

International Labour Review

Special Issue

The formalization of paid domestic work: Current trajectories and challenges ahead

Guest Editors: Karen JAEHRLING, Francisca PEREYRA
and Lorena POBLETE

Contents

359 **Introduction: The formalization of paid domestic work – Current trajectories and challenges ahead**

Karen JAEHRLING, Francisca PEREYRA and Lorena POBLETE

Since the adoption of the ILO Domestic Workers Convention, 2011 (No. 189), formalization has become the focus of public policies. However, progress in formalizing domestic work remains slow. Even when legal coverage is increased under new labour and social security laws, enforcement is often inadequate, rendering the coverage ineffective. Our introduction to this Special Issue explores the dynamics and causal factors that shape effective formalization, as well as the intermediate arrangements that exist between informal and formal work, highlighting the agency of different actors (States, intermediaries, collective actors, employers and workers) at the macro, meso and micro levels.

Keywords: paid domestic work, formalization policies, effective formalization, informality, enforcement, grey zones, ILO Convention, social protection.

377 **Unpacking cross-country variations in domestic worker protection regimes: Adopting a policy regime perspective**

Anju Mary PAUL

Domestic workers are some of the most vulnerable and least protected workers in the world. However, there is significant variation in domestic worker protections across countries. Using a policy regime perspective, I unpack how differing ideas, institutional arrangements and interest groups inform differences in the degree of legal protections that a country provides domestic workers. I posit that only if all three of these building blocks are present and supportive will a country institute a strong domestic worker protection regime. I apply this model to explain the incomplete/weak domestic worker protection regimes in Pakistan, Singapore, South Africa and Sweden.

Keywords: domestic work, care work, gender, labour policy, labour protections, Pakistan, Singapore, South Africa, Sweden.

397 **Digital platforms in the Italian domestic care sector: The emergence of an unprecedented corporate logic and its implications for workers' social protection**

Ivana PAIS and Arianna MARCOLIN

This article explores the heterogeneity of care platforms using the case studies of two platforms in the Italian domestic work sector: one that carries out matching between supply and demand (Helping), reinforcing informality in the sector, and one that acts as an employer (Batmaid). The analysis shows that digital platforms can introduce a corporate logic into a sector where it was previously absent. This creates a potential for company-level bargaining for both platforms and related models – something that trade unions have, so far, not considered owing to a lack of recognition of the needs of platform domestic workers.

Keywords: domestic work, digital labour platforms, care work, institutional logic, labour relations, working conditions, Italy.

417 **“Legal certainty” for live-in work in Germany: A strategy for formalization?**

Eva KOCHER

Domestic workers who live in private households often lack access to decent work and labour rights. Formalization is widely understood as a normative strategy to improve working conditions. In Germany, the debate surrounding domestic live-in work has centred on “legal certainty” and this article discusses whether and how legal certainty could contribute to formalization. Legal developments (for example, in Austria) show that legal certainty can actually have the opposite effect, by disguising bogus self-employment more effectively. I argue that, similarly, not all claims to establish more legal certainty are likely to improve the situation of live-in care workers in Germany.

Keywords: domestic work, labour law, legal certainty, live-in work, formalization, Germany.

435 **The persistence of informality in paid domestic work in Argentina**

Francisca PEREYRA and Lorena POBLETE

Informality is a historical feature of paid domestic labour in Latin America. The case of Argentina is of particular interest, as it showcases a substantial reform of the regulatory framework in combination with innovative mechanisms for its implementation. Using mixed-methods analysis, this article examines some of the reasons that may explain the apparent stagnation in the rate of formalization in recent years (at around 25 per cent) and the persistent arbitrariness with which labour rights that are theoretically guaranteed by formality are granted in practice.

Keywords: domestic work, formalization, social protection, working conditions, informal economy, Argentina.

455 **From dead letter to functional policy? Domestic workers' rights and "disformality" in Peru**

Leda M. PÉREZ and Andrea GANDOLFI

This article examines the extent to which Peru's Law No. 31047/2020, which grants paid domestic workers full legal rights and social protection, has improved workers' access to contracts and rights. We analyse data from Peru's National Household Survey and present insights from interviews with five employers and a focus group of 11 workers. These complement statistical findings regarding the law's implementation, challenges and policy suggestions. We find that workers' rights have largely not been upheld owing to both the State's poor enforcement of the legislation and employer non-compliance, a situation enabled by Peru's socio-economic "disformality".

Keywords: domestic workers, workers' rights, labour legislation, social policy, enforcement, informal employment, weak state, relational space, disformal society, Peru.

477 **Domestic workers' organizations and participatory approaches to labour standards enforcement: The case of Jamaica**

Simon BLACK and Lauren MARSH

Focusing on Latin America and the Caribbean, this article explores the role of domestic workers' organizations in labour standards enforcement. Drawing on qualitative data, we examine the case of the Jamaica Household Workers' Union in the wake of Jamaica's ratification of the ILO Domestic Workers Convention, 2011 (No. 189). Findings indicate that the Union participates directly and indirectly in enforcement. While not a substitute for state-led enforcement, the case study illustrates the potential of a worker-centred, participatory approach to enforcement in the domestic work sector and suggests that worker voice and collective representation through organizing is key to fulfilling the promise of the Convention.

Keywords: domestic worker, workers' rights, labour standards, enforcement, participatory enforcement, trade union, ILO Convention, Jamaica.

Book reviews

499 ***From Consent to Coercion: The Continuing Assault on Labour***,
4th ed., by Bryan EVANS, Carlo FANELLI, Leo PANITCH
and Donald SWARTZ.

Reviewed by Judy FUDGE

503 ***Migrant Labour and the Reshaping of Employment Law***,
edited by Bernard RYAN and Rebecca ZAHN.

Reviewed by Elaine DEWHURST

506 ***Work and Employment Relations in Southern Europe: The Impact of De-regulation, Organizational Change and Social Fragmentation on Worker Representation and Action***,
edited by Carlos J. Fernández RODRÍGUEZ
and Miguel Martínez LUCIO.

Reviewed by Orestis PAPADOPOULOS

510 ***Part-Time for All: A Care Manifesto***,
by Jennifer NEDELSKY and Tom MALLESON.

Reviewed by Paolo SANTORI

513 ***Repenser le statut du travail: Une contribution africaine***,
by Ousmane Oumarou SIDIBÉ.

Reviewed by Pascale VIELLE

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