



Photo: UN Women, Ryan Brown

DOMESTIC WORKERS IN LATIN AMERICA AND THE CARIBBEAN DURING THE COVID-19 CRISIS¹

Summary

During the global crisis unleashed by the COVID-19 pandemic, women employed in the domestic² work sector occupy a crucial place in the response due to the central role they play in the care of children and the sick and dependent people, and to the maintenance of homes, including the prevention of the spread of the virus. However, and despite the enormous contribution that their work means in the lives of many people, they are also one of the main groups affected by the crisis. This is due, among other reasons, to the precarious situation in employment that this sector presents, which is characterized by low wages and the lack of social benefits for their survival and the support of families in situations of layoffs or before the reduction of their income.

This document illustrates the situation of specific vulnerability that domestic workers are experiencing in Latin America and the Caribbean, highlighting the impacts of the current crisis caused by COVID-19. At the same time, it describes the measures promoted by social actors and institutions in countries of the region and shows how much remains to be done to guarantee the labor rights of domestic workers.

Finally, a series of recommendations are presented for the design of actions that mitigate the impact of the health, economic and social crisis for domestic workers in Latin America and the Caribbean.

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² The text refers to the term "domestic work" or "domestic workers" as in ILO Convention 189, which also covers workers in private homes and paid domestic workers, as they are called in several Latin American and Caribbean countries.



Domestic work: an extremely demanding work

According to ILO Convention 189 on domestic workers, domestic work is defined as “work performed in or for a household or households”. Therefore, domestic work is explained according to the workplace, which in this case is the private home. Generally, domestic workers care for other people and perform multiple tasks for the maintenance of the household. The tasks considered in domestic work may vary from country to country, but mainly involve cooking, cleaning, the care of children, of elderly people and people with disabilities, taking care

of the garden or pets, making purchases or driving the family car. Domestic workers may work part-time, full-time or on an hourly basis, and may reside in or outside the household they work for³.

Domestic work is one of the oldest occupations, originating from slave labor and other forms of servitude. Historically, domestic work has synthesized the intersection of discrimination based on race / ethnicity (servitude) and gender (allocation of domestic and care tasks almost exclusively to women), since many of the people linked to the domestic service sector in the region have been mainly indigenous and afro-descendant women, which has deepened discrimination. This has made it difficult to transform the vision of historical exploitation, and to position the principle that the state and the employer must guarantee labor rights in domestic work with the same labor rights as other employment and ensure decent work.

Unpaid and paid domestic work is central to the “sustainability of human life” and to the functioning of households, of the economy and of the society as a whole. Traditionally, it has fallen into the hands of women, whom society holds responsible for carrying out household chores and caring for all people, in many cases relegating their personal projects, including the possibility to access the labor market.

Among the transformations in the world of labor and in the structure of employment that the region has experienced in recent decades, the growth of the incorporation of women into the labor market and the increase in the rate of female activity stand out during the 2000s social transformation, which has had important repercussions in social life, family arrangements and the labor market, did not necessarily mean for many women that the unpaid work they carried out in their homes was eliminated or reduced, which has implied a double and triple workday for an important number of women. Given the lack of quality and affordable public services, and the almost zero linkage of men to domestic work, households with greater purchasing power choose to outsource care work through paid domestic work, which may not necessarily be accessible to middle income households and unthinkable for low-income households.



In Latin America and the Caribbean, one of the most unequal regions in the world, an important part of inequality is sustained based on the segmented labor market that discriminates against women for being responsible for care work. This market situation conditions the insertion of women and their employment options to the alternatives that allow managing conciliation, while generating in domestic employment one of the few precarious employment alternatives for women who have not been able to opt to move forward in education or have not had access to professional training.

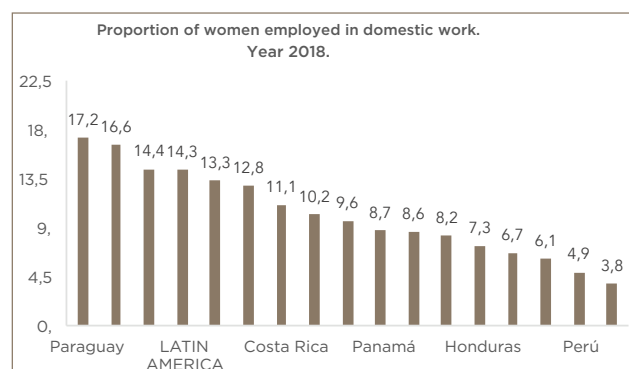
Many of them are migrant women who contribute to meet the needs of the population in countries with deficits in the context of the “care work crisis”. These workers are forced to delegate to other women the care that they would

normally have done in their countries of origin. Thus, the so-called “global care chains” are formed, a global and regional phenomenon that reflects movements from poorer areas to cities or countries with higher income levels. This phenomenon includes migration routes within the region’s own countries (from rural areas to cities), between countries in the region (for example, Peruvian women who migrate to Argentina or Chile, Paraguayan women who migrate to Argentina, Nicaraguan women who migrate to Costa Rica) and to countries outside the region (for example, to the United States, Italy and Spain)⁴. In general, these workers have higher levels of job insecurity and vulnerability situation than local workers, given that their precariousness in domestic work is added to their migrant status, which exposes them to situations of discrimination and violence.



Key data on domestic work in Latin America and the Caribbean

In Latin America and the Caribbean, between 11⁵ and 18⁶ million people are engaged in paid domestic work, of which 93% are women. Domestic work represents on average between 10.5%⁷ and 14.3%⁸ of women’s employment in the region, which means that a significant part of the workforce, especially women, does it in precarious conditions and without access to social protection. The countries with the highest proportion of women employed in domestic service are Paraguay, Argentina, and Brazil⁹. Their income is equal to or less than 50% of the average of all employed persons, even though in almost all countries there is a legally established minimum wage¹⁰.



Source: prepared based on ILO 2019 Labor Overview.

4 UN Women (2018) Recognize, redistribute and reduce care work. Inspiring practices in Latin America and the Caribbean. ECLAC’s Social Panorama 2019. ECLAC (2020) Women’s autonomy in changing economic scenarios.

5 ECLAC (2019), Women’s Autonomy in Changing Economic Scenarios (LC/CRM.14/3), Santiago.

6 ILO (2016). Women at work. Trends 2016. Geneva

7 ECLAC calculation using the average for 18 countries based on household surveys.

8 ILO calculation for 16 countries with 2018 data published in ILO (2019) Labour Overview 2019. ILO Regional Office for Latin America and the Caribbean. Lima.

9 ILO (2019) Labor Overview 2019. ILO Regional Office for Latin America and the Caribbean. Lima

10 ILO (2016) Policies for the formalization of paid domestic work in Latin America and the Caribbean. Geneva.

More than 77.5% of employed women in the domestic work sector do so in informal conditions¹¹. At the sub regional level, the 2018 data for the Caribbean show very high informality in several countries (over 90%)¹², which is also reproduced in Central America (97.6%), followed by the Andean countries (81.9%) and the Southern Cone (63%). Among the countries in the region with the highest levels of employment formalization is **Uruguay** with close to 70% affiliation to pension systems. On the contrary, among the countries with the lowest coverage (less than 10%) are **Bolivia, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, and Peru**¹³.

Regarding the weight of migrants within the domestic work sector, ILO estimates indicate that 17.2% of people

employed as domestic workers are migrants, 73.4% of them being women¹⁴. On the other hand, according to ECLAC calculations with data from the 2010 census round for eight countries¹⁵, 63% of the people who worked in domestic employment to date were afro descendants. In many cases, the discrimination suffered by these people due to the work they do is compounded by discrimination based on their migrant status, or their racial and ethnic characteristics. In summary, the afro-descendant and indigenous population is overrepresented in domestic work, reaffirming the class and racist nature of work that is not properly regulated, controlled or paid, in which there is still a long way to go to guarantee the rights of female workers.

Migration corridors linked to paid domestic work in Latin America

In recent years, the proportion of women migrating in search of job opportunities has increased significantly. Situations such as poverty, lack of jobs, violence and the different manifestations of gender inequality are the main reasons why these women leave their countries of origin. Many of these women find employment as paid domestic workers in the destination country. On the one hand, this allows them to access paid employment relatively quickly. On the other hand, it prevents them from developing an occupational mobility project due to the lack of support networks or because it is difficult for them to get their degrees recognized, and also because of the stigma attached to their occupational history, result of their insertion into this work occupation.

In many Latin American countries, care work needs that are not covered by national policies or by local labor are met by immigrant women. Intraregional migration for care has been increasing significantly since the end of the 20th century, an expression of the mutually complementary nature of the labor markets of the countries of origin and destination. Female workers are inserted in an occupation that the local labor force had begun to abandon in a society that requires this type of services and cannot find available workforce. This has led to the creation of migratory care corridors, which connect territories through a stable process of circulation of people.

Source: ECLAC (2019). Women's autonomy in changing economic scenarios.

11 Ibid

12 Information available for Haiti (99%), Dominican Republic (96.5%), Jamaica (92%) and Guyana (94.9%) based on the "Overview of the informal economy" reports provided by ILO in reference to the results of the 2016 and 2017 Labour Force Surveys.

13 ILO (2018) Present and future of social protection in Latin America and the Caribbean. (Thematic Labour Overview, 4).

14 ILO (2016) Policies for the formalization of paid domestic work in Latin America and the Caribbean. Geneva.

15 ECLAC, Social Panorama 2016, 2017, with data from Bolivia (Plurinational State of), Brazil, Colombia, Ecuador, Costa Rica. Honduras, Nicaragua, and Panama.



The ILO Convention 189 and normative progress in the region

Traditionally, domestic work has been inflicted to inadequate working conditions, including long working hours, low wages, forced labor and little or no social protection; in other words, exposed to conditions that are far from the decent work concept promoted by the ILO¹⁶. This situation is, to a large extent, a reflection of the low social and economic appreciation that companies usually give to this activity, which in many situations is reflected in the absence of adequate legislation or the lack of effective application of these legislation.

The first national regulations for the regulation of domestic work established different regimes that granted fewer rights and guarantees to those who worked in this sector. For this reason, despite being a job like any other, domestic work has lagged the achievements made by the rest of paid workers. The challenge is to achieve equalization of their rights.

In 2011, the ILO adopted Convention No. 189 on domestic workers¹⁷ that to date has been ratified by 30 countries around the world, 16¹⁸ of which belong to Latin America and the Caribbean (55% of all ratifications). This Agreement establishes guidelines for States to guarantee rights and social protection for domestic workers. Among other measures, the Convention establishes that all domestic workers have the right to a safe and healthy work environment, and that effective measures should be taken, taking due account of the specific characteristics of domestic work, in order to ensure safety and health in the work of domestic workers (Art.13). At the same time, it foresees that appropriate measures should be taken to ensure that domestic workers experience conditions no less favorable than the conditions applicable to workers in general with respect to the protection of social security (Art.14).

Additionally, the countries of the region have promoted different regulations to guarantee access to labor and social security rights for female domestic workers. These include the Domestic Work Law of **Uruguay** and **Chile**, the recognition of equal rights in the labor code of **Ecuador**, the reform of the Federal Constitution of **Brazil**, and

the Law of special regime of employment contract for household personnel individuals from **Argentina**.

The ratification of Convention 189 has led several countries to promote reforms in labor legislation in order to bring it into line with the principles it sets forth, bringing the rights of paid domestic workers (PDW) closer to or equal to those of other salaried persons. Some countries have previously initiated a reform process to improve the levels of labor protection for these female workers.

Among the main developments to eliminate discrimination and equalize PDW rights are the regulations regarding **working time and the setting of maximum limits for the weekly and daily hours**. In 8 countries, the existing laws equate the maximum working hours of the PDW to those of the rest of salaried workers (**Argentina, Bolivia, Brazil, Chile, Costa Rica, Ecuador, Paraguay, Peru and Uruguay**) and in a greater number they establish obligatory breaks or rests during the day. In 8 countries, the minimum wage for PDW is equal to the national minimum wage (**Bolivia, Brazil, Chile, Ecuador, Colombia, Guatemala, Nicaragua and Paraguay**), while in 2 countries the minimum wage is set through a collective negotiations process (**Argentina and Uruguay**). Although **payment in cash** is allowed in several countries (in the case of PDW who live in the house of their employers), in most of them it is not considered an integral part of the remuneration, which does not affect their wages. The reforms also include in 11 countries **the obligation to pay overtime**, although in some cases they are limited to hours worked on holidays or on weekends.

Even though most countries establish that there must be **mandatory affiliation** to social security, coverage is - with few exceptions - rather low. In several countries there are restrictions on who can join - leaving out those who work part-time for various employers - or establish relatively cumbersome administrative systems that discourage compliance. The low contributory capacity of female workers (in cases where this is entirely or partially their responsibility) is another factor that contributes to explaining the low rate of affiliation. But, in addition to all this there are historical cultural factors associated with

16 <http://www.oit.org/global/topics/decent-work/lang-es/index.htm>

17 https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:2551460

18 Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Grenada, Guyana, Jamaica, Nicaragua, Panama, Paraguay, Peru, Uruguay. Mexico is in the process of ratification, being approved by the Senate in 2019 and is currently in the process of being deposited with the ILO.

the perception of this occupation, added to insufficient oversight, which lead to **low levels of compliance**.

Different control strategies and incentives have been developed in the region to advance in the formalization of domestic workers. Among them, the following ones stand out: possibility of part-time insurance and through different employers (Argentina, Chile, Colombia, Costa

Rica and Uruguay), the reduction of fines (Uruguay and Brazil), the carrying out of inspections without income to the homes, and fiscal incentives coordinated with the treasury (Argentina), reaching the hardening of penalties for non-registration (Ecuador), the facilitation of online procedures and the reduction of bureaucracy for registration (Argentina, Chile, Costa Rica and Uruguay).

Incentives for the regularization of female domestic workers implemented in Latin America

1. Part-time insurance and through different employers (Argentina, Chile, Colombia, Costa Rica and Uruguay).
2. Reduction of fines (Uruguay and Brazil).
3. Carrying out inspections without income to households.
4. Fiscal incentives coordinated with the treasury (Argentina).
5. Facilitation of online procedures and reduction of registration bureaucracy (Argentina, Chile, Costa Rica and Uruguay).



Pursuant to Convention No. 189 of the ILO, member states must take measures to promote and **realize** the fundamental principles and rights at work, namely: freedom of association, freedom of trade union organizations and the effective recognition of the right to collective negotiations. At the same time, Recommendation no. 204 on the transition from the informal economy to the formal economy¹⁹ also points out these three fundamental rights. In this sense, only **Uruguay, Argentina, and Brazil (State**

of São Paulo) managed to maintain spaces for dialogue and negotiation. Likewise, different union organizations have been strengthened, which have been gathered at national, regional and international levels.

Finally, several countries have launched **awareness campaigns on labor rights of domestic workers**, generating printed material, advisory groups for female domestic workers, and campaigns that publicize the urgent need for regularization of the sector.

19 https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R204



Between **11** and **18 million** people are engaged in paid **domestic work** in Latin America and the Caribbean, of which **93%** are **women**.

Domestic work represents on average between **10.5%** and **14.3%** of **women's** employment in the region. In countries like **Paraguay** or **Argentina** this percentage exceeds **16%**.

The income of women **employed in domestic work** is equal to or **less than 50%** of the **average** of all employed persons.



More than **77.5%** of women in the region who work in **domestic employment informally**. In Central America and the Caribbean, informality levels **exceed 90%** on average.



Uruguay is the country with the highest coverage in the region's **social security** system (about **70%** with affiliation to the Social Security Bank). Among the countries with the lowest coverage (**less than 10%**) are **Bolivia, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, and Peru**.



17.2% of people employed as **domestic workers** are **migrants**, **73.4%** of them being women.

According to data from the 2010 census round, for eight countries, **63%** of people working in **domestic employment** were **afro descendants**.

16 countries in the region have ratified the **ILO** Convention No. **189** on domestic workers, which represents **55%** of the total ratifications in the world.

The Convention establishes that all **domestic workers** have the **right** to a **safe and healthy work** environment. It must be ensured that domestic workers experience conditions no less favorable than those applicable to workers in general with respect to **social security protection**.

However, in only **8 countries** in the region the **minimum wage** for domestic work is **equal** to the national minimum wage, while in **2 countries** it is set through a **collective negotiations** process.





How does COVID-19 impact domestic workers?

The health, social and economic crisis triggered by COVID-19, as well as the confinement measures imposed in most countries, are particularly impacting on female domestic workers for various reasons. In most cases, they assume responsibility for the care and cleaning of both the household where they work and their own, at a time when the care tasks are intensified by having to attend to the population at risk (elderly or sick people) and people with disabilities, in situations of dependency and / or children who stay at home throughout the day due to mobility restrictions and the suspension of classes.



Furthermore, confinement has also meant that many of the female domestic workers have been persuaded / pressured to stay overnight in their workplaces, staying away from their families and without adequate rest. In the case of being able to move, most do so by using public transport, being exposed to contracting the virus and, at the same time, potential transmitters of the virus within their homes. Many of them also incur additional risks associated with excessive use of cleaning products and shopping without adequate provision of protective equipment to ensure their safety. Domestic workers often lack adequate access to health services, in part because they are not affiliated with social security. This situation is particularly accentuated in the case of migrant domestic workers who are in an irregular administrative situation who, in many countries, cannot even attend public health centers.

On the other hand, as reported by domestic workers unions in some countries in the region, contracts have been canceled, and working time has been reduced, with a proportional reduction in payment. This situation, associated with poor social protection, means that many of the domestic workers have been left without any type of income or with insufficient income to support their basic needs and those of their family. According to ILO estimates, 70.4% of domestic workers are affected by quarantine measures²⁰, due to decreased economic activity, unemployment, reduction of hours worked or loss of wages. Before this situation, support measures to compensate for the lack of income are essential.

This situation shows how it is failing to comply with of Convention no. 189 and many of the national regulations adopted are not being observed; therefore, it is essential that the governments of the region promote measures to guarantee compliance with the rights of domestic workers as part of measures to respond to the health emergency and socio-economic recovery.

20 ILO (2020) Impact of lockdown measures in the informal economy.



Rights and demands of domestic workers during the COVID-19 crisis

Both at the national and international levels, the crisis caused by COVID-19 has driven female domestic workers to become more linked to each other to generate networks of mutual support. This has allowed several unions to increase their affiliations, which has strengthened the organization of female workers, both at the union and community levels. Likewise, unions have organized themselves to provide all female workers with protective equipment and food baskets, and, in some countries, they have influenced public policy so that they can access the benefits and aid that governments are providing.

At the international level, the International Domestic Workers Federation (IDWF) presented on March 18, 2020 the “Statement on Protecting Domestic Workers Rights and Fighting the Coronavirus Pandemic”²¹ that claims:

- 1. Right to safe and hazard-free workplace:** *This would include provision of protective equipment, measures, and training to use it appropriately. Governments need to ensure that domestic workers have the same access to protective measures as any other workers and citizens.*
- 2. Right to paid sick leave and access to health care:** *When domestic workers are sick, they should stay at home and be covered by paid sick leave. This includes those who are in quarantine and infected.*

3. Coverage of workers' rights: *In case of dismissal, domestic workers should be paid their wages and all compensation according to their contracts and the law.*

4. Right to information: *Information on the pandemic needs to be disseminated widely in the communities, including those of migrants. In particular, preventive and protective measures and information needs to be in languages that migrants understand. Domestic workers, including migrant domestic workers, must have the right to follow the same safety instructions than other workers and citizens in general. Employers need to ensure these rights.*

In our region, on March 30th, Trade Unions and Associations of Female Domestic Workers / Domestic Service Workers / Private House Female Workers of MERCOSUR and the Andean Region, sent a message of “ALERT and ASSISTANCE” to the governments of Argentina, Brazil, Chile, Colombia, Paraguay, Peru, Uruguay, international organizations and society in general requesting specific financial support, food, protective equipments and prevention and protection protocols for care work in the families in which they work. At the same time, the Ministries of Labor are urged to establish specific inspection and surveillance measures for the sector and a call is made for solidarity and respect for their rights in order to take care of themselves and others, including their families²².

²¹ <https://idwfed.org/en/updates/global-idwf-statement-on-protecting-domestic-workers-rights-and-fighting-the-coronavirus-pandemic>

²² <http://www.cotidianomujer.org.uy/sitio/35-proyectos/trabajadoras-domesticas/2294-comunicado-ultimas-en-derechos-primeras-en-necesidad>



Responses to the impacts of COVID-19 on domestic workers. Experiences in the region.

The countries of the region arrive at this crisis in different structural situations, denoting, particularly in the case of female domestic workers, the disparity of normative frameworks and the recognition of their rights. However, due to the special situation of disadvantage and social vulnerability that this sector suffers, it is necessary to pay special attention both in a short-term scenario, and in the medium and long-term, taking advantage of the crisis as a window of opportunity to move towards consolidation of domestic work as a decent work.

Several countries²³ in the region at this time declared mandatory quarantine or strict confinement measures. In this context, **Argentina** established that female domestic

workers should enjoy paid leave while preventive and compulsory social isolation lasted, although they established as an exception the assistance to isolated elderly people or to workers who do not have other care support. In these cases, **this service was declared essential**. Under this exceptionality, the employers must attest the need for the worker and must guarantee that neither the worker nor the close group are exposed to COVID-19.

In some countries, such as **Mexico, Ecuador, Colombia or Costa Rica**, governments have promoted **dissemination and awareness campaigns** on guaranteeing the rights of domestic workers considering the situation in the region.

Government dissemination and awareness-raising campaigns on guaranteeing the rights of female domestic workers during COVID-19

In **Mexico**, INMUJERES, with the support of UN Women, ILO and FAO, within the framework of the Joint Fund for the United Nations SDGs “Closing Gaps: social protection for women in Mexico”²⁴ launched an awareness campaign with three main axes: promoting the registration of female domestic workers in social security, the availability of information about their rights and the payment of full wages by employers regardless of whether or not they attend the workplace.

In **Ecuador**, messages have been disseminated through the National Council for Gender Equality via social networks, to urge the non-termination of employment contracts and to spread the rights of domestic workers. Complaint mechanisms have also been disseminated for those cases where rights are violated.

In **Colombia**, the Ministry of Labor and the unions supported by UN Women and the ILO, agreed on a package of messages aimed at employers to broadcast on social networks and in turn on radio for those women without access to data and technology. At the same time, with the support of the Friedrich-Ebert-Stiftung Foundation in Colombia (FESCOL), a chapter of a web miniseries has been produced to promote awareness of this topic.

In **Costa Rica**, the National Institute for Women (INAMU), with the support of the ILO, has developed a campaign to inform workers and employers about their rights and responsibilities, including what are the measures to which female domestic workers have access to alleviate the crisis and prevention measures for those workers who continue working.

²³ Based on the available information, Argentina, Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Guatemala, Panama, Paraguay and Peru declared strict quarantines.

²⁴ Project Closing Gaps: Social Protection for Women in Mexico will last 2 years and will work with special attention in Mexico City, Chiapas, State of Mexico, Jalisco and Oaxaca.



In several countries, **spaces for dialogue between social and institutional actors** were created. In Ecuador, an inter-institutional round table was set up to support the rights of female domestic workers, with the participation of the Ministry of Labor, the National Council for Gender Equality, ILO, UN Women and domestic workers' unions. From this space, a statement of support for the rights of domestic workers²⁵ has been drafted and the creation of a **mobile application for use through cell phones** has been promoted so that all domestic workers can access information on their rights.

Domestic workers' organizations in the region have been particularly active during the pandemic. In **Uruguay**, the Union of Domestic Workers (*Sindicato Único de Trabajadoras Domésticas -SUTD*) spread the message that, if the employer decides that the domestic worker will not work, the employer must still pay the full wage, as stipulated in the collective agreement²⁶. It also carried out a campaign to **receive donations** to help the neediest workers, and established a contact to respond to specific situations. Likewise, as part of the government's measures, the possibility was created of reducing the working day by half through **partial unemployment insurance**.

In **Argentina, Brazil and Chile**, the unions of female domestic workers in the country have launched the campaign “#CareForWhoTakesCareOfYou” (#CuidaAQuienCuida) to raise awareness about the exposure they suffer from this

pandemic and about issues of quarantine and prevention measures for those workers who continue their activity during compulsory isolation. On the occasion of the National Day of Domestic Workers in Argentina (3rd April), the Union Auxiliary Staff of Private Houses (*Union Personal Auxiliar de Casas Particulares - UPACP*) launched, with the support of the ILO, a campaign to provide answers to the questions frequently asked by the union regarding workers' rights during the COVID-19 crisis²⁷. A document of recommendations and a safety protocol including measures for domestic workers and employers to ensure the health of all parties were also agreed.

In the case of **Colombia**, trade union centers, with the support of the ILO and UN Women, prepared a toolkit for female domestic workers. At the same time, they have promoted solidarity initiatives and have carried out a survey of domestic workers that will make it possible to respond to the challenges of information. In addition, they have advocated with the authorities for biosecurity measures in the workplace and specific measures for transport.

In the case of **Chile**, organizations of domestic workers have expressed their disagreement with the Employment Protection Act, which allows for the suspension of employment during the period of confinement and for the granting of unemployment insurance. Female domestic workers are not covered by this insurance, and the Act stipulates that they must make use of the compensation

25 https://www.care.org.ec/wp-content/uploads/2020/03/PronunciamientoMesa_FINAL_Marzo27.pdf

26 Uruguay, together with Argentina, Chile and the State of São Paulo in Brazil have tripartite negotiation spaces where collective agreements for domestic workers have been agreed.

27 https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---ilo-buenos_aires/documents/publication/wcms_742115.pdf

fund for any event that protects them at the end of their employment relationship in the event of suspension of the employment relationship. Domestic workers' organizations have filed a complaint for non-compliance with Convention No. 189, considering that this constitutes a case of discrimination by establishing criteria equivalent to those imposed on beneficiaries of unemployment insurance, despite the fact that they are explicitly excluded from this mechanism and also by excluding them from the benefits of the Solidarity Unemployment Fund, preventing them from making use of tax funds available to other salaried workers in the context of the pandemic.

In some countries, domestic workers have been explicitly identified as a target group for aid channeled through cash transfers or food aid. In **Costa Rica**, for example, domestic workers, including migrants in a regular situation, can apply for a Protection Voucher (*Bono Proteger*) when they have lost their job or had their working hours reduced. At the same time, all residents have the right to advice from the Ministry of Labor beyond their migration status. **Argentina** created the Emergency Family Income (compatible with the Universal Child Allowance-AUH) for those people who

became unemployed, informal workers or independent workers, including female domestic workers.

Some countries have promoted measures to facilitate and strengthen compliance with social security affiliation obligations for domestic workers in the context of the COVID-19 crisis. In **Mexico**, the Mexican Social Security Institute (IMSS) set up an online mechanism for the payment of monthly contributions by domestic workers, when before the COVID-19 crisis it was essential to do so through bank counters. In **Peru**, Legislative Decree No. 1499 established various measures to guarantee and monitor the protection of the social and labor rights of domestic workers in the context of the COVID-19 health emergency. These include the obligation to have a written contract and the right to fair and equitable remuneration. These include the obligation to have a written contract and the right to fair and equitable remuneration. The minimum age of 18 is established for this work and any act of discrimination against domestic workers is prohibited. Domestic workers also have the right to protection from violence and harassment in all aspects of employment and occupation, particularly from sexual harassment.



Recommendations to guarantee rights and address the impacts of COVID-19 on domestic workers



1

Promote measures to ensure the **retention of jobs** in **domestic work**

2

Expand and Promote **Unemployment Benefits** for **domestic workers**

3

Guarantee emergency **cash transfers** or social benefits

4

Develop **health** and **safety** protocols that address the specificities of the paid **domestic work sector**

5

Ensure **health coverage** for all domestic workers

6

Ensure that **care services** are considered **a priority**

7

Encourage the **regularization** of domestic work

8

Promote comprehensive **social protection systems**

9

Encourage **social dialogue**

10

Promote **digital training** and **financial inclusion** of domestic workers

11

Ensure **access to information** and **legal advice** for domestic workers

12

Promote **awareness campaigns** on the rights of domestic workers

13

Promote the ratification and implementation of **ILO Conventions 189 and 190**



Recommendations to guarantee rights and address the impacts of COVID-19 on domestic workers

The COVID-19 crisis highlighted the weakness of social protection systems at the global level, which has concrete consequences for women in general and affects particularly domestic workers in the region.

The crisis underscores the importance of the State's responsibility for welfare and protection, and it has led to an even greater consensus than in the past that progress must be made in expanding social protection systems in general and promoting collective negotiations in the domestic work sector in particular. In line with the provisions of the United Nations Secretary-General's Framework for Immediate Socio-Economic Response to COVID-19²⁸, these developments should ensure that more domestic workers have their labor rights guaranteed. It is crucial that this crisis does not represent a step backwards in terms of the achievements made and that the response measures contribute to the consolidation of the labor rights of female domestic workers, ensuring the equitable representation of women in the planning of this response, as the United Nations Secretary-General points out²⁹.

This requires a combination of measures in the short, medium, and long term aimed to ensure compliance with existing national regulations, with Convention 189 and with labor rights in accordance with decent work standards. Some specific recommendations to achieve these objectives are:

1. Promote measures to ensure the retention of jobs in domestic work

In some countries, measures have been implemented to retain the jobs of unpaid workers in small businesses or those at risk of becoming unemployed due to reduced economic activity. The measures consist of subsidizing employment by supporting the payment of a percentage of the salary or enabling the State to deduct taxes. Such measures should be implemented for the domestic work sector. For example, in France the government will pay 80% of the wages of domestic workers who cannot

work because of quarantine, as a support to employer households, and will provide access to free personal protection products for female workers who care for older people.

2. Expand and Promote Unemployment Benefits for domestic workers

Governments in the region should promote and ensure that domestic workers, if unable to attend their workplaces because of social distancing provisions, are able to receive full pay. Where unemployment schemes exist that cover domestic workers legally, it is important to ensure that they can respond quickly to provide income security. This can be achieved, for example, by eliminating or reducing the qualification period, suspending some of the job-seeking conditions, or extending the period during which benefits can be received, as finding employment during and after the crisis may require more time.

In countries where the employment regime for domestic workers does not include unemployment insurance as a right, the scope of unemployment regimes that already exist for other workers can be extended for female domestic workers in response to the COVID-19 emergency. Spain, for example, implemented a subsidy equivalent to 70% of the normative base (the amount by which it is affiliated to social security) for female domestic workers who have lost their jobs or whose working hours have been reduced as a result of the crisis. The subsidy is compatible with maintaining part of the work activity and is retroactive if the cause is the current health crisis³⁰.

3. Guarantee emergency cash transfers or social benefits

In response to the crisis, governments in the region are strengthening pre-crisis cash transfers and/or creating new ones to expand existing ones. In this regard, it must be ensured that such benefits reach women in general in situations of emerging and prior vulnerability, and in

28 A UN framework for the immediate socio-economic response to COVID-19 <https://unsdg.un.org/resources/un-framework-immediate-socio-economic-response-covid-19>. In particular, Axis 2 "Protecting People: Social Protection and Basic Services" and Axis 3 "Economic Response and Recovery: Protecting Jobs, Small and Medium-Sized Enterprises and Informal Sector Workers".

29 UN Secretary-General's policy brief: The impact of COVID-19 on women <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/policy-brief-the-impact-of-covid-19-on-women-en.pdf?la=en&vs=1406>

30 <https://www.sepe.es/HomeSepe/COVID-19/subsidio-extraordinario-personas-empleadas-hogar.html>

particular female heads of single-parent households and domestic workers, with special attention to not excluding migrant domestic workers regardless of their migration status.

In this sense, reference is made to food aid, which almost all governments have chosen to provide as soon as the health emergency began, consisting of food baskets or vouchers for the purchase of food. As with cash transfers, it must be ensured that female domestic workers are included in these subsidies, taking into account migrants as well.

4. Develop health and safety protocols that address the specificities of the paid domestic work sector

Household employers must ensure all necessary hygiene tools and protective measures in the workplace and during displacement, so that domestic workers can carry out their work without additional risk to their health. Therefore, they must have the necessary personal protective equipment and be aware of the appropriate prevention protocols, to ensure both the protection of their health and that of the people for whom they work for. This measure must be accompanied by general information campaigns that consider the particular situation of domestic workers, promoting protective and hygienic measures by employers, as well as requiring specific biosecurity measures for large commercial centers or in public transport. Eventually, solutions could also be implemented for the displacement of domestic workers who do not represent an exposure to the virus.

5. Ensure health coverage for all domestic workers

The countries of the region face different levels of coverage and access to health care for the population in general and for female domestic workers in particular. This is linked to their precarious working conditions and shortcomings in terms of labor rights guarantees. At this time of crisis, when the health systems of several countries are at risk of collapse, it is necessary to think about systems of associative coverage between public and private services to guarantee care for the entire population, with emphasis on informal workers and migrants, both conditions being very common among women employed in domestic work.

6. Ensure that care services are considered a priority

During the period of confinement, this will allow care services to continue to function, thus expanding the options for dealing with the increased burden of unpaid work on families and providing an option for the care of dependents of domestic workers who continue to work. This will require resources to strengthen these services and provide their workers with the elements necessary to perform the work safely. In addition, care services are essential to ensure that workers with family responsibilities, especially children who have not returned to school, can return to work as countries resume economic activities. This measure will also make it possible to place the importance of care work on the agenda and strengthen its inclusion in the response and fiscal stimulus plans for exiting the crisis in the medium and long term.

7. Encourage the regularization of domestic work

Actions to promote such regularization should include the equalization of labor and social rights of domestic workers, registration with social security, and enforcement measures to promote compliance with the law. Regularization also implies effective access to social protection for a large contingent of women, which mitigates the effects of crises and reduces their vulnerability in terms of economic autonomy.

In order to facilitate membership, it is essential to promote the simplification of procedures and the possibility of carrying them out electronically, even in periods of crisis and confinement. It has been shown that pension systems that allow the registration of several employers and the complementarity of working hours have achieved better results in terms of social security coverage and have, therefore, improved the levels of formality among female domestic workers.

The State's supervisory role must also be strengthened, through information campaigns and a sufficient and appropriate inspection system, in accordance with article 17 of ILO Convention 189, and appropriate penalties for violations of labor legislation in occupational safety and health.

8. Promote comprehensive social protection systems

Countries should promote the extension of contributory schemes to all domestic workers, but even where such schemes do not exist or cannot be accessed, domestic workers should at least be able to access national social protection floors that guarantee at least essential health care and basic income security throughout the life cycle.

9. Encourage social dialogue

Deepening social dialogue by establishing consultations with representative organizations of domestic workers and their employers, where such organizations exist. These consultations form part of the obligations under ILO Convention 189 and ensure that the measures taken are adapted to the needs of the sector. Trade unions of domestic workers have played a key role in taking emergency action around the world. In France and Italy, domestic workers' employers' organizations also called for the inclusion of the sector in various emergency measures to protect both parties. Social dialogue can also include collective negotiations tables resulting in agreements that guarantee the rights of female domestic workers.

10. Promote digital training and financial inclusion of domestic workers

The emergency has highlighted the importance of new technologies for access, among others, to information on health and confinement measures. In addition, the lack of access to bank accounts has been one of the main difficulties for domestic workers to receive the benefits of State programs or to collect their wages. Therefore, domestic workers must have digital training programmes for the proper use of new technologies. Their use should be encouraged to ensure access to information about their rights, the filing of complaints and the possibility of associating and liaising with other domestic workers and domestic workers' organizations. Digital training also helps to facilitate bureaucratic procedures for employers and enables the possibility of making salary payments through money transfers. Measures should also be put in place to promote the financial inclusion of domestic workers, facilitating access to bank accounts and financial services and promoting the use of new technologies to manage them.

11. Ensure access to information and legal advice for domestic workers

Access to information on prevention and protection measures, as well as their labor rights, is one of the demands of domestic workers. It is recommended that information is available in different languages, so that migrant and/or indigenous domestic workers are taken into account, and that it is accessible through different media to bridge the digital divide that may exist.

Furthermore, it is essential to provide legal advice on all matters affecting the work and exercise of labor rights by domestic workers. These advisory services can be provided by domestic workers' organizations, which can count on the support of other actors, such as civil society organizations or the Academy. For its part, the State must ensure that the competent bodies, whether through the Ministries of Labor and Employment or the social protection agencies, as the case may be, provide all necessary information to domestic workers.

12. Promote awareness campaigns on the rights of domestic workers

As it has been done in several countries in the region, it is essential to continue implementing awareness-raising campaigns so that employers and domestic workers are aware of both their rights and their obligations, and to ensure the health and safety of workers and their families, as well as the regularization of all workers in this sector.

13. Promote the ratification and implementation of ILO Conventions 189 and 190

In the current context, the ILO's International Labor Standards, approved by representatives of governments, workers' and employers' organizations, are important legal instruments for countries, as they provide the impetus for promoting public policies that protect domestic workers. In times of crisis, standards provide a solid basis for major policy responses to the crucial role of decent work in achieving a sustainable and equitable recovery. Therefore, it is necessary to continue promoting the ratification of Convention 189 in the countries of the region that have not yet done so and to strengthen its

implementation through the reinforcement of national regulations, the development of monitoring systems and the necessary institutional framework that allows its application, and the implementation of specific policies to achieve a significant improvement in working conditions for domestic workers.

Likewise, the countries of the region should also make progress in ratifying Convention 190 and Recommendation 206 on violence and harassment, which were adopted in 2019, which will strengthen the prevention and punishment of such crimes when they are committed against domestic workers in the workplace.

In this crisis, due to COVID-19, we have all been impacted, but domestic workers and their families should not be the ones to bear the crisis' costs.

Once again, redistribution is key to ensuring that inequality does not continue to increase in the region.



UN Women's efforts in Latin America and the Caribbean to promote women's economic empowerment in response to the COVID-19 as well as in recovery strategies

- Development of analysis and evidence on the social and economic impacts of COVID-19 on women and girls, so that gender analysis and sex-disaggregated data are a comprehensive part of the emergency response.
- Advocacy to make visible the contributions of women in the response to the COVID-19 crisis and the differentiated impacts it has on women and girls, placing in the public agenda the need to implement multi-sectoral measures to mitigate and overcome these impacts.
- Technical assistance to public and private actors in partnership with civil society and other international cooperation actors to develop strategies and solutions for the economic empowerment of women as part of the measures to respond to the crisis.
- Incorporation of an intersectional approach in the planning and implementation of the response to meet the needs of women in their diversity.
- Coordination of efforts between different actors and development of strategic alliances between different sectors including governments, **UN** agencies and international organizations, civil society, media, and the private sector to strengthen prevention and responses to the COVID-19.
- Mobilization of networks and relationships with women's organizations to promote their voices, participation, decision-making and role of human rights female defenders, feminist civil society organizations and grassroots women in all aspects of the response to COVID-19, including identification/diagnosis, planning, implementation and recovery, monitoring and evaluation.
- Production of technical knowledge and innovative proposals to promote women's economic empowerment during and after the pandemic and to generate conditions for recovery and resilience to future crises.

ILO actions to make decent work a reality for domestic workers

Following the adoption of Convention No. 189 on domestic workers, the **ILO** has implemented an international strategy to support governments, workers', and employers' organizations in promoting decent work for domestic workers.

The ILO has assisted countries in Latin America and the Caribbean to expand protection for domestic workers, ensure compliance with relevant standards, amend legislation, and promote representation of domestic workers and their employers. The **ILO** has provided technical support for policy changes to reduce working hours, improve remuneration and put working conditions for female workers on the same level of those of other workers, and protect migrant and underage workers. South-South cooperation exchanges have been organized to promote collective bargaining, labor inspection, and the organization of female workers.

In recent years, the **ILO** has supported campaigns to promote female workers' access to social security, and provided support to governments to simplify procedures and adjust social security regulations to promote the affiliation of domestic workers, including those working for several employers or on an hourly basis. Information on the experience gained in various projects at the national level can be found on the ILO website dedicated to domestic workers (<https://www.ilo.org/global/topics/domestic-workers/who/lang--en/index.htm>).

During the health and economic crisis resulting from the COVID pandemic, the **ILO** has been supporting awareness-raising campaigns to maintain the income of domestic workers and promote safety and health measures to prevent infection both in their own homes and those of their employers and in the commute to work.

Actions implemented by ECLAC to support the governments of the region in addressing the economic and social effects of the pandemic from a gender perspective

- Following up on Axis 8 of the Montevideo Strategy for the implementation of the Regional Gender Agenda in the framework of Sustainable Development towards 2030, on regional cooperation, a briefing was held on 8th April between ministers and high-level authorities of machineries for the advancement of women in Latin America and the Caribbean: *The Response to the COVID-19 pandemic crisis from a Gender Perspective*³¹. It was organized by **ECLAC** and UN Women and was attended by representatives of 29 countries in the region.
- Preparation and dissemination of documents and reports presenting diagnostic information and analysis of the socio-economic impact of the pandemic and providing elements for the formulation of evidence-based policies to respond to the crisis. In particular, the document *The COVID-19 pandemic is exacerbating the care crisis in Latin America and the Caribbean*³², which presents a diagnosis of the care crisis in Latin America and the Caribbean and highlights the validity of the Santiago Commitment as a regional instrument to promote policies and normative frameworks that respond to the needs of care from a gender perspective, since it is women who, whether paid or unpaid, perform most of these tasks.
- *Mapping of initiatives promoted by Latin American and Caribbean governments to address the gender dimensions of the response to the COVID-19 pandemic* in areas such as the prevention of violence against women, the promotion of co-responsibility for care and the protection of women's jobs and income.
- COVID-19 Observatory for Latin America and the Caribbean: economic and social impact with a gender section, developed in partnership with UN Women, which periodically incorporates the initiatives of the region's governments on gender equality and COVID-19³³.



- Production and analysis of quantitative evidence that facilitates the diagnosis of the situation of women during COVID-19 crisis and makes it possible to anticipate the economic and social impacts in the region, in order to incorporate gender analysis into economic reactivation policies.
- Technical assistance to governments in the region to support the formulation of comprehensive policies from a gender perspective.

31 <https://www.cepal.org/es/eventos/reunion-informativa-ministras-altas-autoridades-mecanismos-adelanto-mujeres-america-latina>

32 https://repositorio.cepal.org/bitstream/handle/11362/45335/5/S2000261_es.pdf

33 <https://www.cepal.org/es/temas/covid-19>