R.D. N° 25-6/2011). In Argentina, the Employment Court for Household Staff also offers advisory services, as mandated by Law 26.844. This service is designed to provide clear, simplified information on current legislation.

### 3.7 Multidimensional strategies to formalize domestic work

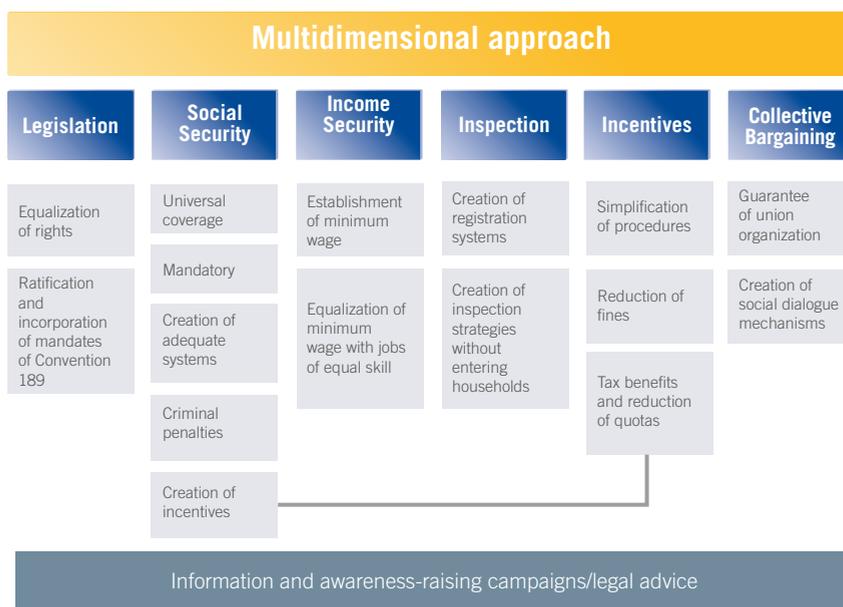
To advance in the formalization of domestic work requires a multidimensional strategy that combines different types of measures. This helps reduce gaps occurring in several areas. Additionally, having simultaneous measures contributes to raising public awareness of the importance of formalizing this sector and highlights efforts to guarantee equal rights.

---

35 Video available at: [https://www.youtube.com/watch?v=Ad\\_umIMTIPw](https://www.youtube.com/watch?v=Ad_umIMTIPw)

Multidimensional strategies include, first, legal reforms that grant domestic workers the same rights as those of other workers. Other actions and policies are designed to guarantee respect of those rights and to reduce gaps that in practice persist between domestic workers and other workers. To this end, measures are developed to promote registration in a social security system; actions to guarantee income security, such as setting minimum wages and equalizing those wages with those of jobs of a similar skill level; control activities; economic incentives to comply with the law; measures to guarantee social dialogue; and information and awareness-raising campaigns (Chart 1).

**CHART 1. Multidimensional approach applied in Latin America and the Caribbean to promote the formalization of domestic work**



Source: ILO.

Several countries of the region are making efforts to develop strategies to formalize domestic work using this multidimensional approach. In **Uruguay**, for example, where activities have been implemented for over a decade, the positive impact of this broad, sustained effort is evident. **Argentina, Ecuador** and **Chile** have also opted to implement multidimensional strategies to address the issue.

**TABLE 3. Good practices in adopting multidimensional approaches to formalize domestic work**

	Legislation	Social Security	Income Security	Inspection	Incentives	Collective Bargaining
<b>Uruguay</b>	Law 18.065 (2006) Domestic work.	Legal recognition of the right to social security, which regulates all private sector activity	Creation of Wage Group no. 21 – Domestic work in the Wage Council, beginning in 2008	Inspections without entering household	Inclusion of payment of the BSE insurance premium on the BPS invoice  Payment discounts	Collective bargaining with the Single Union of Domestic Workers (SUDW) and the League of Homemakers, Consumers and Users
	Information campaigns promoted by several government agencies and civil society organizations					
<b>Chile</b>	Law 20786 (2014)	Covered by the general system for all workers	Gradual equalizing of wage with the general minimum wage through Law 20.279 (2008)	Mandatory registration with Labour Inspection Office  Inspections without entering household		
	Domestic workers' union provides legal advisory services					
<b>Ecuador</b>	Recognition of equal rights in Labour Code (2005)	Non-registration punishable by incarceration of employers. Penal Code reform (2014)	Gradual equalizing of wage with the general minimum wage between 2007 and 2010	Increased monitoring through the “Dignified Domestic Work” Programme (2010)		
	In the framework of the “Dignified Domestic Work” Programme, TV, radio and print campaigns have been implemented, together with brigades that provide information on the streets of large cities					
<b>Argentina</b>	Law N°26.844 of the Special Employment Contract Programme for Domestic Workers of Private Households (2013)	Reform to allow for registration for part-time workers  Incentives	Establishment of wage-setting committee	Mandatory registration of employment booklet	Discount on social security payments  Tax incentives	Collective bargaining with several union organizations and two employers' organizations
	Advisory services for workers and employers through the Labour Court for Private Household Staff  Public awareness campaigns					

Source: ILO, based on legislation of the countries.

## 4. Conclusions and recommendations

Over the past two decades, legal reforms have been implemented to guarantee domestic workers the same rights as other workers. These measures have contributed to closing the gaps in the formal recognition of domestic workers' rights. Discussion prior to the adoption of Convention 189 concerning domestic workers, its adoption in 2011 and its ratification in some countries have encouraged these reforms. Most countries of the region, especially in South America, already have legislation in place in accordance with the mandates of the Convention.

Some countries lag behind, however. These countries must urgently review their labour law to eliminate all elements that discriminate against domestic workers and to update the law to the standards set forth in Convention 189.

Legal reforms alone cannot improve conditions and formalize domestic work, however. In fact, countries where actions have not been implemented to accompany legislative changes have made limited progress in terms of formalization. This underscores the need to accompany labour law reforms with active public policies designed to formalize the domestic work sector.

A growing number of countries are implementing policies or actions designed to achieve formalization. These measures include programmes to guarantee social security access, inspections to verify compliance with the law, and union organizations to promote collective bargaining. Additionally, several countries have launched a variety of information and awareness-raising campaigns.

The countries that have opted for a multidimensional approach have made the most progress. Uruguay is a clear example. Over the past decade, the country has implemented a sustained strategy of interventions in different areas, including social security, the minimum wage, collective bargaining, and monitoring of respect for the rights of domestic workers through labour inspections. To this end, Uruguay has developed a variety of measures involving different government institutions. These actions have resulted in a continual improvement in working conditions and increased formalization in the sector.

Incorporating domestic workers in social security programmes is essential for formalizing the sector. This is not the only consideration, of course, but it is important for various reasons. As discussed in the section on working conditions of domestic workers in Latin America, social security access is the area where advances have been slowest. Special emphasis is needed on measures to address this situation. Incorporating domestic workers in social security programmes requires a significant shift. In particular, cultural change is required in order for the value of this occupation to be recognized. Achieving this will require long-term efforts.

Social security coverage is also linked to compliance with other rights such as the minimum wage, working hours, vacations, etc. Registering for social security can help guarantee compliance with other rights that are indispensable for formalization.

Finally, increased social security coverage enables increased monitoring, since registration in social security programmes provides information on the households where domestic workers are employed and their working conditions.

Universal coverage of social security systems is pivotal for guaranteeing domestic workers' access. In addition to striving for universal coverage, social security systems should consider the specific characteristics of domestic work. For example, countries such as Costa Rica, which have near universal social security systems, offer broad health coverage for domestic workers. However, they have not incorporated these workers through paid employment. In other words, few domestic workers contribute to the system through their work or have access to old age pensions, disability benefits or maternity leave.

This is because social security systems do not adequately take into account the unique characteristics of employment in this sector, particularly part-time work and employment with several employers. Countries such as Uruguay, which do offer effective coverage options for such workers, have achieved higher registration rates.

Few countries have applied policies of tax and economic incentives to date. Argentina has made the most progress in this area since it has been implementing tax discounts and reductions in social security payments for a decade. These measures have stimulated the registration of domestic workers, although many workers still do not have access to this right.

In all countries in the region, domestic work inspections are a challenge because mechanisms need to be created that do not infringe on the right to the inviolability of private homes. Moreover, in a context in which legal reforms are recent, intensifying efforts to enforce them are essential. Some countries are implementing innovative strategies in this area. First, a growing number of countries has made registering employment contracts in contract registries mandatory. This practice allows for increased control and facilitates monitoring.

Secondly, inspections in which documentation is requested on the working conditions of the worker help confirm that a formal employment relationship exists without having to enter the workplace. This practice could be extended to other countries in the region.

Generating the appropriate conditions for social dialogue is pending in nearly all of the countries in the region. Only in Uruguay and Argentina do conditions exist for collective bargaining in this sector. Bolivia has made some advances in this area in recent years. Other countries should undertake the reforms necessary to guarantee the registration of domestic workers' unions. It is also crucial to create mechanisms for social dialogue.

Many countries have publicized information on the rights of domestic workers. This is especially important to provide information on changes in the law and to raise public

awareness. However, many of these activities are isolated efforts. Short- and medium-term communication strategies should be planned, targeting a variety of communication media to reach different audiences and to involve several institutional and civil society actors.

Finally, despite the variety of measures implemented in the region in recent years, little information is available on their impact. For this reason, countries should allocate resources for the systematization and evaluation of these initiatives. This will allow the necessary adjustments to be made to improve the effectiveness of actions and to provide good practices that can motivate and guide other countries.

## 5. References

- Antezana, P.** (2014). *Estudio comparativo de la legislación de Guatemala en relación con el Convenio sobre las trabajadoras y los trabajadores domésticos, 2011 (No. 189)*. ILO.
- ASOCAJAS** (2014). *En 2013 creció 367% la formalidad de servicio doméstico*. Boletines de prensa, ASOCAJAS. [http://www.asocajas.org.co/index.php?option=com\\_content&view=article&id=1302:in-2013-crecio-367-the-formalidad-de-servicio-domestico&catid=47&Itemid=156](http://www.asocajas.org.co/index.php?option=com_content&view=article&id=1302:in-2013-crecio-367-the-formalidad-de-servicio-domestico&catid=47&Itemid=156)
- Bastidas, M.** (2014). *Organización de las trabajadoras de hogar en las Américas. Buenas prácticas y desafíos en función de Convenio N° 189 de la OIT*. Turin: ILO.
- Bronstein, A.** (1998). *Pasado y presente de la legislación laboral en América Latina*. <http://www.ilo.org/public/spanish/region/ampro/mdtsanjose/papers/pasado.htm>
- Carcedo, A., Chaves-Groh, M., & Lexartza, L.** (2011). *Cadenas globales de cuidados: El papel de los migrantes nicaragüenses en la provisión de cuidados en Costa Rica*. Santo Domingo: ONUMUJERES. [http://bd.cdmujeres.net/sites/default/files/documentos/publicaciones/cadenas\\_cuido.pdf](http://bd.cdmujeres.net/sites/default/files/documentos/publicaciones/cadenas_cuido.pdf)
- Dunn, L.** (2015). *Situational Analysis of Household Workers in Jamaica: Report on a Pilot Study to Promote the Decent Work Agenda*. ILO.
- Durin, S., de la O. M., & Bastos, S.** (2014). *Trabajadoras en la sombra. Dimensiones de servicio doméstico latinoamericano*. Mexico: Centro de Investigaciones and Estudios Superiores en Antropología Social, Escuela de Gobierno y Transformación Pública, Tecnológico de Monterrey.
- ESocial** (2015). *Manual de orientação do eSocial para o Empregador Doméstico*. [http://www.esocial.gov.br/doc/Manual\\_eSocial\\_Empregador\\_Domestico\\_versao\\_1.4.2.pdf](http://www.esocial.gov.br/doc/Manual_eSocial_Empregador_Domestico_versao_1.4.2.pdf)
- Fuertes, P, Rodríguez, E and Casali, P** (2013). *El trabajo doméstico remunerado en el Perú. Situación y perspectivas en función de Convenio 189 y la Recomendación 201 de la OIT*. Lima: ILO. [http://www.ilo.org/global/docs/WCMS\\_213173/lang-es/index.htm](http://www.ilo.org/global/docs/WCMS_213173/lang-es/index.htm)
- International Labour Organization - ILO** (2011). *Convenio 189 Trabajo decente para las trabajadoras y los trabajadores domésticos*. [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_164520.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_164520.pdf)
- International Labour Organization - ILO** (2013a). *Domestic workers across the world: global and regional statistics and the extent of legal protection*. [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_173363.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_173363.pdf)
- International Labour Organization - ILO** (2013b). *Manual de buenas prácticas para trabajadoras y empleadoras de servicio doméstico*. Montevideo: ILO. [http://www.ilo.org/santiago/publicaciones/WCMS\\_219955/lang-es/index.htm](http://www.ilo.org/santiago/publicaciones/WCMS_219955/lang-es/index.htm)
- International Labour Organization - ILO** (2014a). *2014 Labour Overview of Latin America and the Caribbean*. Lima: ILO. [http://www.ilo.org/americas/publicaciones/panorama-laboral/WCMS\\_334089/lang-en/index.htm](http://www.ilo.org/americas/publicaciones/panorama-laboral/WCMS_334089/lang-en/index.htm)

**International Labour Organization - ILO** (2015a). *Thematic Labour Overview. Transition to Formality in Latin America and the Caribbean*. Lima: ILO. [http://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms\\_314469.pdf](http://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms_314469.pdf)

**International Labour Organization - ILO** (2015b). *ILO Global Estimates on Migrant Workers. Results and Methodology*. Geneva: ILO. [http://www.ilo.org/global/topics/labour-migration/publications/WCMS\\_436343/lang--en/index.htm](http://www.ilo.org/global/topics/labour-migration/publications/WCMS_436343/lang--en/index.htm)

**International Labour Organization - ILO** (2015c). *Thematic Labour Overview. Small Enterprises, Large Gaps. Employment and Working Conditions in Micro and Small Enterprises in Latin America and the Caribbean*. Lima: ILO. [http://www.ilo.org/americas/publicaciones/WCMS\\_423684/lang--en/index.htm](http://www.ilo.org/americas/publicaciones/WCMS_423684/lang--en/index.htm)

**International Labour Organization - ILO** (2015d). *2015 Labour Overview of Latin America and the Caribbean*. Lima: ILO. [http://www.ilo.org/americas/publicaciones/panorama-laboral/WCMS\\_435169/lang--en/index.htm](http://www.ilo.org/americas/publicaciones/panorama-laboral/WCMS_435169/lang--en/index.htm)

**International Labour Organization - ILO** (2015e). *Promoción de la formalización del trabajo doméstico en Brazil*. Lima: ILO. [http://www.ilo.org/americas/publicaciones/WCMS\\_371230/lang--es/index.htm](http://www.ilo.org/americas/publicaciones/WCMS_371230/lang--es/index.htm)

**International Labour Organization - ILO** (2015f). *Hacia la Libertad Sindical y la Negociación Colectiva en el sector de Trabajo Asalariado del Hogar en Bolivia. Informe de proceso de diagnóstico de año 2014 para la elaboración de un plan nacional de acción tripartito 2015*. La Paz: ILO.

**International Labour Organization - ILO** (2016) *Social Protection of Domestic Work. Trends and Statistics*. Geneva: ILO. [http://www.ilo.org/secsoc/information-resources/publications-and-tools/policy-papers/WCMS\\_458933/lang--en/index.htm](http://www.ilo.org/secsoc/information-resources/publications-and-tools/policy-papers/WCMS_458933/lang--en/index.htm)

**International Labour Organization - ILO** (undated). *La aplicación de los salarios mínimos para el servicio doméstico en Costa Rica*. Mimeo. San Jose: OIT.

**Labour Office** (2015). *Trabajadoras y trabajadores de casa particular*. <http://www.dt.gob.cl/1601/w3-article-101971.html>

**Mazamorra, X., Schachtel, L. and Contartese, D.** (2015). *Trabajadoras en casas particulares, inclusión y formalización*. Mimeo.

**Messina, G.** (2015). *Inserción de las trabajadoras domésticas paraguayas a partir de las reformas laborales y migratorias en Argentina*. Documentos de Trabajo N° 10. Buenos Aires: ILO. [http://www.ilo.org/buenosaires/publicaciones/WCMS\\_361956/lang--es/index.htm](http://www.ilo.org/buenosaires/publicaciones/WCMS_361956/lang--es/index.htm)

**Milano-Mijangos, A., Robert, E., & García-Domínguez, M.** (2012). *Cadenas globales de cuidados: síntesis de resultados de nueve estudios in América Latina y España*. Santo Domingo, Dominican Republic: ONUMUJERES.

**Ministry of Labour - MINTRABAJO** (2012). *Servicio doméstico. Guía Laboral*. Bogotá, Colombia. <http://www.mintrabajo.gov.co/publicaciones-mintrabajo/669-servicio-domestico-guia-laboral.html>

**Ministry of Labour** (2014). *Resumen ejecutivo de los (las) trabajadoras(es) remuneradas(os) de hogar*. Personal communication with Pamela Aguirre, Director of Priority Groups. Ministry of Labour of Ecuador.

**Ministry of Labour Affairs - MRL** (2012). *Rendición de cuentas. Consejo de Participación Ciudadana y Control Social. Periodo 2011*. <http://www.trabajo.gob.ec/wp-content/uploads/downloads/2012/08/Concejo-de-participaci%C3%B3n-Ciudadana-2011CPCCS.pdf>

**Ministry of Labour and Social Security - MTSS** (2013). *El trabajo doméstico e impacto de las políticas públicas en Uruguay*. <http://www.mtss.gub.uy/documents/11515/034a0653-5549-468a-9bc5-81ca99fbbdc1>

**Ministry of Labour and Social Security - MTSS** (2014). *Trabajo doméstico e impacto de las políticas públicas en Uruguay*. Power Point presentation.

**Ministry of Labour and Social Security - MTySS** (2014). *Avances en la registración laboral de las trabajadoras en casas particulares a partir de nuevo marco legal*. [http://www.trabajo.gob.ar/downloads/destacados/140729\\_casasparticulares.pdf](http://www.trabajo.gob.ar/downloads/destacados/140729_casasparticulares.pdf)

**National Tax Authority - SUNAT** (2014). *Registro de Trabajador de Hogar. Manual de Usuario*.: <http://contenido.app.sunat.gob.pe/insc/Trabajadores+Hogar+Registro+Empleadores/ManualUsuarioSOLRegTHago2014.pdf>

**Pérez Orozco, A.** (2009). *Miradas globales a la organización social de los cuidados en tiempos de crisis I: ¿qué está ocurriendo?* Serie Género, Migración and Desarrollo. Documento de trabajo N° 5. Santo Domingo: UN-INSTRAW. <http://ibdigital.uib.es/greenstone/collect/cd2/index/assoc/HASH77d1/e1e71506.dir/flacso0002.pdf>

**Persia, J.** (2014). *Trabajadoras de casas particulares*. In: *Nota técnica 82. Empleo e Ingresos correspondientes al Informe Económico N° 87*. Secretaría de Planificación and Desarrollo. [www.economia.gob.ar/peconomica/informe/notas\\_tecnicas/nota\\_tecnica82.pdf](http://www.economia.gob.ar/peconomica/informe/notas_tecnicas/nota_tecnica82.pdf)

**President's Office of the Eastern Republic of Uruguay** (2013). *BPS y BSE implementan seguro contra accidentes para los trabajos de servicio doméstico*. President's Office of the Eastern Republic of Uruguay. <https://www.presidencia.gub.uy/comunicacion/comunicacionnoticias/bps-bse-implementan-seguro-accidentes-trabajos-servicio-domestico>

**Sanches do Prado, S., and Rangel, M.** (2014). *Las mujeres mapuche en el trabajo doméstico en Chile y el trabajo decente: una visión desde las protagonistas*. Santiago de Chile: ILO. <http://actrav.ilm.ilo.org/images/ACTRAV/actividades2015/30/estudio%20chile.pdf>

**Valiente, H.** (2010). *Regímenes jurídicos sobre trabajo doméstico remunerado en los Estados de MERCOSUR. Edición revisada y ampliada*. Montevideo, Uruguay: Cotidiano Mujer, OXFAM.

**Velasco, S.** (2013). *Nota sobre el Régimen Especial de Salud y Maternidad de los trabajadores y trabajadoras domésticas de Instituto Salvadoreño de Seguro Social*. San José: ILO.

**Velázquez, M and Loyo, M. G.** (2013). *De la exclusión a la inclusión: Cómo se establecen los salarios mínimos para los trabajadores domésticos. El Caso de Chile*. Mimeograph.

## 6. Legislation and regulations consulted

### Argentina

- ▶ Law N°26.844 of the Special Programme for Employment Contracts for Household Staff (2013)
- ▶ Tax reform law (Law N° 25.239) (2000)
- ▶ Law N° 26.063. Social security resources (2005)
- ▶ Law 26.476. Tax reform (2008)
- ▶ RESOLUTION (MTESS) 1062/2014 I Household staff (Ex domestic service). Professional categories. Wage scales between 1/9/2014 and 1/1/2015
- ▶ Resolution 1/2015. Ministry of Labour, Employment and Social Security

### Bolivia

- ▶ Law N° 2450, which regulates paid domestic work, (2003)
- ▶ Resolution Ministerial No.- 218114, 2014

### Brazil

- ▶ Law 11.324 (2006), Labour Code reform
- ▶ Constitutional Amendment (PEC) No. 72 of 2013
- ▶ Complementary Law No. 150. (2015)

### Chile

- ▶ Labour Code (2002)
- ▶ Law 20786 (2014), which modifies the workday, rest and composition of remuneration of private domestic workers and prohibits the requirement to wear a uniform in public places
- ▶ Law 20.255, which establishes the social security reform (2008)
- ▶ Law 20.279, which adjusts the minimum monthly wage (2008)

### Colombia

- ▶ Labour Code (1950)
- ▶ Ruling C-372 of 1998 of the Constitutional Court
- ▶ Decree 2616 of 20 November 2013
- ▶ Decree 0721 of 15 April 2013

### Costa Rica

- ▶ Ruling 3043-07 of 2007 of the Constitutional Court
- ▶ Law 8726 (2009), reform of Chapter 8 of Section 2 of the Labour Code, Law No 2. Law of paid domestic work

### **Dominican Republic**

- ▶ Labour Code (1992)
- ▶ Law 87 – 01 (2001), which establishes the Dominican social security system

### **Ecuador**

- ▶ Labour Code (2005)
- ▶ Organic Comprehensive Criminal Code (2014)
- ▶ Organic Law for Labour Justice and Recognition of Domestic Work (2015)

### **El Salvador**

- ▶ Labour Code (1972)
- ▶ Regulations for the creation and application of the Special Health and Maternity Programme for workers. Executive Decree No. 74 (2010).

### **Guatemala**

- ▶ Labour Code (1961)
- ▶ Regulations of the Special Protection Programme for Private Domestic Workers (PRECAPI), Agreement No. 1235 (2009)

### **Guyana**

- ▶ Household Service Workers (Hours of Work) Act, Equal Rights Act, 1990
- ▶ Holidays with Pay Act
- ▶ Labour Act
- ▶ Labour (Employment Conditions of Certain Workers) Act
- ▶ Occupational Safety and Health Act, 1997
- ▶ Prevention of Discrimination Act, 1997
- ▶ Termination of Employment and Severance Pay Act, Trade Unions Act
- ▶ Trade Union Recognition Act
- ▶ Wages Councils Act

### **Honduras**

- ▶ Labour Code (1959)
- ▶ Framework Law of the Social Protection System (2015). Decree No. 56 – 2015.

### **Jamaica**

- ▶ Minimum Wage Act, 22 December 1938
- ▶ National Insurance Act, 4 April 1966
- ▶ Employment (Termination and Redundancy Payments) Act, 9 December 1974
- ▶ Employment (Equal Pay for Men and Women) Act, 1 December 1975
- ▶ Maternity Leave Act December 31, 1979

### **Mexico**

- ▶ Federal Labour Law (1970)

### **Nicaragua**

- ▶ Labour Code (1996)
- ▶ Law 666 (2008) on child domestic work

### **Panama**

- ▶ Labour Code (1972)

### **Paraguay**

- ▶ Resolution 089-012/09. Domestic insurance (2009)
- ▶ Law N° 5.407 on domestic work, 2015

### **Peru**

- ▶ Law 27986 (2003), Domestic Workers Law
- ▶ Tax Authority Resolution N° 191-2005/SUNAT

### **Trinidad and Tobago**

- ▶ Equal Opportunity Act, 2000
- ▶ Equal Opportunity (Amendment) Act, 2001
- ▶ Industrial Relations Act
- ▶ The Maternity Protection Act, 1998
- ▶ Minimum Wages Act
- ▶ Occupational Safety and Health Act, 2004
- ▶ Occupational Safety and Health (Amendment) Act, 2006
- ▶ Retrenchment and Severance Benefits Act
- ▶ Trade Union Act

### **Uruguay**

- ▶ Law 18.065 (2006) Domestic work. Regulations
- ▶ Decree No. 670/008 of December 22, 2008, Group 21 – Domestic Work

### **Venezuela**

- ▶ Organic Law of Employment and Workers (2012)
- ▶ Decree No 44. LOT partial regulations (2013)

